

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1018

4 By: Representatives Wallis, Bryant, Stalnaker, Hall, and Hendrix

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT A PERSON WHO GIVES, SELLS, OR
9 SERVES ALCOHOLIC BEVERAGES TO A PERSON UNDER AGE TWENTY-
10 ONE (21) MAY BE SUBJECT TO CIVIL LIABILITY FOR DAMAGES
11 CAUSED BY THE UNDER AGE PERSON WHILE INTOXICATED; AND FOR
12 OTHER PURPOSES."

Subtitle

15 "AN ACT TO PROVIDE THAT A PERSON WHO
16 GIVES, SELLS, OR SERVES ALCOHOLIC
17 BEVERAGES TO A PERSON UNDER AGE TWENTY-
18 ONE (21) MAY BE SUBJECT TO CIVIL
19 LIABILITY FOR DAMAGES CAUSED BY THE
20 UNDER AGE PERSON WHILE INTOXICATED."

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this Act:

26 (1) "Alcoholic beverages" means any beverage designed for human
27 consumption which is capable of causing a person to become intoxicated;

28 (2) "Intoxicated" means an impairment of a person's mental or physical
29 faculties as a result of consumption of alcoholic beverages so as to diminish
30 that person's ability to think and act in a manner in which an ordinary
31 prudent and cautious person, in full possession of his or her faculties and
32 using reasonable care would act under like circumstances;

33 (3) "Underage person" means any person who is under the age of twenty-
34 one (21) years old.

1 SECTION 2. A person who gives, sells, or serves alcoholic beverages to
2 an underage person shall be civilly liable for damages to the person or
3 property of another, if:

4 (1) the damages were caused by the underage person while
5 intoxicated;

6 (2) consumption of the alcoholic beverages caused or contributed
7 to the intoxication of the underage person; and

8 (3) the person knew or a reasonably prudent person in like
9 circumstances would have known that the person to whom the alcoholic
10 beverages was given, sold, or served was an underage person.

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12 SECTION 3. A warning notice that includes the provision of Section 1
13 and 2 of this act shall be posted in public view in each place of business
14 where alcoholic beverages are sold. The warning notice shall be posted in a
15 manner prescribed by the Alcoholic Beverage Control Board.

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17 SECTION 4. All provisions of this act of a general and permanent
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
19 Code Revision Commission shall incorporate the same in the Code.

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21 SECTION 5. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 6. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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32 */s/Rep. Wallis, et al*

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