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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. 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:



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.



**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. (CD1)

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

