

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert H. Miller at
Chairperson1:30 a.m./p.m. on February 21, 1984 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Russ Mills, Research Dept.
Mary Torrence, Revisor's Office

Conferees appearing before the committee:

The meeting was called to order by Chairman Miller.

Rep. Hensley noted that he was in attendance at yesterday's meeting.

Rep. Aylward made a motion, seconded by Rep. Vancrum to approve the minutes of the February 20 meeting as corrected. The motion carried.

HB 2993 - Fire Safety standards for cigarettes

Rep. Fuller made a motion, seconded by Rep. Matlack, to strike #2 from line 36. Motion carried.

Rep. Fuller moved, seconded by Rep. Hensley, to favorably report the bill. Motion lost.

Rep. Aylward made a motion, seconded by Rep. Ekert, to report the bill adversely. Motion passed.

HB 2792 - raise the drinking age

Rep. Vancrum made a motion, seconded by Rep. Matlack, to amend the bill to raise the drinking age to 21, along with other changes. See attachment #1.

substitute motion

Rep. Sallee moved, seconded by Rep. Smith, that the substitute bill as amended (Attachment #2), to raise the drinking age to 19, be reported favorably. Motion carried.

HB 2661 - dram shop act

Rep. Ediger made motion, seconded by Rep. Peterson, to accept the balloon amendments as stated in Attachment #3. Motion carried.

Rep. Peterson moved, seconded by Rep. Ediger, to add "joint and several liability" with respect to any cause of action involving negligence. Motion was defeated.

Rep. Ediger moved, seconded by Rep. Matlack, to accept amendment as stated in balloon amendment #2 on attachment #4. Motion was passed.

Rep. Barr made a motion, seconded by Rep. Aylward, to add balloon amendment #3 on attachment #4 to the bill. Motion was defeated.Rep. Matlack moved, seconded by Rep. Ediger, to report the bill favorably as amended. Motion was passed.

HB 2923 - radar detection

Rep. Hensley made a motion, seconded by Rep. Ramirez, to report the bill adversely.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,
room 526S, Statehouse, at 1:30 a.m./p.m. on February 21, 1984

Rep. Vancrum made a substitute motion, seconded by Rep. Brady, to
table the bill. The substitute motion was defeated.

The original motion was carried.

The meeting was adjourned.

ALTERNATIVE A

(21 years)

rs

AN ACT relating to cereal malt beverages; concerning the age for consumption and other acts relating thereto; amending K.S.A. 21-3610a, 41-2615, 41-2701 and 41-2708 and K.S.A. 1983 Supp. 8-260, 8-1327, 41-2704 and 41-2721 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1983 Supp. 8-260 is hereby amended to read as follows: 8-260. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license.

(2) Lend any driver's license to any other person or knowingly permit the use thereof by another.

(3) Display or represent as the person's own, any driver's license not issued to the person.

(4) Fail or refuse to surrender to the division upon its lawful demand any driver's license which has been suspended, revoked, or canceled.

(5) Use a false or fictitious name in any application for a driver's license, or any renewal or duplicate thereof, or knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) Permit any unlawful use of a driver's license issued to the person.

(7) Photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or display or have in possession any such photograph, photostat,

duplicate, reproduction or facsimile unless authorized by law.

(8) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license unless authorized by law.

(b) Violation of any provision of subsection (a) is a class B misdemeanor.

(c) It shall be unlawful for any person to:

(1) Lend any driver's license to or knowingly permit the use of any driver's license by any person under 21 years old for use in the purchase of any alcoholic liquor.

~~(2) Lend any driver's license to or knowingly permit the use of any driver's license by a person under 18 years old for use in the purchase of any or~~ or cereal malt beverage.

~~(3)~~ (2) Lend any driver's license, nondriver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or duplicate or substitute driver's license.

(d) Violation of any provision of subsection (c) is a class A misdemeanor.

Sec. 2. K.S.A. 1983 Supp. 8-1327 is hereby amended to read as follows: 8-1327. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display, cause or permit to be displayed, or have in possession, any canceled, fictitious, fraudulently altered or fraudulently obtained identification card.

(2) Lend any identification card to any other person or knowingly permit the use thereof by another.

(3) Display or represent any identification card not issued to the person as being the person's card.

