

2SSB 5002 - S AMD TO S AMD (S-4427.2/24) **526**

By Senator Dhingra

1 On page 37, beginning on line 10, strike all of section 12 and
2 insert the following:

3 **"Sec. 12.** RCW 66.44.200 and 1998 c 259 s 1 are each amended to
4 read as follows:

5 (1) No person shall sell any liquor to any person apparently
6 under the influence of liquor.

7 (2)(a) No person who is apparently under the influence of liquor
8 may purchase or consume liquor on any premises licensed by the board.

9 (b) A violation of this subsection is an infraction punishable by
10 a fine of not more than (~~five hundred dollars~~) \$500.

11 (c) A defendant's intoxication may not be used as a defense in an
12 action under this subsection.

13 (d) Until July 1, 2000, every establishment licensed under RCW
14 66.24.330 or 66.24.420 shall conspicuously post in the establishment
15 notice of the prohibition against the purchase or consumption of
16 liquor under this subsection.

17 (3) An administrative action for violation of subsection (1) of
18 this section and an infraction issued for violation of subsection (2)
19 of this section arising out of the same incident are separate actions
20 and the outcome of one shall not determine the outcome of the other.

21 (4) Establishments licensed by the board, and their employees and
22 servers, shall not be held civilly liable in causes of action arising
23 from an impaired driving incident based on blood alcohol content
24 below 0.08 as the sole evidence of overservice."

25 On page 38, at the beginning of line 8, strike "and 79A.60.040"
26 and insert "79A.60.040, and 66.44.200"

27 On page 38, beginning on line 8, after "43.59 RCW;" strike all
28 material through "66.44 RCW;" on line 9

EFFECT: (1) Removes statement that nothing in the act changes
current civil law for civil liability of a licensed commercial vendor
or quasi commercial vendor.

(2) Prohibits civil causes of action arising from impaired driving incidents against establishments licensed to serve alcohol by the liquor and cannabis board where the driver's blood alcohol content being below 0.08 is the only evidence of overservice.

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