A BILL FOR AN ACT

RELATING TO LIQUOR COMMISSIONS.

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

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

"(a) The liquor commission, within its own county, shall have the jurisdiction, power, authority, and discretion, subject only to this chapter:

(1) To grant, refuse, suspend, and revoke any license for the manufacture, importation, and sale of liquors;

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

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

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

(4) From time to time to make, amend, and repeal [such] rules, not inconsistent with this chapter, as in the judgment of the commission [seem] are deemed appropriate for carrying out this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or which may
be done with the approval or consent \( \text{[\text{of}]} \) by order
under the direction or supervision of \( \text{[\text{of}]} \) or as
prescribed by the commission; which rules, when
adopted as provided in chapter 91 shall have the force
and effect of law;

(5) Subject to chapter 76, to appoint and remove an
administrator, who may also be appointed an
investigator and who shall be responsible for the
operations and activities of the staff. The
administrator may hire and remove hearing officers,
investigators, and clerical or other assistants as its
business may from time to time require, \( \text{[\text{of}]} \) prescribe
their duties \( \text{[\text{of}]} \) and fix their compensation \( \text{[\text{of}]} \), and
engage the services of experts and persons engaged in
the practice of a profession, if deemed expedient.

Every investigator, within the scope of the
investigator's duties, shall have the powers of a
police officer;

(6) To limit the number of licenses of any class or kind
within the county, or the number of licenses of any
class or kind to do business in any given locality,
when in the judgment of the commission such
limitations are in the public interest;

(7) To prescribe the nature of the proof to be furnished,
the notices to be given, and the conditions to be met
or observed in case of the issuance of a duplicate
license in place of one alleged to have been lost or
destroyed, including a requirement of any indemnity
deemed appropriate to the case;

(8) To fix the hours between which licensed premises of
any class or classes may regularly be open for the
transaction of business, which shall be uniform
throughout the county as to each class respectively;

(9) To prescribe all forms to be used for the purposes of
this chapter not otherwise provided for in this
chapter, and the character and manner of keeping of
books, records, and accounts to be kept by licensees
in any matter pertaining to their business;

(10) To investigate violations of this chapter, chapter
244D and, notwithstanding any law to the contrary,
violations of the applicable department of health's
allowable noise levels, through its investigators or
otherwise, to include covert operations, and to report
violations to the prosecuting officer for prosecution
and, where appropriate, the director of taxation to
hear and determine complaints against any licensee;
provided that a liquor commission in a county with a
population of seven hundred thousand or greater may
establish a pilot program that employs both a dBA and
a dBC sound level measurement system for the purpose
of community noise control; provided further that the
dBC sound level measurements shall be in accordance
with the following maximum permissible sound levels in
dBC:

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

(B) Zoning districts that include all areas
equivalent to lands zoned for multi-family
dwellings, apartment, business, commercial, hotel, resort, or similar type shall have a maximum dBC sound level of sixty from 7:00 a.m. to 10:00 p.m. and a maximum dBC level of fifty from 10:00 p.m. to 7:00 a.m.; and

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

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

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

(13) To prescribe, by rule, regulations on dancing in licensed premises; and
(14) To prescribe, by rule, the circumstances and penalty for the unauthorized manufacturing or selling of any liquor."

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

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

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

Description:
Authorizes county liquor commissions to prescribe regulations on dancing in establishments licensed to serve alcohol. Requires liquor commissions that do regulate dancing to adopt or amend administrative rules, no later than October 1, 2015, regarding dancing in premises licensed to sell liquor for consumption thereon and include a definition of "dancing" in those rules. (CD1)

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