

SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 194 by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
3 8 and insert "R.S. 14:333(B) and R.S. 26:96(A) and 292(A) and to enact R.S. 9:2800.1(F)
4 and R.S. 26:90(A)(17) and 286(A)(17), relative to alcohol; to provide for civil"

5 AMENDMENT NO. 2

6 On page 1, line 9, after "age;" and before "to provide" and insert "to provide for civil
7 liability;"

8 AMENDMENT NO. 3

9 On page 1, between lines 11 and 12 insert the following:

10 "Section 1. R.S. 9:2800.1(F) is hereby enacted to read as follows:

11 §2800.1. Limitation of liability for loss connected with sale, serving, or furnishing
12 of alcoholic beverages; right of action for certain persons

13 * * *

14 **F. Notwithstanding any provision of the law to the contrary:**

15 **(1) Any person under the age for the lawful purchase of intoxicating**
16 **beverages of either high or low alcoholic content who is sold or served**
17 **intoxicating beverages by a person holding a Class A-General Permit issued**
18 **pursuant to Chapter 1 and Chapter 2 of Title 26 of the Louisiana Revised**
19 **Statutes of 1950, shall have a right of action against the permit holder and his**
20 **agent, servant, or employee for any injury or damages suffered due to his**
21 **intoxication. The estate, successors, or survivors of the person granted a right**
22 **of action in this Paragraph shall also have a right of action against the permit**
23 **holder and his agent, servant, or employee for any injury or damages, including**
24 **wrongful death and property damages, suffered by the person due to his**
25 **intoxication.**

26 **(2) A person who sustains any injury or damages caused by a person**
27 **under the age for the lawful purchase of intoxicating beverages of either high**
28 **or low alcoholic content who was sold or served intoxicating beverages by a**
29 **person holding a Class A-General Permit issued pursuant to Chapter 1 and**
30 **Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, shall have a**
31 **right of action against the permit holder and his agent, servant, or employee for**
32 **any injury or damages sustained due to the intoxication of the underage person**
33 **to whom the beverages were sold or served. The estate, successors, or survivors**
34 **of the person granted a right of action in this Paragraph shall also have a right**
35 **of action against the permit holder and his agent, servant, or employee for any**
36 **injury or damages, including wrongful death and property damages, suffered**
37 **by such person due to the intoxication of a person under the age for the lawful**
38 **purchase of intoxicating beverages of either high or low alcoholic content who**
39 **is sold or served intoxicating beverages by a person holding a Class A-General**
40 **Permit issued pursuant to Chapter 1 or Chapter 2 of Title 26 of the Louisiana**
41 **Revised Statutes of 1950.**

42 **(3) The right of action authorized by this Subsection shall be in addition**
43 **to any other right of action otherwise provided by law."**

1 AMENDMENT NO. 4

2 On page 1, line 12, change "Section 1." to "Section 2." and delete "93.11(A) and" and change
3 "are" to "is"

4 AMENDMENT NO. 5

5 On page 1, delete lines 14 through 17 and on page 2, delete lines 1 through 4

6 AMENDMENT NO. 6

7 On page 2, delete lines 16 through 29 and delete page 3 and on page 4, delete lines 1 though
8 15 and insert:

9 "Section 3. R.S. 26:96(A) and 292(A) are hereby amended and reenacted and R.S.
10 26:90(A)(17) and 286(A)(17) are hereby enacted to read as follows:"

11 AMENDMENT NO. 7

12 On page 4, delete lines 22 through 29 and on page 5, delete lines 1 though 23

13 AMENDMENT NO. 8

14 On page 5, line 24, change "twenty-one" to "eighteen"

15 AMENDMENT NO. 9

16 On page 5, line 25, after "establishment" insert "**, except for the specific purpose as**
17 **provided in Subparagraph (8)(a) of this Subsection**"

18 AMENDMENT NO. 10

19 On page 5, line 27, change "**Paragraph (A)(1) of this Section**" to "**Paragraph (1) of this**
20 **Subsection**"

21 AMENDMENT NO. 11

22 On page 5, line 29, change "**Subparagraph (A)(1)(b) of**" to "**Subparagraph (1)(b) of this**
23 **Subsection**"

24 AMENDMENT NO. 12

25 On page 6, line 1, delete "**this Section**"

26 AMENDMENT NO. 13

27 On page 6, delete lines 3 through 24 and insert the following:

28 "§96. Revocation and suspensions not exclusive penalty
29 A.(1)(a) Notwithstanding any other provision of this Chapter to the contrary,
30 the commissioner may, in lieu of or in addition to revocation or suspension of a
31 permit issued under the authority of this Chapter, impose the following schedule of
32 fines to be paid into the state treasury for:
33 (a) (i) A first offense, not less than fifty dollars but not more than five
34 hundred dollars.
35 (b) (ii) A second offense that occurs within three years of the first offense,
36 not less than two hundred fifty dollars but not more than one thousand dollars.
37 (c) (iii) A third offense that occurs within three years of the first offense, not
38 less than five hundred dollars but not more than two thousand five hundred dollars.
39 (2) (b) A retail dealer who is required pursuant to R.S. 15:541.1 to post
40 information regarding the National Human Trafficking Center hotline and fails to

1 post such information may be assessed a fine in accordance with the provisions of
2 this **Section Paragraph**.

