

**CALIFORNIA CLERK'S AFFIDAVIT
ALCOHOLIC BEVERAGE CONTROL (ABC) LAWS
Clerk's Affidavit and Sign
(Required by Section 25658.4 Business and Professions Code)**

Instructions to the Licensee:

Section 25658.4 requires every person who sells alcoholic beverages in your store, to read, understand and sign a *Clerk's Affidavit*.

Failure to comply with the above may result in the suspension or revocation of your A.B.C license.

Part 1: REVIEW OF LAWS (*clerk must read and understand these laws*)

(1) Sales to Underage Persons

You may not *sell, furnish or give away* any alcoholic beverage to any person under the age of 21 years. You may not *cause to be sold furnished or given away*, any alcoholic beverage to any person under the age of 21 years. If you break this law, you may be arrested and charged with a crime. If convicted, you may be fined a maximum of \$1,000 and/or ordered to do up to 32 hours of community service. In addition, if you are under age 21, you will have your driver's license suspended or delayed for one year. (Sections 25658(a) & 25617 Business and Professions Code and Section 13202.5 Vehicle Code)

(2) Underage Persons Who Purchase Alcoholic Beverages

A customer under the age of 21 years may not buy alcoholic beverages. If a customer breaks this law, they may be arrested and charged with a crime. If convicted, the customer may be fined a maximum of \$ 1,000 and/or ordered to do up to 32 hours of community service. Also, the underage customer will have their driver's license suspended or delayed for one year. (Sections 25658(b), 25658(d) and 25617 Business and Professions Code and Section 13202.5 Vehicle Code)

(3) Underage Persons Who Try to Purchase Alcoholic Beverages

A customer under the age of 21 years may not *try to buy* alcoholic beverages. If a customer breaks this law, they may be cited and charged with a crime. The customer may be fined up to \$250 and/or ordered to do up to 36 hours of community service. In addition, the underage customer will have their driver's license -suspended or delayed for one year. (Section 25658.5 Business and Professions Code and 13202.5 Vehicle Code)

(4) Checking Identification (I.D.)

If you ask for and see, bona fide (*legally acceptable*) I.D. before you sell an alcoholic beverage to a customer, you can defend yourself against a charge of selling alcoholic beverages to an underage person. An I.D. is legally acceptable if it:

- Is issued by a *government agency* (such as Federal, State, county or city)
- Contains the *name* of the person
- Contains the *date of birth* of the person
- Contains a *description* of the person
- Contains a *photograph* of the person.

Is currently valid (in other words, not expired)

Examples of legally *acceptable* I.D.'s are: a driver's license, State-issued I.D. card or Federal military I.D. card. **Caution:** The picture and physical description on the I.D. must match the customer. If the I.D. is altered or mutilated, it is not acceptable. **You must check a customer's I.D. every time you sell alcoholic beverages to that customer.** Examples of *unacceptable* I.D.'s are: temporary driver's licenses, non-photo driver's licenses, birth certificates and school or work I.D. cards. (Section 25660 Business and Professions Code)

(5) Hours of Sale

You may only sell alcoholic beverages from 6:00 a.m. on one day until 2:00 a.m. on the following day. If you break this law, you may be charged with a crime. If convicted, you may be fined up to \$ 1,000 and/or sent to county jail for up to six months. Customers who knowingly purchase during restricted hours face the same penalties. **Caution:** Some stores must stop selling alcoholic beverages earlier than 2:00 a.m. because of local laws

or special conditions (restrictions) on the ABC license. You must obey any special conditions on your store's ABC license. Otherwise, the ABC license at your store may be taken away. (Sections 25631, 25632, 25617 and 23800-23805 Business and Professions Code)

(6) Sales to Obviously Intoxicated Persons

You may not sell or give any alcoholic beverage to any person who *looks or acts intoxicated* (even if they're not driving). If you break this law, you may be arrested and charged with a crime. If convicted, you may be fined up to \$ 1,000 and/or sent to county jail for up to six months. If you sell or give any alcoholic beverage to an *underage*, obviously intoxicated person, you may be *sued* in civil court. (Sections 25602(a), 25617 and 25602.1 Business and Professions Code)

(7) ABC License Privileges

You or your customers may not drink alcoholic beverages in your store or an *adjacent property immediately outside* your store. This includes before, during or after your shift. All alcoholic beverages you sell must be in sealed, unopened bottles, packages or containers. You may not sell an alcoholic beverage to a person if you know that they are going to re-sell the alcoholic beverage to someone else. You may not sell more than 52 gallons of wine to any one customer at any one time. If you break these laws, the ABC license at your store may be taken away. (Sections 23300, 23355, 23393, 23394 and 23402 Business and Professions Code and Rule 27, California Code of Regulations)

Part 2: CLERK'S PRIOR VIOLATIONS (clerk must check one)

I have never been convicted of violating any law in the Alcoholic Beverage Control Act (such as selling an alcoholic beverage to an underage or obviously intoxicated person).

I have been convicted of violating a law (or laws) in the California Alcoholic Beverage Control Act (such as selling an alcoholic beverage to an underage or obviously intoxicated person). [If you checked this box, please explain in "I what happened. Use the space below or a separate sheet of paper, if necessary.]

Part 3: DECLARATION UNDER PENALTY OF PERJURY

(Clerk must complete this section)

I have read and understand this affidavit. I swear that all statements I have made in this affidavit are true. I swear that I signed this affidavit, on the date stated, under "penalty of perjury." I understand that if I did not tell the truth in this affidavit, I may be found guilty of perjury.

Signature of Clerk Date

Name of Clerk (printed)

Home Address

City State Zip

Home Telephone Work Telephone

Part 4: ACKNOWLEDGMENT OF LICENSEE

(Licensee must complete this section)

I have reviewed the attached *Clerk's Affidavit* with the person who signed it. I will keep a signed copy of the *Clerk's Affidavit* at _____.

I understand if I do not have a signed *Clerk's Affidavit* for every person who sells alcoholic beverages in my store, the ABC may discipline my license.

Signature of Licensee (or licensee's agent) Date

ABC License Number