

ACT 229

H.B. NO. 1090

A Bill for an Act Relating to Pool Buying Transactions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 281-46, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§281-46~~]]~~ Pool buying. (a) No holder of a wholesale dealer’s or manufacturer’s license shall refuse to sell liquor to two or more licensees pursuant to any pool buying agreement between the licensees which has been filed with the commission having jurisdiction over the licensees; provided that:

- (1) The pool buying agreement is in writing and designates one of the licensees as the agent of the others for the purpose of pool buying;
- (2) Any order for pool buying from the holder of a manufacturer’s or wholesale dealer’s license shall be placed by the agent and payment for that order shall be made by the agent;
- (3) The holder of a manufacturer’s or wholesale dealer’s license in selling to the agent shall follow invoice, record keeping, and delivery procedures which are in compliance with this chapter and the rules of the commission of each county having jurisdiction over the seller; and
- (4) Each pool buying transaction shall be completed on the day transacted[.], and where the pool buying agreement is between or among licensees from different counties, the transaction shall be deemed

completed when the product has been delivered to a freight forwarder, water carrier or private trucking firm for delivery to the licensees.

(b) As used in this section, "pool buying" means two or more licensees sharing the cost of a single purchase of liquor.

(c) Nothing in this section shall be deemed to exempt any licensee entering into any pool buying agreement from any antitrust laws."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 8, 1983.)