CHAPTER NO. 186

## SENATE BILL NO. 398

# INTRODUCED BY BOYLAN

# BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

February	7, 1979		Introduced and referred to Committee on Public Health, Welfare, and Safety.
February	15, 1979		Committee recommend bill do pass. Report adopted.
February	16, 1979		Printed and placed on members' desks.
February	17, 1979		Second reading, do pass.
February	19, 1979		Considered correctly engrossed.
February	20, 1979		Third reading, passed. Transmitted to second house.
		IN THE HOUSI	Ε
February	21, 1979		Introduced and referred to Committee on Human Services.
March 5,	1979		Committee recommend bill be concurred in. Report adopted.
March 6,	1979		Second reading, concurred in.
March 8,	1979		Third reading, concurred in.
		IN THE SENA	TE
March 9,	1979		Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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LC 1053/01

Lack BILL ND. 398 Ł INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF REVENUE ٦ 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONFORM CERTAIN 5 LIQUOR LAWS TO THE CONSTITUTIONAL AMENDMENT RAISING THE 6 DRINKING AGE TO 19 YEARS; AMENDING SECTIONS 16-3-301, 7 16-4-401, 16-5-101, 16-6-305, AND 16-6-314, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 16-3-301, MCA, is amended to read: 12 #16-3-301. Unlawful purchases, sales, or deliveries. (1) It shall be unlawful for a licensed retailer to purchase 13 or acquire beer from anyone except a brewer or wholesaler 14 15 licensed under the provisions of this code. (2) It shall be unlawful for any licensee, his or her 16 employee or employees, or any other person to sell, deliver, 17 or give away or cause or permit to be sold, delivered, or 18

19 given away any alcoholic beverage to:

20 (a) any person under the ope of the years of
21 age;

(b) any intoxicated person or any person actually.
apparently, or obviously intoxicated.

24 (3) Any minor person under 19 years of age or other
 25 person who knowingly misrepresents his or her qualifications

1 for the purpose of obtaining an alcoholic beverage from such 2 licensee shall be equally guilty with said licensee and 3 shall, upon conviction thereof, be subject to the penalty 4 provided in 45-5-624; provided, however, that nothing herein 5 contained shall be construed as authorizing or permitting 6 the sale of an alcoholic beverage to any person in violation 7 of any federal law.

6 (4) It shall be further mandatory under the provisions
9 of this code that all licensees display in a prominent place
10 in their premises a placard as issued by the department
11 stating fully the consequences for violations of the
12 provisions of this code by persons under the age of 10 years

### 13 19 years of age."

14 Section 2. Section 16-4-401. MCA. is amended to read: 15 \*16-4-401. License as privilege -- criteria for decision on application. A license under this code is a 16 17 privilege which the state may grant to an applicant and is not a right to which any applicant is entitled. The 18 19 department must find in every case where it makes an order 20 for the issuance of a new license or for the approval of the 21 transfer of a license that:

(1) neither the applicant nor any member of his
immediate family has an ownership interest in any other
establishment licensed under this chapter for all-beverages
sales;

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(2) the applicant or any member of his immediate
 family is without financing from or any affiliation to a
 manufacturer, bottler, or distributor of beer, wine, or
 liquor;

5 (3) the applicant is a resident of the state and is
6 qualified to vote in a state election; end

7 (4) the applicant's past record and present status as 8 a purveyor of alcoholic beverages and as a businessman and 9 citizen demonstrate that he is likely to operate his 10 establishment in compliance with all applicable laws of the 11 state and local governments: <u>and</u>

12 (5) the applicant is not under the age of 19 years." 13 Section 3. Section 16-5-101. MCA, is amended to read: #16-5-101. Proof of age -- identification card. All 14 persons attaining the age of 18 19 years may apply to the 15 county clerk and recorder of the county in which the 16 applicant resides for an identification card which shall 17 prima facie establish that the applicant has reached the age 18 19 of 16 19 years."

