

## **Chapter 16 Minor Liability Act**

### **Part 1 General Provisions**

#### **32B-16-101 Title.**

This chapter is known as the "Minor Liability Act."

Enacted by Chapter 276, 2010 General Session

#### **32B-16-102 Definitions.**

As used in this chapter:

- (1) "Applicable fine" means the sum of the following imposed or assessed under this title by the commission for a violation related to a minor:
  - (a) a fine; and
  - (b) administrative costs of a disciplinary proceeding.
- (2) "Violation related to a minor" means a violation under this title:
  - (a) that is, in whole or in part, based on a retail licensee, or staff of the retail licensee:
    - (i) selling, offering for sale, or furnishing an alcoholic product to a minor;
    - (ii) purchasing or otherwise obtaining an alcoholic product for a minor;
    - (iii) permitting a minor to consume an alcoholic product;
    - (iv) permitting a minor to gain admittance to an area into which a minor is not permitted under this title; or
    - (v) offering or providing employment to a minor that under this title may not be obtained by a minor; and
  - (b) if as part of the violation the minor uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.

Enacted by Chapter 276, 2010 General Session

### **Part 2 Liability to Retail Licensee**

#### **32B-16-201 Liability related to applicable fine.**

- (1) A minor is liable to a retail licensee in an amount described in Subsection (2) if:
  - (a) the commission imposes an applicable fine against the retail licensee on the basis of a violation related to a minor; and
  - (b) the minor, as part of the minor's involvement in the violation described in Subsection (1)(a), uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.
- (2) If the conditions of Subsection (1) are met, a minor is liable to a retail licensee for an amount equal to the sum of:
  - (a) one-half of the amount of the applicable fine imposed against the retail licensee; and
  - (b) the costs and attorney fees incurred by the retail licensee under Section 32B-16-301 to collect the amount owed under this section.

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### **Part 3 Civil Action**

#### **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

#### **32B-16-302 Action for contribution.**

- (1)
  - (a) Subject to Subsections (2) and (3), a minor liable under Section 32B-16-201 against whom an award is made under this chapter, may bring a separate cause of action for contribution against a person causing the liability under Section 32B-16-201.
  - (b) The maximum amount for which a person described in Subsection (1)(a) may be liable to a minor seeking contribution is that percentage or proportion of the amount described in Section 32B-16-201 equivalent to the percentage or proportion of fault attributed to that person causing the liability under Section 32B-16-201.
- (2) An action for contribution under this section may not be brought against:
  - (a) the retail licensee to whom the minor is liable; or
  - (b) staff of the retail licensee.
- (3) An action for contribution under this section may not diminish the amount collected by a retail licensee under this chapter.

Enacted by Chapter 276, 2010 General Session