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A BILL FOR AN ACT [sic]

To provide for hours for closing of businesses, curfew, and sale of alcoholic beverages within Koror State and for other purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR, DO ENACT AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDING.

The Legislature, pursuant to 4 T.T.C. §51 and to other authority, finds it in the public interest to specify certain times for rest so that individuals and businesses can plan and coordinate activities accordingly and for there to be hours during which businesses are closed, all traffic banned, and the sale of alcoholic beverages prohibited. This will encourage the peace, safety, and welfare of the residents of and visitors to the State.

SECTION 2. DEFINITIONS.

A. "Administrator" means the Koror. State Executive Administrator as created by the Koror State Constitution Art. VI §2(5) and VII:

B. "Alcoholic beverage" means and includes every and any liquid intended or used for human consumption that contains at least one per cent (1%) alcohol (either ethyl alcohol, hydrated oxide of ethyl, or other 'type' of alcohol, regardless of whether made by fermentation, distillation, or otherwise) by volume. Alcoholic beverage includes, but' is not limited to, those beverages commonly known as beer, ale, wine, distilled or rectified spirits, sake, brandy, rum, gin, vodka, whisky, and other liquor.

C. "Person" means any individual human being, firm, partnership, sole proprietor, joint venture, corporation, estate, trust, or other entity (except the Republic of Palau) however organized or operated.

D. "State" means the State of Koror, Palau.

SECTION 3. CURFEW PERIOD.

A. There shall be no human being upon the road or paths and no pedestrian or vehicular traffic upon the roads within the State during the hours between 12:30 a.m. to 6:00 a.m. on every day of the year.

B. Subsection A above shall be inapplicable to persons and traffic that is necessary for:

(1) an emergency or other matter to protect or preserve a person's health or to prevent or reduce danger to persons or property; or

(2) going to or from work, a funeral, fishing, or religious services.

SECTION 4. ALCOHOLIC BEVERAGE SALES; BUSINESS HOURS.

No person shall sell, buy, or otherwise transfer possession or ownership of any alcoholic beverage, no human being. may consume in any public place any alcoholic beverage, and no person shall operate or allow to be operated any business, regardless of its type, in the State between the hours of 12:01 a.m. and 6:00 a.m. on every day of the year.

SECTION 5. PENALTIES; ENFORCEMENT.

A. Every person that violates section 3 of this Act shall be guilty of a misdemeanor and shall be sentenced to the following penalties:

(1) Pay a fine of \$50,00 for the first offense and of \$75.00 for the second offense

(2) For the third offense and for each offense after the third offense, the violator shall be imprisoned for up to 30 days and/or fined \$100.00.

B. Every person that violates section 4 of this Act shall be guilty of a misdemeanor and shall be sentenced to the following criminal penalties:

(1) Pay a fine of \$50.00 for the first offense and of \$75.00 for the second offense;

(2) For the third offense and for each offense after the third offense, the violator shall be imprisoned for no less than 10 and no more than 60 days and fined \$100.00.

C. Every person that violates section 4 of this Act shall, in addition to the above criminal penalty of B, be subject to the following civil penalty for the third and every subsequent violation of section 4: The person's business at or through which the violation occurred shall be closed for 30 days.

D. The State, any person, and law enforcement officers are authorized to bring an action to close any business violating sections 3 or 4 of this act, which action is in addition to penalties under subsections A, B, and C above.

SECTION 6. REGULATIONS.

The Administrator is hereby empowered to enforce this Act and to issue regulations that are appropriate or necessary in order to implement this Act.

SECTION 7. REPEAL.

Upon the date that this becomes effective, Koror Public Laws Nos. 2, 21-62, 186-81 and K1-24-88 are hereby repealed, and this Act supersedes and

repeals every other ordinance and law that are contrary to or inconsistent with this Act.

SECTION 8. SEVERABILITY.

If any provision of this Act is determined to be invalid by any court of competent jurisdiction, all other provisions shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE.

This Act shall take effect upon its approval by the House of Traditional Leaders or upon its becoming law without such approval.

Introduced by: [illegible] on March 11, 1988

Passed: March, 11, 1988

Certified by _____/s/

Katsutoshi Becheserrak,

Speaker

Approved on March 11 1988, by the House of Traditional Leaders as authenticated by:

_____/s/

Ibedul Yutaka M. Gibbons