20 Section 4. Section 16-6-305, MCA, is amended to read: 21 "16-6-305. Age limit for sale of alcoholic beverages. 22 (1) Except in the case of an alcoholic beverage given to a 23 person under the age of 18-years 19 years of age by his 24 parent or guardian for beverage or medicinal purposes or 25 administered to him by his physician or dentist for

medicinal purposes or sold to him by a vendor or druggist 1 Z upon the prescription of a physician, no person shall sell, give, or otherwise supply an alcoholic beverage to any 3 4 person under the-see-of-16-years 19 years of ace or permit 5 any person under that age to consume an alcoholic beverage. (2) Any person shall be guilty of a misdemeanor who: ٨ (a) invites a person under the age of 10 19 years into 7 8 a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for such 9 10 person: (b) permits such person in a public place where an 11 12 alcoholic beverage is sold to treat, give, or purchase 13 liquor for him; or (c) holds out such person to be over-the-age-of-10 14 15 years 19 years of age or older to the owner of the 16 establishment or his or her employee or employees." 17 Section 5. Section 16-6-314. MCA. is amended to read: \*16-6-314. Penalty for violating code -- revocation of 18 license. Any person violating any of the provisions of this 19 20 code shall, upon conviction thereof, be deemed quilty of a misdemeanor and punishable by such fine or imprisonment, or 21 22 both, as provided in 46-18-212, except as is herein otherwise provided. If any retail licensee is convicted of 23

25 immediately revoked or in the discretion of the department

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any offense under this code, his license shall be

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1 such other sanction imposed as may be authorized under 2 16-4-406. Further, if any person under the--age-of--it 19 3 years of age is convicted of an offense under this code he 4 shall be subject to a \$100 fine or 30 days in confinement."

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# SB 398

46th Legislature

LC 1058/01

Junet BILL NO. 398 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF REVENUE з 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONFORM CERTAIN 5 6 LIQUOR LAWS TO THE CONSTITUTIONAL AMENDMENT RAISING THE DRINKING AGE TO 19 YEARS; AMENDING SECTIONS 16-3-301. 7 16-4-401, 16-5-101, 16-6-305, AND 16-6-314, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 16-3-301, MCA, is amended to read: 12 "16-3-301. Unlawful purchases, sales, or deliveries. (1) It shall be unlawful for a licensed retailer to purchase 13 or acquire beer from anyons except a brewer or wholesaler 14 15 licensed under the provisions of this code. (2) It shall be unlawful for any licensee, his or her 16 employee or employees, or any other person to sell, deliver, 17 18 or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to: 19 (a) any person under the-age-of-la-years 19 years of 20 age: 21 (b) any intoxicated person or any person actually. 22 23 apparently, or obviously intoxicated. 24 (3) Any minor person under 19 years of age or other 25 person who knowingly misrepresents his or her qualifications

1 for the purpose of obtaining an alcoholic beverage from such 2 licensee shall be equally guilty with said licensee and 3 shall+ upon conviction thereof, be subject to the penalty 4 provided in 45-5-624; provided, however, that nothing herein 5 contained shall be construed as authorizing or permitting 6 the sale of an alcoholic beverage to any person in violation 7 of any federal law.

8 (4) It shall be further mandatory under the provisions 9 of this code that all licensees display in a prominent place 10 in their premises a placard as issued by the department 11 stating fully the consequences for violations of the 12 provisions of this code by persons under the age of 18 years

## 13 19 years of age-"

14 Section 2. Section 16-4-401, MCA, is amended to read: 15 =16-4-401. License as privilege -- criteria for 16 decision on application. A license under this code is a 17 privilege which the state may grant to an applicant and is 18 not a right to which any applicant is entitled. The 19 department must find in every case where it makes an order 20 for the issuance of a new license or for the approval of the 21 transfer of a license that:

(1) neither the applicant nor any member of his
immediate family has an ownership interest in any other
establishment licensed under this chapter for all-beverages
sales;

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1 (2) the applicant or any member of his immediate 2 family is without financing from or any affiliation to a 3 manufacturer, bottler, or distributor of beer, wine, or 4 liquor;

5 (3) the applicant is a resident of the state and is
6 qualified to vote in a state election; end

7 (4) the applicant's past record and present status as 8 a purveyor of alcoholic beverages and as a businessman and 9 citizen demonstrate that he is likely to operate his 10 establishment in compliance with all applicable laws of the 11 state and local governments...and

12 151 the applicant is not under the age of 19 years." 13 Section 3. Section 16-5-101, MCA, is amended to read: 14 \*16-5-101. Proof of age -- identification card. All 15 persons attaining the age of 10 19 years may apply to the 16 county clerk and recorder of the county in which the 17 applicant resides for an identification card which shall 18 prime facie establish that the applicant has reached the age 19 of ±8 19 years."

