

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO LIQUOR FINES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   The Substance Abuse and Mental Health Services  
2   Administration reports that the annual rate of alcohol abuse in  
3   Hawaii has been higher than the national average every year  
4   since 2010.

5       The legislature recognizes that impaired driving while  
6   under the influence of alcohol contributes to roughly forty per  
7   cent of all fatal accidents in Hawaii annually.

8       There have been various forms of legislation enacted over  
9   the years that help to protect the public from drunk drivers.  
10   However, more must be done to prevent alcohol-related deaths,  
11   including preventing and treating alcohol addiction.

12       Allocating a portion of liquor fines collected per year to  
13   fund alcohol addiction treatment programs is another tool to  
14   help minimize and, ultimately, prevent impaired driving.

15       Accordingly, the purpose of this Act is to allocate an  
16   additional fifteen per cent of liquor fines collected per year  
17   to be used to fund alcohol addiction treatment programs.



SECTION 2. Section 281-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The liquor commission, within its own county, shall have the jurisdiction, power, authority, and discretion, subject only to this chapter:

(1) To grant, refuse, suspend, and revoke any license for the manufacture, importation, and sale of liquors;

(2) To take appropriate action against a person who, directly or indirectly, manufactures, sells, or purchases any liquor without being authorized pursuant to this chapter; provided that in counties that have established by charter a liquor control adjudication board, the board shall have the jurisdiction, power, authority, and discretion to hear and determine administrative complaints of the director regarding violations of the liquor laws of the State or of the rules of the liquor commission, and impose penalties for violations thereof as may be provided by law;

(3) To control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, and education; provided that any



1 educational program shall be limited to the commission  
2 staff, commissioners, liquor control adjudication  
3 board members, and licensees and their employees, and  
4 shall be financed through the money collected from the  
5 assessment of fines against licensees; provided that  
6 fine moneys[7] shall not [~~te~~] exceed [~~ten~~] twenty-five  
7 per cent a year of fines accumulated, of which ten per  
8 cent may be used to fund public liquor-related  
9 educational or enforcement programs[7] and fifteen per  
10 cent may be used to fund alcohol addiction treatment  
11 programs;

- 12 (4) From time to time to make, amend, and repeal rules,  
13 not inconsistent with this chapter, as in the judgment  
14 of the commission are deemed appropriate for carrying  
15 out this chapter and for the efficient administration  
16 thereof, and the proper conduct of the business of all  
17 licensees, including every matter or thing required to  
18 be done or [~~which~~] that may be done with the approval  
19 or consent, by order, under the direction or  
20 supervision of, or as prescribed by the commission;



1           which rules, when adopted as provided in chapter 91  
2           shall have the force and effect of law;

3       (5) Subject to chapter 76, to appoint and remove an  
4       administrator, who may also be appointed an  
5       investigator and who shall be responsible for the  
6       operations and activities of the staff. The  
7       administrator may hire and remove hearing officers,  
8       investigators, and clerical or other assistants as its  
9       business may from time to time require, prescribe  
10      their duties and fix their compensation, and engage  
11      the services of experts and persons engaged in the  
12      practice of a profession, if deemed expedient. Every  
13      investigator, within the scope of the investigator's  
14      duties, shall have the powers of a police officer;

15      (6) To limit the number of licenses of any class or kind  
16      within the county, or the number of licenses of any  
17      class or kind to do business in any given locality,  
18      when in the judgment of the commission such  
19      limitations are in the public interest;

20      (7) To prescribe the nature of the proof to be furnished,  
21      the notices to be given, and the conditions to be met



1 or observed in case of the issuance of a duplicate  
2 license in place of one alleged to have been lost or  
3 destroyed, including a requirement of any indemnity  
4 deemed appropriate to the case;

5 (8) To fix the hours between which licensed premises of  
6 any class or classes may regularly be open for the  
7 transaction of business, which shall be uniform  
8 throughout the county as to each class respectively;

9 (9) To prescribe all forms to be used for the purposes of  
10 this chapter not otherwise provided for in this  
11 chapter, and the character and manner of keeping of  
12 books, records, and accounts to be kept by licensees  
13 in any matter pertaining to their business;

14 (10) To investigate violations of this chapter, chapter  
15 244D and, notwithstanding any law to the contrary,  
16 violations of the applicable department of health's  
17 allowable noise levels, through its investigators or  
18 otherwise, to include covert operations, and to report  
19 violations to the prosecuting officer for prosecution  
20 and, where appropriate, the director of taxation to  
21 hear and determine complaints against any licensee;



(11) To prescribe, by rule, the terms, conditions, and circumstances under which persons or any class of persons may be employed by holders of licenses;

(12) To prescribe, by rule, the term of any license or solicitor's and representative's permit authorized by this chapter, the annual or prorated amount, the manner of payment of fees for the licenses and permits, and the amount of filing fees;

(13) To prescribe, by rule, regulations on dancing in licensed premises; and

(14) To prescribe, by rule, the circumstances and penalty for the unauthorized manufacturing or selling of any liquor."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:



By Request



# S.B. NO. 443

**Report Title:**

Maui County Council Package; Liquor Fines; Alcohol Addiction Treatment

**Description:**

Provides that 15% of fines assessed against liquor licensees may be used to fund alcohol addiction treatment programs.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

