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HOUSE BILL 2733

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Brough, Appelwick, Padden, Ludwig, Forner, Vance, Wineberry, P. Johnson and Mitchell

Read first time 01/24/92. Referred to Committee on Judiciary.

1 AN ACT Relating to liability for furnishing liquor to minors;  
2 amending RCW 5.40.050 and 66.44.270; adding a new section to chapter  
3 4.24 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 5.40.050 and 1986 c 305 s 901 are each amended to read  
6 as follows:

7 A breach of a duty imposed by statute, ordinance, or administrative  
8 rule shall not be considered negligence per se, but may be considered  
9 by the trier of fact as evidence of negligence; however, any breach of  
10 duty as provided by statute, ordinance, or administrative rule relating  
11 to electrical fire safety, the use of smoke alarms, ~~((or))~~ driving  
12 while under the influence of intoxicating liquor or any drug, or  
13 furnishing liquor to minors, shall be considered negligence per se.

1       **Sec. 2.** RCW 66.44.270 and 1987 c 458 s 3 are each amended to read  
2 as follows:

3       (1) It is unlawful for any person to sell, give, or otherwise  
4 supply liquor to any person under the age of twenty-one years or permit  
5 any person under that age to consume liquor on his or her premises or  
6 on any premises under his or her control.

7       (2) It is unlawful for any person under the age of twenty-one years  
8 to possess, consume, or otherwise acquire any liquor.

9       (3) In any civil action for damages resulting from a minor's  
10 consumption of liquor, violation of this section is considered evidence  
11 of negligence per se.

12       (4) This section does not apply to liquor given or permitted to be  
13 given to a person under the age of twenty-one years by a parent or  
14 guardian and consumed in the presence of the parent or guardian. This  
15 subsection shall not authorize consumption or possession of liquor by  
16 a person under the age of twenty-one years on any premises licensed  
17 under chapter 66.24 RCW.

18       (~~(4)~~) (5) This section does not apply to liquor given for  
19 medicinal purposes to a person under the age of twenty-one years by a  
20 parent, guardian, physician, or dentist.

21       (~~(5)~~) (6) This section does not apply to liquor given to a person  
22 under the age of twenty-one years when such liquor is being used in  
23 connection with religious services and the amount consumed is the  
24 minimal amount necessary for the religious service.

25       (~~(6)~~) (7) Conviction or forfeiture of bail for a violation of  
26 this section by a person under the age of twenty-one years at the time  
27 of such conviction or forfeiture shall not be a disqualification of  
28 that person to acquire a license to sell or dispense any liquor after  
29 that person has attained the age of twenty-one years.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 4.24 RCW  
2 to read as follows:

3        (1) An adult who furnishes intoxicating liquor to a minor is liable  
4 for damages to persons or property caused by the minor's consumption.  
5 This section applies to furnishing alcohol under any circumstances  
6 whether commercially, socially, or otherwise. In an action for damages  
7 based on an adult furnishing liquor to a minor, violation of RCW  
8 66.44.270 is negligence per se.

9        (2) As used in this section:

10        (a) "Minor" means a person under the age of twenty-one years.

11        (b) "Adult" means a person over the age of seventeen years.

12        (3) Actions under this section are limited to economic damages as  
13 defined in RCW 4.56.250.

14        (4) This section is in addition to and does not abridge or alter  
15 alternative rights of action that may be available under statutes,  
16 ordinances, regulations, or at common law.