

SENATE CS FOR CS FOR HOUSE BILL NO. 190(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/8/06

Referred: Rules

Sponsor(s): REPRESENTATIVES FOSTER, Crawford, Lynn, Gatto, Weyhrauch, Meyer, Kerttula, Gara, LeDoux, Kelly, Berkowitz, Gardner, Wilson, Dahlstrom, Anderson, Seaton, Samuels, Cissna

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase of alcoholic beverages and to access to licensed
2 premises; relating to civil liability for certain persons accessing licensed premises;
3 requiring driver's licenses and identification cards to be marked if a person is restricted
4 from consuming alcoholic beverages as a result of a conviction or condition of probation
5 or parole and relating to fees for the marked license; and requiring the surrender and
6 cancellation of driver's licenses under certain circumstances."

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

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

9 **Sec. 04.16.047. Access of persons with restricted privileges.** (a) A person
10 who is not privileged to purchase alcohol under AS 04.16.160 may not knowingly
11 enter or remain in premises licensed under this title to obtain or consume alcohol.

12 (b) A licensee may bring a civil action against a person who violates this
13 section if the violation occurs on the premises of that licensee. If judgment is entered

1 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
 2 and award reasonable costs and reasonable attorney fees allowed under the Alaska
 3 Rules of Civil Procedure.

4 * **Sec. 2.** AS 04.16 is amended by adding a new section to read:

5 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) Except as
 6 otherwise provided by law, a person who is 21 years of age or older has a privilege to
 7 purchase alcoholic beverages, unless the person has been ordered to refrain from
 8 consuming alcoholic beverages as part of a sentence for conviction of a crime under
 9 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
 10 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
 11 municipal ordinance. The privilege to purchase alcoholic beverages is restricted during
 12 the period that the person is required to refrain from consuming alcoholic beverages
 13 under the sentence or condition of probation or parole. A person whose privilege to
 14 purchase alcohol has been restricted shall be required to pay an enhanced fee to have a
 15 driver's license or identification card issued with the information required under
 16 AS 28.15.111(a)(6).

17 (b) A court imposing a restriction on a person under (a) of this section, and the
 18 Department of Corrections, shall notify the person that an identification card issued
 19 under AS 18.65.310 must list the restriction imposed for the period of the person's
 20 probation or parole.

21 * **Sec. 3.** AS 04.21.050(b) is amended to read:

22 (b) **Except as provided in AS 04.16.160, a** [A] valid driver's license or a
 23 valid identification card is acceptable as proof of age when used for identification in
 24 the purchase of alcoholic beverages and for securing entry to and remaining on
 25 premises where alcoholic beverages are sold if the license or identification card is
 26 made of or encased in plastic and contains a photograph of the **licensee** [LICENSE] or
 27 card holder and a statement of age or date of birth.

28 * **Sec. 4.** AS 18.65.310 is amended by adding new subsections to read:

29 (h) The department shall cancel the identification card of a person on whom a
 30 restriction has been imposed under AS 04.16.160 unless the person's identification
 31 card contains the information required by (i) of this section. A cancellation under this

1 subsection remains in effect only during the period of time that the privilege to
2 purchase alcoholic beverages is restricted under AS 04.16.160.

3 (i) The department shall, to the extent it is able, mark the identification card of
4 an applicant whose privilege to purchase alcohol is restricted under AS 04.16.160 in
5 the same manner required for a driver's license under AS 28.15.111. A person who has
6 received a marked identification card under this subsection may apply for an
7 unmarked card when the period of restriction under AS 04.16.160 has expired.

8 (j) The department may by regulation set a fee for issuance of an identification
9 card under (i) of this section. The fee must meet the requirements of AS 04.16.160.

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

11 (a) Upon successful completion of the application and all required
12 examinations, and upon payment of the required fee, the department shall issue to
13 every qualified applicant a driver's license indicating the type or general class of
14 vehicles that the licensee may drive. The license must [DISPLAY] (1) **display** a
15 distinguishing number assigned to the license; (2) **display** the licensee's full name,
16 address, date of birth, brief physical description, and color photograph; (3) **display**
17 either a facsimile of the signature of the licensee or a space upon which the licensee
18 must write the licensee's usual signature with pen and ink; (4) **display** a holographic
19 symbol intended to prevent illegal alteration or duplication; [AND] (5) **display**, for a
20 qualified applicant who is under [AGE] 21 **years of age**, the words "UNDER 21"; **and**
21 **(6) to the extent the department is able, be designed to allow the electronic**
22 **reading and electronic display of the information described under (2) of this**
23 **subsection and the electronic reading and display and a physical display on the**
24 **license of the letters "COAR" if the person's privilege to purchase alcohol has**
25 **been restricted under AS 04.16.160.** A license may not display the licensee's social
26 security number and is not valid until signed by the licensee. If facilities are not
27 available for the taking of the photograph required under this section, the department
28 shall endorse on the license, the words "valid without photograph." **In this subsection,**
29 **"COAR" is an abbreviation for "court ordered alcohol restriction."**

30 * **Sec. 6.** AS 28.15.161(a) is amended to read:

31 (a) The department shall cancel a driver's license upon determination that

1 (1) the licensee is not medically or otherwise entitled to the issuance or
2 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

3 (2) there is an error or defect in the license;

4 (3) the licensee failed to give the required or correct information in the
5 licensee's application; [OR]

6 (4) the license was obtained fraudulently; or

7 **(5) the licensee is restricted from purchasing alcoholic beverages**
8 **under AS 04.16.160; if a license is cancelled under this paragraph, when a new**
9 **license is issued, it must reflect that restriction and the requirements of**
10 **AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.**

11 * **Sec. 7.** AS 28.15.191 is amended by adding new subsections to read:

12 (g) A court that has ordered a person to refrain from consuming alcoholic
13 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
14 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
15 following a conviction under those sections or a similar municipal ordinance shall

16 (1) require the surrender of the person's license and forward the license
17 to the department;

18 (2) report the order to the department within two days; and

19 (3) inform the person that the person's license is subject to cancellation
20 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when
21 the person obtains a new license the license must list the restriction imposed by
22 AS 04.16.160 for the period of probation or parole.

23 (h) The board of parole shall notify the department within two days whenever
24 a person has been ordered to refrain from consuming alcoholic beverages as a
25 condition of parole and shall inform the person that the person's license is subject to
26 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to
27 receive a license, when the person obtains a new license the license must list the
28 restriction imposed by AS 04.16.160.

29 * **Sec. 8.** AS 28.15.271 is amended by adding a new subsection to read:

30 (e) The department may by regulation set a fee for issuance of a new license to
31 replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to

1 purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The
2 fee must meet the requirements of AS 04.16.160.