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Senate BILL NO. *52*
Thissen Related Turnage
STEPHENS *Dear* *Bill Nelson*

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE AGE REQUIREMENT FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGE TO NINETEEN (19) YEARS OF AGE; AMENDING SECTIONS 4-161, 4-330, 4-337, 4-413, 4-439, 4-502, 4-504, 4-506, 11-1602, 41-1135, 41-1136, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 4-161, R.C.M. 1947, is amended to read as follows:

"4-161. Age limit for sale of liquor. Except in the case of liquor given to a person under the age of ~~eighteen~~ nineteen (19) years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply liquor to any person under the age of ~~eighteen-(18)~~ nineteen (19) years, or permit any person under that age to consume liquor."

Section 2. Section 4-330, R.C.M. 1947, is amended to read as follows:

"4-330. Purchase of beer by retailer--persons to whom

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beer may not be sold, delivered or given by brewers, wholesalers or retailers. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this act.

It shall be unlawful for any brewer, wholesaler or retailer, his or her employee or employees to sell, deliver or give away, or cause or permit to be sold, delivered or given away, any beer to:

1. Any person under the age of ~~eighteen--(18)~~ nineteen (19) years;
2. Any intoxicated person or any person actually, apparently or obviously intoxicated;
3. An habitual drunkard; or
4. An interdicted person.

Any brewer, wholesaler or retailer violating any of the provisions of this section, shall upon conviction thereof be subject to the penalties provided for in section 4-305 of the Montana Beer Act, and in addition thereto the license of any such brewer, wholesaler or retailer shall, in the discretion of the board, be immediately revoked, or said license may be suspended for a period of not more than three (3) months. Any minor or other person who knowingly misrepresents his or her qualifications for the purpose of obtaining beer from any licensee shall be equally guilty

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1 with said licensee and shall, upon conviction thereof, be
 2 subject to the penalty provided in section 4-305 of the
 3 Montana Beer Act."

4 Section 3. Section 4-337, R.C.M. 1947, is amended to
 5 read as follows:

6 "4-337. Railroad car or carrier's license--application
 7 for and issuance of license--inspection--sale to persons
 8 under ~~eighteen--(18)~~ nineteen (19) years of age or disorderly
 9 person. Any person maintaining or operating any railroad car
 10 or train as a common carrier for the transportation of
 11 passengers, or any other person operating a buffet or dining
 12 car for any common carrier, desiring to sell beer under the
 13 provisions of this act, shall first apply to the board for a
 14 permit so to do, accompanying the application with the
 15 license fee herein prescribed. Upon being satisfied from
 16 said application or otherwise that the applicant is
 17 qualified under the provisions of this act, the board shall
 18 issue a license for the sale of beer by such person, which
 19 shall at all times be prominently displayed in the car,
 20 operated by the applicant, wherein beer or malt liquors are
 21 served. The board shall have the right at any time to make
 22 an inspection of the train or cars operated by any railway
 23 company in this state, to ascertain whether this act is
 24 being strictly complied with, and if not, the board is
 25 authorized and empowered to cancel such license, after which

1 the sale of any beer or malt liquors by any such common
 2 carrier, or other person operating buffet or dining car for
 3 such common carrier, shall be unlawful and subject to the
 4 penalties herein prescribed. And it shall be unlawful for
 5 any such common carrier, or other person operating buffet or
 6 dining car for such common carrier, to sell beer or malt
 7 liquors to any person under the age of ~~eighteen--(18)~~
 8 nineteen (19) years or who may appear to be in an
 9 intoxicated or disorderly condition."

10 Section 4. Section 4-413, R.C.M. 1947, is amended to
 11 read as follows:

12 "4-413. Persons to whom liquor may not be sold or
 13 given. No licensee or his or her employee or employees, nor
 14 any other person, shall sell, deliver, or give away or cause
 15 or permit to be sold, delivered or given away any liquor,
 16 beer or wine to:

- 17 1. Any person under the age of ~~eighteen--(18)~~ nineteen
 18 (19) years.
- 19 2. Any intoxicated person or any person actually,
 20 apparently or obviously intoxicated.
- 21 3. A habitual drunkard.
- 22 4. An interdicted person.
- 23 5. Any minor, or other person who knowingly
 24 misrepresents his or her qualifications for the purpose of
 25 obtaining liquor, beer or wine from such licensee shall be

1 equally guilty with said licensee and shall, upon conviction
2 thereof, be subject to the penalty provided in section 4-439
3 provided, however, that nothing herein contained shall be
4 construed as authorizing or permitting the sale of liquor,
5 beer or wine to any person in violation of any federal law."

