

Offered: 5/4/89
Referred: Finance

6-0437D

Original sponsors: Binkley, Adams,
Zharoff, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 175 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act requiring the holder of a license or permit
7 related to selling or serving alcohol to post signs
8 warning patrons that consumption of alcohol during
9 pregnancy can cause birth defects."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 04.16.180(a) is amended to read:
12 (a) Except as provided in AS 04.11.015, [AND] AS 04.16.200 -
13 04.16.210, and AS 04.21.065, a person who violates a provision of this
14 title or a regulation adopted by the board is guilty, upon conviction,
15 of a class A misdemeanor. Each violation is a separate offense.
16 * Sec. 2. AS 04.21 is amended by adding a new section to read:
17 Sec. 04.21.065. POSTING OF WARNING SIGNS. (a) A holder of one
18 of the following types of licenses or permits shall post on the li-
19 censed or designated premises a warning sign or signs as described in
20 (b) of this section:
21 (1) beverage dispensary license;
22 (2) restaurant or eating place license;
23 (3) club license;
24 (4) brewery license; this paragraph applies only to a
25 brewery that permits a person to sample portions of the brewery's
26 product;
27 (5) package store license;
28 (6) common carrier dispensary license;
29 (7) recreational site license;

1 (8) community liquor license;
2 (9) pub license;
3 (10) winery license; this paragraph applies only to a winery
4 that permits a person to sample portions of the winery's product;
5 (11) caterer's permit;
6 (12) special events permit;
7 (13) conditional contractor's permit;
8 (14) another license or permit issued by the board authoriz-
9 ing consumption of alcoholic beverages.

10 (b) A warning sign required by (a) of this section must be at
11 least 11 inches by 14 inches. The sign must read "WARNING: Drinking
12 alcoholic beverages such as beer, wine, wine coolers, and distilled
13 spirits during pregnancy can cause birth defects." The license or
14 permit holder shall display the signs in a manner that will make them
15 conspicuous to a person purchasing or consuming alcoholic beverages on
16 the licensed or designated premises.

17 (c) The board shall furnish a sign required under this section
18 to a person who requests it with the intention of displaying it.

19 (d) A peace officer may issue a citation for a violation of this
20 section. The provisions of AS 12.25.180(b) and 12.25.190 - 12.25.230
21 apply to the issuance of a citation under this subsection.

22 (e) An employee of the board designated by the board to enforce
23 this section may issue a citation for a violation of this section
24 regardless of whether the violation was committed in the employee's
25 presence. A citation issued under this subsection must be in the same
26 form and shall be processed in the same manner as a citation issued by
27 a peace officer under (d) of this section. An employee of the board
28 may not arrest a person for a violation of this section.

29 (f) A holder of a license or permit who violates this section is

1 guilty of a violation as defined in AS 11.81.900(b) and upon conviction
2 tion is punishable by a fine of not less than \$20 nor more than \$300.
3 Each day a violation continues after a citation for the violation has
4 been issued constitutes a separate violation.

5 (g) The supreme court shall establish a schedule of bail amounts
6 for violations of this section. The bail amount may not exceed the
7 maximum fine that may be imposed for the violation under (f) of this
8 section. The bail amount for a violation must appear on the citation.

9 (h) A person cited for a violation under this section may,
10 within 15 days after the date of the citation, mail or personally
11 deliver to the clerk of the court in which the citation is filed

12 (1) the amount of bail indicated on the citation for the
13 violation; and

14 (2) a copy of the citation indicating that the right to an
15 appearance is waived, a plea of no contest is entered, and the bail is
16 forfeited.

17 (i) When bail has been forfeited under (h) of this section, a
18 judgment of conviction shall be entered. Forfeiture of bail is a
19 complete satisfaction for the violation. The clerk of the court
20 accepting the bail shall provide the violator with a receipt stating
21 that fact.

22 (j) If the person cited fails to pay the bail amount established
23 under (g) of this section or to appear in court as required, the
24 citation is considered a summons for a misdemeanor.

25 (k) The board or any affected party may institute an action in
26 the superior court to enjoin repeated violations of this section.

27 (1) Notwithstanding AS 04.11.370, the board is not required to
28 suspend or revoke a license or permit for a violation of this section;
29 however, the board may consider a violation of this section when

1 determining under AS 04.11.370(2) whether continuation of activities
2 authorized under a license or permit would be in the best interests of
3 the public.

4 * Sec. 3. AS 12.25.190(c) is amended to read:

5 (c) The person cited for the crime shall give a written promise
6 to appear in court by signing at least one copy of the written cita-
7 tion prepared by the peace officer and the officer shall deliver a
8 copy of the citation to the person. The written promise requirement
9 of this subsection does not apply to motor vehicle and traffic cita-
10 tions for which a bail or fine schedule has been established under
11 AS 28.05.191, fish and game citations for which a bail schedule has
12 been established under AS 16.05.165, citations issued under AS 04.21.-
13 065, citations issued under AS 18.35.341, citations issued in state
14 park and recreational facilities under AS 41.21.960, or littering
15 citations issued under AS 46.06.080.