



GOV. MSG. NO. 1145

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

JUN 17 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on **JUN 17 2022**, the following bill was signed into law:

SB2125 HD1 CD1

RELATING TO LIQUOR LICENSES.
ACT 045

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUN 17 2022

THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 045
S.B. NO. 2125
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

1 SECTION 1. The legislature finds that the liquor
2 commissions or liquor control adjudication boards of each county
3 regulate the sale of liquor through the issuance of liquor
4 licenses and the enforcement of laws and rules. Violations may
5 include the sale of liquor to minors, the sale of liquor to
6 highly intoxicated persons, or for excessive noise emanating
7 from liquor establishments, such as bars and nightclubs.

8 The legislature further finds that under existing law the
9 maximum fine allowable for violations of liquor control laws is
10 \$2,000. The legislature also finds that heftier fines can
11 create a greater deterrent for license holders from risking
12 violation of liquor control laws and rules.

13 Accordingly, the purpose of this Act is to provide greater
14 flexibility in assessing fines by increasing the maximum
15 allowable fine for violations of liquor control laws by a
16 licensee from \$2,000 to \$5,000.

17 SECTION 2. Section 281-91, Hawaii Revised Statutes, is
18 amended to read as follows:

2022-3016 SB2125 CD1 SMA.doc



1 "§281-91 Revocation or suspension of license; hearing.

2 The liquor commission or liquor control adjudication board may
3 revoke any license at any time issued, or suspend the right of
4 the licensee to use the licensee's license, or assess and
5 collect a penalty, or reprimand the licensee, either for the
6 violation of any condition of the license or of any provisions
7 of this chapter or of any rule [~~or regulation~~] applicable
8 thereto, or upon the conviction in a court of law of the
9 licensee of any violation of this chapter or of any other law
10 relative to the licensee's license or the proper exercise
11 thereof, or of any violation of law in any other respect on
12 account whereof the commission or board may deem the licensee to
13 be an unfit or improper person to hold a license, or for any
14 other cause deemed sufficient by the commission or board.

15 In every case where it is proposed to revoke or suspend the
16 exercise of any license or assess and collect a penalty for any
17 cause other than a conviction at law of the licensee as above
18 specified, the licensee shall be entitled to notice and hearing
19 in conformity with chapter 91, the notice to be given at least
20 five days before the hearing, except that any special license
21 shall be subject to summary revocation for any violation of or



1 evidence of intent to violate the proper exercise thereof,
2 without hearing before the commission or board.

3 At the hearing, before final action is taken by the
4 commission or board, the licensee shall be entitled to be heard
5 in person or through counsel and shall be given a full and fair
6 opportunity to present any facts showing that the alleged cause
7 or causes for the proposed action do not exist, or any reasons
8 why no penalty should be imposed. The testimony taken at the
9 hearing shall be under oath and recorded stenographically, or by
10 machine, but the parties shall not be bound by the strict rules
11 of evidence; certified copies of any transcript and of any other
12 record made of or at the hearing shall be furnished to the
13 licensee upon the licensee's request and at the licensee's
14 expense.

15 Any order of revocation, suspension, fine, or reprimand
16 imposed by the commission or board upon the licensee shall be in
17 addition to any penalty that might be imposed upon the licensee
18 upon the licensee's conviction at law for any violation of this
19 chapter. No licensee shall be subject to both the penalty
20 assessed and collected by the commission or board and to
21 revocation or suspension of license. The amount of penalty



1 assessed and collected by the commission or board from any
2 licensee for any particular offense shall not exceed the sum of
3 [~~\$2,000.~~] \$5,000.

4 Whenever the service of any order or notice shall be
5 required by this section, the service shall be made in the
6 following manner: in the case of any violation based upon the
7 personal observation of any investigator, a written notice of
8 the violation shall be given to the licensee or the licensee's
9 registered manager in active charge of the premises, or by
10 serving a certified copy of the notice or order upon the holder
11 of the license wherever the holder may be found in the circuit
12 wherein the holder is licensed, or, if the holder cannot be
13 found after diligent search, by leaving a certified copy thereof
14 at the holder's dwelling house or usual place of abode with some
15 person of suitable age and discretion residing therein; and if
16 the holder of the license cannot be found after diligent search,
17 and service cannot be made, then service may be made by posting
18 a certified copy of the notice or order in a conspicuous place
19 on the licensed premises and depositing another certified copy
20 thereof in the certified mail of the United States post office,
21 postage prepaid, addressed to the holder of the license at the



1 holder's last known residence address; provided that in the case
2 of a partnership, corporation, unincorporated association, or
3 limited liability company, service may be made upon any partner,
4 officer, or member thereof."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 2125
H.D. 1
C.D. 1

APPROVED this 17 day of June, 2022

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large loop under the "I".

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate

SB No. 2125, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives