

SENATE BILL REPORT

SHB 1375

AS OF FEBRUARY 23, 1994

**Brief Description:** Imposing liability for furnishing liquor to minors.

**SPONSORS:** House Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick, Padden, Heavey, Ballard, Ludwig, Vance, Forner, Wineberry, Jones, Roland, Horn, Casada, Sheahan, Long, Foreman, Rayburn, Brumsickle, Van Luven, Springer, Wood, Johanson, Miller, Schoesler, Reams and Silver)

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Lidia Mori (786-7755); Dick Armstrong (786-7460)

**Hearing Dates:** March 31, 1993; February 25, 1994

**BACKGROUND:**

An individual who furnishes intoxicating liquor to a minor may be charged under Washington law with a misdemeanor. However, such a person is generally not liable in a civil lawsuit for any injury to third persons or damage to property resulting from the minor's consumption. This same rule against liability applies to cases in which adults are furnished alcohol. Washington courts have generally rejected suits based on the common-law theory of negligence. Under the common law, the courts have reasoned that the injuries are not caused by the person who furnishes the liquor but by the independent act of the person who drinks it.

In a recent case, Hansen v. Friend, 118 Wn.2d 476 (1992), the state Supreme Court did hold that a right of action exists for the wrongful death of a minor who died after being supplied alcohol by an adult. Language in the opinion, however, suggests the court may reject extension of the right of recovery to third parties who might be injured by a minor who has been given alcohol.

Other common law exceptions to the general rule of nonliability include situations where someone furnishes liquor to an obviously intoxicated person, to a person in a state of helplessness, or to a person in a special relationship to the furnisher. To date, these exceptions have not been extended to impose liability on a person who supplies liquor to another in a purely social setting.

**SUMMARY:**

When an adult over the age of 18 years furnishes liquor to a minor under the age of 21 years in a commercial, social, or other setting, a civil cause of action is created whereby the adult may be held liable for the economic damages resulting from the minor's consumption.

Economic damages are defined as objectively verifiable monetary losses such as medical expenses or costs of property repair.

The creation of this right of action does not prohibit any person from pursuing an alternative cause of action based on other statutes, ordinances, regulations, or the common law.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested