

HOUSE BILL NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOHRING

Introduced: 1/8/01

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to identification required to purchase alcoholic beverages and tobacco**
2 **products; relating to identification information contained on a driver's license; and**
3 **providing for an effective date."**

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

5 * **Section 1.** AS 04.16 is amended by adding a new section to read:

6 **Sec. 04.16.160. Identification check by licensee.** A licensee or an agent or
7 employee of a licensee may not sell or offer for sale an alcoholic beverage unless the
8 licensee, agent, or employee first examines the identification of the person purchasing
9 the alcoholic beverage and determines that the person is at least 21 years of age.

10 * **Sec. 2.** AS 11.76 is amended by adding a new section to read:

11 **Sec. 11.76.108. Identification check by tobacco retailer.** (a) A person may
12 not sell a cigarette, cigar, tobacco, or a product containing tobacco unless the sale
13 occurs immediately after the sales clerk examines the identification of the person
14 purchasing the cigarette, cigar, tobacco, or product containing tobacco and determines

1 that the person is at least 19 years of age.

2 (b) Subsection (a) does not apply if the sale

3 (1) is by vending machine as provided under AS 11.76.100(b);

4 (2) is a wholesale transaction, the person is licensed as a manufacturer
5 or distributor under AS 43.50.010, and the sale occurs on premises where no retail
6 transactions occur; or

7 (3) is by a retailer who sells primarily cigarettes, cigars, tobacco, or a
8 product containing tobacco and who restricts access to the premises to only those
9 individuals who are 19 years of age or older.

10 (c) A person who violates this section is guilty of a violation and upon
11 conviction is subject to a fine of not less than \$300.

12 * **Sec. 3.** AS 28.15.111(a) is amended to read:

13 (a) Upon successful completion of the application and all required
14 examinations, and upon payment of the required fee, the department shall issue to
15 every qualified applicant a driver's license indicating the type or general class of
16 vehicles that the licensee may drive. The license must [DISPLAY] (1) **display** a
17 distinguishing number assigned to the license; (2) **display** the licensee's full name,
18 address, date of birth, brief physical description, and color photograph; (3) **display**
19 either a facsimile of the signature of the licensee or a space upon which the licensee
20 must write the licensee's usual signature with pen and ink; (4) **display** a holographic
21 symbol intended to prevent illegal alteration or duplication; [AND] (5) **display** for a
22 qualified applicant who is under age 21, the words "UNDER 21"; **and (6) be designed**
23 **to allow the electronic reading and electronic display of the information**
24 **described under (2) of this subsection and an abstract of the licensee's driving**
25 **record.** A license is not valid until signed by the licensee. If facilities are not
26 available for the taking of the photograph required under this section, the department
27 shall endorse on the license, the words "valid without photograph."

28 * **Sec. 4.** AS 43.50.070 is amended to read:

29 **Sec. 43.50.070. Revocation of licenses.** The department may suspend or
30 revoke a license issued under AS 43.50.010 - 43.50.180 (1) for a negligent violation of
31 AS 11.76.100, 11.76.106, 11.76.107, **11.76.108**, or a violation of AS 43.50.010 -

1 43.50.180 or a regulation of the department adopted under AS 43.50.010 - 43.50.180;
 2 (2) if a licensee ceases to act in the capacity for which the license was issued; or (3) if
 3 a manufacturer, distributor, or wholesale distributor negligently sells tobacco or
 4 products containing tobacco to a nonlicensed retailer or a retailer whose license
 5 endorsement under AS 43.70.075 has been suspended. A person whose license is
 6 suspended or revoked may not sell cigarettes or permit cigarettes to be sold during the
 7 period of the suspension or revocation on the premises occupied or controlled by that
 8 person. A disciplinary proceeding or action is not barred or abated by the expiration,
 9 transfer, surrender, renewal, or extension of a license issued under AS 43.50.010 -
 10 43.50.180. The department shall comply with the provisions of the Administrative
 11 Procedure Act (AS 44.62).

12 * **Sec. 5.** AS 43.70.075(d) is amended to read:

13 (d) If a person who holds an endorsement issued under this section, or an
 14 agent or an employee of a person who holds an endorsement issued under this section
 15 acting within the scope of the agency or employment, has been convicted of violating
 16 AS 11.76.100, 11.76.106, [OR] 11.76.107, or 11.76.108 or violates a provision of this
 17 section or a regulation implementing this section adopted under AS 43.70.090, the
 18 department may suspend the endorsement for a period of not more than

19 (1) 45 days; or

20 (2) 90 days if, within the past 24 months, the person has been
 21 previously convicted of violating AS 11.76.100, 11.76.106, [OR] 11.76.107, or
 22 11.76.108 or a provision of this section or a regulation implementing this section
 23 adopted under AS 43.70.090.

24 * **Sec. 6.** This Act takes effect July 1, 2001.