

**HB**

**214**





# REPRESENTATIVE KEVIN MEYER

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## HOUSE DISTRICT 19

### Sponsor Statement

#### HB 214

**“An Act relating to a civil action against a person under 21 years of age who enters premises where alcohol is sold or consumed.”**

HB 214 allows bar and liquor store owners, or any alcohol licensee, to bring a civil suit against a minor if they are caught on their licensed premises, or attempting to enter in violation of the law. This is in addition to the *criminal* penalty state law allows for minors on licensed premises. Currently, the criminal penalty is a Class A misdemeanor, which carries a maximum fine up to \$5,000 and up to one year in jail.

This legislation mirrors an ordinance passed in 1998 by the Municipality of Anchorage. The ordinance was well-supported by the alcohol industry. Local establishments have been successful in using the ordinance to deter underage drinking.

HB 214 provides an incentive for owners and employees who sell alcoholic beverages to check IDs carefully. If a minor is found to be on the premises or attempting to gain access, the licensed owner can bring a civil suit against the minor. If a judgement is entered in favor of the licensee, payment of civil fines can be taken from the minor's Permanent Fund Dividends (PFD).

In addition, HB 214 requires a licensee to post a new kind of warning sign at each entrance of the licensed premises. The sign must warn that a person under 21 years of age, who enters the licensed premises, is in violation of the law, and could be liable for damages in the amount of \$1,000.

With the increasing measures of civil liability, additional warnings, and possible garnishment of a minor's PFD, we are sending a powerful message to young people under age 21 that we are not going to tolerate using fake IDs and other creative ways to get around the law. It also gives licensees and their employees more incentive to stop minors from gaining access to alcoholic beverages.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 214  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Civil Action Against Minors in Bars BRU: ABC Board  
 Component: ABC Board  
 Sponsor: Representative Meyer  
 Requester: House Labor and Commerce Component Number: 100

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation would allow alcoholic beverage licensees to bring civil actions against persons under 21 years of age who enter their premises in violation of AS 04.16.049. The legislation specifies a penalty of \$1,000, plus reasonable attorney costs.

This legislation would have no fiscal impact on the Alcoholic Beverage Control Board.

Prepared by: Doug Griffin, Executive Director Phone 269-0350  
 Division: Alcoholic Beverage Control Board Date/Time April 9, 2001, 1 p.m.  
 Approved by: Larry Persily, Deputy Commissioner Date 04/09/2001  
 Agency: Department of Revenue

For distribution information, call the Governor's Legislative Office

**Sec. 04.16.049. Access of persons under the age of 21 to licensed premises.**

(a) A person under the age of 21 years may not knowingly enter or remain in premises licensed under this title unless

(1) accompanied by a parent, guardian, or spouse who has attained the age of 21 years;

(2) the person is at least 16 years of age, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining; or

(3) the person is under the age of 16 years, is accompanied by a person over the age of 21 years, the parent or guardian of the underaged person consents, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining.

(b) Notwithstanding (a) of this section, a licensee or an agent or employee of the licensee may refuse entry to a person under the age of 21 years to that part of licensed premises in which alcoholic beverages are sold, served, or consumed, may refuse service to a person under the age of 21 years, or may require a person under the age of 21 years to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

(c) Notwithstanding any other provision in this section, a person between 16 and 19 years of age may enter and remain within the licensed premises of a hotel, restaurant, or eating place in the course of employment if (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages; (2) the person has the written consent of a parent or guardian; and (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development. The board, with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurants, or eating places for the purposes of this subsection.

(d) Notwithstanding any other provision in this section, a person 19 or 20 years of age may be employed within the licensed premises of a hotel, restaurant, or eating place, may enter and remain within those premises for the purpose of employment, but may not in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

(§ 3 ch 131 SLA 1980; am § 16 ch 28 SLA 1981; am §§ 4 - 7 ch 109 SLA 1983)

**Revisor's notes.** In 1999, "Department of Labor" was changed to "Department of Labor and Workforce Development" in subsection (c) in accordance with § 90, ch. 58, SLA 1999.

**NOTES TO DECISIONS**

**Cited in** *Wike v. State*, 623 P.2d 356 (Alaska Ct. App. 1981); *M.O.W. v. State*, 645 P.2d 1229 (Alaska Ct. App. 1982).

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Number Of Pages: (Including Cover Sheet)	<b>1</b>	Facsimile	Date:	<b>4-3-01</b>
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March 28, 2001

**Brown Jug, Inc.**

ALASKA'S RETAILER OF FINE WINES, SPIRITS, AND BEER  
4140 Old Seward Hwy.  
P. O. Box 190027  
Anchorage, Alaska 99519-0027  
(907) 563-3815 Ext. 225  
Fax (907) 562-3008  
Home (907) 258-4483  
Cellular 240-1818

Representative Kevin Meyer  
Alaska State Capitol, Room 110  
Juneau, Alaska 99801-1182

Ed O'Neill  
Vice-Chairman

Office/eoneill@brownjug.alaska.net  
Home/edoncil@gci.net

Dear Representative Meyer:

I am writing in support of HB 214 which allow stores like Brown Jug to bring civil action against minors who come on to our property and attempt to buy alcoholic beverages in violation of the law.

Anchorage passed a similar ordinance in 1998 that seems to be working very well. I know our store has seen a reduction in the number of minors who come in to our stores and attempt to use fake IDs in order to buy alcohol. Because we split any judgements won 50/50 with our employees, they have an added incentive to catch minors trying to buy alcohol.

When a minor risks paying \$1,000.00 to the very store they are trying to fool - often a judgement against their permanent fund dividend - it *does* seem to deter some of them from making that attempt.

I appreciate the opportunity to comment on this legislation and laud your attempts to keep youth under the age of 21 from drinking.

Sincerely,

Mr. Lowell Shinn  
Ed O'NEILL  
Brown Jug Warehouse Store  
4140 Old Seward Highway  
Anchorage, Alaska 99503-6053  
907-563-3815 Fax 907-562-3008

I WELCOME ANY  
QUESTIONS ON THIS  
VERY EFFECTIVE  
CIVIL ACTION AT 563-3817 X 225 !



Alaska Restaurant & Beverage Association

330 E. 4th Avenue, Suite 201 • Anchorage, Alaska 99501 • Phone (907) 929-4242 • Fax (907) 222-2995

April 6, 2001

Representative Kevin Meyer  
House District 19  
716 W. 4<sup>th</sup> Avenue  
Anchorage, AK 99501-2133

Dear Representative Meyer,

This is to convey our supports of HB 214 which mirrors an Anchorage Municipal ordinance that allows any licensed beverage operation to bring a civil suit against a minor if they are caught on, or are attempting to enter, their licensed premises in violation of the law. Members of the Alaska Restaurant & Beverage Association, such as Mike Gordon of Chilkoot Charlies, have indicated to us that this ordinance serves as a great deterrence for minors considering entering bars and liquor stores. Anchorage establishments that are bringing civil suites against minors who violate the law, have seen a dramatic decrease in the number of these incidents.

The word gets out quickly that there are cash consequences if minors are caught using fake ID's or other creative ways to enter a licensed beverage operation in violation of the law, and they elect to stay away altogether. The \$1,000 penalty also provides additional incentive to employees of licensed beverage operations to check ID's and to identify fake ID's used by minors.

HB 214 will allow the success of the Anchorage ordinance to work across the state. Thanks for your great work in making this possible.

Sincerely,

A handwritten signature in cursive script that reads "Karen R. Rogina".

Karen R. Rogina  
Executive Vice President