

HB 1808 -- SOCIAL HOST LIABILITY

SPONSOR: Sharp (37)

This bill allows a person who has sustained injury to his or her body or property to recover damages from a social host who has negligently provided alcoholic beverages, but only if:

- (1) The person is 21 years of age or older;
- (2) The social host willfully and knowingly provided alcohol to a person who was visibly intoxicated in the host's presence, or a person who was visibly intoxicated in reckless disregard of the consequences affecting the life or property of another;
- (3) The social host provided alcohol to the visibly intoxicated person which led to an unreasonable risk of foreseeable harm, and the social host failed to exercise care to avoid such harm; and
- (4) The injury resulted in an accident caused by the negligent operation of a vehicle by the visibly intoxicated person who was provided alcohol by the social host.

If the blood alcohol concentration of the visibly intoxicated person is tested, the following provisions will apply:

- (1) If the concentration is less than ten-hundredths of 1% by weight of alcohol in the blood, there must be an irrebuttable presumption that the person tested was not visibly intoxicated in the social host's presence, and that the social host did not provide alcohol in reckless disregard of the consequences affecting the life or property of another; or
- (2) If the concentration is at least ten-hundredths of 1% but less than fifteen-hundredths of 1% by weight of alcohol in the blood, there must be a rebuttable presumption that the person tested was not visibly intoxicated in the social host's presence, and that the social host did not provide alcohol in reckless disregard of the consequences affecting the life or property of another.

The provisions in this bill must be the exclusive civil remedy for personal injury or property damage resulting from a social host who negligently provides alcohol to someone 21 years of age or older.