
HOUSE BILL 1375

State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 01/27/93. 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.

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

16 (1) It is unlawful for any person to sell, give, or otherwise
17 supply liquor to any person under the age of twenty-one years or permit

1 any person under that age to consume liquor on his or her premises or
2 on any premises under his or her control.

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

5 (3) In any civil action for damages resulting from a minor's
6 consumption of liquor, violation of subsection (1) of this section is
7 negligence per se.

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

14 (~~(4)~~) (5) This section does not apply to liquor given for
15 medicinal purposes to a person under the age of twenty-one years by a
16 parent, guardian, physician, or dentist.

17 (~~(5)~~) (6) This section does not apply to liquor given to a person
18 under the age of twenty-one years when such liquor is being used in
19 connection with religious services and the amount consumed is the
20 minimal amount necessary for the religious service.

21 (~~(6)~~) (7) Conviction or forfeiture of bail for a violation of
22 this section by a person under the age of twenty-one years at the time
23 of such conviction or forfeiture shall not be a disqualification of
24 that person to acquire a license to sell or dispense any liquor after
25 that person has attained the age of twenty-one years.

26 NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW
27 to read as follows:

28 (1) An adult who furnishes intoxicating liquor to a minor is liable
29 for damages to persons or property caused by the minor's consumption.
30 This section applies to furnishing alcohol under any circumstances
31 whether commercially, socially, or otherwise. In an action for damages
32 based on an adult furnishing liquor to a minor, violation of RCW
33 66.44.270 is negligence per se.

34 (2) As used in this section:

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

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

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

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

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