

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1526

5 By: Representative Hyde
6 By: Senator B. Sample
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH CIVIL DAMAGES FOR THE ATTEMPTED
10 PURCHASE OF ALCOHOLIC BEVERAGES BY A MINOR; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

14 TO ESTABLISH CIVIL DAMAGES FOR THE
15 ATTEMPTED PURCHASE OF ALCOHOLIC BEVERAGES
16 BY A MINOR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 3-3-203, regarding the purchase or
23 possession of intoxicating liquor, wine, or beer by minors, is amended to add
24 a new subsection to read as follows:

25 (g)(1) As used in this subsection, "permittee" means any person issued
26 a permit under Title 3 of the Arkansas Code that authorizes the person to
27 sell intoxicating liquor, wine, or beer at retail or to dispense intoxicating
28 liquor, wine, or beer.

29 (2) Except as provided under subdivision (g)(3) of this section
30 a permittee may bring a civil action against:

31 (A) The parents, legal custodian, or legal guardian of a
32 person less than eighteen (18) years of age who attempts to purchase
33 intoxicating liquor, wine, or beer from the permittee; or

34 (B) A person eighteen (18) years of age or older but under
35 twenty-one (21) years of age who attempts to purchase intoxicating liquor,
36 wine, or beer from the permittee.



1 (3) A civil action may not be brought against a person acting
 2 under the direction of:

- 3 (i) The Alcoholic Beverage Control Division; or
- 4 (ii) Any other law enforcement agency.

5 (4) The permittee must prove by a preponderance of the evidence
 6 that the person attempted to purchase intoxicating liquor, wine, or beer from
 7 the permittee to recover damages.

8 (5) If judgment is entered in favor of a permittee under this
 9 subsection, the court shall award to the permittee reasonable costs,
 10 reasonable attorney fees, and civil damages in the amount of:

- 11 (A) One thousand dollars (\$1,000); or
- 12 (B) Three hundred dollars (\$300) if the person who
 13 attempted to purchase intoxicating liquor, wine, or beer completes a
 14 substance abuse prevention course approved by the court.

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 16 SECTION 2. Arkansas Code Title 3, Chapter 3, Subchapter 1 is amended
 17 to add a new section to read as follows:

18 3-3-104. Warning sign.

19 (a) A permittee, as defined under § 3-3-203, shall post a sign that
 20 reads:

21 "WARNING: A violation of Arkansas Code § 3-3-203 by a person under 21
 22 years of age may result in civil damages of \$1,000 awarded against either the
 23 parents of the person under 21 years of age or the person under 21 years of
 24 age who violated this law."

25 (b) The sign required by subsection (a) of this section shall:

26 (1) Contain lettering that is at least one-half inch (1/2") high
 27 in colors that contrast with the background of the sign;

28 (2) Be conspicuously displayed at each door through which
 29 customers enter the premises; and

30 (3) Be provided by the permittee.

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