

Amendment No. 362

Senate Amendment to Senate Bill No. 337

(BDR 3-784)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 1, lines 2 and 3, by deleting “*subsection 3*,” and inserting “*this section*,”.

Amend section 1, page 2, by deleting lines 3 through 25 and inserting:

“3. Except as otherwise provided in subsection 5, a person who is 18 years of age or older and who unlawfully serves, sells or otherwise furnishes:

(a) An alcoholic beverage to another person who is under 21 years of age; or

(b) A controlled substance to another person of any age,

↪ is liable in a civil action for any damages resulting from the consumption of the alcoholic beverage or controlled substance caused by the person who consumed the alcoholic beverage or controlled substance.

4. Except as otherwise provided in subsection 6, a person who is 18 years of age or older and who:

BAW

Date: 4/21/2005

S.B. No. 337—Establishes civil liability for serving, selling or otherwise furnishing alcoholic beverages or controlled substances to minors in certain circumstances.

(a) Has control over any premises and is in a reasonable position to prevent the unlawful consumption on the premises of an alcoholic beverage by a person who is under 21 years of age or a controlled substance by another person of any age; and

(b) Knowingly or recklessly permits the unlawful consumption on the premises of an alcoholic beverage by a person who is under 21 years of age or a controlled substance by another person of any age,

↪ is liable in a civil action for any damages resulting from the consumption of the alcoholic beverage or controlled substance caused by the person who consumed the alcoholic beverage or controlled substance.

5. The provisions of subsection 3 do not apply to the service, sale or furnishing of an alcoholic beverage by a person who is licensed to serve or sell alcoholic beverages or the agent of such a person.

6. The provisions of subsection 4 do not apply to a person who is licensed to serve or sell alcoholic beverages or the agent of such a person who permits the consumption of an alcoholic beverage on the premises.

7. If an injured person prevails in an action brought pursuant to subsection 3 or 4, the injured person may recover his actual damages, attorney's fees, costs and punitive damages as the facts may warrant."

Amend the title of the bill to read as follows:

“AN ACT relating to intoxicating substances; establishing civil liability under certain circumstances for unlawfully serving, selling or otherwise furnishing an alcoholic beverage to a minor or for unlawfully serving, selling or otherwise furnishing a controlled substance to

another person; establishing civil liability under certain circumstances for knowingly or recklessly permitting the unlawful consumption of an alcoholic beverage or a controlled substance on the premises; revising the provisions pertaining to the crime of selling, giving or otherwise furnishing an alcoholic beverage to a minor; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes changes pertaining to intoxicating substances. (BDR 3-784)”.