

26-LS0895C
Luckhaupt
3/23/10

HOUSE CS FOR CS FOR SENATE BILL NO. 194(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to penalties and civil damages for certain alcohol violations relating to**
2 **minors and persons under 21 years of age."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 04.16.049(e) is amended to read:

5 (e) A licensee may bring a civil action against a person who violates this
6 section if the violation occurs on the premises of that licensee. If judgment is entered
7 in favor of the licensee, the court shall award civil damages in the amount of \$1,500
8 [\$1,000] and award reasonable costs and reasonable attorney fees allowed under the
9 Alaska Rules of Civil Procedure.

10 *** Sec. 2.** AS 04.16.065(a) is amended to read:

11 (a) A person who has attained 18 years of age, or an emancipated minor, who
12 violates AS 04.16.060 is, in addition to any criminal penalty provided by law, liable in
13 a civil action to the licensee for a penalty of \$1,500 [\$1,000] plus costs and reasonable
14 attorney fees.

1 * **Sec. 3.** AS 04.16.180 is amended by adding a new subsection to read:

2 (e) In addition to other penalties provided in this chapter, the court may
3 require a person convicted of an offense under this chapter who was less than 21 years
4 of age at the time the person committed the offense to pay for and enroll in a juvenile
5 alcohol safety action program if one is available.

6 * **Sec. 4.** AS 04.21.080 is amended by adding a new paragraph to read:

7 (18) "juvenile alcohol safety action program" means

8 (A) a juvenile alcohol safety action program developed and
9 implemented or approved by the Department of Health and Social Services
10 under AS 47.37;

11 (B) any other alcohol education or treatment program approved
12 by the Department of Health and Social Services under AS 47.37 if a program
13 described in (A) of this paragraph is not available in the community in which
14 the person resides; or

15 (C) a program or counseling approved by the court if a program
16 or treatment described in (A) of this paragraph is not available in the
17 community where the person resides.

18 * **Sec. 5.** AS 28.15.183(g) is amended to read:

19 (g) Except as provided under (h) of this section, the department may not issue
20 a new license or reissue a license to a person whose driver's license, permit, or
21 privilege to drive has been revoked under this section unless the person, if required to
22 participate in a juvenile alcohol safety action program, as defined in AS 04.21.080
23 [AS 04.16.050], has successfully completed any education or treatment recommended.

24 * **Sec. 6.** AS 28.15.211(g) is amended to read:

25 (g) Except as provided under AS 28.15.183(h), the department may not issue a
26 new license or reissue a license to a person whose driver's license has been revoked
27 under AS 04.16.050, AS 28.15.183, or 28.15.185 unless the person, if required to
28 participate in a juvenile alcohol safety action program, has successfully completed any
29 education or treatment recommended. In this subsection, "juvenile alcohol safety
30 action program" has the meaning given in AS 04.21.080 [AS 04.16.050].

31 * **Sec. 7.** AS 04.16.050(l)(2) is repealed.