3 **(2)(a) Notwithstanding the provisions of Paragraph (1) of this**
4 **Subsection, the commissioner may, in lieu of or in addition to revocation or**
5 **suspension of a permit issued under the authority of this Chapter, impose the**
6 **following schedule of fines to be paid into the state treasury for a violation of**
7 **R.S. 26:90(A)(1):**

8 **(i) A first offense, not less than one thousand dollars but not more than**
9 **five thousand dollars.**

10 **(ii) A second offense that occurs within six years of the first offense, not**
11 **less than five thousand dollars but not more than ten thousand dollars.**

12 **(iii) A third offense that occurs within six years of the first offense, not**
13 **less than ten thousand dollars but not more than fifteen thousand dollars.**

14 **(b) In addition to the fines imposed upon first offense of a violation of**
15 **R.S. 26:90(A)(1) pursuant to this Paragraph, the commissioner shall require the**
16 **Class A-General retail permit holder to verify the age of each person entering**
17 **the establishment through an age verification system authorized by the**
18 **commissioner.**

19 **(c) If an agreement or order is entered in lieu of an administrative**
20 **hearing for a violation of R.S. 26:90(A)(1), the commissioner shall require, as**
21 **a part of the agreement or order, the Class A-General retail permit holder to**
22 **verify the age of each person entering the establishment through an age**
23 **verification system authorized by the commissioner."**

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25 AMENDMENT NO. 14

26 On page 6, line 25, change "**(4)**" to "**(d)**" and change "**Subsection**" to "**Paragraph**"

27 AMENDMENT NO. 15

28 On page 6, delete lines 28 and 29 and delete page 7

29 AMENDMENT NO. 16

30 On page 8, delete lines 6 through 29 and delete page 9 and on page 10, delete lines 1 through
31 13 and insert:

32 **"(17) Allow any person under the age of eighteen years to enter a Class**
33 **A-General retail establishment, except for the specific purposes as provided in**
34 **Paragraph (8)(a) of this Subsection. Any person attempting to enter the Class**
35 **A-General retail establishment shall submit any one of the means of**
36 **identification provided in Paragraph (1) of this Subsection or a similar means**
37 **of verification provided through the use of a real-time age verification system**
38 **authorized by the commissioner. The provisions of Subparagraph (1)(b) of this**
39 **Subsection shall apply to any one of the means of identification submitted.**

40 * * *

41 §292. Revocations and suspensions not exclusive penalty

42 A.**(1)(a)** Notwithstanding any other provision of this Chapter to the contrary,
43 the commissioner may, in lieu of or in addition to revocation or suspension of a
44 permit issued under the authority of this Chapter, impose the following schedule of
45 fines to be paid into the state treasury for:

46 ~~(1)~~**(i)** The first offense, not less than \$50 **fifty dollars** but not more than \$500
47 **five hundred dollars.**

48 ~~(2)~~ **(ii)** The second offense, which occurs within three years of first offense,
49 not less than \$250 **two hundred fifty dollars** but not more than \$1,000 **one**
50 **thousand dollars;** ~~and.~~

51 ~~(3)~~ **(iii)** The third offense, which occurs within three years of the first offense,
52 not less than \$500 **five hundred dollars** but not more than \$2,500 **two thousand**
53 **five hundred dollars.**

54 **(2)(a) Notwithstanding the provisions of Paragraph (1) of this**
55 **Subsection, the commissioner may, in lieu of or in addition to revocation or**

suspension of a permit issued under the authority of this Chapter, impose the following schedule of fines to be paid into the state treasury for a violation of R.S. 26:90(A)(1):

(i) A first offense, not less than one thousand dollars but not more than five thousand dollars.

(ii) A second offense that occurs within six years of the first offense, not less than five thousand dollars but not more than ten thousand dollars.

(iii) A third offense that occurs within six years of the first offense, not less than ten thousand dollars but not more than fifteen thousand dollars.

(b) In addition to the fines imposed upon first offense of a violation of R.S. 26:286(A)(1), the commissioner shall require the Class A-General retail permit holder to verify the age of each person entering the establishment through an age verification system authorized by the commissioner.

(c) If an agreement or order is entered in lieu of an administrative hearing for a violation of R.S. 26:286(A)(1), the commissioner shall require, as a part of the agreement or order, the Class A-General retail permit holder to verify the age of each person entering the establishment through an age verification system authorized by the commissioner.

(d) One-half of the fines collected pursuant to this Paragraph shall be used solely for the enforcement of this Part.

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