6 Section 5. Section 4-439, R.C.M. 1947, is amended to
7 read as follows:

8 "4-439. Penalty for violating act--revocation of
9 license. Any person violating any of the provisions of this
10 act, shall upon conviction thereof, be deemed guilty of a
11 misdemeanor and punishable by such fine or imprisonment, or
12 both, as provided by law, except as is herein otherwise
13 provided. If any such licensee is convicted of any offense
14 under this act his license shall be immediately revoked, or
15 in the discretion of the board suspended temporarily for a
16 time to be determined by the board. Further, if any person
17 under the age of ~~eighteen--(18)~~ nineteen (19) is convicted of
18 an offense under this act he shall be subject to a one
19 hundred dollar (\$100) fine or thirty (30) days in
20 confinement. It shall be further mandatory under the
21 provisions of this act that all such licensees display in a
22 prominent place in his premises a placard as issued by the
23 board stating fully the consequences for violations by
24 persons under the age of ~~eighteen--(18)~~ nineteen (19) years
25 of the provisions of this act.

1 Any person who invites a person under the age of
2 ~~eighteen--(18)~~ nineteen (19) years into a public place where
3 liquor is sold and treats, gives or purchases liquor for
4 such person, or permits such person in a public place where
5 liquor is sold to treat, give or purchase liquor for him, or
6 holds out such person to be over the age of ~~eighteen--(18)~~
7 nineteen (19) years to the owner of the liquor
8 establishment, or his or her employee or employees, shall be
9 guilty of a misdemeanor."

10 Section 6. Section 4-502, R.C.M. 1947, is amended to
11 read as follows:

12 "4-502. Identification card--form. Any person who
13 desires to procure any beer and/or liquor from any vendor or
14 licensee may, for the purpose of aiding such vendor or
15 licensee to determine whether or not such person is at least
16 ~~eighteen--(18)~~ nineteen (19) years of age, be required to
17 complete and sign an identification card, which shall be in
18 substantially the following form:

19 ALCOHOLIC BEVERAGES IDENTIFICATION CARD

20 This card if properly completed and signed may be accepted
21 by the vendor or licensee named below for the purpose of
22 establishing the legal age of the person designated who
23 desires to purchase alcoholic beverages.

24 Complete Two or More of the Following:

25 Social Security Card No.; Issued at Date

1 Birth Certificate issued at; Date of Birth Draft
 2 Card issued at; Date of birth Discharge Papers:
 3 Service; Issued at

4 Date of birth

5 Military Identification Card or Pass: Service; Issued
 6 at Date Age Shown Driver's License: Date
 7; Issued at;

8 Age Shown

9 I hereby represent to that I am over the age of
 10 ~~eighteen-~~18~~~~ nineteen (19) years, having been born on the
 11 day of, 19.., at, and this statement is made
 12 for the purpose of establishing my age in order to obtain
 13 service of alcoholic beverages with the full knowledge that
 14 I am subject to fine and/or imprisonment, for any
 15 misrepresentation made herein. I have submitted the
 16 documents and papers checked on this card, and the person to
 17 whom submitted has compared the signatures thereon and has
 18 also compared the descriptions on said documents with my
 19 physical characteristics. (Witness) (Signature)
 20 (Address) (Address) The Montana liquor control
 21 board shall cause to be printed and distributed upon request
 22 to vendors and licensees blank forms of the identification
 23 card herein prescribed."

24 Section 7. Section 4-504, R.C.M. 1947, is amended to
 25 read as follows:

1 "4-504. License of licensee not to be revoked or
 2 suspended for selling to minor when identification card
 3 properly completed, signed and filed. The license of any
 4 licensee in possession of an identification card properly
 5 completed, signed and filed as provided in this act shall
 6 not be suspended or revoked for selling beer and/or liquor
 7 to a person under the age of ~~eighteen--~~18~~~~ nineteen (19)
 8 years who has presented such identification card at the time
 9 of purchase and delivered the same for filing as herein
 10 provided."

