

ACT 155

S.B. NO. 1132

A Bill for an Act Relating to Liquor Licenses.

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

SECTION 1. The legislature recognizes the importance of regulating the kinds of persons who are granted liquor licenses; yet, the legislature also recognizes that imposing an absolute bar to an applicant may result in a harsh and inequitable application of the statute.

The purpose of this Act is to allow local liquor commissions to grant liquor licenses, to applicants who have been convicted of a felony in those cases where the applicant can demonstrate to the satisfaction of the commission that a prior conviction should not be held as an absolute bar to the granting of a license.

SECTION 2. Section 281-45, Hawaii Revised Statutes, is amended to read as follows:

“§281-45 [No license issued, when. No license shall be issued under this chapter:] Reasons for refusal. The commission may refuse to grant a license under this chapter:

- (1) To any minor or to any person who has been convicted of a felony and not pardoned, or to any other person not deemed by the commission to be a fit and proper person to have a license;
- (2) To a corporation the officers and directors of which, or any of them, would be disqualified under paragraph (1) of this section from obtaining the license individually, or a stockholder of which, owning or controlling twenty-five per cent or more of the outstanding capital stock would be disqualified under such paragraph (1) from obtaining the license individually;
- (3) Unless the applicant for a license, a renewal, or a transfer of license presents to the issuing agency, a signed certificate from the director

of taxation and from the Internal Revenue Service showing that the applicant does not owe the state or federal governments any delinquent taxes, penalties, or interest;

- (4) To any applicant who has had any liquor license revoked less than two years previous to the date of the application for any like or other license under this chapter.”

SECTION 3. Section 831-3.1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person shall not be disqualified from public office or employment by the State or any of its political subdivisions or agencies except under section 831-2(c), or be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a permit, license, registration, or certificate is required by the State or any of its political subdivisions or agencies, solely by reason of a prior conviction of a crime; provided that with respect to liquor licenses, [this subsection shall not apply to] a person who has been convicted of a felony[.] may be denied a liquor license by the liquor commission.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 31, 1985.)