

2002 SESSION

INTRODUCED

027821824

HOUSE BILL NO. 1145

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend the Code of Virginia by adding a section numbered 4.1-221.2, relating to alcoholic beverage control; limitation on certain retail licensees.

Patron—Marshall, R.G.

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 4.1-221.2 as follows:

§ 4.1-221.2. Limitation on certain retail licensees; liability for negligent or reckless sale of alcoholic beverages.

A. Any person licensed in accordance with subdivision 1. g. of § 4.1-209 whose licensed premises are located in any county with a population between 210,000 and 216,000 who negligently or recklessly serves alcoholic beverages to a minor or an intoxicated individual shall be liable for damages proximately caused by that minor's or intoxicated individual's consumption of the alcoholic beverages.

B. Service of alcoholic beverages to a minor or to an intoxicated individual shall be considered negligent if the licensee knows, or if a reasonable and prudent person in similar circumstances would have known, that the individual being served was a minor or was intoxicated.

C. Service of alcoholic beverages shall be "reckless" if the licensee intentionally serves an alcoholic beverage to an individual when the server knows that the individual being served is a minor or is intoxicated, and the licensee consciously disregards an obvious and substantial risk that serving alcoholic beverages to that individual may cause physical harm to the drinker or to others.

D. Proof of service of alcoholic beverages to a minor without request for identification shall create a rebuttable presumption of negligence.

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