

STATE OF ALABAMA & TUSCALOOSA CITY CODE ALCOHOL VIOLATIONS AND PENALTIES

CRIMINAL VIOLATIONS

Violations	Penalties	AL CODE §
<p>Minor in Possession/Purchasing: <u>State:</u> Unlawful for person under 21 years of age to purchase, consume, possess, or transport alcohol, liquor or malt or brewed beverages in the State.</p> <p><u>City:</u> Unlawful for person under 21 to possess, consume, purchase, or attempt to purchase alcohol</p>	<p>1. Jail: Not more than 30 days Fine: \$25-\$100</p> <p>2. Misdemeanor. Jail: Not more than 3 months; Fine: \$50-\$500. Mandatory suspension of driver's license for 90 days to 6 months (including YO or juvenile status)</p> <p>3. City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>1. AL CODE 28-1-5</p> <p>2. AL CODE 28-3A-25(a) (18) & (b)(2) &(c)</p> <p>3. CITY CODE § 3-44, § 1-8</p>
<p>Contributing to Delinquency of Minor: <u>State:</u> It is unlawful for any parent, legal guardian, legal custodian, or other person to willfully aid, encourage, or cause any child (under age 19) to become or remain delinquent, which includes furnishing alcoholic beverages or controlled substances to the child.</p>	<p>Class A Misdemeanor. Jail: Not more than 1 year Fine: \$6,000</p>	<p>AL CODE § 12-15-111</p>
<p>Aiding Minor in Obtaining Alcohol: <u>City:</u> It is unlawful for a person, directly or indirectly, to falsely represent that a minor is not a minor or is not of minority age under the state alcoholic beverage licensing code, and, by means of such false representation, to aid or abet, or attempt to aid or abet, such minor person to buy, receive or otherwise obtain, or aid and abet such minor person to attempt to buy, receive, or otherwise obtain, from any licensee or any other person, any alcohol</p>	<p>City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>CITY CODE § 3-17, § 1-8</p>
<p>Public Intoxication: <u>State:</u> Unlawful to appear in a public place under the influence of alcohol, narcotics, or other drugs to the degree that they endanger themselves, or another person or property.</p> <p><u>City:</u> It is unlawful to be or remain in any area of a public park while under the influence of alcohol.</p>	<p>1. Jail: Not more than 30 days Fine: not to exceed \$200</p> <p>2. City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>1. AL CODE § 13A-11-10 and 13A-5-12</p> <p>2. CITY CODE § 18-28 (2), § 1-8</p>
<p>Open Container: <u>State:</u> Unlawful for person to have in his/her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any kind on a public highway or right-of-way of a public highway.</p> <p><u>City:</u> Unlawful to drink or have in open or unconcealed possession or custody for drinking any alcoholic beverage at or in any public place (motor vehicle while on public streets) other than a place licensed to sell alcoholic beverages for consumption on the premises. Also unlawful to possess alcohol for consumption in city park without permission.</p>	<p>1. Class C Misdemeanor. Fine: No more than \$25</p> <p>2. City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>1. AL CODE § 32-5A-330</p> <p>2. CITY CODE § 3-12; §18-28 (1); § 1-8</p>
<p>False Driver's License/ID: <u>State:</u> Person under age of 21 may not knowingly use or attempt to use a false, forged, deceptive, or otherwise non-genuine driver's license to obtain or attempt to obtain alcoholic beverages within this state.</p> <p><u>City:</u> It is unlawful for any person under 21 to knowingly present or possess a false instrument of identification or an instrument of identification which misrepresents the age of that person.</p>	<p>1. Misdemeanor. Jail: Not more than 3 months; Fine: \$50-\$500. Mandatory suspension of driver's license for 90 days to 6 months (including YO or juvenile status)</p> <p>2. City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>1. AL CODE § 28-3A-25(a) (21) & (b)(2) & (c)</p> <p>2. CITY CODE § 3-16; § 1-8</p>

