

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2621

AN ACT

AMENDING SECTION 4-311, ARIZONA REVISED STATUTES; RELATING TO ILLEGAL SALES
OF SPIRITUOUS LIQUOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 4-311, Arizona Revised Statutes, is amended to
3 read:

4 4-311. Liability for serving intoxicated person or minor:
5 definition

6 A. A licensee is liable for property damage and personal injuries or
7 is liable to a person who may bring an action for wrongful death pursuant to
8 section 12-612, **OR BOTH**, if a court or jury finds **ALL OF** the following:

9 1. The licensee sold spirituous liquor either to a purchaser who was
10 obviously intoxicated, or to a purchaser under the legal drinking age without
11 requesting identification containing proof of age or with knowledge that the
12 person was under the legal drinking age. ~~, and~~

13 2. The purchaser consumed the spirituous liquor sold by the licensee.
14 ~~, and~~

15 3. The consumption of spirituous liquor was a proximate cause of the
16 injury, death or property damage.

17 **B. NO LICENSEE IS CHARGEABLE WITH KNOWLEDGE OF PREVIOUS ACTS BY WHICH**
18 **A PERSON BECOMES INTOXICATED AT OTHER LOCATIONS UNKNOWN TO THE LICENSEE**
19 **UNLESS THE PERSON WAS OBVIOUSLY INTOXICATED. IF THE LICENSEE OPERATES UNDER**
20 **A RESTAURANT LICENSE, THE FINDER OF FACT SHALL NOT CONSIDER ANY INFORMATION**
21 **OBTAINED AS A RESULT OF A RESTAURANT AUDIT CONDUCTED PURSUANT TO SECTION**
22 **4-213 UNLESS THE COURT FINDS THE INFORMATION RELEVANT.**

23 ~~B.~~ C. For the purposes of subsection A, paragraph 2 of this section,
24 if it is found that an underage person purchased spirituous liquor from a
25 licensee and such underage person incurs or causes injuries or property
26 damage as a result of the consumption of spirituous liquor within a
27 reasonable period of time following the sale of the spirituous liquor, it
28 shall create a rebuttable presumption that the underage person consumed the
29 spirituous liquor sold to such person by the licensee.

30 ~~C.~~ D. For the purposes of this section, "obviously intoxicated" means
31 inebriated to such an extent that a person's physical faculties are
32 substantially impaired and the impairment is shown by significantly
33 uncoordinated physical action or significant physical dysfunction, ~~that~~
34 would have been obvious to a reasonable person.