

**HOUSE BILL NO. 42**

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

**BY REPRESENTATIVE GREEN**

**Introduced: 1/10/01**

**Referred: State Affairs, Judiciary, Finance**

**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 04.16 is amended by adding new sections to read:

6 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) A person  
7 who is 21 years of age or older has a privilege to purchase alcoholic beverages, unless  
8 the privilege is revoked as provided under (b) of this section or as otherwise provided  
9 by law.

10 (b) If a person is convicted of operating a motor vehicle, aircraft, or watercraft  
11 while intoxicated in violation of AS 28.35.030, the court shall revoke the person's  
12 privilege to purchase alcoholic beverages. If a person is convicted of an offense other  
13 than operating a motor vehicle, aircraft, or watercraft while intoxicated in violation of  
14 AS 28.35.030 and the consumption of an alcoholic beverage was a substantial factor in

1 the commission of the offense, the court may revoke the person's privilege to purchase  
 2 alcoholic beverages. Subject to (d) of this section, a revocation imposed under this  
 3 subsection shall be for the following periods:

4 (1) for a first offense, one year;

5 (2) for a second offense, three years;

6 (3) for a third or subsequent offense, five years.

7 (c) A person whose privilege to purchase alcoholic beverages is revoked under  
 8 (b) of this section may not knowingly enter licensed premises, possess or purchase an  
 9 alcoholic beverage, or solicit another person to purchase an alcoholic beverage.

10 (d) For purposes of (b) of this section, a prior conviction of the offense  
 11 described under (b) of this section subjects the person to the penalties described under  
 12 (b)(2) or (3) of this section, but only if the prior conviction occurs within 10 years  
 13 preceding the date of the present offense.

14 **Sec. 04.16.165. Prohibition relating to persons with revoked privilege to**  
 15 **purchase.** (a) A person may not knowingly furnish or deliver an alcoholic beverage  
 16 to a person whose privilege to purchase alcoholic beverages is revoked under  
 17 AS 04.16.160.

18 (b) If a person is convicted of violating (a) of this section, the court shall  
 19 revoke the person's privilege to purchase alcoholic beverages for a period of six  
 20 months.

21 **Sec. 04.16.167. Identification check by licensees; required notice.** (a) A  
 22 licensee or an agent or employee of a licensee may not knowingly sell or offer for sale  
 23 an alcoholic beverage unless the licensee, agent, or employee first examines the  
 24 identification of the person purchasing the alcoholic beverage and determines that the  
 25 person's privilege to purchase alcoholic beverages is not revoked.

26 (b) The board shall maintain a list of persons with a revoked privilege to  
 27 purchase alcoholic beverages and shall promptly notify all licensees of the contents of  
 28 the list and changes to the list.

29 (c) A court that revokes a privilege to purchase alcoholic beverages shall  
 30 promptly notify the board of the revocation.

31 \* **Sec. 2.** AS 04.16.180(a) is amended to read:

1           (a) Except as provided in AS 04.11.015, AS 04.16.025, **04.16.050(b)**  
 2 [AS 04.16.050(b)], 04.16.051, **04.16.165(b)**, 04.16.200 - 04.16.210, and  
 3 AS 04.21.065, a person who violates a provision of this title or a regulation adopted by  
 4 the board is guilty, upon conviction, of a class A misdemeanor. Each violation is a  
 5 separate offense.

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

7           (a) Upon successful completion of the application and all required  
 8 examinations, and upon payment of the required fee, the department shall issue to  
 9 every qualified applicant a driver's license indicating the type or general class of  
 10 vehicles that the licensee may drive. The license must display (1) a distinguishing  
 11 number assigned to the license; (2) the licensee's full name, address, date of birth,  
 12 brief physical description, and color photograph; (3) either a facsimile of the signature  
 13 of the licensee or a space upon which the licensee must write the licensee's usual  
 14 signature with pen and ink; (4) a holographic symbol intended to prevent illegal  
 15 alteration or duplication; [AND] (5) for a qualified applicant who is under age 21, the  
 16 words "UNDER 21"; **and (6) for a person whose privilege to purchase alcohol has**  
 17 **been revoked under AS 04.16.160 or 04.16.165, a distinctive color.** A license is not  
 18 valid until signed by the licensee. If facilities are not available for the taking of the  
 19 photograph required under this section, the department shall endorse on the license,  
 20 the words "valid without photograph."