

1 HOUSE BILL NO. 50

2 INTRODUCED BY K. PETERSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOTICE OF LEGAL ACTION, THE STATUTE OF
5 LIMITATIONS, AND LIMITATIONS ON DAMAGES AS THEY APPLY TO PERSONS FURNISHING ALCOHOLIC
6 BEVERAGES; AND AMENDING SECTION 27-1-710, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 27-1-710, MCA, is amended to read:

11 **"27-1-710. Civil liability for injuries involving alcohol consumption.** (1) The purpose of this section
12 is to set statutory criteria governing the liability of a person or entity that furnishes an alcoholic beverage for injury
13 or damage arising from an event involving the person who consumed the beverage.

14 (2) Except as provided in 16-6-305, a person or entity furnishing an alcoholic beverage may not be found
15 liable for injury or damage arising from an event involving the consumer wholly or partially on the basis of a
16 provision or a violation of a provision of Title 16.

17 (3) Furnishing a person with an alcoholic beverage is not a cause of, or grounds for finding the furnishing
18 person or entity liable for, injury or damage wholly or partly arising from an event involving the person who
19 consumed the beverage unless:

20 (a) the consumer was under the legal drinking age and the furnishing person knew that the consumer
21 was underage or did not make a reasonable attempt to determine the consumer's age;

22 (b) the consumer was visibly intoxicated; or

23 (c) the furnishing person forced or coerced the consumption or told the consumer that the beverage
24 contained no alcohol.

25 (4) A jury or trier of fact may consider the consumption of an alcoholic beverage in addition to the sale,
26 service, or provision of the alcoholic beverage in determining the cause of injuries or damages inflicted upon
27 another by the consumer.

28 (5) A civil action may not be brought pursuant to subsection (3) by the consumer or by the consumer's
29 estate, legal guardian, or dependent unless:

30 (a) the consumer was under the legal age and the furnishing person knew or should have known that

1 the consumer was under age; or

2 (b) the furnishing person forced or coerced the consumption or told the consumer that the beverage
3 contained no alcohol while knowing that it did contain alcohol.

4 (6) A civil action ~~may not be~~ commenced under this section ~~against a person who furnished alcohol~~
5 ~~unless the person bringing the civil action provides notice of an intent to file the action to the person who~~
6 ~~furnished the alcohol by certified mail within 180 days from the date of sale or service. The civil action must be~~
7 commenced pursuant to this section within ~~2~~ 3 years after the sale or service.

8 ~~(7) In any civil action brought pursuant to this section, the total liability for noneconomic damages may~~
9 ~~not exceed \$250,000.~~

10 ~~(8) In any civil action brought pursuant to this section, the total liability for punitive damages may not~~
11 ~~exceed \$250,000.~~

12 ~~(9)~~(7) Evidence of intentional or criminal activity by a person causing injury in connection with any event
13 or injury commenced pursuant to this part is admissible in any action brought pursuant to this section."

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