

Introduced: 2/7/80
Referred: Commerce

1 IN THE SENATE

BY THE COMMERCE COMMITTEE
BY REQUEST

2 SENATE BILL NO. 406

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to age limits under Title 4, Alcoholic
7 Beverages."

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

9 * Section 1. AS 04.10.040(b) is amended to read:

10 (b) A citizen of the United States, over the age of 21 [19] years
11 and of good moral character, may be regularly employed as a waiter or
12 waitress in an establishment operating under a beverage dispensary
13 license. The duties of waiters and waitresses employed in the estab-
14 lishment [THEREIN] shall be confined to taking orders and serving
15 beverages, alcoholic or otherwise, and food. Waiters and waitresses
16 employed under this section may not solicit or encourage the purchase of
17 beverages, alcoholic or otherwise, by the patron of the premises,
18 whether the beverage is for the patron or for another. No waiter or
19 waitress may accept any beverage, alcoholic or otherwise, purchased for
20 him or her by a patron of the establishment.

21 * Sec. 2. AS 04.10.310 is amended to read:

22 Sec. 04.10.310. PUBLIC APPROVAL FOR LICENSES IN REMOTE AREAS. No
23 license for the sale of intoxicating liquor may be issued in any area
24 [,] which is 50 miles or more from the incorporated boundaries of a
25 municipality, unless a petition containing the signatures of two-thirds
26 of the bona fide residents, 21 [19] years of age or over, residing
27 within a radius of five miles of the nearest United States post office
28 station, is filed with the board asking that a license be issued within
29 the area. If there are two or more United States post office stations

1 within the vicinity of the place where intoxicating liquor is to be
2 sold, the nearest station to that [SUCH] place constitutes the point of
3 beginning. A petition is not necessary for a reissuance of any license
4 granted under this section. If no post office station exists within a
5 radius of five miles of the place where intoxicating liquor is to be
6 sold then AS 04.10.440 applies.

7 * Sec. 3. AS 04.10.440 is amended to read:

8 Sec. 04.10.440. CONSENT OF RESIDENTS OUTSIDE INCORPORATED CITIES.
9 No new license for the sale of intoxicating liquor may be issued under
10 this title in areas outside incorporated cities unless a petition con-
11 taining signatures of a majority of the bona fide residents residing
12 within one mile of the place where intoxicating liquor is to be sold,
13 and over the age of 21 [19] years, is filed with the board asking that a
14 license be issued within the [SAID] area. The board may not require the
15 petition for a reissuance of the license.

16 * Sec. 4. AS 04.15.020(a) is amended to read:

17 (a) Sale to minors or intoxicated persons. It is unlawful to
18 give, barter or sell any intoxicating liquors, including beer and wine,
19 to a person under the age of 21 [19] years or to an intoxicated person,
20 and it is unlawful for a licensee to permit the giving, selling, barter-
21 ing or drinking of any intoxicating liquor within the premises covered
22 by a license to or by either of the forbidden classes, nor shall the
23 licensee permit the drinking of hard or distilled liquors by any person
24 upon the premises covered by his license, unless it is permitted under
25 the classification of his license.

26 * Sec. 5. AS 04.15.020(d) is amended to read:

27 (d) Presence of minors on premises. It is unlawful for a person
28 under the age of 21 [19] years to enter or remain upon licensed premises
29 unless he is accompanied by his parent, guardian or spouse who has

1 attained the age of 21 [19] years. A person under the age of 21 [19]
2 years may enter and remain upon licensed premises which are also recog-
3 nized as a restaurant for the purpose of dining or dancing if accom-
4 panied by his parent, guardian, or spouse who has attained the age of 21
5 [19] years, or by the parent or guardian of any other minor also present,
6 or by any other adult with the consent of the minor's parent or guar-
7 dian. The Alcoholic Beverage Control Board, with the approval of the
8 city council if the premises are within the city or with the approval of
9 the borough assembly if the premises are outside the city but within a
10 borough, shall designate which premises are restaurants for the purposes
11 of this section. Licensed premises are premises holding licenses under
12 AS 04.10.020(a) - 04.10.020(d). The Alcoholic Beverage Control Board
13 shall promulgate regulations for the designation of restaurants and the
14 continuation or withdrawal of the designation. No establishment may be
15 designated as a restaurant for purposes of dining without the consent of
16 the licensee.

