

Can. 6/15/92, Amend. 2/19, Amend. 2/16 Pass (S. 5420) 3/27

MAR 10 1992

HOUSE FILE 2428
BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 724)

Passed House, Date 3/13/92 (p. 590) Passed Senate, Date 4/1/92 (p. 1161)

Vote: Ayes 92 Nays 2 Vote: Ayes 46 Nays 1

Approved April 23, 1992 (p. 1770)

~~Repassed House~~ 4/7/92 (p. 1247)
ayes 89, Nays 4

A BILL FOR

1 An Act relating to including out-of-state liquor, wine, or beer
2 licensees or permittees in Iowa's dramshop Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2428

1 Section 1. Section 123.92, Code 1991, is amended to read
2 as follows:

3 123.92 CIVIL LIABILITY FOR SALE AND SERVICE OF BEER, WINE,
4 OR INTOXICATING LIQUOR (DRAMSHOP ACT).

5 Any person who is injured in person or property or means of
6 support by an intoxicated person or resulting from the
7 intoxication of a person, has a right of action for all
8 damages actually sustained, severally or jointly, against any
9 licensee or permittee, whether or not the license or permit
10 was issued by the division or by the licensing authority of
11 any other state, who sold and served any beer, wine, or
12 intoxicating liquor to the intoxicated person when the
13 licensee or permittee knew or should have known the person was
14 intoxicated, or who sold to and served the person to a point
15 where the licensee or permittee knew or should have known the
16 person would become intoxicated. If the injury was caused by
17 an intoxicated person, a permittee or licensee may establish
18 as an affirmative defense that the intoxication did not
19 contribute to the injurious action of the person.

20 Every liquor control licensee and class "B" beer permittee
21 shall furnish proof of financial responsibility by the
22 existence of a liability insurance policy in an amount
23 determined by the division.

24 EXPLANATION

25 This bill provides that out-of-state alcoholic beverage
26 licensees or permittees are included under Iowa's dramshop
27 Act, section 123.92.

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HOUSE FILE 2428

S-5420

1 Amend House File 2428, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 20 through 23 and
4 inserting the following:

5 "Every liquor control licensee and class "B" beer
6 permittee, except a class "E" liquor control licensee,
7 shall furnish proof of financial responsibility by the
8 existence of a liability insurance policy in an amount
9 determined by the division."

10 2. Title page, line 2, by inserting after the
11 word "in" the following: ", and exempting class "E"
12 liquor control licensees from,".

By COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-5420 FILED MARCH 27, 1992

Adopted 4/1 (p. 1160)

HOUSE FILE 2428

S-5503

1 Amend House File 2428, as passed by the House, as
2 follows:

3 1. Page 1, line 19, by inserting after the word
4 "person." the following: "The remedy provided by this
5 section shall apply both prospectively, to actions
6 filed on or after July 1, 1992, and retrospectively,
7 to actions pending in trial or appellate courts prior
8 to July 1, 1992."

By JOE WELSH

S-5503 FILED APRIL 1, 1992

ADOPTED (p. 1160)

SENATE AMENDMENT TO HOUSE FILE 2428

H-5693

1 Amend House File 2428, as passed by the House, as
2 follows:

3 1. Page 1, line 19, by inserting after the word
4 "person." the following: "The remedy provided by this
5 section shall apply both prospectively, to actions
6 filed on or after July 1, 1992, and retrospectively,
7 to actions pending in trial or appellate courts prior
8 to July 1, 1992."

9 2. Page 1, by striking lines 20 through 23 and
10 inserting the following:
11 "Every liquor control licensee and class "B" beer
12 permittee, except a class "E" liquor control licensee,
13 shall furnish proof of financial responsibility by the
14 existence of a liability insurance policy in an amount
15 determined by the division."

16 3. Title page, line 2, by inserting after the
17 word "in" the following: ", and exempting class "E"
18 liquor control licensees from,".

19 4. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5693 FILED APRIL 2, 1992

House concurred 4/9/92 (p 1246)

New STATE GOVERNMENT
HOUSE FILE 2428

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLANSHAN)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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SUB COMMITTEE ASSIGNMENTS
CHAIR: *Blanshan Gov.*
COMMITTEE: *State Gov.*
3-9-92

1 Section 1. Section 123.92, Code 1991, is amended to read
2 as follows:

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8 damages actually sustained, severally or jointly, against any
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24 EXPLANATION

25 This bill provides that out-of-state alcoholic beverage
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27 Act, section 123.92.

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HOUSE FILE 2428

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AN ACT

RELATING TO INCLUDING OUT-OF-STATE LIQUOR, WINE, OR BEER LICENSEES OR PERMITTEES IN, AND EXEMPTING CLASS "E" LIQUOR CONTROL LICENSEES FROM, IOWA'S DRAMSHOP ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.92, Code 1991, is amended to read as follows:

123.92 CIVIL LIABILITY FOR SALE AND SERVICE OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT).

Any person who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for all damages actually sustained, severally or jointly, against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor to the intoxicated person when the licensee or permittee knew or should have known the person was intoxicated, or who sold to and served the person to a point where the licensee or permittee knew or should have known the person would become intoxicated. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person. The remedy provided by this section shall apply both prospectively, to actions filed on or after July 1, 1992, and retrospectively, to actions pending in trial or appellate courts prior to July 1, 1992.

Every liquor control licensee and class "B" beer permittee, except a class "E" liquor control licensee, shall furnish proof of financial responsibility by the existence of a

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2428, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *April 23*, 1992

TERRY E. BRANSTAD
Governor