

Part 16 Social Host Liability Act

78B-6-1601 Title.

This part is known as the "Social Host Liability Act."

Enacted by Chapter 187, 2009 General Session

78B-6-1602 Definitions.

As used in this part:

- (1) "Alcoholic beverage" is as defined in Section 32B-1-102.
- (2) "Emergency response provider" means an individual providing services on behalf of:
 - (a) a law enforcement agency;
 - (b) a fire suppression agency; or
 - (c) another agency or a political subdivision of the state.
- (3) "Law enforcement officer" is as defined in Section 53-13-103.
- (4) "Local entity" means the political subdivision for which an emergency response provider provides emergency services.
- (5) "Minor" means an individual under the age of 18 years old.
- (6)
 - (a) Subject to Subsection (6)(b), "response costs" means the actual costs directly associated with an emergency response provider responding to, remaining at, or otherwise dealing with an underage drinking gathering, including:
 - (i) the costs of medical treatment to or for an emergency response provider injured because of an activity described in this Subsection (6)(a); and
 - (ii) the cost of repairing damage to equipment or property of a local entity that is attributable to an activity described in this Subsection (6)(a).
 - (b) "Response costs" does not include:
 - (i) the salary and benefits of an emergency response provider for the amount of time spent responding to, remaining at, or otherwise dealing with an underage drinking gathering; or
 - (ii) the administrative costs attributable to an activity described in Subsection (6)(b)(i).
- (7) "Underage drinking gathering" means a gathering of two or more individuals:
 - (a) at which an individual knowingly serves, aids in the service of, or allows the service of an alcoholic beverage to an underage person; and
 - (b) to which an emergency response provider is required to respond, except for a response related solely to providing medical care at the location of the gathering.
- (8) "Underage person" means an individual under the age of 21 years old.

Amended by Chapter 276, 2010 General Session

78B-6-1603 Citation -- Civil penalty.

- (1) An individual may not knowingly conduct, aid, or allow an underage drinking gathering.
- (2) A law enforcement officer may issue a written citation to an individual who violates Subsection (1).
- (3) An individual issued a citation under this section is subject to a civil penalty equal to the sum of:
 - (a)
 - (i) a fine of \$250 for a first citation; or

- (ii) double the fine imposed for an immediately preceding citation for each subsequent citation;
and
- (b) the response costs of the underage drinking gathering, not to exceed \$1,000.
- (4) Two or more individuals who violate Subsection (1) for the same underage drinking gathering are jointly and severally liable under this section for response costs attributable to the underage drinking gathering.
- (5) An individual who violates Subsection (1) is liable under this part regardless of whether the individual is present at an underage drinking gathering.
- (6) If a minor is issued a citation under this section, the minor's parent or legal guardian may not be held liable for an amount of civil penalty imposed on the minor as a result of the minor's citation.

Enacted by Chapter 187, 2009 General Session

78B-6-1604 Collection of civil penalty.

- (1) A local entity shall mail a notice of the civil penalty amount for which an individual is liable by first-class or certified mail within 14 days of the day after which a citation is issued under Section 78B-6-1603. The notice shall contain the following information:
 - (a) the name of the one or more individuals being held liable for the payment of the civil penalty;
 - (b) the address of the location where the underage drinking gathering occurs;
 - (c) the date and time of the response;
 - (d) the name of an emergency service provider who responds to the underage drinking gathering;
and
 - (e) an itemized list of the response costs for which the one or more individuals are liable.
- (2)
 - (a) An individual liable under Section 78B-6-1603 shall remit payment of a civil penalty to the local entity that provides the notice required by Subsection (1) within 90 days of the date on which the notice is sent.
 - (b) Notwithstanding Subsection (2)(a), a local entity may:
 - (i) reduce the amount of a civil penalty; or
 - (ii) negotiate a payment schedule for a civil penalty.
- (3)
 - (a) A civil penalty imposed under this section may be appealed as provided in Section 78B-6-1606.
 - (b) Notwithstanding Subsection (4), the payment of a civil payment is stayed upon an appeal made pursuant to Section 78B-6-1606.
- (4)
 - (a) The amount of a civil penalty owed under this part is considered a debt owed to the local entity by the individual held liable under this part for an underage drinking gathering.
 - (b) After the notice required by Subsection (1), an individual owing a civil penalty is liable in a civil action brought in the name of the local entity for recovery of:
 - (i) the civil penalty; and
 - (ii) reasonable attorney fees.

Enacted by Chapter 187, 2009 General Session

78B-6-1605 Reservation of legal options -- Ordinances.

- (1)

- (a) This part may not be construed as a waiver by a local entity of a right to seek reimbursement for actual costs of response services through another legal remedy or procedure.
 - (b) The procedure provided for in this part is in addition to any other civil or criminal statute.
 - (c) This part does not limit the authority of a law enforcement officer or private citizen to make an arrest for a criminal offense arising out of conduct regulated by this part.
- (2) A local entity may impose by ordinance a stricter provision related to the conduct of an underage drinking gathering, including the imposition of a different civil penalty amount, except that the ordinance shall provide that a civil penalty for an underage drinking gathering may only be imposed by a local entity for which an emergency response provider provides services at the underage drinking gathering.

Enacted by Chapter 187, 2009 General Session

78B-6-1606 Appeals.

An individual upon whom is imposed a civil penalty under this part may appeal the imposition of the civil penalty pursuant to the procedures used by the local entity for appealing a traffic citation or a violation of an ordinance.

Enacted by Chapter 187, 2009 General Session