

HOUSE BILL NO. 428

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

BY REPRESENTATIVES MEYER, Wilson

Introduced: 2/4/04

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for acts related to obtaining alcohol for persons under**
2 **21 years of age or for persons under 21 years of age being on licensed premises."**

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

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

5 **Sec. 04.16.065. Civil penalty for violations of AS 04.16.060.** (a) A person
6 who has attained 18 years of age, or an emancipated minor, who violates
7 AS 04.16.060 is, in addition to any criminal penalty provided by law, liable in a civil
8 action to the licensee for a penalty of \$1,000.

9 (b) A person having legal custody of an unemancipated minor who solicits
10 another person to violate AS 04.16.060 is liable in a civil action for a penalty of
11 \$1,000 to the licensee from whom the other person purchased, ordered, or received an
12 alcoholic beverage in violation of AS 04.16.060.

13 (c) It is a condition precedent to maintaining an action under this section that
14 the owner or seller of the merchandise send to the defendant a notice demanding the

1 relief authorized by first class mail to the defendant at the defendant's last known
2 address 15 days or more before the action is commenced. The Department of Law
3 may adopt regulations prescribing the form of this notice. It is not a condition
4 precedent to maintaining an action under this section that the person who violated
5 AS 04.16.060 or solicited that violation was charged or convicted under any statute or
6 ordinance.

7 (d) Judgments, but not claims, arising under this section may be assigned.

8 (e) The liability of a person for damages and penalties under this section is in
9 addition to liability for an award of reasonable attorney fees that may be made to the
10 prevailing party in a civil action under Rule 82, Alaska Rules of Civil Procedure.

11 (f) In this section, "emancipated minor" means a minor whose disabilities have
12 been removed for general purposes under AS 09.55.590.