

**MINUTES OF THE
SENATE TRANSPORTATION AND PUBLIC SAFETY STANDING COMMITTEE
FEBRUARY 18, 2000, 8:00 A.M.
ROOM 403, STATE CAPITOL**

Members Present: Sen. Michael G. Waddoups, Chair
Sen. Peter Knudson
Sen. David Steele
Sen. Karen Hale
Sen. Paula Julander
Sen. Ed Mayne

Members Excused: President Lane Beattie
Sen. Mont Evans

Staff Present: Benjamin N. Christensen, Research Analyst
Karen Allred, Secretary
M. Gay Taylor, General Counsel

Public Presenters: Gerald Snow, Attorney
Steve Barth
Mary Phillips, Mothers Against Drunk Driving
Janie Brown, Mothers Against Drunk Driving
Steve Smith
Leonard Wojcik, Utah Shooting Sports Council
Randy Browning
Winton Clark Aposhian, Utah Self Defense Instructor's Network
Billy Telford, Eagle Forum
Sarah Thompson, Utah Guns

List of Others Present on File:

Committee Chair Waddoups called the meeting to order at 8:15 a.m.

MOTION: Sen. Hale moved to approve the minutes of February 16, 2000.

The motion passed unanimously.

1. S.B. 246 Utah Uniform Probate Code - Notice, Parties, Representation Amendments (L. Hillyard)

Senator Hillyard explained the bill.

Gerald Snow, Attorney, clarified the bill.

MOTION: Sen. Knudson moved to pass the bill out favorably.

The motion passed unanimously, with Sen. Steele absent for the vote.

2. S.B. 251 Dramshop Modifications (L. Hillyard)

Sen Hillyard explained the bill and amendments were distributed.

MOTION: Sen. Mayne moved to adopt 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 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."

The motion passed unanimously.

M. Gay Taylor, General Counsel, answered questions concerning the bill.

Steve Barth, Mary Phillips, Mothers Against Drunk Driving; Janie Brown, Mothers Against Drunk Driving, and Steve Smith spoke in favor of the bill.

MOTION: Sen. Knudson moved to pass the bill out favorably as amended.

The motion passed unanimously.

MOTION: Sen. Julander moved to advance the agenda to **S.B. 32**.

The motion passed unanimously.

3. S.B. 32 Concealed Permit Holders Requirements (R. Allen)

Senator Allen explained the bill, and **1st Sub. 32** was distributed.

MOTION: Sen. Hale moved to adopt **1st Sub. 32**.

The motion passed unanimously.

MOTION: Sen. Julander moved to amend the bill as follows:

1. Page 3, Lines 81-82: Delete ":(A) seven" and insert "six" and delete "seven yards; and" and insert "five yards or more."
2. Page 3, Line 83: Delete all of line 83

The motion passed unanimously.

Leonard Wojcik, Utah Shooting Sports Council; Randy Browning, Winton Clark Aposhian, Utah Self Defense Instructor's Network; Billy Telford, Eagle Forum; and Sarah Thompson, Utah Guns, spoke against the bill.

MOTION: Sen. Mayne moved to adjourn.

The motion passed unanimously at 9:30 a.m., with Sen. Steele absent for the vote.

Sen. Michael G. Waddoups
Committee Chair