11 Section 8. Section 4-506, R.C.M. 1947, is amended to
 12 read as follows:

13 "4-506. All persons attaining the age of ~~eighteen-~~18~~~~
 14 nineteen (19) years may apply to the county clerk and
 15 recorder for an identification card. All persons attaining
 16 the age of ~~eighteen-~~18~~~~ nineteen (19) years may apply to
 17 the county clerk and recorder of the county in which the
 18 applicant resides for an identification card which shall
 19 prima facie establish that the applicant has reached the age
 20 of ~~eighteen-~~18~~~~ nineteen (19) years."

21 Section 9. Section 11-1602, R.C.M. 1947, is amended to
 22 read as follows:

23 "11-1602. Jurisdiction of police courts. The police
 24 court has concurrent jurisdiction with the justice of the
 25 peace of the following public offenses committed within the

1 county:

2 (1) Theft where the value of the stolen property does
3 not exceed one hundred fifty dollars (\$150).

4 (2) Assault and battery, not charged to have been
5 committed upon a public officer in the discharge of his
6 official duty, or with intent to kill.

7 (3) Breaches of the peace, riots, affrays, committing
8 willful injury to property, and all misdemeanors punishable
9 by fine not exceeding five hundred dollars (\$500), or by
10 imprisonment not exceeding six (6) months, or by both fine
11 and imprisonment.

12 (4) Proceedings respecting vagrants, lewd, or
13 disorderly persons. Such offenses must be prosecuted in the
14 name of the state of Montana.

15 (5) Possession of beer or liquor by persons under the
16 age of ~~eighteen--(18)~~ nineteen (19) years in violation of
17 section 94-35-106.2 [94-5-610].

18 (6) Selling, giving away or disposing of intoxicating
19 liquor to minors in violation of section 94-5-106
20 [94-5-609].

21 The police court shall have no jurisdiction of any
22 civil cause, except as otherwise provided by law."

23 Section 10. Section 41-1135, R.C.M. 1947, is amended
24 to read as follows:

25 "41-1135. Employment of persons under ~~eighteen--(18)~~

1 nineteen (19) as bartenders forbidden. No person under the
2 age of ~~eighteen--(18)~~ nineteen (19) years of age shall be
3 employed as a bartender, waiter, or waitress whose duty is
4 to serve customers purchasing liquors, beer or wines in any
5 establishment which sells liquors, beer or wines at retail."

6 Section 11. Section 41-1136, R.C.M. 1947, is amended
7 to read as follows:

8 "41-1136. Penalty. Any retail vendor of liquors, beer
9 or wines who employs any such person under the age of
10 ~~eighteen--(18)~~ nineteen (19) years is guilty of a
11 misdemeanor."

-End-

STATE OF MONTANA

REQUEST NO. 22-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 11, , 19 75 , there is hereby submitted a Fiscal Note for House Bill 52 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to raise the income ceilings to qualify for Class 8 property classification to \$4800 for a single person and \$6240 for a married couple from \$4000 and \$5200 respectively.

ASSUMPTIONS:

1. Approximately 1300 more individuals would qualify for Class 8 property classification (rather than Class 4) under HB 52.
2. Average market value of Class 8 property is \$12,500 per individual; assessed value is 40% of market value; taxable value is 15% of assessed value (compared to 30% for Class 4). Thus, approximately \$6,500,000 in assessed value of property would be affected and will not change significantly from FY 76 to FY 77.
3. Six mills will be levied for universities in FY 76 and FY 77. As much as 8 mills may be necessary in FY 77 in support of public school permissive levy; local government levy will average 219 mills.

FISCAL IMPACT:

	FY 76 (6 mill state levy)	FY 77 (1) (6 mill state levy)	FY 77 (2) (14 mill state levy)
Property tax collections from affected property under current law	\$ 11,700	\$ 11,700	\$ 27,300
Collections under proposed law	<u>5,850</u>	<u>5,850</u>	<u>13,650</u>
Decrease in collections	<u>\$ 5,850</u>	<u>\$ 5,850⁽¹⁾</u>	<u>\$ 13,650⁽²⁾</u>

CONCLUSION:

Enactment of House Bill 52 would result in a revenue loss to the State of \$11,700 to \$19,500 during the biennium.

