

Introduced: 4/1/85
Referred: State Affairs and
Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 345

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act returning the standard for civil liability of
7 vendors of alcoholic beverages to ordinary negligence
8 under the common law; and providing for an effective
9 date."

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

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

12 Sec. 04.21.020. CIVIL LIABILITY OF PERSONS PROVIDING ALCOHOLIC
13 BEVERAGES. A person who provides alcoholic beverages to another
14 person may not be held civilly liable for injuries resulting from the
15 intoxication of that person unless the person who provides the alco-
16 holic beverages holds a license authorized under AS 04.11.080 --
17 04.11.220, or is an agent or employee of such a licensee, or is
18 required by AS 04.11.010 to hold a license or permit, and if

19 (1) the alcoholic beverages are provided to a person under
20 the age of 21 years in violation of AS 04.16.051, unless the licensee,
21 agent, or employee secures in good faith from the person a signed
22 statement, liquor identification card, or driver's license meeting the
23 requirements of AS 04.21.050(a) and 04.21.050(b), that indicates that
24 the person is 21 years of age or older; or

25 (2) the alcoholic beverages are provided to a drunken
26 person [IN VIOLATION OF AS 04.16.030].

27 * Sec. 2. AS 04.21.080(b)(7) is amended to read:

28 (7) "drunken person" means a person whose physical or
29 mental conduct is substantially impaired as a result of the

1 introduction of an alcoholic beverage into the person's [HIS] body,
2 and who exhibits those observable or reasonably discoverable [PLAIN
3 AND EASILY OBSERVED OR DISCOVERED] outward manifestations of behavior
4 commonly known to be produced by the overconsumption of alcoholic
5 beverages;

6 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).