(4) Permit any unlawful use of an identification card issued to the person.

(5) Do any act forbidden or fail to perform any act required by this act.

(6) Display or possess any photograph, photostat, duplicate, reproduction or facsimile of an identification card unless authorized by the provisions of this act.

(b) Violation of any provision of subsection (a) is a class B misdemeanor.

(c) It shall be unlawful for any person to:

(1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years old for use in the purchase of any alcoholic liquor.

~~(2) Lend any identification card to or knowingly permit the use of any identification card by any person under 18 years old for use in the purchase of any or cereal malt beverage.~~

~~(3)~~ (2) Lend any identification card, driver's license or other form of identification to aid another person in obtaining an identification card or duplicate identification card.

(d) Violation of any provision of subsection (c) is a class A misdemeanor.

Sec. 3. K.S.A. 21-3610a is hereby amended to read as follows: 21-3610a. (a) Furnishing cereal malt beverage to a minor is buying for or selling, giving or furnishing, whether directly or indirectly, any cereal malt beverage to any person under ~~18 years of age~~ the legal age for consumption of cereal malt beverage.

(b) Furnishing cereal malt beverage to a minor is a class B misdemeanor.

(c) This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward.

(d) As used in this section, "cereal malt beverage" ~~has the meaning~~ and "legal age for consumption of cereal malt beverage" have the meanings provided by K.S.A. 41-2701 and amendments thereto.

(e) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 41-2615 is hereby amended to read as follows: 41-2615. (a) No club licensed hereunder under this act shall knowingly or unknowingly permit the consumption of alcoholic liquor ~~or cereal malt beverage~~ on its premises by a

minor and. No minor shall consume or attempt to consume any alcoholic liquor ~~or cereal malt beverage~~ while ~~in or upon~~ on the premises of a club licensed ~~hereunder or as prohibited by K.S.A. 41-715 and any amendments thereto~~ under this act.

(b) No club licensed under this act shall knowingly or unknowingly permit the consumption of cereal malt beverage on its premises by a person under the legal age for consumption of cereal malt beverage. No person under the legal age for consumption of cereal malt beverage shall consume or attempt to consume any cereal malt beverage while in or on the premises of a club licensed under this act.

(c) The owner of any club, or any officer or any employee thereof, who ~~shall permit~~ permits the consumption of alcoholic liquor or cereal malt beverage on the premises of the club ~~by a minor shall be deemed~~ in violation of this section is guilty of a misdemeanor and upon conviction shall be subject to the same penalty as prescribed by K.S.A. 41-715 and amendments thereto for violation of that section.

Sec. 5. K.S.A. 41-2701 is hereby amended to read as follows: 41-2701. As used in this act unless the context otherwise requires:

(a) "Cereal malt beverage" means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than ~~three and two tenths percent (3.2%)~~ 3.2% alcohol by weight.

(b) "Director" means the director of alcoholic beverage control of the department of revenue.

(c) "Legal age for consumption of cereal malt beverage" means:

(1) With respect to persons born before July 1, 1966, 18 years of age; and

(2) with respect to persons born on or after July 1, 1966, 21 years of age.

(d) "Person" means any individual, firm, partnership,

corporation or association.

~~(d)~~ (e) "Retailer" means any person who sells or offers for sale any cereal malt beverage for use or consumption and not for resale in any form.

~~(e)~~ (f) "Place of business" ~~shall mean~~ means any place at which cereal malt beverages are sold.

~~(f)~~ (g) "Wholesaler or distributor" shall mean individuals, firms, copartnerships, corporations and associations which sell or offer for sale any beverage referred to in this act, to persons, copartnerships, corporations and associations authorized by this act to sell cereal malt beverages at retail.

Sec. 6. K.S.A. 1983 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of this act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Except as provided by subsection (g), no cereal malt beverages may be sold:

(1) Between the hours of 12:00 midnight and 6:00 a.m.;

(2) on Sunday; or

(3) on the day of any national, state, county or city elections, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

(c) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the director.

(d) Each place of business shall be open to the public and to the police at all times during business hours, except that a premises licensed as a club under a license issued by the director shall be open to the police and not to the public.

(e) No licensee shall permit a person under ~~18-years-of-age~~ the legal age for consumption of cereal malt beverage to consume, purchase or possess any cereal malt beverage in or about a place of business.

