

CS FOR SENATE BILL NO. 194(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/18/10

Referred: Rules

Sponsor(s): SENATOR MEYER

REPRESENTATIVE Ramras

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to penalties and civil damages for certain alcohol violations."**

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

3 *** Section 1.** AS 04.16.047(b) is amended to read:

4 (b) A licensee may bring a civil action against a person who violates this
5 section if the violation occurs on the premises of that licensee. If judgment is entered
6 in favor of the licensee, the court shall award civil damages in the amount of **\$1,500**
7 **[\$1,000]** and award reasonable costs and reasonable attorney fees allowed under the
8 Alaska Rules of Civil Procedure.

9 *** Sec. 2.** AS 04.16.049(e) is amended to read:

10 (e) A licensee may bring a civil action against a person who violates this
11 section if the violation occurs on the premises of that licensee. If judgment is entered
12 in favor of the licensee, the court shall award civil damages in the amount of **\$1,500**
13 **[\$1,000]** and award reasonable costs and reasonable attorney fees allowed under the
14 Alaska Rules of Civil Procedure.

15 *** Sec. 3.** AS 04.16.065(a) is amended to read:

1 (a) A person who has attained 18 years of age, or an emancipated minor, who
 2 violates AS 04.16.060 is, in addition to any criminal penalty provided by law, liable in
 3 a civil action to the licensee for a penalty of **\$1,500** [\$1,000] plus costs and reasonable
 4 attorney fees.

5 * **Sec. 4.** AS 04.16.180 is amended by adding a new subsection to read:

6 (e) In addition to other penalties provided in this chapter, the court may
 7 require a person convicted of an offense under this chapter who was less than 21 years
 8 of age at the time the person committed the offense to pay for and enroll in a juvenile
 9 alcohol safety action program if one is available.

10 * **Sec. 5.** AS 04.21.080 is amended by adding a new paragraph to read:

11 (18) "juvenile alcohol safety action program" means

12 (A) a juvenile alcohol safety action program developed and
 13 implemented or approved by the Department of Health and Social Services
 14 under AS 47.37;

15 (B) any other alcohol education or treatment program approved
 16 by the Department of Health and Social Services under AS 47.37 if a program
 17 described in (A) of this paragraph is not available in the community in which
 18 the person resides; or

19 (C) a program or counseling approved by the court if a program
 20 or treatment described in (A) of this paragraph is not available in the
 21 community where the person resides.

22 * **Sec. 6.** AS 28.15.183(g) is amended to read:

23 (g) Except as provided under (h) of this section, the department may not issue
 24 a new license or reissue a license to a person whose driver's license, permit, or
 25 privilege to drive has been revoked under this section unless the person, if required to
 26 participate in a juvenile alcohol safety action program, as defined in **AS 04.21.080**
 27 [AS 04.16.050], has successfully completed any education or treatment recommended.

28 * **Sec. 7.** AS 28.15.211(g) is amended to read:

29 (g) Except as provided under AS 28.15.183(h), the department may not issue a
 30 new license or reissue a license to a person whose driver's license has been revoked
 31 under AS 04.16.050, AS 28.15.183, or 28.15.185 unless the person, if required to

1 participate in a juvenile alcohol safety action program, has successfully completed any
2 education or treatment recommended. In this subsection, "juvenile alcohol safety
3 action program" has the meaning given in AS 04.21.080 [AS 04.16.050].

4 * **Sec. 8.** AS 04.16.050(l)(2) is repealed.