

32B-16-301 Bringing an action.

- (1) Subject to the other provisions of this section, a retail licensee to whom a minor is liable under Section 32B-16-201 may bring an action in a court of competent jurisdiction to collect the amount described in Section 32B-16-201.
- (2) The action allowed under this section may be brought against:
 - (a) the minor; or
 - (b) if the minor is less than 18 years of age, a parent or guardian of the minor.
- (3) An action under this chapter may not be commenced more than two years after the day on which the applicable fine is imposed by the commission.
- (4) Nothing in this chapter precludes a cause of action or additional recovery against a minor under law other than this chapter.
- (5) Notwithstanding the other provisions of this part:
 - (a) the state or an agency of the state is not liable under this part when a state agency has legal or protective custody of, or has guardianship of a minor at the time:
 - (i) the minor engages in conduct with regard to a violation related to a minor; or
 - (ii) an applicable fine is imposed on the retail licensee by the commission; and
 - (b) a retail licensee may not bring an action against the state or an agency of the state under the circumstances described in Subsection (5)(a).

Enacted by Chapter 276, 2010 General Session