LOCAL IMPACT:

Loss of revenue to local governments would be approximately \$427,000 during the biennium (loss of \$975,000 in taxable value statewide - 219 mills for each year). The loss to any one unit of local government would depend on the value of the newly eligible Class 8 property.

Michael G. Paillings
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: January 15, 1975

SECOND READING

MISSING

SENATE BILL NO. 52

INTRODUCED BY THIESSEN, KOLSTAD, TURNAGE,

STEPHENS, ABER, GALT, NELSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE AGE REQUIREMENT FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGE TO NINETEEN (19) YEARS OF AGE; AMENDING SECTIONS 4-161, 4-330, 4-337, 4-413, 4-439, 4-502, 4-504, 4-506, 11-1602, 41-1135, 41-1136, AND 94-5-610, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 4-161, R.C.M. 1947, is amended to read as follows:

"4-161. Age limit for sale of liquor. Except in the case of liquor given to a person under the age of ~~eighteen~~ nineteen (19) years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply liquor to any person under the age of ~~eighteen-(18)~~ nineteen (19) years, or permit any person under that age to consume liquor."

Section 2. Section 4-330, R.C.M. 1947, is amended to read as follows:

"4-330. Purchase of beer by retailer -- persons to whom beer may not be sold, delivered or given by brewers, wholesalers or retailers. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this act.

It shall be unlawful for any brewer, wholesaler or retailer, his or her employee or employees to sell, deliver or give away, or cause or permit to be sold, delivered or given away, any beer to:

- 1. Any person under the age of ~~eighteen-(18)~~ nineteen (19) years;
2. Any intoxicated person or any person actually, apparently or obviously intoxicated;
3. An habitual drunkard; or
4. An interdicted person.

NOTHING IN THIS SECTION PROHIBITS A PERSON UNDER THE AGE OF NINETEEN (19), WHO IS EMPLOYED BY A BREWER, WHOLESALER, OR RETAILER, FROM CARRYING OR TRANSPORTING BEER FOR CUSTOMERS OF THE BREWER, WHOLESALER, OR RETAILER.

Any brewer, wholesaler or retailer violating any of the provisions of this section, shall upon conviction thereof be subject to the penalties provided for in section 4-305 of the Montana Beer Act, and in addition thereto the license of any such brewer, wholesaler or retailer shall, in the

1 discretion of the board, be immediately revoked, or said
 2 license may be suspended for a period of not more than three
 3 (3) months. Any minor or other person who knowingly
 4 misrepresents his or her qualifications for the purpose of
 5 obtaining beer from any licensee shall be equally guilty
 6 with said licensee and shall, upon conviction thereof, be
 7 subject to the penalty provided in section 4-305 of the
 8 Montana Beer Act."

9 Section 3. Section 4-337, R.C.M. 1947, is amended to
 10 read as follows:

11 "4-337. Railroad car or carrier's license --
 12 application for and issuance of license -- inspection --
 13 sale to persons under ~~eighteen-(18)~~ nineteen (19) years of
 14 age or disorderly person. Any person maintaining or
 15 operating any railroad car or train as a common carrier for
 16 the transportation of passengers, or any other person
 17 operating a buffet or dining car for any common carrier,
 18 desiring to sell beer under the provisions of this act,
 19 shall first apply to the board for a permit so to do,
 20 accompanying the application with the license fee herein
 21 prescribed. Upon being satisfied from said application or
 22 otherwise that the applicant is qualified under the
 23 provisions of this act, the board shall issue a license for
 24 the sale of beer by such person, which shall at all times be
 25 prominently displayed in the car, operated by the applicant,

1 wherein beer or malt liquors are served. The board shall
 2 have the right at any time to make an inspection of the
 3 train or cars operated by any railway company in this state,
 4 to ascertain whether this act is being strictly complied
 5 with, and if not, the board is authorized and empowered to
 6 cancel such license, after which the sale of any beer or
 7 malt liquors by any such common carrier, or other person
 8 operating buffet or dining car for such common carrier,
 9 shall be unlawful and subject to the penalties herein
 10 prescribed. And it shall be unlawful for any such common
 11 carrier, or other person operating buffet or dining car for
 12 such common carrier, to sell beer or malt liquors to any
 13 person under the age of ~~eighteen-(18)~~ nineteen (19) years or
 14 who may appear to be in an intoxicated or disorderly
 15 condition."

