

of release; provided that *[, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours,]* the provisions of subsection (d) shall apply.

(f) The term "judicial officer" as used in this section and section 7556 of this title shall mean a clerk of a county or district court or a superior or district court judge.

(g) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(h) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

Sec. 3. 13 V.S.A. § 7559(e) and (f) are added to read:

(e) The state's attorney may commence a prosecution for criminal contempt under Rule 42 of the Vermont rules of criminal procedure against a person who violates a condition of release imposed under section 7554 of this title. The maximum penalty which may be imposed under this subsection shall be a fine of \$1,000.00 or imprisonment for six months, or both. Upon commencement of a prosecution for criminal contempt, the court shall review, in accordance with section 7554 of this title, and may continue or modify conditions of release or terminate release of the person.

(f) Notwithstanding Rule 3 of the Vermont rules of criminal procedure, a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe the person without just cause has failed to appear at a decided time and place in connection with a prosecution for an offense or has violated a condition of release relating to a restriction on travel or a condition of release that he or she or directly contact, harass or cause to be harassed a victim or potential witness.

Sec. 4. 13 V.S.A. § 7574 is added to read:

7574. RELEASE IN CASES AFTER CONVICTION

Upon an adjudication of guilt, the trial judge shall review the terms and conditions of release and may terminate them or may continue or alter them pending sentence or pending notice

of appeal or the expiration of the time allowed for filing notice of appeal. In making such review, the judge shall consider the factors set forth in subsection 7554(b) of this title, as well as the defendant's conduct during the trial and the fact of conviction. Any denial of or change in the terms of release shall be reviewable in the manner provided in sections 7554 and 7556 of this title for pretrial release.

Approved: June 23, 1987

NO. 103. AN ACT RELATING TO DRAM SHOP LIABILITY.

(S.5)

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

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

§ 501. UNLAWFUL SALE OF INTOXICATING LIQUORS; CIVIL ACTION FOR DAMAGES

(a) Action for damages. A *[husband, wife]* spouse, child, guardian, employer or other person who is injured in person, property or means of support by an intoxicated person, or in consequence of the intoxication of any person, shall have a right of action in his or her own name, jointly or severally, against *[a person or persons, who, by selling or furnishing intoxicating liquor unlawfully, have caused in whole or in part such intoxication.]* any person or persons who have caused in whole or in part such intoxication by selling or furnishing intoxicating liquor:

(1) to a minor as defined in this title;

(2) to a person apparently under the influence of intoxicating liquor;

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

(4) to a person whom it would be reasonable to expect would be under the influence of intoxicating liquor as a result of the amount of liquor served by the defendant to that person.

[If such intoxicating liquor was so sold or furnished to such person in a rented building, and the owner of such building, or his agent in charge thereof, knew or had reason to know that intoxicating liquor was sold or kept for sale by his tenant in such building contrary to law, such owner may be joined as defendant in such action, and judgment therein may be rendered against him.]

(b) Survival of action; joint action. Upon the death of either party, the action and right of action shall survive to or against *(his)* the party's executor or administrator. The party injured or his or her legal representatives may bring either a joint action against the person intoxicated and the person or persons who furnished the liquor and *(the owner of the building)* an owner who may be liable under subsection (c) of this section, or a separate action against either or any of them.

(c) Landlord liability. If the intoxicating liquor was sold or furnished to the intoxicated person in a rented building, the owner may be joined as a defendant in the action, and judgment therein may be rendered against the owner, if the owner of the building or in the case of a corporation, its agent, knew or had reason to know that intoxicating liquor was sold or furnished by the tenant

(1) to minors as defined in this title;

(2) to persons apparently under the influence of intoxicating liquor;

(3) to persons after legal serving hours; or

(4) to persons whom it would be reasonable to expect would be under the influence of intoxicating liquor as a result of the amount of liquor served to them by the tenant. It shall be an affirmative defense to an action against an owner that the owner took reasonable steps to prevent the sale of intoxicating liquor under the circumstances described in this subsection or to evict the tenant.

(d) Statute of limitations. An action to recover for damages under this section shall be commenced within two years after the cause of action accrues, and not after.

(e) Evidence. In an action brought under this section, evidence of responsible actions taken or not taken is admissible, if otherwise relevant. Responsible actions may include, but are not limited to, instruction of servers as to laws governing the sale of alcoholic beverages, training of servers regarding intervention techniques, admonishment to patrons or guests concerning laws regarding the consumption of intoxicating liquor, and inquiry under the methods provided by law as to the age or degree of intoxication of the persons involved.

(f) Right of contribution. A defendant in an action brought under this section has a right of contribution from any other responsible person or persons, which may be enforced in a separate action brought for that purpose.

(g) Social host. Nothing in this section shall create a statutory cause of action against a social host for furnishing intoxicating liquor to any person without compensation or profit, if the social host is not a licensee or required to be a licensee under this title. However, this subsection shall not be construed to limit or otherwise affect the liability of a social host for negligence at common law.

(h) Definition. For the purpose of this section "apparently under the influence of intoxicating liquor" means a state of intoxication accompanied by a perceptible act or series of actions which present signs of intoxication.

Sec. 2. 7 V.S.A. § 167 is amended to read:

§ 167. DUTIES OF LOCAL CONTROL COMMISSIONERS

The local control commissioners shall administer such rules and regulations, which shall be furnished them by the liquor control board, as shall be necessary to carry out the purposes of this title. All forms of licenses and permits and applications therefor and all rules and regulations shall be prescribed by the liquor control board, which shall prepare and issue such forms, rules and regulations.

Sec. 3. 7 V.S.A. § 240 is added to read:

§ 240. PROOF OF FINANCIAL RESPONSIBILITY

(a) Any first, second or third class liquor licensee whose license is suspended by the local control commissioners or suspended or revoked by the liquor control board for selling or furnishing intoxicating liquor to a minor, to a person apparently under the influence of intoxicating liquor, to a person after legal serving hours, or to a person whom it would be reasonable to expect would be intoxicated as a result of the amount of liquor served to that person, shall be required to furnish to the liquor control department a certificate of financial responsibility within 60 days of the commencement of the suspension or revocation or at the time of reinstatement of the license, whichever is later. Financial responsibility may be established by any one or a combination of the following: insurance, surety bond or letter of credit. Coverage shall be maintained at not less than \$25,000.00 per occurrence and \$50,000.00 aggregate per occurrence. Proof of financial responsibility shall be required for license renewal for the three years following the suspension or revocation.

(b) Proof of financial responsibility and completion of the licensee education program established in section 239 of this title shall be conditions to resume operation after a suspension or revocation for any of the reasons in subsection