



GOV. MSG. NO. 1236

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 19, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 19, 2015, the following bill was signed into law:

SB868 SD1 HD2 CD1

RELATING TO LIQUOR COMMISSIONS
ACT 136 (15)

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO LIQUOR COMMISSIONS.

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

1 SECTION 1. Section 281-17, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The liquor commission, within its own county, shall
4 have the [~~sole~~] jurisdiction, power, authority, and discretion,
5 subject only to this chapter:

6 (1) To grant, refuse, suspend, and revoke any [~~licenses~~]
7 license for the manufacture, importation, and sale of
8 liquors;

9 (2) To take appropriate action against a person who,
10 directly or indirectly, manufactures, sells, or
11 purchases any liquor without being authorized pursuant
12 to this chapter; provided that in counties [~~which~~]
13 that have established by charter a liquor control
14 adjudication board, the board shall have the
15 jurisdiction, power, authority, and discretion to hear
16 and determine administrative complaints of the
17 director regarding violations of the liquor laws of
18 the State or of the rules of the liquor commission,



1 and impose penalties for violations thereof as may be
2 provided by law;

3 (3) To control, supervise, and regulate the manufacture,
4 importation, and sale of liquors by investigation,
5 enforcement, and education; provided that any
6 educational program shall be limited to the commission
7 staff, commissioners, liquor control adjudication
8 board members, and licensees and their employees, and
9 shall be financed through the money collected from the
10 assessment of fines against licensees; provided that
11 fine moneys, not to exceed ten per cent a year of
12 fines accumulated, may be used to fund public [~~liquor~~
13 ~~related~~] liquor-related educational or enforcement
14 programs;

15 (4) From time to time to make, amend, and repeal [~~such~~]
16 rules, not inconsistent with this chapter, as in the
17 judgment of the commission [~~seem~~] are deemed
18 appropriate for carrying out this chapter and for the
19 efficient administration thereof, and the proper
20 conduct of the business of all licensees, including
21 every matter or thing required to be done or which may



1 be done with the approval or consent [~~e~~], by order
2 [~~e~~], under the direction or supervision of, or as
3 prescribed by the commission; which rules, when
4 adopted as provided in chapter 91 shall have the force
5 and effect of law;

6 (5) Subject to chapter 76, to appoint and remove an
7 administrator, who may also be appointed an
8 investigator and who shall be responsible for the
9 operations and activities of the staff. The
10 administrator may hire and remove hearing officers,
11 investigators, and clerical or other assistants as its
12 business may from time to time require, [~~t~~] prescribe
13 their duties[~~r~~] and fix their compensation[~~r~~ ~~t~~], and
14 engage the services of experts and persons engaged in
15 the practice of a profession, if deemed expedient.
16 Every investigator, within the scope of the
17 investigator's duties, shall have the powers of a
18 police officer;

19 (6) To limit the number of licenses of any class or kind
20 within the county, or the number of licenses of any
21 class or kind to do business in any given locality,



- 1 when in the judgment of the commission such
2 limitations are in the public interest;
- 3 (7) To prescribe the nature of the proof to be furnished,
4 the notices to be given, and the conditions to be met
5 or observed in case of the issuance of a duplicate
6 license in place of one alleged to have been lost or
7 destroyed, including a requirement of any indemnity
8 deemed appropriate to the case;
- 9 (8) To fix the hours between which licensed premises of
10 any class or classes may regularly be open for the
11 transaction of business, which shall be uniform
12 throughout the county as to each class respectively;
- 13 (9) To prescribe all forms to be used for the purposes of
14 this chapter not otherwise provided for in this
15 chapter, and the character and manner of keeping of
16 books, records, and accounts to be kept by licensees
17 in any matter pertaining to their business;
- 18 (10) To investigate violations of this chapter, chapter
19 244D and, notwithstanding any law to the contrary,
20 violations of the applicable department of health's
21 allowable noise levels, through its investigators or



1 otherwise, to include covert operations, and to report
2 violations to the prosecuting officer for prosecution
3 and, where appropriate, the director of taxation to
4 hear and determine complaints against any licensee;
5 provided that a liquor commission in a county with a
6 population of seven hundred thousand or greater may
7 establish a pilot program that employs both a dBA and
8 a dBC sound level measurement system for the purpose
9 of community noise control; provided further that the
10 dBC sound level measurements shall be in accordance
11 with the following maximum permissible sound levels in
12 dBC:

13 (A) Zoning districts that include all areas
14 equivalent to lands zoned residential,
15 conservation, preservation, public space, open
16 space, or similar type shall have a maximum dBC
17 sound level of fifty-five from 7:00 a.m. to 10:00
18 p.m. and a maximum dBC level of forty-five from
19 10:00 p.m. to 7:00 a.m.;

20 (B) Zoning districts that include all areas
21 equivalent to lands zoned for multi-family



1 dwellings, apartment, business, commercial,
2 hotel, resort, or similar type shall have a
3 maximum dBC sound level of sixty from 7:00 a.m.
4 to 10:00 p.m. and a maximum dBC level of fifty
5 from 10:00 p.m. to 7:00 a.m.; and

6 (C) Zoning districts that include all areas
7 equivalent to lands zoned in agriculture,
8 country, industrial, or similar type shall have a
9 maximum dBC sound level of seventy from 7:00 a.m.
10 to 10:00 p.m. and a maximum dBC level of seventy
11 from 10:00 p.m. to 7:00 a.m.;

12 (11) To prescribe, by rule, the terms, conditions, and
13 circumstances under which persons or any class of
14 persons may be employed by holders of licenses;

15 (12) To prescribe, by rule, the term of any license or
16 solicitor's and representative's permit authorized by
17 this chapter, the annual or prorated amount, the
18 manner of payment of fees for the licenses and
19 permits, and the amount of filing fees; [~~and~~]

20 (13) To prescribe, by rule, regulations on dancing in
21 licensed premises; and



1 [~~13~~] (14) To prescribe, by rule, the circumstances and
2 penalty for the unauthorized manufacturing or selling
3 of any liquor."

4 SECTION 2. No later than October 1, 2015, each county
5 liquor commission that regulates dancing shall adopt or amend
6 rules regarding dancing in premises licensed to sell liquor for
7 consumption thereon. The rules of each county liquor commission
8 that regulate dancing shall include a definition of the term
9 "dancing".

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval;
13 provided that the amendments made to section 281-17(a), Hawaii
14 Revised Statutes, in section 1 of this Act shall not be repealed
15 when section 281-17(a) is reenacted on May 5, 2017, pursuant to
16 section 4 of Act 297, Session Laws of Hawaii 2012.

APPROVED this 19 day of JUN , 2015



GOVERNOR OF THE STATE OF HAWAII