

Senate File 2343 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3204)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to civil liability and other penalties for social
2 hosts providing alcoholic beverages to persons under legal
3 age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 SF 2343
6 rh/rj/cc/26

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1 1 Section 1. Section 123.92, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:
1 3 Notwithstanding section 123.49, subsection 1, any person
1 4 who is injured in person or property or means of support by an
1 5 intoxicated person who is under legal age or resulting from
1 6 the intoxication of a person who is under legal age, has a
1 7 right of action for all damages actually sustained, severally
1 8 or jointly, against a person who is not a licensee or
1 9 permittee and who dispensed or gave any beer, wine, or
1 10 intoxicating liquor to the intoxicated underage person when
1 11 the nonlicensee or nonpermittee who dispensed or gave the
1 12 beer, wine, or intoxicating liquor to the underage person knew
1 13 or should have known the underage person was intoxicated, or
1 14 who dispensed or gave beer, wine, or intoxicating liquor to
1 15 the underage person to a point where the nonlicensee or
1 16 nonpermittee knew or should have known that the underage
1 17 person would become intoxicated. If the injury was caused by
1 18 an intoxicated person who is under legal age, a person who is
1 19 not a licensee or permittee and who dispensed or gave beer,
1 20 wine, or intoxicating liquor to the underage person may
1 21 establish as an affirmative defense that the intoxication did
1 22 not contribute to the injurious action of the underage person.
1 23 For purposes of this paragraph, "dispensed" or "gave" means
1 24 the act of physically presenting a receptacle containing beer,
1 25 wine, or intoxicating liquor to the underage person, or
1 26 deliberately and knowingly making available a receptacle
1 27 containing beer, wine, or intoxicating liquor to the underage
1 28 person with direct knowledge that the underage person intends
1 29 to consume the beer, wine, or other intoxicating liquor, but
1 30 without physically presenting such receptacle to the underage
1 31 person, whose actions or intoxication results in the
1 32 sustaining of damages by another person. However, a person
1 33 who dispenses or gives beer, wine, or intoxicating liquor to
1 34 an underage person, or who deliberately and knowingly makes
1 35 available a receptacle containing beer, wine, or intoxicating
2 1 liquor to an underage person, shall only be liable for any
2 2 damages if the person knew or should have known that the
2 3 underage person was under legal age.
2 4 Sec. 2. NEW SECTION. 123.92A CIVIL PENALTY == SOCIAL
2 5 HOSTS AND UNDERAGE PERSONS CONSUMING OR POSSESSING ALCOHOL.
2 6 Notwithstanding section 123.49, subsection 1, a person who
2 7 is not a licensee or permittee who knowingly permits a private
2 8 social gathering in the person's residence or on the person's
2 9 property and who knows or has reason to know that an underage
2 10 person has consumed any beer, wine, or intoxicating liquor or
2 11 possessed any beer, wine, or intoxicating liquor in the
2 12 person's residence or on the person's property commits a
2 13 scheduled violation under section 805.8C, subsection 2,
2 14 paragraph "b", for each violation.
2 15 Sec. 3. Section 805.8C, subsection 2, Code Supplement
2 16 2007, is amended to read as follows:
2 17 2. ALCOHOLIC BEVERAGE VIOLATIONS.

2 18 a. For violations of section 123.49, subsection 2,
2 19 paragraph "h", the scheduled fine for a licensee or permittee
2 20 is one thousand five hundred dollars, and the scheduled fine
2 21 for a person who is employed by a licensee or permittee is
2 22 five hundred dollars.
2 23 b. For violations of section 123.92A, the scheduled fine
2 24 is two hundred fifty dollars and is a civil penalty, and the
2 25 criminal penalty surcharge under section 911.1 shall not be
2 26 added to the penalty, and the court costs pursuant to section
2 27 805.9, subsection 6, shall not be imposed.
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