

Introduced: 3/4/82
Referred: State Affairs and
Judiciary

BY THE RULES COMMITTEE
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 833

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring a license to purchase alcoholic
7 beverages; 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. 04.16.015. LICENSE TO PURCHASE ALCOHOLIC BEVERAGES REQUIRED.

11 (a) A person may not sell or offer for sale an alcoholic beverage to a
12 resident of the state unless the resident is licensed under AS 08.18.010
13 to purchase alcoholic beverages.

14 (b) A person may not sell or offer to sell an alcoholic beverage
15 to a nonresident of the state if the person knows that the nonresident
16 has been physically present in the state for more than 90 days.

17 * Sec. 2. AS 04 is amended by adding a new chapter to read:

18 CHAPTER 18. LICENSE TO PURCHASE ALCOHOLIC BEVERAGES.

19 Sec. 04.18.010. DUTIES OF THE DEPARTMENT. The Department of
20 Public Safety shall

21 (1) issue licenses under this chapter;

22 (2) notify each person licensed under AS 04.11.090, 04.11.100,
23 04.11.110, 04.11.150, 04.11.180, 04.11.190, 04.11.210, 04.11.220,
24 04.11.230, 04.11.240, or 04.11.250 of the name and resident address of
25 each person who has his license to purchase alcoholic beverages canceled,
26 suspended or revoked;

27 (3) adopt regulations necessary to carry out the purposes of
28 this chapter.

29 Sec. 04.18.020. LICENSE TO PURCHASE ALCOHOLIC BEVERAGES. (a)

1 Except as provided in (b) of this section a person who purchases alco-
2 holic beverages is required to have in his possession a valid license to
3 purchase alcoholic beverages issued under this chapter.

4 (b) A person who is not a resident of the state may purchase
5 alcoholic beverages without a license issued under this chapter for a
6 period of 90 days after entry into the state. A nonresident purchasing
7 alcoholic beverages after the 90-day grace period established by this
8 subsection is required to obtain and have in his possession a license to
9 purchase alcoholic beverages.

10 Sec. 04.18.030. APPLICATION FOR LICENSE. (a) Application for a
11 license to purchase alcoholic beverages must be made on a form furnished
12 by the department. The application shall

13 (1) contain the applicant's name, date and place of birth,
14 and mailing and residence addresses;

15 (2) state whether a license to purchase alcoholic beverages
16 issued to the applicant has ever been canceled, suspended, or revoked,
17 or whether an application for a license has ever been denied and, if so,
18 the reason for the cancellation, suspension, revocation, or denial; and

19 (3) contain other information that the department may require
20 to determine the applicant's identity and eligibility for licensure.

21 (b) An application for a license to purchase alcoholic beverages
22 must be accompanied by a \$5 application fee.

23 (c) A person may apply for a new license under this section if a
24 license expires or is canceled, lost, or destroyed.

25 Sec. 04.18.040. EXPIRATION OF LICENSE. A license to purchase
26 alcoholic beverages expires on the licensee's date of birth in the fifth
27 year following issuance of the license.

28 Sec. 04.18.050. LICENSE TO BE EXHIBITED. A person buying an
29 alcoholic beverage shall allow the following persons to inspect his

1 license to purchase alcoholic beverages:

2 (1) a person from whom the licensee is purchasing the
3 beverage; or

4 (2) a peace officer.

5 Sec. 04.18.060. RECORDS. (a) The department shall maintain a
6 record of

7 (1) applications received for a license to purchase alcoholic
8 beverages;

9 (2) every license to purchase alcoholic beverages issued;

10 (3) every license to purchase alcoholic beverages that has
11 been suspended, revoked, or denied and the reasons for those actions;

12 (4) other information necessary to carry out the purposes of
13 this chapter.

14 (b) The records maintained under this section are confidential,
15 they are not a public record and are not subject to inspection or dis-
16 closure under AS 09.25.110 or 09.25.120.