16 Section 4. Section 4-413, R.C.M. 1947, is amended to
 17 read as follows:

18 "4-413. Persons to whom liquor may not be sold or
 19 given. No licensee or his or her employee or employees, nor
 20 any other person, shall sell, deliver, or give away or cause
 21 or permit to be sold, delivered or given away any liquor,
 22 beer or wine to:

23 1. Any person under the age of ~~eighteen-(18)~~ nineteen
 24 (19) years.

25 2. Any intoxicated person or any person actually,

1 apparently or obviously intoxicated.

2 3. A habitual drunkard.

3 4. An interdicted person.

4 5. Any minor, or other person who knowingly
5 misrepresents his or her qualifications for the purpose of
6 obtaining liquor, beer or wine from such licensee shall be
7 equally guilty with said licensee and shall, upon conviction
8 thereof, be subject to the penalty provided in section 4-439
9 provided, however, that nothing herein contained shall be
10 construed as authorizing or permitting the sale of liquor,
11 beer or wine to any person in violation of any federal law."

12 Section 5. Section 4-439, R.C.M. 1947, is amended to
13 read as follows:

14 "4-439. Penalty for violating act -- revocation of
15 license. Any person violating any of the provisions of this
16 act, shall upon conviction thereof, be deemed guilty of a
17 misdemeanor and punishable by such fine or imprisonment, or
18 both, as provided by law, except as is herein otherwise
19 provided. If any such licensee is convicted of any offense
20 under this act his license shall be immediately revoked, or
21 in the discretion of the board suspended temporarily for a
22 time to be determined by the board. Further, if any person
23 under the age of ~~eighteen-(18)~~ nineteen (19) is convicted of
24 an offense under this act he shall be subject to a one
25 hundred dollar (\$100) fine or thirty (30) days in

1 confinement. It shall be further mandatory under the
2 provisions of this act that all such licensees display in a
3 prominent place in his premises a placard as issued by the
4 board stating fully the consequences for violations by
5 persons under the age of ~~eighteen-(18)~~ nineteen (19) years
6 of the provisions of this act.

7 Any person who invites a person under the age of
8 ~~eighteen-(18)~~ nineteen (19) years into a public place where
9 liquor is sold and treats, gives or purchases liquor for
10 such person, or permits such person in a public place where
11 liquor is sold to treat, give or purchase liquor for him, or
12 holds out such person to be over the age of ~~eighteen-(18)~~
13 nineteen (19) years to the owner of the liquor
14 establishment, or his or her employee or employees, shall be
15 guilty of a misdemeanor."

16 Section 6. Section 4-502, R.C.M. 1947, is amended to
17 read as follows:

18 "4-502. Identification card--form. Any person who
19 desires to procure any beer and/or liquor from any vendor or
20 licensee may, for the purpose of aiding such vendor or
21 licensee to determine whether or not such person is at least
22 ~~eighteen-(18)~~ nineteen (19) years of age, be required to
23 complete and sign an identification card, which shall be in
24 substantially the following form:

25 ALCOHOLIC BEVERAGES IDENTIFICATION CARD

1 This card if properly completed and signed may be accepted
2 by the vendor or licensee named below for the purpose of
3 establishing the legal age of the person designated who
4 desires to purchase alcoholic beverages.

5 Complete Two or More of the Following:
6 Social Security Card No.; Issued at Date
7 Birth Certificate issued at; Date of Birth Draft
8 Card issued at; Date of birth Discharge Papers:
9 Service; Issued at

10 Date of Birth
11 Military Identification Card or Pass: Service; Issued
12 at Date Age Shown Driver's License: Date
13; Issued at;

14 Age Shown

15 I hereby represent to that I am over the age of
16 ~~eighteen--(18)~~ nineteen (19) years, having been born on the
17 day of, 19.., at, and this statement is made
18 for the purpose of establishing my age in order to obtain
19 service of alcoholic beverages with the full knowledge that
20 I am subject to fine and/or imprisonment, for any
21 misrepresentation made herein. I have submitted the
22 documents and papers checked on this card, and the person to
23 whom submitted has compared the signatures thereon and has
24 also compared the descriptions on said documents with my
25 physical characteristics. (Witness) (Signature)

1 (Address) (Address) The Montana liquor control
2 board shall cause to be printed and distributed upon request
3 to vendors and licensees blank forms of the identification
4 card herein prescribed."

