HOUSE BILL NO. 13

INTRODUCED BY D. BROWN, PAVLOVICH, DRISCOLL, LYNCH,
GOULD, CODY, DARKO, HAGER, KOLSTAD, FULLER, COHEN,
JACK MOORE, HARRINGTON, MANUEL, JONES, O'CONNELL,
KRUEGER, QUILICI, IVERSON, JACOBSON, PATTERSON, SWIFT,
C. SMITH, PHILLIPS, ASAY, ELLISON, KEYSER, HARP, JENKINS,
REGAN, MCCALLUM, HARBIN, ANDERSON, GILBERT, KEATING, RANEY,
DANIELS, CAMPBELL, MONTAYNE, JANET MOORE, HANSEN, HAFFEY,
GLASER, WINSLOW, ZABROCKI, RAPP-SVRCEK, NISBET, ADDY,
BACHINI, HALLIGAN, BOYLAN, GOODOVER, TVEIT, E. SMITH,
STORY, SHAW, B. BROWN, FARRELL, SEVERSON, HIMSL, THAYER,
GALT, KEENAN, BRANDEWIE, SALES, FRITZ, HOLLIDAY, KOEHNKE,
MCCORMICK, POFF, KENNERLY, HOWE, HART, PISTORIA,
SCHYE, J. BROWN, HAND, STANG, GARCIA, ABRAMS

IN THE HOUSE

March 25, 1986

Introduced and referred to Committee on Judiciary.

On motion by Chief Sponsor, Representatives McCormick, Poff, Kennerly, Howe, Hart, Pistoria, Schye, J. Brown, Hand, Stang, Garcia, and Abrams added as sponsors.

March 26, 1986

Committee recommend bill do pass as amended. Report adopted.

March 27, 1986

Bill printed and placed on members' desks.

Second reading, do pass as amended.

Third reading, passed.

Transmitted to Senate.

IN THE SENATE

March 28, 1986

Introduced and referred to Committee on Business and Industry.

Committee recommend bill be concurred in. Report adopted.

Second reading, concurred in.

Third reading, concurred in. Ayes, 50; Noes, 0.

Returned to House.

IN THE HOUSE

March 29, 1986

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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ı	Coly Tolston BILL NO. 13	
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6	ALCOHOLIC BEVERAGE FOR INJURY OR DAMAGE ARISING FROM AN	u
7	EVENT INVOLVING THE CONSUMER; AND PROVIDING AN IMMEDIATE	ž ,
8	REFFECTIVE DATE." The Marie, Jane Means	٠,
9	Theon southansen Laburghe Mostif Helly Deckim	L
10	TO BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	1
1 1	Tweet Section 1. Civily liable ity for injuries jinvolving	
	Family Samuel State Keeran	•
12	(alcohol consumption. (1) The purpose of this section is to	_
13	set statutory criteria governing the Tability of a person	
14	or entity that furnishes an alcoholic beverage for injury or	
15	damage arising from an event involving the person who	
16	consumed the beverage.	
17	(2) A person or entity furnishing an a pholic	
18	beverage may not be found liable for injury or amage	

consumed the beverage.

(2) A person or entity furnishing an alpholic beverage may not be found liable for injury or lamage arising from an event involving the consumer wholly or partially on the basis of a provision of a provision of Title 16 or any other title of the Montana Code Annotated, except this section.

(3) Furnishing a person with an alcoholic beverage is not a cause of, or grounds for finding the furnishing person or entity liable for, injury or damage wholly or partly

У	$\circ r$	partly

arising from an event involving the person who consumed the beverage unless:

- (a) the consumer was under the legal drinking age and the furnishing person knew that the consumer was underage or did not make a reasonable attempt to determine the consumer's age;
- (b) the consumer was visibly intoxicated and the furnishing person knew or reasonably should have known that the consumer was visibly intoxicated; or
- 10 (c) the furnishing person forced or coerced the 11 consumption or told the consumer that the beverage contained 12 no alcohol.
- Section 2. Effective date. This act is effective on passage and approval.

