

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) 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) 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.