

SECOND REGULAR SESSION

HOUSE BILL NO. 1808

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHARP (37).

4794H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to social host liability.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.057, to read as follows:

537.057. 1. A person who sustains bodily injury or injury to real or personal property as a result of the negligent provision of alcoholic beverages by a social host to a person who has attained twenty-one years of age may recover damages from the social host only if:

(1) The social host willfully and knowingly provided alcoholic beverages either:

(a) To a person who was visibly intoxicated in the social host's presence; or

(b) To a person who was visibly intoxicated under circumstances manifesting reckless disregard of the consequences as affecting the life or property of another;

(2) The social host provided alcoholic beverages to the visibly intoxicated person under circumstances that created an unreasonable risk of foreseeable harm to the life or property of another, and the social host failed to exercise reasonable care and diligence to avoid the foreseeable harm; and

(3) The injury arose out of an accident caused by the negligent operation of a vehicle by the visibly intoxicated person who was provided alcoholic beverages by the social host.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **2. To determine the liability of a social host under subsection 1 of this section, if a**
17 **test to determine the presence of alcohol in the blood indicates a blood alcohol**
18 **concentration of:**

19 **(1) Less than ten-hundredths of one percent by weight of alcohol in the blood,**
20 **there shall be an irrebuttable presumption that the person tested was not visibly**
21 **intoxicated in the social host's presence and that the social host did not provide alcoholic**
22 **beverages to the person under circumstances that manifested reckless disregard of the**
23 **consequences as affecting the life or property of another; or**

24 **(2) At least ten-hundredths of one percent but less than fifteen-hundredths of**
25 **one percent by weight of alcohol in the blood, there shall be a rebuttable presumption**
26 **that the person tested was not visibly intoxicated in the social host's presence and that**
27 **the social host did not provide alcoholic beverages to the person under circumstances**
28 **that manifested reckless disregard of the consequences as affecting the life or property**
29 **of another.**

30 **3. This section shall be the exclusive civil remedy for personal injury or property**
31 **damage resulting from the negligent provision of alcoholic beverages by a social host to**
32 **a person who has attained twenty-one years of age.**

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