

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 144

As Amended by House Committee on
Judiciary

Brief*

SB 144 would create a civil cause of action for an aggrieved party against a person who has been convicted of violating the crime of unlawfully hosting minors consuming alcoholic liquor or cereal malt beverages. Aggrieved party means a person who sustains damages as a consequence of the acts or conduct of a minor but does not include any person aiding or abetting in the procurement of the residence or land used.

Background

The bill, as introduced, was supported by a mother whose son was killed in a car wreck after drinking at a friend's home, a law student, and the Kansas Trial Lawyers Association. The bill was opposed by the Kansas Restaurant and Hospitality Association, the Kansas Wine and Spirits Wholesalers Association, the Kansas Association of Beverage Retailers, Kansas Clubs and Associates, and the Kansas Association of Insurance. The House Committee deleted the prohibition of a minor from the term "aggrieved party" and also deleted the necessity of a conviction in the provisions regarding social hosting.

The Senate Committee deleted a dram shop provision of the bill which would have given a cause of action against a person licensed to sell alcohol or cereal malt beverages.

The House Committee deleted the prohibition of a minor from the term "aggrieved party" and also deleted the necessity of a conviction in the provisions regarding social hosting.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Office of Judicial Administration states that it is not known how many additional civil case filings would result from the passage of SB 144. Therefore, an estimate of the fiscal effect of the bill on the Judiciary cannot be made.