

MT Committee

From: Lianne Suzuki <Lianne.Suzuki@co.maui.hi.us>
Sent: Wednesday, August 14, 2019 3:45 PM
To: MT Committee
Subject: Dept. of Liquor Control; Preventing Drunk Driving

Aloha,

Per your telephone conversation with Director Mukai, attached are Sections 08-101-104 and 08-101-60 of Chapter 101 of the Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui.

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TITLE MC-08

DEPARTMENT OF LIQUOR CONTROL

SUBTITLE 01

LIQUOR COMMISSION

CHAPTER 101

RULES GOVERNING THE MANUFACTURE
AND SALE OF INTOXICATING LIQUOR
OF THE COUNTY OF MAUI

§08-101-104 Mandatory minimum penalties.

(a) Excessive service. If the licensee has been convicted of committing the offense defined in section 281-78(b)(1)(B), HRS; or **section 08-101-60(b)(1)(B)** of the rules of the commission, the licensee shall be sentenced as follows:

- (1) If the licensee has not been convicted of committing the offense in section 281-78(b)(1)(B), HRS, or section 08-101-60(b)(1)(B) of the rules of the commission during the previous five years, **the minimum sentence shall be a fine of not less than \$1,000, no portion of which may be suspended.**
- (2) If the licensee has been **once convicted** of committing the offense in section 281-78(b)(1)(B), HRS, or section 08-101-60(b)(1)(B) of the rules of the commission during the previous five years, **the minimum sentence shall be a fine of \$2,000, no portion of which may be suspended.**
- (3) If the licensee has been **twice convicted** of committing the offense in section 281-78(b)(1)(B), HRS, or section 08-101-

60(b)(1)(B) of the rules of the commission during the previous five years, **the minimum sentence shall be a suspension of the license.**

- (4) If the licensee has been **thrice convicted** of committing the offense in section 281-78(b)(1)(B), HRS, or section 08-101-60(b)(1)(B) of the rules of the commission during the previous five years, **the sentence shall be a revocation of the license.**

(b) Minors. If the licensee has been convicted of committing the offense defined in section 281-78(b)(1)(A), HRS, or section 08-101-60(b)(1)(A) of the rules of the commission, the licensee shall be sentenced as follows:

- (1) If the licensee has not been convicted of committing the offense in section 281-78(b)(1)(A), HRS, or section 08-101-60(b)(1)(A) of the rules of the commission during the previous five years, the minimum sentence shall be a fine of not less than \$1,000, no portion of which may be suspended.

§08-101-60 Prohibitions.

(b) At no time under any circumstances shall any licensee or its employee:

- (1) Sell, serve, or furnish any liquor to, or allow the consumption of any liquor by:
- (A) Any minor;
- (B) Any person at the time under the influence of liquor, drugs, or any combination thereof;

- (2) If the licensee has been once convicted of committing the offense in section 281-78(b)(1)(A), HRS, or section 08-101-60(b)(1)(A) of the rules of the commission during the previous five years, the minimum sentence shall be a fine of \$2,000, no portion of which may be suspended.
- (3) If the licensee has been twice convicted of committing the offense in section 281-78(b)(1)(A), HRS, or section 08-101-60(b)(1)(A) of the rules of the commission during the previous five years, the minimum sentence shall be a suspension of the license.
- (4) If the licensee has been thrice convicted of committing the offense in section 281-78(b)(1)(A), HRS, or section 08-101-60(b)(1)(A) of the rules of the commission during the previous five years, the sentence shall be a revocation of the license.