

## LEGISLATIVE BILL 454

Approved by the Governor April 10, 1991

Introduced by Smith, 33

AN ACT relating to liquor; to amend sections 53-180.06 and 53-186.01, Reissue Revised Statutes of Nebraska, 1943, and section 53-180.05, Revised Statutes Supplement, 1990; to change, transfer, and eliminate penalty provisions relating to minors; to establish methods for proof of age; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 53-180.05, Revised Statutes Supplement, 1990, be amended to read as follows:

53-180.05. (1) Any person, except a person licensed pursuant to Chapter 53 or an employee of such licensee, violating any of the provisions of section 53-180 shall be guilty of a Class I misdemeanor. Any person violating any of the provisions of sections 53-180.01 to ~~53-180.03~~ 53-180-04 not involving the use of false or altered identification shall be guilty of a Class III misdemeanor. Any person violating any of the provisions of sections 53-180-01 to 53-180-04 involving the use of false or altered identification shall be guilty of a Class III misdemeanor. Any person violating subsection (2) of section 53-186-01 shall be guilty of a Class III misdemeanor. Any person violating any of the provisions of section 53-180.02, shall be guilty of a Class III misdemeanor; and in lieu of the above other penalties set out in this subsection, the court may sentence such person may be sentenced to work on public streets, in parks, or on other public property for a period not exceeding ten working days. Such work shall be under the supervision of the county sheriff. Upon the written certification by the county sheriff of the performance of such work, the sentence shall be deemed to be satisfied.

(2) Any licensee or employee thereof who violates any of the provisions of section 53-180 shall be guilty of a Class I misdemeanor.

(3) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of

identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification shall mean any card, paper, or legal document that may be used to establish the age of the person named thereon for the ~~purposes~~ purpose of purchasing alcoholic ~~liquers~~ liquor.

Sec. 2. That section 53-180.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.06. (1) To establish proof of age for the purpose of purchasing or consuming alcoholic liquor, a person shall present or display only a valid driver's or operator's license, Nebraska state identification card, military identification card, alien registration card, or passport.

(2) Every holder of a retail license to sell alcoholic liquers at retail shall maintain, in a separate book, a record of each person who has furnished documentary proof of age for the purpose of making any purchase of alcoholic liquers liquor. The record shall show the name and address of the purchaser, the date of the purchase, and a description of the identification used, and shall be signed by the purchaser.

Sec. 3. That section 53-186.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-186.01. (1) It shall be unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises, except as permitted by a license ~~theretefore~~ issued ~~to for~~ such premises pursuant to ~~sections 53-103, 53-117, 53-123-04, 53-124, 53-125, 53-138-03, 53-160, 53-178-01, 53-179, 53-186, and 53-190~~ the Nebraska Liquor Control Act.

(2) It shall be unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, cafe, or club or any place open to the general public except as permitted by a license ~~theretefore~~ issued ~~to for~~ such premises pursuant to ~~sections 53-103, 53-117, 53-123-04, 53-124, 53-125, 53-138-03, 53-160, 53-178-01, 53-179, 53-186, and 53-190~~ the act.

(3) This section shall not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages.

(4) Any person violating subsection (1) of this section ~~shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to the penalties~~

contained in section 53-1,100.

(5) Any person violating subsection (2) of this section shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be subject to the penalties contained in section 53-180.05.

Sec. 4. That original sections 53-180.06 and 53-186.01, Reissue Revised Statutes of Nebraska, 1943, and section 53-180.05, Revised Statutes Supplement, 1990, are repealed.