(f) No person shall have any alcoholic liquor in such person's possession while in a place of business, unless the premises are currently licensed as a club by the director.

(g) Cereal malt beverages may be sold on premises which are both licensed pursuant to the acts contained in article 27 of chapter 41 of the Kansas Statutes Annotated and licensed as a club by the director at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 7. K.S.A. 41-2708 is hereby amended to read as follows: 41-2708. (a) The board of county commissioners or the governing body of any city, upon five ~~(5)~~ days' notice to the persons holding ~~such a~~ license, shall revoke or suspend ~~such the~~ license for any one of the following reasons: ~~(a)--if-a~~

(1) The licensee has fraudulently obtained the license by giving false information in the application therefor;

~~(b)--if~~ (2) the licensee has violated any of the provisions of this act or any rule or regulations made by the board or the city as the case may be;

~~(c)--if~~ (3) the licensee has become ineligible to obtain a license in this act;

~~(d)~~ (4) drunkenness of the ~~person--holding--such--license~~ licensee or permitting any intoxicated person to remain in such ~~place~~ the licensee's place of business;

~~(e)~~ (5) the sale of cereal malt beverages to ~~those-under~~ any person under the legal age for consumption of cereal malt beverage;

~~(f)~~ (6) the nonpayment of any license fees;

~~(g)--for~~ (7) permitting any gambling in or upon ~~such~~ premises the licensee's place of business;

~~(h)--for~~ (8) permitting any person to mix drinks with materials purchased in said the place of business or brought in

for ~~this~~ that purpose;

~~(i)~~ for (9) the employment of persons under ~~eighteen~~ ~~(18)~~ years--of--age the legal age for consumption of cereal malt beverage in dispensing or selling cereal malt beverages on premises licensed to sell cereal malt beverages for consumption on the premises;

(10) the employment of persons under 18 years of age in selling cereal malt beverages on premises licensed to sell cereal malt beverages only in original and unopened containers and not for consumption on the premises;

~~(j)~~ for (11) the employment of persons who have been adjudged guilty of felony or of any violation of the intoxicating liquor law; or

~~(k)~~ for (12) the sale or possession of, or for permitting any person to use or consume upon or--in--said on the licensed premises, any alcoholic liquor as defined by the laws of the state of Kansas relating thereto;--Provided,--That K.S.A. 41-102 and amendments thereto.

(b) The provisions of ~~the foregoing subsections (h) and (i)~~ subsections (a)(8) and (11) shall not apply if ~~such~~ the place of business or premises are also currently licensed as a club under a license issued by the state director of alcoholic beverage control.

(c) Within ~~twenty~~ ~~(20)~~ 20 days after the order of the board revoking or suspending any license, the licensee may appeal to the district court and the district court shall proceed to hear such appeal as though such court had original jurisdiction of the matter. Any appeal taken from an order revoking or suspending any ~~such~~ the license shall not suspend the order of revocation or suspension during the pendency of any such appeal. In case of the revocation of the license of any licensee, no new license shall be issued to ~~such person or~~ the former licensee or to any person acting for or on ~~his or her~~ the former licensee's behalf, for a period of six ~~(6)~~ months thereafter.

Sec. 8. K.S.A. 1983 Supp. 41-2721 is hereby amended to read as follows: 41-2721. (a) No person under ~~18 years--of--age~~ the

legal age for consumption of cereal malt beverage shall:

(1) Claim to be ~~18-or-more-years-of-age~~ the legal age for consumption of cereal malt beverage for the purpose of obtaining or attempting to obtain any cereal malt beverage from any person;

(2) purchase or attempt to purchase any cereal malt beverage from any person; or

(3) possess or consume any cereal malt beverage.

(b) Any person under 18 years of age who violates this section, upon adjudication thereof, ~~shall be deemed,~~ is a juvenile offender under the Kansas juvenile offenders code.

Any person 18 or more years of age who violates this section, upon conviction, is guilty of a class C misdemeanor.

(c) This section shall not apply to the possession and consumption of cereal malt beverage by a person under ~~18-years-of age--when--such~~ the legal age for consumption of cereal malt beverage when the possession and consumption is permitted, and such the beverage is furnished, by the person's parent or legal guardian.

(d) This section shall be part of and supplemental to article 27 of chapter 41 of the Kansas Statutes Annotated.

