

Original sponsor: Ziegler by request

Offered: 4/29/79
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 115

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to civil and criminal liability
arising from the use of intoxicating liquors."

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

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* Section 1. The legislature declares that the lawful providing of intoxicating liquors to an individual may not be held to be the proximate cause of injuries sustained by that individual or inflicted by that individual on a third party.

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* Sec. 2. AS 09.65 is amended by adding a new section to read:

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Sec. 09.65.097. LIMITATIONS ON THE CIVIL LIABILITY OF LAWFUL BEVERAGE PROVIDERS. (a) A person who provides an intoxicating liquor to an individual may not be held civilly liable for injuries resulting from the intoxication of that individual unless the intoxicating liquor is furnished to that individual in violation of a law prohibiting furnishing intoxicating liquor to a minor or an intoxicated person.

(b) As used in this section "intoxicating liquor" means "intoxicating liquor" as that term is defined by AS 04.20.010.

* Sec. 3. AS 28.35.032 is amended by adding a new subsection to read:

(e) If a person under arrest refuses to submit to a chemical test of his breath as provided in AS 28.35.031, evidence of refusal is admissible in any civil or criminal action or proceeding arising out of the acts alleged to have been committed while the person was operating or driving a motor vehicle in this state while allegedly under the influence of intoxicating liquor, if in addition to the warning required under (a) of this section, the person is informed that the fact of a

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refusal may be admitted into evidence in a subsequent proceeding.