

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3984-03
Bill No.: Perfected HS for HCS for HB 1532
Subject: Alcohol; General Assembly; Liability.
Type: Original
Date: March 14, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** and the **Department of Public Safety - Division of Liquor Control** each assume this proposal would not fiscally impact their respective agencies.

In response to similar proposals from this year and last year, officials from the **Office of the Attorney General** assumed this proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses that sell intoxicating beverages by the drink would, seemingly, be asserted a level of protection from liability with this proposal.

DESCRIPTION

This proposal limits the tort liability of the sellers of alcohol for damages caused by persons consuming the alcohol. Current case law allows any person who is injured by an intoxicated person to sue the bar or restaurant that furnished the intoxicated person with the alcohol. (The Missouri Supreme Court ruled that the statute limiting such liability was in conflict with Article I, Section 14 of the Missouri Constitution, which guarantees every person equal access to the courts).

DESCRIPTION (continued)

The proposal makes the consumption of alcohol, not the furnishing of that alcohol, the "proximate cause" of injuries inflicted upon another by an intoxicated person, with one

exception. The victim of an intoxicated person may have a cause of action against a bar or restaurant when the seller sold the alcohol to a person who the seller knew was either visibly intoxicated or under 21. Sellers of the intoxicating liquor shall have the right of contribution from the alleged intoxicated person or minor for all damages awarded against the seller.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the Attorney General
Department of Public Safety - Liquor Control



Mickey Wilson, CPA
Acting Director
March 14, 2002