

HOUSE BILL NO. 196

INTRODUCED BY B. MITCHELL, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DIGITAL IDENTIFICATION;
REVISING ALCOHOL SERVER AND SALES TRAINING TO INCLUDE TRAINING RELATED TO DIGITAL
IDENTIFICATION CARDS; INCLUDING DIGITAL IDENTIFICATION CARDS AS A PROHIBITED FORM OF
FRAUDULENT IDENTIFICATION; AND AMENDING SECTIONS 16-4-1006 AND 16-6-305, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-1006, MCA, is amended to read:

"16-4-1006. Responsible server and sales training program. (1) The department shall certify all
server and sales training programs that include the following:

- (a) effects of alcohol on the human body;
- (b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this
code;
- (c) procedures for checking identification, including government-certified digital identification cards;
- (d) procedures for gathering proper documentation that may affect the licensee's liability;
- (e) training for skills to handle difficult situations and to learn evaluation techniques regarding
intoxicated persons or others that pose potential liability;
- (f) a final test; and
- (g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department may not provide a responsible server and sales training program."

Section 2. Section 16-6-305, MCA, is amended to read:

"16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider. (1) (a)
Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of
age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon

1 the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a
2 person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

3 (b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic
4 beverage in an intoxicating quantity to a person under 21 years of age.

5 (c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic
6 beverage that is sufficient to produce:

7 (i) a blood, breath, or urine alcohol concentration in excess of 0.05; or

8 (ii) substantial or visible mental or physical impairment.

9 (2) A person is guilty of a misdemeanor who:

10 (a) invites a person under the age of 21 years into a public place where an alcoholic beverage is
11 sold and treats, gives, or purchases an alcoholic beverage for the person;

12 (b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or
13 purchase alcoholic beverages for the person; or

14 (c) holds out the person to be 21 years of age or older to the owner of the establishment or to the
15 owner's employee.

16 (3) It is unlawful for any person to fraudulently misrepresent the person's age to any dispenser of
17 alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in
18 any identification card, including a tribal identification card or a government-certified digital identification card.

19 (4) A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition
20 to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by
21 the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the
22 result of the intoxicated condition created by the violation. (See compiler's comments for contingent termination
23 of certain text.)"

24 - END -