

CS FOR HOUSE BILL NO. 14(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/1/07

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES CRAWFORD, Lynn

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; relating to the information
6 contained on driver's licenses; requiring the surrender and cancellation of driver's
7 licenses under certain circumstances; and providing for an effective date."

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

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

10 **Sec. 04.16.047. Access of persons with restriction on purchasing alcohol.**

11 (a) A person who is restricted from purchasing alcohol under AS 04.16.160 may not
12 knowingly enter or remain in premises licensed under this title to obtain or consume
13 alcohol.

1 (b) A licensee may bring a civil action against a person who violates this
2 section if the violation occurs on the premises of that licensee. If judgment is entered
3 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
4 and award reasonable costs and reasonable attorney fees allowed under the Alaska
5 Rules of Civil Procedure.

6 (c) Nothing in this section or AS 04.16.160 creates a duty or imposes an
7 obligation on a licensee to physically check the identification of any person entering
8 licensed premises.

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

10 **Sec. 04.16.160. Restriction on purchasing alcoholic beverages.** (a) Except as
11 otherwise provided by law, a person who is 21 years of age or older may not purchase
12 alcoholic beverages if the person has been ordered to refrain from consuming
13 alcoholic beverages as part of a sentence for conviction of a crime under
14 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
15 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
16 municipal ordinance. The restriction on purchasing alcoholic beverages applies during
17 the period that the person is required to refrain from consuming alcoholic beverages
18 under the sentence or condition of probation or parole. A person who is restricted from
19 purchasing alcoholic beverages shall be required to pay an enhanced fee to have a
20 driver's license or identification card issued with the information required under
21 AS 28.15.111(a)(6).

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

26 * **Sec. 3.** AS 04.21.050 is amended to read:

27 **Sec. 04.21.050. Proof of age and of not being restricted from purchasing**
28 **alcoholic beverages.** (a) If a licensee or an agent or employee of the licensee
29 questions or has reason to question whether a person entering licensed premises, or
30 ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to
31 procure alcoholic beverages,

1 **(1)** has attained the age of 21 years or is entering without consent in
 2 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,
 3 agent, or employee shall require the person to furnish proof of age acceptable under
 4 (b) of this section or proof of consent in a form determined by the board; **if** [. IF] the
 5 person questioned does not furnish proof of age acceptable under (b) of this section, or
 6 if a licensee, agent, or employee questions or has reason to question the validity of the
 7 proof of age furnished, the licensee, employee, or agent shall require the person to sign
 8 a statement that the person is over the age of 21 or 16 years, as appropriate; **this** [.
 9 THIS] statement shall be made on a form prepared by and furnished to the licensee by
 10 the board;

11 **(2) is restricted from purchasing alcoholic beverages under**
 12 **AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation**
 13 **to, require the person to furnish proof acceptable under (b) of this section that**
 14 **the person is not restricted from purchasing alcoholic beverages or require the**
 15 **person to sign a statement that the person is not restricted from purchasing**
 16 **alcoholic beverages under AS 04.16.160; this statement shall be made on a form**
 17 **prepared by and furnished to the licensee by the board.**

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

29 (c) A licensee, or an agent or employee of the licensee, may not be charged for
 30 a violation of **AS 04.16.047 - 04.16.052** [AS 04.16.051 - 04.16.052] if a signed
 31 statement as provided in (a) of this section is secured in good faith, or a valid driver's

1 license or identification card is presented indicating that the owner and possessor of
 2 the presented driver's license or identification card is 21 or 16 years of age or over **or**
 3 **is not restricted from purchasing alcoholic beverages**, as appropriate.

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

5 (h) The department shall cancel the identification card of a person on whom a
 6 restriction has been imposed under AS 04.16.160 unless the person's identification
 7 card contains the information required by (i) of this section. A cancellation under this
 8 subsection remains in effect only during the period of time that the person is restricted
 9 from purchasing alcoholic beverages under AS 04.16.160.

10 (i) The department shall, to the extent it is able, mark the identification card of
 11 an applicant who is restricted from purchasing alcoholic beverages under
 12 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.
 13 A person who has received a marked identification card under this subsection may
 14 apply for an unmarked card when the period of restriction under AS 04.16.160 has
 15 expired.

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

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

19 (a) Upon successful completion of the application and all required
 20 examinations, and upon payment of the required fee, the department shall issue to
 21 every qualified applicant a driver's license indicating the type or general class of
 22 vehicles that the licensee may drive. The license must [DISPLAY] (1) **display** a
 23 distinguishing number assigned to the license; (2) **display** the licensee's full name,
 24 address, date of birth, brief physical description, and color photograph; (3) **display**
 25 either a facsimile of the signature of the licensee or a space upon which the licensee
 26 must write the licensee's usual signature with pen and ink; (4) **display** a holographic
 27 symbol intended to prevent illegal alteration or duplication; [AND] (5) **display**, for a
 28 qualified applicant who is under [AGE] 21 **years of age**, the words "UNDER 21"; **and**
 29 **(6) to the extent the department is able, be designed to allow the electronic**
 30 **reading and electronic display of the information described under (2) of this**
 31 **subsection and the electronic reading and display and a physical display on the**

1 **license that the person is restricted from purchasing alcoholic beverages under**
 2 **AS 04.16.160.** A license may not display the licensee's social security number and is
 3 not valid until signed by the licensee. If facilities are not available for the taking of the
 4 photograph required under this section, the department shall endorse on the license,
 5 the words "valid without photograph."

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

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

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

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

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

13 (4) the license was obtained fraudulently; or

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

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

19 (g) A court that has ordered a person to refrain from consuming alcoholic
 20 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
 21 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
 22 following a conviction under those sections or a similar municipal ordinance shall

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

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

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

30 (h) The board of parole shall notify the department within two days whenever
 31 a person has been ordered to refrain from consuming alcoholic beverages as a

1 condition of parole and shall inform the person that the person's license is subject to
2 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to
3 receive a license, when the person obtains a new license, the license must list the
4 restriction imposed by AS 04.16.160.

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

6 (e) The department may by regulation set a fee for issuance of a new license to
7 replace a license cancelled under AS 28.15.161(a)(5) because the person is restricted
8 from purchasing alcoholic beverages under AS 04.16.160. The fee must meet the
9 requirements of AS 04.16.160.

10 * **Sec. 9.** This Act takes effect January 1, 2008.