

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

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

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

14           The purpose of this Act is to grant greater flexibility in  
15 assessing fees for violations to liquor commissions and liquor  
16 control adjudication boards.



1           Therefore, this Act increases the maximum allowable fine  
2 for violation of liquor control laws by a licensee from \$2,000  
3 to \$5,000.

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

6           "**§281-91 Revocation or suspension of license; hearing.**

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

20           In every case where it is proposed to revoke or suspend the  
21 exercise of any license or assess and collect a penalty for any



1 cause other than a conviction at law of the licensee as above  
2 specified, the licensee shall be entitled to notice and hearing  
3 in conformity with chapter 91, the notice to be given at least  
4 five days before the hearing, except that any special license  
5 shall be subject to summary revocation for any violation of or  
6 evidence of intent to violate the proper exercise thereof,  
7 without hearing before the commission or board.

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

20       Any order of revocation, suspension, fine, or reprimand  
21 imposed by the commission or board upon the licensee shall be in



1 addition to any penalty that might be imposed upon the licensee  
2 upon the licensee's conviction at law for any violation of this  
3 chapter. No licensee shall be subject to both the penalty  
4 assessed and collected by the commission or board and to  
5 revocation or suspension of license. The amount of penalty  
6 assessed and collected by the commission or board from any  
7 licensee for any particular offense shall not exceed the sum of  
8 [~~\$2,000.~~] \$5,000.

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



1 and service cannot be made, then service may be made by posting  
2 a certified copy of the notice or order in a conspicuous place  
3 on the licensed premises and depositing another certified copy  
4 thereof in the certified mail of the United States post office,  
5 postage prepaid, addressed to the holder of the license at the  
6 holder's last known residence address; provided that in the case  
7 of a partnership, corporation, unincorporated association, or  
8 limited liability company, service may be made upon any partner,  
9 officer, or member thereof."

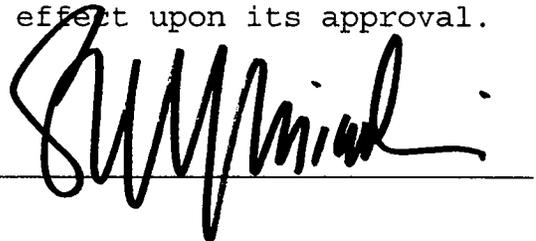
10 SECTION 3. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

16

INTRODUCED BY:



A handwritten signature in black ink, appearing to read 'S. M. ...', is written over a horizontal line that follows the text 'INTRODUCED BY:'.



# S.B. NO. 2125

**Report Title:**

Liquor Licenses; Liquor Commission; Liquor Control Adjudication Board; Offenses; Violation; Fines

**Description:**

Increases the maximum allowable fine for violation of liquor control laws by a licensee from \$2,000 to \$5,000.

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

