

1 H.288

2 An act relating to liability for the sale of alcoholic beverages

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Liquor Liability * * *

5 Sec. 1. 7 V.S.A. § 501 is amended to read:

6 § 501. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES; CIVIL
7 ACTION FOR DAMAGES

8 (a) Action for damages. ~~A spouse, child, guardian, employer, or other~~
9 ~~person who is injured in person, property, or means of support by an~~
10 ~~intoxicated person, or in consequence of the intoxication of any person, shall~~
11 ~~have a right of action in his or her own name, jointly or severally, An injured~~
12 ~~person may bring an action in the person's own name pursuant to this~~
13 ~~subsection.~~

14 (1) Unlawful sale. An injured person shall have a right of action against
15 any ~~person or persons~~ licensee who have caused in whole or in part the
16 intoxication of the intoxicated person by selling or furnishing alcoholic
17 beverages:

18 ~~(1)(A)~~ (A) to a minor as defined in section 2 of this title; or

19 ~~(2) to a person apparently under the influence of alcohol;~~

20 ~~(3)(B)~~ (B) to a person after legal serving hours; ~~or~~

1 ~~(4) to a person who it would be reasonable to expect would be under the~~
2 ~~influence of alcohol as a result of the amount of alcoholic beverages served by~~
3 ~~the defendant to that person.~~

4 (2) Negligent service. An injured person may bring an action against
5 any licensee who negligently furnishes alcoholic beverages to a person:

6 (A) apparently under the influence of alcohol; or

7 (B) who it would be reasonable to expect would be under the
8 influence of alcohol as a result of the amount of alcoholic beverages served by
9 the licensee to that person.

10 (3) Negligence; prudent person. A licensee's conduct is negligent under
11 this subsection if the licensee knows, or if a reasonable and prudent person in
12 similar circumstances would know, that the individual being served is
13 intoxicated.

14 (4) Licensee's knowledge; individual consumption. A licensee is not
15 chargeable with knowledge of an individual's off-premises consumption of
16 alcoholic beverages unless the individual's appearance and behavior, or other
17 facts known to the licensee, would put a reasonable and prudent person on
18 notice of the individual's consumption of alcoholic beverages.

19 (b) Survival of action; joint action. Upon the death of either party, the
20 action and right of action shall survive to or against the party's executor or
21 administrator. The party injured or ~~his or her~~ the party's legal representatives

1 may bring either a joint action against the ~~person~~ intoxicated, person and the
2 ~~person or persons who furnished the alcoholic beverages, and an owner who~~
3 ~~may be liable under subsection (c) of this section, licensee~~ or a separate action
4 against either ~~or any~~ of them.

5 (c) ~~Landlord liability.~~

6 (1) ~~If the alcoholic beverages were sold or furnished to the intoxicated~~
7 ~~person in a rented building, the owner may be joined as a defendant in the~~
8 ~~action, and judgment in the action may be rendered against the owner, if the~~
9 ~~owner of the building or in the case of a corporation, its agent, knew or had~~
10 ~~reason to know that alcoholic beverages were sold or furnished by the tenant:~~

11 (A) ~~to minors as defined in section 2 of this title;~~

12 (B) ~~to persons apparently under the influence of alcohol;~~

13 (C) ~~to persons after legal serving hours; or~~

14 (D) ~~to persons who it would be reasonable to expect would be under~~
15 ~~the influence of alcohol as a result of the amount of alcoholic beverages served~~
16 ~~to them by the tenant.~~

17 (2) ~~It shall be an affirmative defense to an action against an owner that~~
18 ~~the owner took reasonable steps to prevent the sale of alcoholic beverages~~
19 ~~under the circumstances described in this subsection or to evict the tenant.~~

20 [Repealed.]

21 * * *

1 (h) Definitions. As used in this section:

2 (1) “Apparently under the influence of alcohol” means a state of
3 intoxication accompanied by a perceptible act or series of actions ~~which~~ that
4 present signs of intoxication.

5 (2) “Injured person” means a spouse, child, guardian, employer, or other
6 person, other than the intoxicated person, who is injured in person, property, or
7 means of support by an intoxicated person or in consequence of the
8 intoxication of any person.

9 (3) “Intoxicated person” means an intoxicated individual who caused
10 injury to a person, a person’s property, or a person’s means of support.

11 (4) “Licensee” means the holder of a first-, third-, or fourth-class
12 license under this title, and the license holder’s employees, who sells or
13 furnishes alcohol to an intoxicated person.

14 (5) “Social host” means a person who is not the holder of a license or
15 permit under this title and is not required to hold a license or permit under this
16 title.

17 Sec. 2. 7 V.S.A. § 501 is amended to read:

18 § 501. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES; CIVIL

19 ACTION FOR DAMAGES

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* * * Effective Dates * * *

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Sec. 4. EFFECTIVE DATES

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(a) This section and Secs. 1 and 3 shall take effect on July 1, 2023.

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(b) Sec. 2 shall take effect on July 1, 2024.