

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1100-02  
Bill No.: Perfected HS for HB 421  
Subject: Alcohol; Liability  
Type: Original  
Date: March 14, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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**FISCAL ANALYSIS**

ASSUMPTION

In response to a similar proposal from this year, officials of the **Office of Prosecution Services** and the **Office of the State Public Defender** each assumed this proposal would not fiscally impact their respective agencies.

Officials of the **Office of the State Courts Administrator** assumed this proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

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

Under current law, persons licensed to sell intoxicating beverages cannot be held liable for injuries to others inflicted by persons who purchase those intoxicating beverages unless the person licensed to sell intoxicating beverages is first convicted of selling them to a person under age 21 or to an obviously intoxicated person. This proposal deletes language stipulating that the person must be first convicted of selling to a person under age 21 or to an obviously intoxicated person. The proposal also adds, for the cause of action, this sale of intoxicating liquor to a person under the age of 21 or to an obviously intoxicated person must have been knowing and must be proven beyond a reasonable doubt.

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 Prosecution Services  
Office of the State Public Defender

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive, somewhat stylized font.

Jeanne Jarrett, CPA  
Director  
March 14, 2001