

ASSEMBLY BILL NO. 478—ASSEMBLYMEN CEGAVSKE, HETTRICK, HUMKE, CHOWNING, DE BRAGA, MORTENSON, CLABORN, GUSTAVSON, ANGLE, MCCLAIN, KOIVISTO, TIFFANY, PARKS, MANENDO, VON TOBEL, OHRENSCHALL, LESLIE, GOLDWATER, BROWER, NOLAN, BEERS, BACHE, ANDERSON, GIBBONS, BERMAN, NEIGHBORS, LEE, BUCKLEY, MARVEL AND CARPENTER

MARCH 11, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing distribution of alcoholic beverages.
(BDR 15-798)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to alcoholic beverages; increasing the penalty for providing an alcoholic beverage to underage persons; imposing duties on licensed retailers, purchasers and lessees of kegs of beer; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 202.055 is hereby amended to read as follows:
2 202.055 1. Every person who knowingly:
3 (a) Sells, gives or otherwise furnishes an alcoholic beverage to any
4 person under 21 years of age;
5 (b) Leaves or deposits any alcoholic beverage in any place with the
6 intent that it will be procured by any person under 21 years of age; or
7 (c) Furnishes, gives, or causes to be given any money or thing of value
8 to any person under 21 years of age with the knowledge that the money or
9 thing of value is to be used by the person under 21 years of age to purchase
10 or procure any alcoholic beverage,
11 is guilty of a ***gross*** misdemeanor.
12 2. Paragraph (a) of subsection 1 does not apply to a parent, guardian or
13 physician of the person under 21 years of age.

1 **Sec. 2.** Chapter 369 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 3 to 8, inclusive, of this act.

3 **Sec. 3.** *As used in sections 3 to 8, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 4 and*
5 *5 of this act have the meanings ascribed to them in those sections.*

6 **Sec. 4.** *“Keg” means any container which is capable of holding 4 or*
7 *more gallons of beer and which is designed for or capable of dispensing*
8 *beer from a tap.*

9 **Sec. 5.** *“Licensed retailer” means a person who is licensed to sell*
10 *beer or liquor to a consumer.*

11 **Sec. 6. 1.** *A licensed retailer shall not sell beer in a keg to a*
12 *purchaser or lease a keg to a lessee unless, before the purchaser or lessee*
13 *takes possession of the keg:*

14 *(a) The purchaser or lessee provides to the licensed retailer*
15 *identification in the form of a driver’s license or other identification*
16 *containing a photograph of the purchaser or lessee;*

17 *(b) The licensed retailer collects from the purchaser or lessee a deposit*
18 *of not less than \$50 or more than \$100 for each keg involved in the*
19 *transaction and prepares a receipt for the transaction that complies with*
20 *the provisions of this section;*

21 *(c) The purchaser or lessee signs, in the appropriate place in*
22 *accordance with the provisions of subsection 3, the receipt prepared by*
23 *the licensed retailer; and*

24 *(d) The licensed retailer gives a copy of the signed receipt to the*
25 *purchaser or lessee and informs the purchaser or lessee that the*
26 *purchaser or lessee has a duty to maintain a copy of the signed receipt at*
27 *the location where the keg will be used to dispense beer.*

28 **2.** *Each receipt prepared by a licensed retailer pursuant to subsection*
29 *1 must include, without limitation:*

30 *(a) The name and address of the establishment of the licensed retailer*
31 *where the transaction occurred;*

32 *(b) The date of the transaction;*

33 *(c) The identification number for each keg involved in the*
34 *transaction;*

35 *(d) The amount of the deposit collected by the licensed retailer for*
36 *each keg involved in the transaction;*

37 *(e) The name and address of the purchaser or lessee; and*

38 *(f) The identification number of the driver’s license or other form of*
39 *identification provided to the licensed retailer by the purchaser or lessee.*

40 **3.** *In addition to the requirements of subsection 2, each receipt*
41 *prepared by a licensed retailer pursuant to subsection 1 must include a*
42 *place for the signature of the purchaser or lessee. The place for the*
43 *signature of the purchaser or lessee must follow immediately after a*

1 *declaration that is printed conspicuously on the receipt in substantially*
2 *the following form:*

3
4 *I declare under penalty of perjury that I am 21 years of age or*
5 *older and that I will not allow a person who is less than 21*
6 *years of age to consume, in violation of any applicable law,*
7 *any beer involved in this transaction. I am signing this receipt*
8 *with the knowledge that I am making a sworn declaration*
9 *under penalty of perjury.*

10
11 *4. A purchaser or lessee who signs a receipt containing a declaration*
12 *that substantially complies with the provisions of subsection 3 shall be*
13 *deemed to have made a sworn declaration under penalty of perjury.*

14 *5. For each transaction completed pursuant to this section, the*
15 *licensed retailer shall:*

16 *(a) Retain, for not less than 6 months at the establishment of the*
17 *licensed retailer where the transaction occurred, a copy of the signed*
18 *receipt given to the purchaser or lessee pursuant to subsection 1; and*

19 *(b) Make a copy of the signed receipt available for inspection by any*
20 *law enforcement agency during that period.*

21 *6. A licensed retailer who collects a deposit from a purchaser or*
22 *lessee pursuant to subsection 1 shall refund the deposit to the purchaser*
23 *or lessee if, within 6 months after the date of the transaction, the*
24 *purchaser or lessee:*

25 *(a) Returns to the licensed retailer the keg for which the deposit was*
26 *collected; and*

27 *(b) Presents to the licensed retailer a copy of the signed receipt that*
28 *was given to the purchaser or lessee pursuant to subsection 1.*

29 *A licensed retailer shall not refund a deposit to a purchaser or lessee who*
30 *fails to comply with the provisions of this subsection.*

31 **Sec. 7. 1.** *A person shall not purchase beer in a keg from a*
32 *licensed retailer or lease a keg from a licensed retailer unless the person*
33 *is 21 years of age or older and, before the person takes possession of the*
34 *keg, the person:*

35 *(a) Provides to the licensed retailer identification in the form of a*
36 *driver's license or other identification containing a photograph of the*
37 *person;*

38 *(b) Pays to the licensed retailer the deposit required pursuant to*
39 *section 6 of this act for each keg involved in the transaction; and*

40 *(c) Signs, in the appropriate place, a receipt which is prepared by the*
41 *licensed retailer and which contains a declaration that substantially*
42 *complies with the provisions of subsection 3 of section 6 of this act.*

1 **2. A person who has purchased beer in a keg or who has leased a**
2 **keg:**

3 **(a) Shall not allow a person who is less than 21 years of age to**
4 **consume, in violation of any applicable law, any beer that is dispensed**
5 **from the keg; and**

6 **(b) Shall maintain at the location where the keg is used to dispense**
7 **beer a copy of the signed receipt that was given to the person pursuant to**
8 **section 6 of this act.**

9 **Sec. 8. In addition to any other penalty provided by law, a person**
10 **who violates any of the provisions set forth in sections 3 to 7, inclusive, of**
11 **this act shall be punished:**

12 **1. For the first offense, by a fine of not more than \$500.**

13 **2. For subsequent offenses, by a fine of not less than \$500 or more**
14 **than \$700.**

15 **Sec. 9. The amendatory provisions of this act do not apply to offenses**
16 **committed before October 1, 1999.**