20 Section 4. Section 16-6-305. MCA, is amended to read: 21 \*16-6-305. Age limit for sale of alcoholic beverages. 22 (1) Except in the case of an alcoholic beverage given to a 23 person under the age of 18 years 19 years of age by his 24 parent or guardian for beverage or medicinal purposes or 25 administered to him by his physician or dentist for

1 medicinal purposes or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell. 2 give, or otherwise supply an alcoholic beverage to any 3 person under the cos of lowers 19 years of ace or permit 4 5 any person under that age to consume an alcoholic beverage. 6 (2) Any person shall be guilty of a misdemeanor who: 7 (a) invites a person under the age of 18 19 years into a public place where an alcoholic beverage is sold and 8 9 treats, gives, or purchases an alcoholic beverage for such 10 person; 11 (b) permits such person in a public place where an 12 alcoholic beverage is sold to treat, give, or purchase 13 liquor for himt or 14 (c) holds out such person to be over-the-age-of-18 15 veers 19 years of ace or older to the owner of the 16 establishment or his or her employee or employees." 17 Section 5. Section 16-6-314. MCA. is amended to read: 18 "16-6-314. Penalty for violating code -- revocation of 19 license. Any person violating any of the provisions of this 20 code shall, upon conviction thereof, be deemed quilty of a 21 misdemeanor and punishable by such fine or imprisonment, or 22 both. as provided in 46-18-212, except as is herein 23 otherwise provided. If any retail licensee is convicted of 24 anv offense under this code, his license shall be

25 immediately revoked or in the discretion of the department

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SR 0398/02

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for the purpose of obtaining an alcoholic beverage from such licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in 45-5-624; provided, however, that nothing herein contained shall be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law. (4) It shall be further mandatory under the provisions of this code that all licensees display in a prominent place in their premises a placard as issued by the department stating fully the consequences for violations of the provisions of this code by persons under the-age-of-18-years 19\_years\_of\_age.\* Section 2. Section 16-4-401. MCA. is amended to read: "16-4-401. License as privilege -- criteria for decision on application. A license under this code is a privilege which the state may grant to an applicant and is not a right to which any applicant is entitled. The department must find in every case where it makes an order for the issuance of a new license or for the approval of the transfer of a license that: (1) neither the applicant nor any member of his immediate family has an ownership interest in any other establishment licensed under this chapter for all-beverages

-2- REFERENCE BILL

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(2) the applicant or any member of his immediate
 family is without financing from or any affiliation to a
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5 (3) the applicant is a resident of the state and is 6 qualified to vote in a state election; and

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1 medicinal purposes or sold to him by a vendor or druggist 2 upon the prescription of a physician, no person shall sell, give, or otherwise supply an alcoholic beverage to any Э. 4 person under the-age-of-le-years 19 years of age or permit 5 any person under that age to consume an alcoholic beverage. (2) Any person shall be quilty of a misdemeanor who: 6 7 (a) invites a person under the age of 18 19 years into a public place where an alcoholic beverage is sold and R treats, gives, or purchases an alcoholic beverage for such 9 10 person; (b) permits such person in a public place where an 11 alcoholic beverage is sold to treat, give, or purchase 12 13 liquor for him; or 14 (c) holds out such person to be over-the-ace-of-10 15 years 19 years of age or older to the owner of the 16 establishment or his or her employee or employees." 17 Section 5. Section 16-6-314, MCA, is amended to read: 18 "16-6-314. Penalty for violating code -- revocation of 19 license. Any person violating any of the provisions of this code shall, upon conviction thereof, be deemed quilty of a 20 21 misdemeanor and punishable by such fine or imprisonment, or 22 as provided in 46-18-212, except as is herein both.

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 16-4-406. Further, if any person under the-age-of-t8 19
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#### -End-