

SOCIAL HOST LIABILITY ACT

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Social Host Liability Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for severability;
- ▶ establishes responsibility for an underage drinking gathering;
- ▶ makes certain conduct subject to a citation and fines including recovery of response costs;
- ▶ allows for the reservation of legal options; and
- ▶ provides for appeals.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-6-1601, Utah Code Annotated 1953

78B-6-1602, Utah Code Annotated 1953

78B-6-1603, Utah Code Annotated 1953



59 (i) the costs of medical treatment to or for an emergency response provider injured
60 because of an activity described in this Subsection (7)(a); and

61 (ii) the cost of repairing damage to equipment or property of a local entity that is
62 attributable to an activity described in this Subsection (7)(a).

63 (b) "Response costs" does not include:

64 (i) the salary and benefits of an emergency response provider for the amount of time
65 spent responding to, remaining at, or otherwise dealing with an underage drinking gathering; or

66 (ii) the administrative costs attributable to an activity described in Subsection (7)(b)(i).

67 (8) (a) "Responsible person" means an individual who:

68 (i) resides in a residence at which an underage drinking gathering occurs; and

69 (ii) (A) has a legal duty for the welfare of a minor who resides at the residence;

70 (B) invites a minor onto the residence; or

71 (C) organizes, supervises, officiates, conducts, or controls the underage drinking
72 gathering.

73 (b) "Responsible person" includes:

74 (i) an owner of a residence; or

75 (ii) a tenant or lessee of a residence.

76 (9) "Underage drinking gathering" means a gathering of two or more persons:

77 (a) at or on a residence;

78 (b) at which service to or consumption of an alcoholic beverage by an underage person
79 occurs; and

80 (c) to which an emergency response provider is required to respond, except for a
81 response related solely to providing medical care at the residence.

82 (10) "Underage person" means an individual under the age of 21 years old.

83 Section 3. Section **78B-6-1603** is enacted to read:

84 **78B-6-1603. Severability.**

85 If any provision of this part or its application to any person or circumstance is held
86 invalid, the invalidity does not affect the other provisions or applications of this part that can be
87 given effect without the invalid provision or application. The provisions of this part are
88 severable.

89 Section 4. Section **78B-6-1604** is enacted to read:

90 **78B-6-1604. Responsibility for not having an underage drinking gathering.**

91 (1) A responsible person for a residence shall maintain, manage, and supervise the
92 residence and any person on the residence so as not to allow an underage drinking gathering to
93 occur at the residence.

94 (2) If a responsible person for an underage drinking gathering is a minor, a parent or
95 guardian of the minor and the minor are jointly and severally liable under this part.

96 (3) A responsible person is liable under this part regardless of whether the responsible
97 person is present at the underage drinking gathering.

98 Section 5. Section **78B-6-1605** is enacted to read:

99 **78B-6-1605. Citation -- Fines.**

100 (1) A law enforcement officer may issue a written citation to a responsible person who
101 knowingly conducts, aids, allows, permits, or condones an underage drinking gathering at a
102 residence.

103 (2) A person issued a citation under this section is subject to a fine equal to the sum of:

104 (a) \$100; and

105 (b) the response costs of the underage drinking gathering, not to exceed \$1,000.

106 (3) (a) When enforcing a citation issued under this section, a local entity may:

107 (i) reduce the amount of a fine; or

108 (ii) negotiate a payment schedule.

109 (b) A fine imposed under this section may be appealed as provided in Section

110 78B-6-1608.

111 (4) One or more responsible persons for an underage drinking gathering are jointly and
112 severally liable under this section for the fine attributable to the underage drinking gathering.

113 Section 6. Section **78B-6-1606** is enacted to read:

114 **78B-6-1606. Response costs -- Collection of fines.**

115 (1) A local entity shall mail a notice of the fine amount for which a responsible person
116 is liable by first-class or certified mail within 14 days of the day after which a citation is issued
117 under Section 78B-6-1605. The notice shall contain the following information:

118 (a) the name of the one or more persons being held liable for the payment of the fine;

119 (b) the address of the residence where the underage drinking gathering occurs;

120 (c) the date and time of the response;

121 (d) the name of an emergency service provider who responds to the underage drinking
122 gathering; and

123 (e) an itemized list of the response costs for which the one or more responsible persons
124 are liable.

125 (2) (a) A responsible person shall remit payment of the fine to the local entity that
126 provides the notice required by Subsection (1) within 90 days of the date on which the notice is
127 sent.

128 (b) When enforcing a citation issued under this section, a local entity may:

129 (i) reduce the amount of a fine; or

130 (ii) negotiate a payment schedule.

131 (3) (a) A fine imposed under this section may be appealed as provided in Section
132 78B-6-1608.

133 (b) Notwithstanding Subsection (4), the payment of a fine is stayed upon an appeal
134 made pursuant to Section 78B-6-1608.

135 (4) (a) The amount of a fine owed under this part is considered a debt owed to the local
136 entity by the responsible person held liable under this part for an underage drinking gathering
137 and, if a minor, by the minor's parents or guardians.

138 (b) After the notice required by Subsection (1), a person owing a fine is liable in a civil
139 action brought in the name of the local entity for recovery of the fine and reasonable attorney
140 fees.

141 Section 7. Section **78B-6-1607** is enacted to read:

142 **78B-6-1607. Reservation of legal options.**

143 (1) (a) Nothing in this part may be construed as a waiver by a local entity of any right
144 to seek reimbursement for actual costs of response services through another legal remedy or
145 procedure.

146 (b) The procedure provided for in this part is in addition to any other statute civil or
147 criminal.

148 (c) This part does not limit the authority of a law enforcement officer or private citizen
149 to make an arrest for a criminal offense arising out of conduct regulated by this part.

150 (2) A local entity may impose by ordinance stricter provisions related to the conduct of
151 an underage drinking gathering, including the imposition of a different fine amount.

152 Section 8. Section **78B-6-1608** is enacted to read:

153 **78B-6-1608. Appeals.**

154 A person upon whom is imposed a fine under this part may appeal the imposition of the
155 fine pursuant to the procedures used by the local entity for appealing a traffic citation or a
156 violation of an ordinance.

Legislative Review Note
as of **2-21-08 3:33 PM**

Office of Legislative Research and General Counsel

H.B. 487 - Social Host Liability Act

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill may lead to additional costs for the Judicial Branch. However such costs are unquantifiable at this time.

Individual, Business and/or Local Impact

Enactment of this bill will impact local justice courts' revenues and costs.
