

ASSEMBLY, No. 2041

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Assemblymen CARROLL and BUCCO

1 AN ACT concerning liability for alcohol consumption and amending
2 P.L. 1987, c.152.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 5 of P.L. 1987, c.152 (C. 2A:22A-5) is amended to read
8 as follows:

9 5. a. A person who sustains personal injury or property damage as
10 a result of the negligent service of alcoholic beverages by a licensed
11 alcoholic beverage server may recover damages from a licensed
12 alcoholic beverage server only if:

13 (1) The server is deemed negligent pursuant to subsection b. of this
14 section; and

15 (2) The injury or damage was proximately caused by the negligent
16 service of alcoholic beverages; and

17 (3) The injury or damage was a foreseeable consequence of the
18 negligent service of alcoholic beverages.

19 b. A licensed alcoholic beverage server shall be deemed to have
20 been negligent only when the server served a visibly intoxicated
21 person, or served a minor, under circumstances where the server
22 knew, or reasonably should have known, that the person served was
23 a minor.

24 c. An adult who becomes intoxicated and sustains personal injury
25 or property damage as a result of his actions while intoxicated shall be
26 prohibited from instituting a civil action for damages against any
27 licensed alcohol beverage server who served or provided the person
28 with alcohol.

29 (cf: P.L. 1987, c. 152, s. 5)

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31 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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STATEMENT

This bill would prohibit civil actions for damages by adults who become intoxicated against a licensed alcoholic beverage server. This bill does not affect the current liability of a licensed alcoholic beverage server for damages sustained by a third party as a result of injuries caused by the negligent service of alcoholic beverages to a visibly intoxicated person.

Bars civil actions for damages by intoxicated persons against licensed alcoholic beverage servers.