

**CS FOR HOUSE BILL NO. 428(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/24/04**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES MEYER, Wilson**

**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 plus costs and reasonable attorney fees.

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, plus costs and reasonable attorney fees, to the licensee from whom the other  
12 person purchased, ordered, or received an alcoholic beverage in violation of  
13 AS 04.16.060.

14 (c) It is a condition precedent to maintaining an action under this section that

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

8 (d) In this section, "emancipated minor" means a minor whose disabilities  
9 have been removed for general purposes under AS 09.55.590.