Sec. 9. K.S.A. 21-3610a, 41-2615, 41-2701 and 41-2708 and K.S.A. 1983 Supp. 8-260, 8-1327, 41-2704 and 41-2721 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

ALTERNATIVE B

(19 years) X

AN ACT relating to cereal malt beverages; concerning the age for consumption and other acts relating thereto; amending K.S.A. 21-3610a, 41-2615 and 41-2708 and K.S.A. 1983 Supp. 8-260, 8-1327, 41-2704 and 41-2721 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1983 Supp. 8-260 is hereby amended to read as follows: 8-260. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license.

(2) Lend any driver's license to any other person or knowingly permit the use thereof by another.

(3) Display or represent as the person's own, any driver's license not issued to the person.

(4) Fail or refuse to surrender to the division upon its lawful demand any driver's license which has been suspended, revoked, or canceled.

(5) Use a false or fictitious name in any application for a driver's license, or any renewal or duplicate thereof, or knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) Permit any unlawful use of a driver's license issued to the person.

(7) Photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or display or have in possession any such photograph, photostat,

duplicate, reproduction or facsimile unless authorized by law.

(8) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license unless authorized by law.

(b) Violation of any provision of subsection (a) is a class B misdemeanor.

(c) It shall be unlawful for any person to:

(1) Lend any driver's license to or knowingly permit the use of any driver's license by any person under 21 years old for use in the purchase of any alcoholic liquor.

(2) Lend any driver's license to or knowingly permit the use of any driver's license by a person under ~~18~~ 19 years old for use in the purchase of any cereal malt beverage.

(3) Lend any driver's license, nondriver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or duplicate or substitute driver's license.

(d) Violation of any provision of subsection (c) is a class A misdemeanor.

Sec. 2. K.S.A. 1983 Supp. 8-1327 is hereby amended to read as follows: 8-1327. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display, cause or permit to be displayed, or have in possession, any canceled, fictitious, fraudulently altered or fraudulently obtained identification card.

(2) Lend any identification card to any other person or knowingly permit the use thereof by another.

(3) Display or represent any identification card not issued to the person as being the person's card.

(4) Permit any unlawful use of an identification card issued to the person.

(5) Do any act forbidden or fail to perform any act required by this act.

(6) Display or possess any photograph, photostat, duplicate, reproduction or facsimile of an identification card unless authorized by the provisions of this act.

(b) Violation of any provision of subsection (a) is a class B misdemeanor.

(c) It shall be unlawful for any person to:

(1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years old for use in the purchase of any alcoholic liquor.

(2) Lend any identification card to or knowingly permit the use of any identification card by any person under ~~18~~ 19 years old for use in the purchase of any cereal malt beverage.

(3) Lend any identification card, driver's license or other form of identification to aid another person in obtaining an identification card or duplicate identification card.

(d) Violation of any provision of subsection (c) is a class A misdemeanor.

Sec. 3. K.S.A. 21-3610a is hereby amended to read as follows: 21-3610a. (a) Furnishing cereal malt beverage to a minor is buying for or selling, giving or furnishing, whether directly or indirectly, any cereal malt beverage to any person under ~~18~~ 19 years of age.

(b) Furnishing cereal malt beverage to a minor is a class B misdemeanor.

(c) This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward.

(d) As used in this section, "cereal malt beverage" has the meaning provided by K.S.A. 41-2701 and amendments thereto.

(e) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 41-2615 is hereby amended to read as follows: 41-2615. (a) No club licensed hereunder under this act shall knowingly or unknowingly permit the consumption of alcoholic liquor ~~or-cereal-malt-beverage~~ on its premises by a minor and. No minor shall consume or attempt to consume any alcoholic liquor ~~or-cereal-malt-beverage~~ while ~~in-or-upon~~ on the premises of a club licensed hereunder ~~or-as-prohibited-by-K.S.A.~~

~~41-715-and-any-amendments-thereto~~ under this act.

(b) No club licensed under this act shall knowingly or unknowingly permit the consumption of cereal malt beverage on its premises by a person under 19 years of age. No person under 19 years of age shall consume or attempt to consume any cereal malt beverage while in or on the premises of a club licensed under this act.