5 Section 7. Section 4-504, R.C.M. 1947, is amended to
6 read as follows:

7 "4-504. License of licensee not to be revoked or
8 suspended for selling to minor when identification card
9 properly completed, signed and filed. The license of any
10 licensee in possession of an identification card properly
11 completed, signed and filed as provided in this act shall
12 not be suspended or revoked for selling beer and/or liquor
13 to a person under the age of ~~eighteen-(18)~~ nineteen (19)
14 years who has presented such identification card at the time
15 of purchase and delivered the same for filing as herein
16 provided."

17 Section 8. Section 4-506, R.C.M. 1947, is amended to
18 read as follows:

19 "4-506. All persons attaining the age of ~~eighteen-(18)~~
20 nineteen (19) years may apply to the county clerk and
21 recorder for an identification card. All persons attaining
22 the age of ~~eighteen-(18)~~ nineteen (19) years may apply to
23 the county clerk and recorder of the county in which the
24 applicant resides for an identification card which shall
25 prima facie establish that the applicant has reached the age

1 of ~~eighteen-(18)~~ nineteen (19) years."

2 Section 9. Section 11-1602, R.C.M. 1947, is amended to
3 read as follows:

4 "11-1602. Jurisdiction of police courts. The police
5 court has concurrent jurisdiction with the justice of the
6 peace of the following public offenses committed within the
7 county:

8 (1) Theft where the value of the stolen property does
9 not exceed one hundred fifty dollars (\$150).

10 (2) Assault and battery, not charged to have been
11 committed upon a public officer in the discharge of his
12 official duty, or with intent to kill.

13 (3) Breaches of the peace, riots, affrays, committing
14 willful injury to property, and all misdemeanors punishable
15 by fine not exceeding five hundred dollars (\$500), or by
16 imprisonment not exceeding six (6) months, or by both fine
17 and imprisonment.

18 (4) Proceedings respecting vagrants, lewd, or
19 disorderly persons. Such offenses must be prosecuted in the
20 name of the state of Montana.

21 (5) Possession of beer or liquor by persons under the
22 age of ~~eighteen-(18)~~ nineteen (19) years in violation of
23 section 94-35-106.2 [94-5-610].

24 (6) Selling, giving away or disposing of intoxicating
25 liquor to minors in violation of section 94-5-106

1 [94-5-609].

2 The police court shall have no jurisdiction of any
3 civil cause, except as otherwise provided by law."

4 Section 10. Section 41-1135, R.C.M. 1947, is amended
5 to read as follows:

6 "41-1135. Employment of persons under ~~eighteen-(18)~~
7 nineteen (19) as bartenders forbidden. No person under the
8 age of ~~eighteen--(18)~~ nineteen (19) years of age shall be
9 employed as a bartender, waiter, or waitress whose duty is
10 to serve customers purchasing liquors, beer or wines in any
11 establishment which sells liquors, beer or wines at retail."

12 Section 11. Section 41-1136, R.C.M. 1947, is amended
13 to read as follows:

14 "41-1136. Penalty. Any retail vendor of liquors, beer
15 or wines who employs any such person under the age of
16 ~~eighteen---(18)~~ nineteen (19) years is guilty of a
17 misdemeanor."

18 SECTION 12. SECTION 94-5-610, R.C.M. 1947, IS AMENDED
19 TO READ AS FOLLOWS:

20 "94-5-610. Unlawful possession of intoxicating
21 substance by children. (1) A person who has not reached the
22 age of ~~majority~~ nineteen (19) commits the offense of
23 possession of intoxicating substance if he knowingly has in
24 his possession an intoxicating substance, except a person
25 who has not reached the age of ~~majority~~ nineteen (19) does

1 not commit the offense of possession of an intoxicating
2 substance when in the course of his employment, he bags,
3 carries or transports beer for customers at a grocery store.

4 (2) A person convicted of the offense of possessing an
5 intoxicating substance shall be fined not to exceed fifty
6 dollars (\$50) or be imprisoned in the county jail for any
7 term not to exceed ten (10) days, or both.*

-End-