

CS FOR HOUSE BILL NO. 428(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/29/04

Offered: 3/24/04

Sponsor(s): REPRESENTATIVES MEYER, Wilson, Lynn

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

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