

**HOUSE BILL NO. 14**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE CRAWFORD**

**Introduced: 1/16/07**

**Referred: Labor and Commerce, Judiciary, Finance**

**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  
14 in favor of the licensee, the court shall award civil damages in the amount of \$1,000

1 and award reasonable costs and reasonable attorney fees allowed under the Alaska  
2 Rules of Civil Procedure.

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

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

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

20 \* **Sec. 3.** AS 04.21.050 is amended to read:

21 **Sec. 04.21.050. Proof of age and privilege to purchase alcoholic beverages.**

22 (a) If a licensee or an agent or employee of the licensee questions or has reason to  
23 question whether a person entering licensed premises, or ordering, purchasing,  
24 attempting to purchase, or otherwise procuring or attempting to procure alcoholic  
25 beverages,

26 **(1)** has attained the age of 21 years or is entering without consent in  
27 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,  
28 agent, or employee shall require the person to furnish proof of age acceptable under  
29 (b) of this section or proof of consent in a form determined by the board; **if** [ IF] the  
30 person questioned does not furnish proof of age acceptable under (b) of this section, or  
31 if a licensee, agent, or employee questions or has reason to question the validity of the

1 proof of age furnished, the licensee, employee, or agent shall require the person to sign  
 2 a statement that the person is over the age of 21 or 16 years, as appropriate; **this** [. THIS]  
 3 statement shall be made on a form prepared by and furnished to the licensee by  
 4 the board;

5 **(2) is privileged to purchase alcoholic beverages under**  
 6 **AS 04.16.160, the licensee, agent, or employee may require the person to furnish**  
 7 **proof acceptable under (b) of this section that the person is privileged to**  
 8 **purchase alcoholic beverages or require the person to sign a statement that the**  
 9 **person is privileged to purchase alcoholic beverages under AS 04.16.160; this**  
 10 **statement shall made on a form prepared by and furnished to the licensee by the**  
 11 **board.**

12 (b) **Except as provided in AS 04.16.160, a** [A] valid driver's license or a  
 13 valid identification card is acceptable as proof of age **or proof of privilege to**  
 14 **purchase alcoholic beverages** when used for identification in the purchase of  
 15 alcoholic beverages and for securing entry to and remaining on premises where  
 16 alcoholic beverages are sold if the license or identification card is made of or encased  
 17 in plastic and contains a photograph of the **licensee** [LICENSE] or card holder and a  
 18 statement of age or date of birth. **A licensee, agent, or employee may elect to not**  
 19 **accept a passport, military identification card, or other identification as proof of**  
 20 **privilege to purchase alcoholic beverages and may require the person to furnish a**  
 21 **valid driver's license or state identification card or otherwise furnish proof that**  
 22 **the person is not a resident of this state.**

23 (c) A licensee, or an agent or employee of the licensee, may not be charged for  
 24 a violation of **AS 04.16.047 - 04.16.052** [AS 04.16.051 - 04.16.052] if a signed  
 25 statement as provided in (a) of this section is secured in good faith, or a valid driver's  
 26 license or identification card is presented indicating that the owner and possessor of  
 27 the presented driver's license or identification card is 21 or 16 years of age or over **or**  
 28 **is privileged to purchase alcoholic beverages**, as appropriate.

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

30 (h) The department shall cancel the identification card of a person on whom a  
 31 restriction has been imposed under AS 04.16.160 unless the person's identification

1 card contains the information required by (i) of this section. A cancellation under this  
 2 subsection remains in effect only during the period of time that the privilege to  
 3 purchase alcoholic beverages is restricted under AS 04.16.160.

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

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

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

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

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

- 1 (a) The department shall cancel a driver's license upon determination that
- 2 (1) the licensee is not medically or otherwise entitled to the issuance or
- 3 retention of the license, or has been adjudged incompetent to drive a motor vehicle;
- 4 (2) there is an error or defect in the license;
- 5 (3) the licensee failed to give the required or correct information in the
- 6 licensee's application; [OR]
- 7 (4) the license was obtained fraudulently; or
- 8 **(5) the licensee is restricted from purchasing alcoholic beverages**
- 9 **under AS 04.16.160; if a license is cancelled under this paragraph, when a new**
- 10 **license is issued, it must reflect that restriction and the requirements of**
- 11 **AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.**

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

13 (g) A court that has ordered a person to refrain from consuming alcoholic

14 beverages as part of a sentence for conviction of a crime under AS 28.35.030,

15 28.35.032, or a similar municipal ordinance or as a condition of probation or parole

16 following a conviction under those sections or a similar municipal ordinance shall

- 17 (1) require the surrender of the person's license and forward the license
- 18 to the department;
- 19 (2) report the order to the department within two days; and
- 20 (3) inform the person that the person's license is subject to cancellation
- 21 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when
- 22 the person obtains a new license, the license must list the restriction imposed by
- 23 AS 04.16.160 for the period of probation or parole.

24 (h) The board of parole shall notify the department within two days whenever

25 a person has been ordered to refrain from consuming alcoholic beverages as a

26 condition of parole and shall inform the person that the person's license is subject to

27 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to

28 receive a license, when the person obtains a new license, the license must list the

29 restriction imposed by AS 04.16.160.

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

31 (e) The department may by regulation set a fee for issuance of a new license to

1           replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to  
2           purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The  
3           fee must meet the requirements of AS 04.16.160.