

Amendment No. CA42

First Conference Committee Amendment to Senate Bill No. 457 Third Reprint (BDR 32-1408)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Amend sec. 2, page 2, by deleting line 44 and inserting:

“(c) “Liquor” does not include beer or malt-based beverages, but does include flavored malt beverages if the supplier and the wholesale dealer holding the franchise for such flavored malt beverages consent in writing. As used in this paragraph, “flavored malt beverages” means flavored malt beverages that are not marketed, merchandised or sold as beer.”.

Amend sec. 3, page 3, by deleting lines 18 through 28 and inserting:

“2. If any person knowingly violates any provision of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488, a wholesale dealer, supplier, retailer or retail liquor dealer who is injured by the violation may bring an action in a court of competent jurisdiction against the person to recover:

(a) For the first violation, \$100 plus treble the actual damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.

(b) For the second violation, \$250 plus treble the actual damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.

BAW

Date: 6/5/2005

S.B. No. 457—Revises provisions relating to intoxicating liquor.



(c) For the third and any subsequent violation, \$500 plus treble the actual damages sustained by him and punitive damages as the facts may warrant, together with such costs of the action and reasonable attorney's fees as authorized by NRS 18.110.”.

Amend the bill as a whole by deleting sections 8 through 10 and inserting new sections designated sections 8 through 10, following sec. 7, to read as follows:

“Sec. 8. 1. “Establishment” includes:

(a) A business that sells alcoholic beverages by the drink for consumption on the premises; and

(b) In a county whose population is 400,000 or more, a business that sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.

2. The term includes, without limitation, a retail liquor store.

3. The term does not include:

(a) A wholesale dealer; or

(b) A private club or other facility not in fact open to the public.

Sec. 9. 1. Except as otherwise provided in subsection 5, on and after July 1, 2007, a person who owns or operates an establishment shall not:

(a) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(1) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, within 30 days after the date on which he is hired, successfully completes a certified program and obtains a valid alcohol education card; or

(b) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(1) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, not later than July 31, 2007, successfully completes a certified program and obtains a valid alcohol education card.

2. The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:

(a) For the first violation within a 24-month period, \$500.

(b) For the second violation within a 24-month period, \$1,000.

(c) For the third and any subsequent violation within a 24-month period, \$5,000.

3. Of the money collected by the Department from fines pursuant to subsection 2:

(a) Fifty percent must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(b) Fifty percent must be deposited in the Alcoholic Beverage Awareness Program Account, which is hereby created in the State General Fund. The Account must be administered by the Commission. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account must be used solely to reduce the costs for employees to complete programs certified by the Commission pursuant to subsection 3 of section 10 of this act.

4. Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

5. The provisions of this section apply only in a jurisdiction that:

(a) Is located in a county whose population is 100,000 or more; or

(b) Is located in a county whose population is less than 100,000, if the governing body of the jurisdiction has, by the affirmative vote of a majority of its members, agreed to be bound by the provisions of this section.

6. As used in this section:

(a) "Certified program" means an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

(b) "Valid alcohol education card" means a card issued by a certified program which has been obtained or renewed within the immediately preceding 4 years.

Sec. 10. 1. *The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.*

2. The curriculum described in subsection 1:

(a) Must consist of not fewer than 2 hours of instruction; and

(b) Must include, without limitation, instruction on the following topics:

(1) The clinical effects of alcohol on the human body;

(2) Methods of identifying intoxicated persons;

(3) Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;

(4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and

(5) Methods of preventing:

(I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;

(II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and

(III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.

3. The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:

(a) The program meets the curricular requirements set forth in subsection 2; and

(b) The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.

4. An alcoholic beverage awareness program certified by the Commission:

(a) Must not cost a person more than \$40 to complete; and

(b) May be presented through the use of audiovisual technology. As used in this paragraph, “audiovisual technology” includes, without limitation, the use of closed-circuit video, videoconferencing, videotapes, computers, television, the Internet or any other electronic means of communication, or any combination thereof.

5. The Commission shall adopt such regulations:

(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and

(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to subsection 3 receives a card which verifies that the person has successfully completed that program. The regulations must provide additionally that a card described in this paragraph:

(1) Is valid for a period of 4 years from the date of issuance and may be renewed for like consecutive periods upon successful completion by the holder of the card of an alcoholic beverage awareness program certified by the Commission; and

(2) Must be honored, in any jurisdiction in which the provisions of section 9 of this act apply, as indicia of the successful completion of an alcoholic beverage awareness program certified by the Commission.

6. As used in this section, “minor” means a person who is under 21 years of age.”.