

CS FOR HOUSE BILL NO. 14(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/16/07

Referred: Finance

Sponsor(s): REPRESENTATIVES CRAWFORD, Lynn, Gara, Kelly, Nelson, Wilson, Edgmon, Gardner, Holmes, Dahlstrom, Joule, Doogan, Kawasaki, Doll

SENATORS Elton, Ellis

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

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

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

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

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

1 alcohol.

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

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

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

11 **Sec. 04.16.160. Restriction on purchasing alcoholic beverages.** (a) Except as
12 otherwise provided by law, a person who is 21 years of age or older may not purchase
13 alcoholic beverages if the person has been ordered to refrain from consuming
14 alcoholic beverages as part of a sentence for conviction of a crime under
15 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
16 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
17 municipal ordinance. The restriction on purchasing alcoholic beverages applies during
18 the period that the person is required to refrain from consuming alcoholic beverages
19 under the sentence or condition of probation or parole.

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

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

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

30 **(1)** has attained the age of 21 years or is entering without consent in
31 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,

1 agent, or employee shall require the person to furnish proof of age acceptable under
 2 (b) of this section or proof of consent in a form determined by the board; **if** [. IF] the
 3 person questioned does not furnish proof of age acceptable under (b) of this section, or
 4 if a licensee, agent, or employee questions or has reason to question the validity of the
 5 proof of age furnished, the licensee, employee, or agent shall require the person to sign
 6 a statement that the person is over the age of 21 or 16 years, as appropriate; **this** [.
 7 THIS] statement shall be made on a form prepared by and furnished to the licensee by
 8 the board;

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

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

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

1 **is not restricted from purchasing alcoholic beverages**, as appropriate.

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

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

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

14 (j) The department shall charge a fee of \$50 for issuance of a marked
15 identification card under (i) of this section.

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

17 (a) Upon successful completion of the application and all required
18 examinations, and upon payment of the required fee, the department shall issue to
19 every qualified applicant a driver's license indicating the type or general class of
20 vehicles that the licensee may drive. The license must [DISPLAY] (1) **display** a
21 distinguishing number assigned to the license; (2) **display** the licensee's full name,
22 address, date of birth, brief physical description, and color photograph; (3) **display**
23 either a facsimile of the signature of the licensee or a space upon which the licensee
24 must write the licensee's usual signature with pen and ink; (4) **display** a holographic
25 symbol intended to prevent illegal alteration or duplication; [AND] (5) **display**, for a
26 qualified applicant who is under [AGE] 21 **years of age**, the words "UNDER 21"; **and**
27 **(6) to the extent the department is able, be designed to allow the electronic**
28 **reading and electronic display of the information described under (2) of this**
29 **subsection and the electronic reading and display and a physical display on the**
30 **license that the person is restricted from purchasing alcoholic beverages under**
31 **AS 04.16.160**. A license may not display the licensee's social security number and is

1 not valid until signed by the licensee. If facilities are not available for the taking of the
 2 photograph required under this section, the department shall endorse on the license,
 3 the words "valid without photograph."

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

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

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

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

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

11 (4) the license was obtained fraudulently; **or**

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

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

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

21 (1) require the surrender of the person's license and identification card
 22 and forward the license and identification card to the department;

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

24 (3) inform the person that the person's license and identification card
 25 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is
 26 otherwise qualified to receive a license or identification card, when the person obtains
 27 a new license or identification card, the license or identification card must list the
 28 restriction imposed by AS 04.16.160 for the period of probation or parole.

29 (h) The board of parole shall notify the department within two days whenever
 30 a person has been ordered to refrain from consuming alcoholic beverages as a
 31 condition of parole, shall require the person to surrender their license and

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

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

7 (e) The department shall charge \$50 for issuance of a new license to replace a
8 license cancelled under AS 28.15.161(a)(5) because the person is restricted from
9 purchasing alcoholic beverages under AS 04.16.160.

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