

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3455-01
Bill No.: SB 817
Subject: Dram shop liability.
Type: Original
Date: December 27, 2001

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 legislation, 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 addresses "dram shop" liability. The proposal finds that the consumption of intoxicating beverages, rather than the sale or serving of such beverages, is the proximate cause of any injury inflicted by an intoxicated person. A cause of action may be brought against a person licensed to sell intoxicating liquor by the drink for consumption on the premises if the sale of the intoxicating liquor was to a person under 21 or who is obviously intoxicated is the proximate cause of the injury or death. The sale to a person under 21 or an obviously intoxicated person must have been done knowingly and proven beyond a reasonable doubt. The term "obviously intoxicated" is defined for purposes of the section.

DESCRIPTION (continued)

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



Jeanne Jarrett, CPA
Director

December 27, 2001