(c) The owner of any club, or any officer or any employee thereof, who shall--permit permits the consumption of alcoholic liquor or cereal malt beverage on the premises of the club by--a minor--shall-be-deemed in violation of this section is guilty of a misdemeanor and upon conviction shall be subject to the same penalty as prescribed by K.S.A. 41-715 and amendments thereto for violation of that section.

Sec. 5. K.S.A. 1983 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of this act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Except as provided by subsection (g), no cereal malt beverages may be sold:

- (1) Between the hours of 12:00 midnight and 6:00 a.m.;
- (2) on Sunday; or
- (3) on the day of any national, state, county or city elections, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

(c) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the director.

(d) Each place of business shall be open to the public and

to the police at all times during business hours, except that a premises licensed as a club under a license issued by the director shall be open to the police and not to the public.

(e) No licensee shall permit a person under ~~18~~ 19 years of age to consume, purchase or possess any cereal malt beverage in or about a place of business.

(f) No person shall have any alcoholic liquor in such person's possession while in a place of business, unless the premises are currently licensed as a club by the director.

(g) Cereal malt beverages may be sold on premises which are both licensed pursuant to the acts contained in article 27 of chapter 41 of the Kansas Statutes Annotated and licensed as a club by the director at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 6. K.S.A. 41-2708 is hereby amended to read as follows: 41-2708. (a) The board of county commissioners or the governing body of any city, upon five ~~(5)~~ days' notice to the persons holding ~~such~~ a license, shall revoke or suspend ~~such~~ the license for any one of the following reasons: ~~(a)~~-~~if~~-~~a~~

(1) The licensee has fraudulently obtained the license by giving false information in the application therefor;

~~(b)~~--~~if~~ (2) the licensee has violated any of the provisions of this act or any rule or regulations made by the board or the city as the case may be;

~~(c)~~--~~if~~ (3) the licensee has become ineligible to obtain a license in this act;

~~(d)~~ (4) drunkenness of the ~~person--holding--such--license~~ licensee or permitting any intoxicated person to remain in ~~such~~ place the licensee's place of business;

~~(e)~~ (5) the sale of cereal malt beverages to ~~those--under~~ any person under 19 years of age;
~~the--age--of--eighteen--(18)--years~~

~~(f)~~ (6) the nonpayment of any license fees;

~~(g)~~--~~for~~ (7) permitting any gambling in or upon ~~such~~ premises the licensee's place of business;

~~(h)~~--~~for~~ (8) permitting any person to mix drinks with

materials purchased in said the place of business or brought in for ~~this~~ that purpose;

~~(i)~~--for (9) the employment of persons under eighteen-~~(18)~~ 19 years of age in dispensing or selling cereal malt beverages on premises licensed to sell cereal malt beverages for consumption on the premises;

(10) the employment of persons under 18 years of age in selling cereal malt beverages on premises licensed to sell cereal malt beverages only in original and unopened containers and not for consumption on the premises;

~~(j)~~--for (11) the employment of persons who have been adjudged guilty of felony or of any violation of the intoxicating liquor law; or

~~(k)~~--for (12) the sale or possession of, or for permitting any person to use or consume ~~upon or in said~~ on the licensed premises, any alcoholic liquor as defined by ~~the laws of the state of Kansas relating thereto;~~ Provided, That K.S.A. 41-102 and amendments thereto.

(b) The provisions of ~~the foregoing subsections (h) and (i)~~ subsections (a)(8) and (11) shall not apply if such the place of business or premises are also currently licensed as a club under a license issued by the state director of alcoholic beverage control.

(c) Within ~~twenty-(20)~~ 20 days after the order of the board revoking or suspending any license, the licensee may appeal to the district court and the district court shall proceed to hear such appeal as though such court had original jurisdiction of the matter. Any appeal taken from an order revoking or suspending any such the license shall not suspend the order of revocation or suspension during the pendency of any such appeal. In case of the revocation of the license of any licensee, no new license shall be issued to ~~such person or~~ the former licensee or to any person acting for or on ~~his or her~~ the former licensee's behalf, for a period of six ~~(6)~~ months thereafter.

