



UTAH STATE SENATE

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February 18, 2000

Mr. President:

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 251**, DRAMSHOP MODIFICATIONS, by Senator L. Hillyard, with the following amendments:

1. Page 1, Line 19: After line 19 insert:
"32A-14a-105, Utah Code Annotated 1953"
2. Page 9, Line 259: After "injury" insert "and damage"
3. Page 9, Line 270: After "injury" insert "and damage"
4. Page 9, Line 271: After "chapter" delete the colon ":",
5. Page 9, Line 272: Delete "(i)", but leave the substance of the line and after "(6)" delete the "; and" and insert a period "." and insert "(c) Any cause of action brought under this chapter is exempt from Sections 78-27-37 through 78-27-43."
6. Page 9, Lines 273-275: Delete lines 273- 275
7. Page 10, Line 276: Delete line 276
8. Page 10, Line 295: After line 295 insert:
"Section 9. Section **32A-14a-105** is enacted to read:
32A-14a-105. Action for contribution by provider of alcoholic beverage.
(1) (a) Except as provided in Subsections (2) and (3), a person, as

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defined under Subsection 32A-14a-102(1), (2), or (3), against whom an award has been made under this chapter, may bring a separate cause of action for contribution against any person causing the injury and damage.

(b) The maximum amount for which any person causing the injury and damage may be liable to any person seeking contribution is that percentage or proportion of the damages equivalent to the percentage or proportion of fault attributed to that person causing the injury and damage.

(2) This action for contribution under this section may not be brought against:

(a) any person entitled to recovery as described in Subsection 32A-14a-102(1)(a)(i) or (ii); or

(b) any person entitled to recover as described in Subsection 32A-14a-102(2)(a)(i) or (ii).

(3) An action for contribution under this section may not diminish the amount of recovery for injury or damages awarded and received to any person entitled to recover as described in Subsection 32A-14a-102(1)(a)(i) or (ii) or 32A-14a-102(2)(a)(i) or (ii):

(a) in a cause of action brought under this chapter; or

(b) in a separate cause of action for injury and damages that is not brought under this chapter."

Respectfully,

Michael G. Waddoups
Committee Chair

Voting: 6-0-2

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