-End-

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APPROVED BY COMMITTEE ON JUDICIARY

1	HOUSE BILL NO. 13
2	INTRODUCED BY D. BROWN, PAVLOVICH, DRISCOLL, LYNCH,
3	GOULD, CODY, DARKO, HAGER, KOLSTAD, FULLER, COHEN,
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13	MCCORMICK, POFF, KENNERLY, HOWE, HART, PISTORIA,
14	SCHYE, J. BROWN, HAND, STANG, GARCIA, ABRAMS
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16	A BILL FOR AN ACT ENTITLED; "AN ACT TO PROVIDE CRITERI
17	GOVERNING THE LIABILITY OF A PERSON OR ENTITY FURNISHING A
18	ALCOHOLIC BEVERAGE FOR INJURY OR DAMAGE ARISING FROM A
19	EVENT INVOLVING THE CONSUMER; AND PROVIDING AN IMMEDIAT
20	EFFECTIVE DATE."
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22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
23	Section 1. Civil liability for injuries involvin
24	alcohol consumption. (1) The purpose of this section is t
25	set statutory criteria governing the liability of a perso

or enti	ty that f	urnish	es a	n alcoh	olic bevera	ge fo	r injur	y or
damage	arising	from	an	event	involving	the	person	who
consume	d the bev	erage.						

- (2) A person or entity furnishing an alcoholic beverage may not be found liable for injury or damage arising from an event involving the consumer wholly or partially on the basis of a provision or a violation of a provision of Title 16 or-any-other-title of the Montana Code Annotated,-except-this-section.
- 10 (3) Furnishing a person with an alcoholic beverage is
 11 not a cause of, or grounds for finding the furnishing person
 12 or entity liable for, injury or damage wholly or partly
 13 arising from an event involving the person who consumed the
 14 beverage unless:
- 15 (a) the consumer was under the legal drinking age and 16 the furnishing person knew that the consumer was underage or 17 did not make a reasonable attempt to determine the 18 consumer's age;
- 19 (b) the consumer was visibly intoxicated and the 20 furnishing person knew or reasonably should have known that 21 the consumer was visibly intoxicated; or
- 22 (c) the furnishing person forced or coerced the 23 consumption or told the consumer that the beverage contained 24 no alcohol.
- 25 Section 2. Effective date. This act is effective on

HB 0013/02

passage and approval.

-End-

2	INTRODUCED BY D. BROWN, PAVLOVICH, DRISCOLL, LYNCH,
3	GOULD, CODY, DARKO, HAGER, KOLSTAD, FULLER, COHEN,
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23	Section 1. Civil liability for injuries involving
24	alcohol consumption. (1) The purpose of this section is to
25	set statutory criteria governing the liability of a person

HOUSE BILL NO. 13

damage arising from an event involving the person who
consumed the beverage.
(2) A person or entity furnishing an alcoholic
beverage may not be found liable for injury or damage
arising from an event involving the consumer wholly or
partially on the basis of a provision or a violation of a
provision of Title 16 or-any-other-title of the Montana Code
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(a) the consumer was under the legal drinking age and
the furnishing person knew that the consumer was underage or
did not make a reasonable attempt to determine the
consumer's age;
(b) the consumer was visibly intoxicated andthe
furnishing-person-knew-or-reasonably-should-have-knownthat
the-consumer-was-visibly-intoxicated; or
(c) the furnishing person forced or coerced the
consumption or told the consumer that the beverage contained
no alcohol.

or entity that furnishes an alcoholic beverage for injury or

Section 2. Effective date. This act is effective on

HB 0013/03

1 passage and approval.

-End-

HB 13

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2	damage	arising	from	an	event	involving	the	person who
3	consume	d the bev	erage.					

- (2) A person or entity furnishing an alcoholic beverage may not be found liable for injury or damage arising from an event involving the consumer wholly or partially on the basis of a provision or a violation of a provision of Title 16 or-any-other-title of the Montana Code Annotated, except-this-section.
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- (c) the furnishing person forced or coerced the consumption or told the consumer that the beverage contained no alcohol.
- 25 Section 2. Effective date. This act is effective on

HB 0013/03

1 passage and approval.

-End-