

**CS FOR HOUSE BILL NO. 42(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 4/28/01**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVE GREEN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the consumption, purchase, furnishing, delivery, offer for sale, and**  
2 **sale of alcoholic beverages, and to driver's licenses and identification cards used to**  
3 **purchase alcoholic beverages."**

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

5 **\* Section 1.** AS 04.11.491 is amended by adding a new subsection to read:

6 (g) In addition to the options provided under (a) and (b) of this section, if a  
7 majority of the persons voting on the question vote to approve the option, a  
8 municipality shall adopt an ordinance and an established village shall exercise a local  
9 option to require an identification check by licensees as provided under AS 04.16.165.  
10 A ballot question to adopt a local option under this subsection must at least contain  
11 language substantially similar to "Shall (name of municipality or village) adopt a local  
12 option to require an identification check by licensees as provided under AS 04.16.165?  
13 (yes or no)."

14 **\* Sec. 2.** AS 04.11.495 is amended by adding a new subsection to read:

1 (d) In addition to the option provided under (a) of this section, if a majority of  
 2 the persons voting on the question vote to approve the option, a municipality or an  
 3 established village shall remove the option set out in AS 04.11.491(g) to require an  
 4 identification check by licensees as provided under AS 04.16.165. Notwithstanding  
 5 (b) of this section, a ballot question to remove a local option under this subsection  
 6 must at least contain language substantially similar to "Shall (name of municipality or  
 7 village) remove the local option to require an identification check by licensees as  
 8 provided under AS 04.16.165 so that there is no longer a requirement of an  
 9 identification check in effect? (yes or no)."

10 \* **Sec. 3.** AS 04.11.509(a) is amended to read:

11 (a) If a majority of the voters vote to **impose** [PROHIBIT], change, or remove  
 12 a local option under AS 04.11.491 - 04.11.495, the clerk of the municipality [,] or, if  
 13 the election is in an established village, the lieutenant governor shall notify the board  
 14 of the results of the election immediately after the results are certified. The board  
 15 shall immediately notify the Department of Law and the Department of Public Safety  
 16 of the results of the election.

17 \* **Sec. 4.** AS 04.16 is amended by adding new sections to read:

18 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) A person  
 19 who is 21 years of age or older has a privilege to purchase alcoholic beverages, unless  
 20 the privilege is revoked as provided under (b) of this section, is voluntarily  
 21 relinquished as provided under (c) of this section, or as otherwise provided by law.

22 (b) If a person is convicted of operating a motor vehicle, aircraft, or watercraft  
 23 while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test  
 24 under AS 28.35.032 or is convicted of a different offense and consumption of an  
 25 alcoholic beverage was a substantial factor in the commission of the offense and the  
 26 person has, within five years preceding the date of the present conviction, been  
 27 convicted of violating AS 28.35.030 or 28.35.032, the court shall revoke the person's  
 28 privilege to purchase alcoholic beverages. A revocation imposed under this  
 29 subsection shall be for the following periods:

- 30 (1) for a first revocation, one year;  
 31 (2) for a second revocation, three years;

1 (3) for a third or subsequent revocation, five years.

2 (c) A person may volunteer to relinquish the person's privilege to purchase  
3 alcoholic beverages. A voluntary relinquishment shall continue until the person elects  
4 to end the relinquishment.

5 (d) A person whose privilege to purchase alcoholic beverages is revoked  
6 under (b) or relinquished under (c) of this section may not knowingly possess,  
7 consume, or purchase an alcoholic beverage, or solicit another person to purchase an  
8 alcoholic beverage. This subsection does not apply to sacramental wine used for  
9 religious purposes.

10 (e) For purposes of (b) of this section, a prior conviction of any of the offenses  
11 described under (b) of this section subjects the person to the penalties described under  
12 (b) of this section.

13 **Sec. 04.16.165. Identification check by licensees.** If a local option to require  
14 an identification check is adopted under AS 04.11.491(g), a licensee or an agent or  
15 employee of a licensee within that municipality or established village may not  
16 knowingly sell or offer for sale an alcoholic beverage unless the licensee, agent, or  
17 employee first examines the identification of the person purchasing the alcoholic  
18 beverage and determines that the person's privilege to purchase alcoholic beverages is  
19 not revoked.

20 **Sec. 04.16.167. Required notice.** A court that revokes a privilege to purchase  
21 alcoholic beverages shall promptly notify the Department of Public Safety and the  
22 component of the Department of Administration that administers motor vehicle and  
23 driver's license laws of the revocation.

24 \* **Sec. 5.** AS 28.15.111(a) is amended to read:

25 (a) Upon successful completion of the application and all required  
26 examinations, and upon payment of the required fee, the department shall issue to  
27 every qualified applicant a driver's license indicating the type or general class of  
28 vehicles that the licensee may drive. The license must display (1) a distinguishing  
29 number assigned to the license; (2) the licensee's full name, address, date of birth,  
30 brief physical description, and color photograph; (3) either a facsimile of the signature  
31 of the licensee or a space upon which the licensee must write the licensee's usual

1 signature with pen and ink; (4) a holographic symbol intended to prevent illegal  
2 alteration or duplication; [AND] (5) for a qualified applicant who is under age 21, the  
3 words "UNDER 21"; **and (6) for a person whose privilege to purchase alcohol has**  
4 **been revoked under AS 04.16.160, a distinctive color.** A license is not valid until  
5 signed by the licensee. If facilities are not available for the taking of the photograph  
6 required under this section, the department shall endorse on the license, the words  
7 "valid without photograph."