

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

CS FOR HOUSE BILL NO. 281(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/25/02

Referred: Rules

Sponsor(s): REPRESENTATIVES MEYER, Dyson, Murkowski

SENATORS Leman, Donley, Taylor, Davis, Ellis, Lincoln, Elton, Cowdery

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for providing alcoholic beverages to a person under 21**
2 **years of age; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 04.21.020 is amended to read:

5 **Sec. 04.21.020. Civil liability of persons providing alcoholic beverages. (a)**

6 **Except as provided under (b) and (d) of this section, a** [A] person who provides
7 alcoholic beverages to another person may not be held civilly liable for injuries
8 resulting from the intoxication of that person unless the person who provides the
9 alcoholic beverages holds a license authorized under AS 04.11.080 - 04.11.220 [,] or
10 is an agent or employee of such a licensee and

11 (1) the alcoholic beverages are provided to a person under the age of
12 21 years in violation of AS 04.16.051, unless the licensee, agent, or employee secures
13 in good faith from the person a signed statement, liquor identification card, or driver's
14 license meeting the requirements of AS 04.21.050(a) and (b), that indicates that the

1 person is 21 years of age or older; or

2 (2) the alcoholic beverages are provided to a drunken person in
3 violation of AS 04.16.030.

4 (b) A [NOTWITHSTANDING (a) OF THIS SECTION, A] person who sells
5 or barter an alcoholic beverage to another person in violation of AS 04.11.010 is
6 strictly liable (1) to the recipient or another person for civil damages if, while under
7 the influence of the alcoholic beverage, the person receiving the alcoholic beverage
8 engages in conduct that results in civil damages and the recipient's being under the
9 influence of the alcoholic beverage substantially contributes to the civil damages; and
10 (2) for the cost to the state or a political subdivision of the state to criminally prosecute
11 a person who receives an alcoholic beverage from a person who violates AS 04.11.010
12 if the prosecution results from the violation of AS 04.11.010 described in this
13 subsection. [IN THIS SUBSECTION, "CIVIL DAMAGES" INCLUDES
14 DAMAGES FOR PERSONAL INJURY, DEATH, OR INJURY TO PROPERTY OF
15 A PERSON, INCLUDING THE STATE OR A POLITICAL SUBDIVISION OF
16 THE STATE.]

17 (c) In an action under (b) or (d) of this section, it is not a defense that the
18 person receiving the alcoholic beverage voluntarily consumed the alcoholic beverage
19 or that the person receiving the alcoholic beverage was voluntarily under the influence
20 of the alcoholic beverage.

21 * **Sec. 2.** AS 04.21.020 is amended by adding new subsections to read:

22 (d) A person who knowingly furnishes or delivers an alcoholic beverage to a
23 person under 21 years of age in violation of AS 04.16.051 is civilly liable to the
24 recipient or another person for civil damages if, while under the influence of the
25 alcoholic beverage, the person receiving the alcoholic beverage engages in conduct
26 that results in civil damages and the recipient's being under the influence of the
27 alcoholic beverage substantially contributes to the civil damages.

28 (e) In this section, "civil damages" includes damages for personal injury,
29 death, or injury to property of a person, including the state or a political subdivision of
30 the state.

31 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. This Act applies to a civil action that accrues on or after the
3 effective date of this Act.

4 * **Sec. 4.** This Act takes effect July 1, 2002.