Sec. 7. K.S.A. 1983 Supp. 41-2721 is hereby amended to read

as follows: 41-2721. (a) No person under ~~18~~ 19 years of age shall:

(1) Claim to be ~~18~~ 19 or more years of age for the purpose of obtaining or attempting to obtain any cereal malt beverage from any person;

(2) purchase or attempt to purchase any cereal malt beverage from any person; or

(3) possess or consume any cereal malt beverage.

(b) Any person under 18 years of age who violates this section, upon adjudication thereof, ~~shall be deemed~~, is a juvenile offender under the Kansas juvenile offenders code.

Any person 18 or more years of age who violates this section, upon conviction, is guilty of a class C misdemeanor.

(c) This section shall not apply to the possession and consumption of cereal malt beverage by a person under ~~18~~ 19 years of age when ~~such~~ the possession and consumption is permitted, and ~~such~~ the beverage is furnished, by the person's parent or legal guardian.

(d) This section shall be part of and supplemental to article 27 of chapter 41 of the Kansas Statutes Annotated.

Sec. 8. K.S.A. 21-3610a, 41-2615 and 41-2708 and K.S.A. 1983 Supp. 8-260, 8-1327, 41-2704 and 41-2721 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL No. 2661

By Representatives V. Miller and Laird

1-9

0017 AN ACT imposing liability for certain damages on persons sell-
0018 ing or furnishing alcoholic beverages to a minor.

0019 *Be it enacted by the Legislature of the State of Kansas:*

: (1)

0020 Section 1. (a) As used in this section, "alcoholic beverage"
0021 means alcoholic liquor as defined by K.S.A. 41-102 and amend-
0022 ments thereto or cereal malt beverage as defined by K.S.A.
0023 41-2701 and amendments thereto.

(2) "Minor" means a person under 18 years of age, with respect to the sale or furnishing of cereal malt beverages as defined by K.S.A. 41-2701 and amendments thereto, and a person under 21 years of age, with respect to the sale or furnishing of alcoholic liquor as defined by K.S.A. 41-102 and amendments thereto.

0024 (b) If a minor, while under the influence of alcoholic bever-
0025 age, causes death, personal injury or property damage to another,
0026 ~~the sale or furnishing of any alcoholic beverage to the minor shall~~
0027 ~~be considered to have been causal negligence to the extent that~~
0028 ~~the influence of the alcoholic beverage contributed to the death,~~
0029 ~~injury or damage.~~

The jury shall render a special verdict on the issue of whether the person who sold or furnished the alcoholic beverage to the minor was negligent in so doing. If the jury determines that the person was negligent, the person shall be liable for any damages awarded against the minor, ~~to the extent that these damages are not paid by the minor~~

along w/ the minor

0030 (c) The provisions of this section shall not apply in actions
0031 brought by or on behalf of a parent or guardian of the minor.
0032 Sec. 2. This act shall take effect and be in force from and
0033 after its publication in the statute book.

HOUSE BILL No. 2661

By Representatives V. Miller and Laird

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0017 AN ACT imposing liability for certain damages on persons sell-
0018 ing or furnishing alcoholic beverages to a minor.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. (a) As used in this section, "alcoholic beverage"
0021 means alcoholic liquor as defined by K.S.A. 41-102 and amend-
0022 ments thereto or cereal malt beverage as defined by K.S.A.
0023 41-2701 and amendments thereto.

0024 (b) If a minor, while under the influence of alcoholic bever-
0025 age, causes death, personal injury or property damage to another,
0026 the sale or furnishing of any alcoholic beverage to the minor shall
0027 be considered to have been causal negligence to the extent that
0028 the influence of the alcoholic beverage contributed to the death,
0029 injury or damage

0030 (c) The provisions of this section shall not apply in actions
0031 brought by or on behalf of a parent or guardian of the minor.

0032 Sec. 2. This act shall take effect and be in force from and
0033 after its publication in the statute book.

: (1)

(2) "Minor" means a person under 18 years of age, with respect to the sale or furnishing of cereal malt beverage as defined by K.S.A. 41-2701 and amendments thereto, and a person under 21 years of age, with respect to the sale or furnishing of alcoholic liquor as defined by K.S.A. 41-102 and amendments thereto.

may

and, notwithstanding any other law to the contrary, the minor and the person furnishing or selling the alcoholic beverage shall be jointly and severally liable for the damages attributable to each other's negligence

or if the person selling or furnishing the alcoholic beverage reasonably believed that the minor was not a minor