

## ACT 149

H.B. NO. 1829-86

A Bill for an Act Relating to County Licenses.

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

SECTION 1. Chapter 445, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§445- Definitions. When used in this chapter, unless the context requires otherwise:

“Hotel or boardinghouse” means a building or buildings having at least ten rooms for the accommodation of guests.

“Lodging or tenement house” means any building or portion thereof containing no more than nine rooming units, in which space is let by the owner or operator to three or more unrelated persons.

“Restaurant” means a building in which the principal business is the furnishing of meals for pay.”

SECTION 2. Section 445-92, Hawaii Revised Statutes, is amended to read as follows:

“§445-92 Fee, hotel [and] or boardinghouses. The annual fee for a license to keep a hotel [and] or boardinghouse shall be \$10. [A hotel or boardinghouse, under this section, means a building or buildings having at least ten rooms for the accommodation of guests.]”

SECTION 3. Section 445-93, Hawaii Revised Statutes, is amended to read as follows:

“§445-93 Fee, [for] restaurant[.]; restrictions. (a) The annual fee for a license to keep a restaurant shall be \$10; provided[,] that in the case of religious, charitable, and educational institutions not regularly engaged in such business the fee for the license shall be \$1. [A restaurant, under this section, means a building in which meals are furnished as the principal business for pay.]

(b) No bedrooms or sleeping accommodations for hire shall be allowed on the premises of the restaurant.”

SECTION 4. Section 445-94, Hawaii Revised Statutes, is amended to read as follows:

“§445-94 Certificate, department of health. No license shall be issued for a lodging or tenement house, hotel[,] or boardinghouse, or restaurant, until the applicant secures from the department of health and presents to the treasurer a certificate setting forth that an agent of the department has examined the [house or houses,] building or buildings, proposed to be used for such purposes, with a description thereof sufficient to identify and locate the same; and that the same are in good sanitary condition and suitable to be used for such purposes; and, if the application is for a license for a lodging or tenement house[,] or hotel[,] or boardinghouse, stating the number of persons who, by law, can be lodged therein.”

SECTION 5. Section 445-95, Hawaii Revised Statutes, is amended to read as follows:

“§445-95 Conditions of license. A lodging or tenement house, hotel[,] or boardinghouse, or restaurant license shall be issued upon the following express conditions, which shall be incorporated in the license[, viz.]:

- (1) [That the] The licensee shall not keep a noisy or disorderly [house;] building or buildings;
- (2) [That no] No prostitute shall be allowed to reside therein or resort thereto;
- (3) [That no] No intoxicating liquor shall be furnished or sold therein, except as authorized by law;
- (4) [That no] No more persons shall at any time be lodged therein than are permitted by the license;
- (5) [That the] The building or buildings and premises licensed shall be kept in good sanitary condition, in accordance with law and with the orders of the agent of the department of health;
- (6) [That the] The police and agents of the department shall at all times have access [thereto] for purposes of inspection; and
- (7) [That no] No gaming shall be allowed [therein].”

SECTION 6. Section 445-96, Hawaii Revised Statutes, is amended to read as follows:

“§445-96 Penalty. (a) Any person who keeps a lodging or tenement house, hotel[,] or boardinghouse, or restaurant without a license under [this chapter, or] sections 445-91, 445-92, or 445-93 as applicable shall be guilty of a misdemeanor.

(b) Any person [who,] holding a license[,] under this chapter who violates or fails to observe any of the requirements or conditions of this chapter or of [his] the license, shall be fined not less than [\$10] \$100 nor more than [\$100,] \$1,000 and the court may cancel [his] the license.”

SECTION 7. Section 445-97, Hawaii Revised Statutes, is repealed.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 9. This Act shall take effect on approval.

(Approved May 13, 1986.)

**Note**

1. Edited pursuant to HRS §23G-16.5.