<p>Failure to Leave Licensed Premises on Request: <u>City:</u> If owner of licensed premise (or employee or agent) asks any person to leave, failure or refusal to immediately do so is a misdemeanor.</p>	<p>City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>CITY CODE § 3-20; § 1-8</p>
<p>Underage Presence in Licensed Premises. <u>City:</u> It is unlawful for any person to be in, on, or upon the licensed premises of any establishment licensed by the ABC board as a lounge retail liquor licensee, in violation of any state law regulating the age of persons allowed on such premises.</p>	<p>City Jail: Not more than 6 months Fine: Not more than \$500</p>	<p>CITY CODE § 3-41; § 1-8</p>
<p>Open House Party: <u>State:</u> No adult having control of any residence, who has authorized an open house party at the residence and is in attendance at the party, shall allow the party to continue if alcoholic beverages or controlled substances are illegally possessed or consumed at the residence by a person under the age of 21 and the adults knows this and fails to take reasonable action to prevent it.</p>	<p>Class B Misdemeanor Jail: Not more than 6 months Fine: Not more than \$3,000</p>	<p>AL CODE § 13A-11-10.1</p>
<p>Driving Under the Influence (DUI): <u>State:</u> A person shall not drive or be in actual physical control of any vehicle (or boat) while: there is 0.08 percent or more by weight of alcohol in his/her blood (unless under age 21, in which the amount is 0.02 percent), or under the influence of alcohol, or under the influence of any controlled or other substance which impairs his/her ability to drive safely, or under the combined influence of alcohol and a controlled substance to a degree which renders him/her incapable of safely driving, or under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him/her incapable of safely driving.</p>	<p><u>1st DUI of person under 21 with blood alcohol level between 0.02 and 0.08:</u> Mandatory suspension of driver's license for 30 days & limited disclosure of record <u>1st DUI of others:</u> Jail: Up to 1 year; Fine: \$600-\$2,100. Mandatory suspension of license for 90 days & other penalties <u>2nd DUI:</u> Jail: 5 days - 1 year or 30 days community service; Fine: \$1,100-\$5,100. Mandatory suspension of license for 1 yr. & other penalties <u>3rd DUI:</u> Jail: 60 days - 1 yr; Fine: \$2,100-\$10,100. Mandatory suspension of driver's license for 3 yr. & other penalties <u>4th & More DUI:</u> Class C felony; Prison: 1 yr and 1day – 10 yrs; Fine: \$4,100-\$10,100. Mandatory revocation of driver's license for 5 yrs. & other penalties <u>All: substance abuse evaluation and referral and DUI program</u> <u>City has same penalties</u></p>	<p>1. AL CODE § 32-5A-191 2. CITY CODE § 1-8</p>
<p>State Offenses: Any individual committing an offense (misdemeanor, felony or violation) against the state automatically commits an offense against the city</p>	<p>Unless otherwise provided: City Jail: Not more than 6 months; Fine: Not more than \$500</p>	<p>CITY CODE § 17-1, § 1-8</p>

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CIVIL VIOLATIONS

Violations	Penalties	AL CODE §
Alabama Civil Damages Act. A person may be liable for damages to a parent or guardian of a minor if that person unlawfully sells or furnishes alcohol to the parent/guardian's minor child and if the person furnishing alcohol had knowledge of or was chargeable with notice of the fact that the child was under 21.	Civil cause of action - compensatory and punitive monetary damages determined by a jury	AL CODE § 6-5-70
Alabama Dram Shop Act. Wives, children, parents, and others who are injured by a person who received alcohol or controlled substances contrary to Alabama law (underage minor, providing unlawful controlled substance, serving alcohol to visibly intoxicated person, etc.) may be liable for damages against the person who provided the alcohol or controlled substances to the underage minor or caused the individual to become intoxicated or furnished a controlled substance to that person.	Civil cause of action - compensatory and punitive monetary damages determined by a jury	AL CODE § 6-5-71 & 6-5-72

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