17 * Sec. 6. AS 04.15.060 is amended to read:

18 Sec. 04.15.060. PURCHASE BY MINORS. (a) It is unlawful for a
19 person under the age of 21 [19] years to solicit the purchase of or in
20 any other way to attempt to purchase or otherwise secure any intoxicat-
21 ing liquor. A person violating the provisions of this section is guilty
22 of a misdemeanor, and upon conviction is punishable as provided in
23 AS 04.15.100.

24 (b) A person who influences or attempts to influence the sale,
25 giving or serving of intoxicating liquor to a person under 21 [19] years
26 of age, by misrepresenting the age of that person, or who orders, re-
27 quests, receives, or procures intoxicating liquor from a licensee,
28 employee, or other person, for the purpose of selling, giving, or serv-
29 ing it to a person under 21 [19] years of age, is guilty of a misde-

1 meanor.

2 (c) A person under the age of 21 [19] years who enters a licensed
3 premises where intoxicating liquor is sold and who offers or presents to
4 a licensee or his employee a fraudulent or false certificate of birth or
5 other written evidence of age, which is not actually his or her own, or
6 who otherwise misrepresents his or her age, for the purpose of inducing
7 the licensee or his employee to sell, give, serve, or furnish intoxicat-
8 ing liquor contrary to law, is guilty of a misdemeanor.

9 (d) A licensee or his employee who questions, or has reason to
10 question, whether a person entering upon licensed premises, or ordering,
11 purchasing, attempting to purchase or otherwise procuring or attempting
12 to procure the serving or delivery of intoxicating liquor, has attained
13 the age of 21 [19] years, shall require that person to sign a statement
14 that he is over the age of 21 [19] years. This statement shall be made
15 upon a form prepared by and furnished to the licensee by the board. If
16 a licensee, or his employee, in good faith, secures the signed statement
17 he is not subject to criminal prosecution for violation of the provi-
18 sions of [SUBSECTIONS] (b) and (c) of this section.

19 (e) A licensee, or his employee, who allows to remain upon li-
20 censed premises where intoxicating liquor is sold, a person under the
21 age of 21 [19] years not in company of his parent or legal guardian or
22 spouse who has attained the age of 21 [19] years, or sells, gives or
23 serves intoxicating liquor to a person under the age of 21 [19] years
24 without having procured the signature of the person upon a statement as
25 provided in this section, or who knowingly sells, gives, or serves
26 intoxicating liquor to or allows the person to remain on licensed pre-
27 mises where intoxicating liquor is sold, is guilty of a misdemeanor.

28 * Sec. 7. AS 04.15.065 is amended to read:

29 Sec. 04.15.065. DRIVER'S LICENSE AS PROOF OF AGE. A valid Alaska

1 driver's license or an identification card issued under AS 18.65.310(a)
2 is acceptable as proof of age when used for identification in the pur-
3 chase of liquor and for presence in establishments where liquor is sold
4 if the license or identification card is made of or encased in plastic
5 and contains a photograph of the license holder and a statement of his
6 age or date of birth. The liquor licensee may not be held liable for
7 any of the penalties imposed for serving minors or permitting minors on
8 the premises when such a driver's license or identification card indi-
9 cates that the owner and possessor of the license is 21 [19] years of
10 age or over.

11 * Sec. 8. AS 04.15.080(a) is amended to read:

12 Sec. 04.15.080. GIVING OF INTOXICATING LIQUOR TO PERSONS UNDER THE
13 AGE OF 21 [19] YEARS. (a) A person or firm, company, corporation or an
14 employee thereof who sells, barter, gives or delivers to a person under
15 the age of 21 [19] years, any intoxicating liquor is guilty of a mis-
16 demeanor, and upon conviction is punishable by imprisonment of not more
17 than one year, or by a fine of not more than \$500, or by both.