

SENATE BILL NO. 230

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator Hanger)

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.8, relating to liability for sale of alcohol to an underage person.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.8 as follows:

§ 8.01-44.8. Liability for sale of alcoholic beverage to underage person.

A. As used in this section:

"Aggrieved party" means a person who sustains an injury to person or property as a consequence of the actions of the underage driver, but does not include the underage person or a person who aided or abetted in the sale or furnishing to the underage person.

"Licensee" means any person to whom a retail license has been granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Proof of good practices" includes instruction of employees as to laws regarding the sale of alcoholic beverages, training of employees, enforcement techniques, admonishment to patrons concerning laws regarding the purchase or furnishing of alcoholic beverages, and detention of a person's identification documents and inquiry about the age or degree of intoxication of the person.

B. An aggrieved party has a cause of action for damages against a licensee if:

1. The licensee or his agent or employee negligently sold or furnished an alcoholic beverage to a person under the age of 21 who was visibly intoxicated;

