

By: Howard of Travis, Gattis

H.B. No. 2720

A BILL TO BE ENTITLED

AN ACT

relating to liability for selling or serving alcoholic beverages.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.02, Alcoholic Beverage Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) Providing, selling, or serving an alcoholic beverage to an individual, regardless of the individual's age, may be made the basis of a statutory cause of action under this chapter and may be made the basis of a revocation proceeding under Section 6.01(b) [~~of this code~~] upon proof that:

(1) at the time the provision occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that the individual [~~he~~] presented a clear danger to the individual or [~~himself and~~] others; and

(2) the intoxication of the recipient of the alcoholic beverage was a proximate cause of the damages suffered.

(c) An adult 21 years of age or older is liable for damages proximately caused by the intoxication of a minor [~~under the age of 18~~] if:

(1) the adult is not:

(A) the minor's parent, guardian, or spouse; or

(B) an adult in whose custody the minor has been

1 committed by a court; and

2 (2) the adult knowingly:

3 (A) sold, served, or provided to the minor any of  
4 the alcoholic beverages that contributed to the minor's  
5 intoxication; or

6 (B) allowed the minor to be sold, served, or  
7 provided any of the alcoholic beverages that contributed to the  
8 minor's intoxication [~~on the premises owned or leased by the~~  
9 ~~adult~~].

10 (d) A person who commits an offense under Section 106.03 by  
11 selling an alcoholic beverage to a minor is liable for damages  
12 proximately caused by the intoxication of the minor if the  
13 alcoholic beverage sold to the minor contributed to the minor's  
14 intoxication.

15 SECTION 2. Section 2.03(c), Alcoholic Beverage Code, is  
16 amended to read as follows:

17 (c) This chapter provides the exclusive cause of action for  
18 providing an alcoholic beverage to a person 21 [~~18~~] years of age or  
19 older.

20 SECTION 3. The change in law made by this Act applies only  
21 to a cause of action that accrues on or after the effective date of  
22 this Act. A cause of action that accrues before the effective date  
23 of this Act is governed by the law in effect immediately before that  
24 date, and that law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2009.