17 Sec. 04.18.070. COURT REPORTS TO DEPARTMENT. (a) A court that
18 convicts a person of violating this chapter or a regulation adopted
19 under this chapter, driving while intoxicated, refusing to submit to a
20 blood or breath test under AS 28.35, or an offense under AS 11.41 shall
21 forward a record of the conviction to the department.

22 (b) In connection with an offense listed in (a) of this section a
23 conviction on a plea of nolo contendere accepted by the court or a for-
24 feiture of bail or collateral deposited to secure a defendant's appear-
25 ance in court that has not been vacated is equivalent to a conviction for
26 purposes of this section.

27 Sec. 04.18.080. POINT SYSTEM. (a) The department shall adopt
28 regulations establishing a uniform system for the suspension, revocation
29 or denial of a license to purchase alcoholic beverages by assigning

1 demerit points for convictions reported under AS 04.18.070. The regula-
2 tions shall include a designated level of point accumulation that identi-
3 fies persons who are habitually reckless or negligent in the use of
4 alcoholic beverages or who through frequent convictions reported under
5 AS 04.18.070 evidence a disregard for the safety of other persons.

6 (b) Notice of each assessment of points may be given and notice
7 shall be given when the point accumulation reaches 50 percent of the
8 number at which suspension, revocation, or denial of a license to pur-
9 chase alcoholic beverages is required.

10 (c) The department shall adopt regulations establishing a uniform
11 system for the reduction of points based on periods of time within which
12 no additional points are accumulated by a licensee.

13 Sec. 04.18.090. CANCELLATION, SUSPENSION, REVOCATION, AND DENIAL
14 OF A LICENSE. (a) The department shall cancel a license to purchase
15 alcoholic beverages upon determination that

16 (1) the licensee failed to give the required or correct
17 information in his application; or

18 (2) the license was obtained fraudulently.

19 (b) The department shall suspend, revoke, or deny a license to
20 purchase alcoholic beverages of a person who exceeds the point accumula-
21 tion permitted under AS 04.18.080. Suspension, revocation, or denial of
22 a license may not be for more than one year.

23 (c) When the department proposes to take action under (b) of this
24 section, it shall notify the licensee or applicant that the proposed
25 action shall become effective 30 days from the date of the notice. The
26 licensee or applicant has the right within the 30-day period to make an
27 oral or written answer in which he may controvert any point in issue and
28 he may present evidence and arguments for the consideration of the
29 department pertinent to the action proposed to be taken. Upon receipt

1 of the answer the department shall make findings on the matter and shall
2 notify the licensee or applicant of its decision by registered mail. If
3 the department's decision is to take the proposed action, the department
4 shall notify the licensee or applicant of his opportunity for a hearing
5 under AS 04.18.100.

6 Sec. 04.18.100. HEARING AND REVIEW. (a) Before the department
7 may suspend, revoke, or deny a license to purchase alcoholic beverages,
8 the licensee or applicant shall be given an opportunity for an adminis-
9 trative hearing conducted by the department under regulations of the
10 department governing practice and procedure consistent with due process
11 of law. A hearing shall be informal, but the person who requests a
12 hearing may retain an attorney. In making a determination, the hearing
13 officer must state the reasons for his determination and indicate the
14 evidence relied on. If warranted the hearing officer may order the
15 department to suspend, revoke, or deny the license or adjust the
16 person's point accumulation under AS 04.18.080.

17 (b) A person aggrieved by a decision of a hearing officer may
18 within 30 days initiate a proceeding in district court to rescind the
19 department's action by filing a notice of appeal. The court shall
20 conduct a hearing de novo. The action of the department suspending,
21 revoking, or denying a license is stayed and does not take effect during
22 the pendency of an appeal.

23 Sec. 04.18.110. VIOLATION. Violation of this chapter or a regula-
24 tion adopted under this chapter is a class B misdemeanor.

25 Sec. 04.18.120. DEFINITION. In this chapter "department" means
26 the Department of Public Safety.

27 * Sec. 3. This Act takes effect July 1, 1982.
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