

2024 Regular Session

SENATE BILL NO. 171

BY SENATOR MIZELL

LIABILITY. Provides immunity for the sale or service of alcohol in certain circumstances.
(8/1/24)

1 AN ACT

2 To amend and reenact 9:2800.1(E) and to enact R.S. 9:2798.4(F), relative to immunity from

3 liability; to provide relative to immunity involving the sale or service of alcoholic

4 beverages in certain circumstances; to provide for exceptions; and to provide for

5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.1(E) is hereby amended and reenacted and R.S. 9:2798.4(F)

8 is hereby enacted to read as follows:

9 §2798.4. Immunity from liability; injuries sustained by persons driving under the

10 influence of alcoholic beverages or drugs

11 * * *

12 **F. If the operator of a motor vehicle, aircraft, watercraft, or vessel under**

13 **the age for the lawful purchase of intoxicating beverages of either high or low**

14 **alcoholic content is sold or served the intoxicating beverages by a person**

15 **holding a Class A-General Permit issued pursuant to Chapter 1 or Chapter 2**

16 **of Title 26 of the Louisiana Revised Statutes of 1950, the immunity from liability**

17 **provided for in this Section shall not apply to the permit holder.**

* * *

§2800.1. Limitation of liability for loss connected with sale, serving, or furnishing
of alcoholic beverages

* * *

E. The limitation of liability provided by this Section shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or by falsely representing that a beverage contains no alcohol **or to any person who holds a Class A-General Permit issued pursuant to Chapter 1 or 2 of the Louisiana Revised Statutes of 1950 and sells or serves intoxicating beverages to a person under the age for the lawful purchase of intoxicating beverages of either high or low alcoholic content in violation of R.S. 26:90 or 286.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 171 Original

2024 Regular Session

Mizell

Present law provides for the regulation of the sale and service of alcoholic beverages by a person holding a Class A-General Permit issued by the office of alcohol and tobacco control.

Present law prohibits the sale or service of alcoholic beverages by a permit holder to any person under the age of 21.

Present law provides for limitation of liability in certain circumstances for the state, a state agency, or a political subdivision of the state or any person for injury, death, or loss of the operator of a motor vehicle, aircraft, watercraft, or vessel who was operating the vehicle, aircraft, watercraft, or vessel with a BAC of 0.08% or more or was under the influence of any controlled dangerous substance as provided by present law.

Proposed law provides that the present law limitation of liability does not apply to a person holding a Class A-General Permit if the operator of a motor vehicle, aircraft, watercraft, or vessel under the age of 21 is sold or served alcoholic beverages by the permit holder.

Present law provides for limitation of liability for loss connected with sale, serving, or furnishing of alcoholic beverages.

Proposed law retains present law and provides that the present law limitation of liability shall not apply to any Class A-General Permit holder who sells alcoholic beverages to a person under the age of 21.

Effective August 1, 2024.

(Amends R.S. 9:2800.1(E); adds R.S. 9:2798.4(F))