
By: **Senators Ruben and Astle**
Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages Seller Liability Act**

3 FOR the purpose of making a person who sells alcoholic beverages to a certain
4 purchaser who operates a motor vehicle civilly liable for property damage,
5 personal injury, or death sustained by a third party that was proximately caused
6 by the purchaser's intoxication; specifying certain types of damages that a
7 certain party is entitled to recover; authorizing a certain civil action to be
8 brought under certain circumstances; prohibiting a certain civil action;
9 providing that this Act does not restrict certain legal remedies; defining a
10 certain term; providing for the application of this Act; and generally relating to
11 the liability of persons and their employees who sell alcoholic beverages.

12 BY adding to
13 Article - Courts and Judicial Proceedings
14 Section 3-1701 through 3-1707, inclusive, to be under the new subtitle "Subtitle
15 17. Alcoholic Beverages Seller Liability Act"
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Courts and Judicial Proceedings**

21 **SUBTITLE 17. ALCOHOLIC BEVERAGES SELLER LIABILITY ACT.**

22 3-1701.

23 IN THIS SUBTITLE, "ALCOHOLIC BEVERAGES" HAS THE MEANING STATED IN
24 ARTICLE 2B, § 1-102(A)(2) OF THE CODE.

1 3-1702.

2 THIS SUBTITLE APPLIES TO A PURCHASER OF ALCOHOLIC BEVERAGES WHO:

3 (1) (I) IS UNDER THE AGE OF 21 YEARS; OR

4 (II) IS VISIBLY INTOXICATED; AND

5 (2) SUBSEQUENTLY OPERATES A MOTOR VEHICLE.

6 3-1703.

7 A PERSON WHO SELLS ALCOHOLIC BEVERAGES TO A PURCHASER IS LIABLE FOR
8 DAMAGES IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE BY A THIRD PARTY IF
9 THE PURCHASER'S INTOXICATION WAS THE PROXIMATE CAUSE OF INJURY, DEATH,
10 OR PROPERTY DAMAGE SUSTAINED BY THE THIRD PARTY.

11 3-1704.

12 A THIRD PARTY ENTITLED TO BRING A CIVIL ACTION UNDER THIS SUBTITLE
13 MAY RECOVER:

14 (1) ECONOMIC DAMAGES AND ANY OTHER PECUNIARY LOSS RESULTING
15 FROM INJURIES THAT WERE PROXIMATELY CAUSED BY THE INTOXICATION OF THE
16 PURCHASER; OR

17 (2) NONECONOMIC DAMAGES, INCLUDING PAIN AND SUFFERING,
18 EMOTIONAL DISTRESS, MENTAL ANGUISH, LOSS OF ENJOYMENT, LOSS OF
19 COMPANIONSHIP, SERVICES AND CONSORTIUM, AND OTHER NONPECUNIARY LOSS
20 RESULTING FROM INJURIES THAT WERE PROXIMATELY CAUSED BY THE
21 INTOXICATION OF THE PURCHASER.

22 3-1705.

23 A CIVIL ACTION FOR DAMAGES FOR THE DEATH OF A PERSON THAT WAS
24 PROXIMATELY CAUSED BY A PURCHASER'S INTOXICATION IS SUBJECT TO TITLE 3,
25 SUBTITLE 9 OF THIS ARTICLE.

26 3-1706.

27 A PERSON MAY NOT BRING A CIVIL ACTION AGAINST THE PERSON WHO SOLD
28 THE ALCOHOLIC BEVERAGES TO A PURCHASER FOR PROPERTY DAMAGE OR AN
29 INJURY TO OR DEATH OF THE PURCHASER THAT WAS PROXIMATELY CAUSED BY THE
30 PURCHASER'S INTOXICATION.

31 3-1707.

32 THIS SUBTITLE DOES NOT RESTRICT ANY OTHER LEGAL REMEDY TO WHICH A
33 PLAINTIFF IS ENTITLED.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any personal injury, death, or property damage to a
4 person that was proximately caused by the intoxication of a purchaser of alcoholic
5 beverages before the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2002.