

FILED FEB 28 '01

SENATE FILE 311

BY BARTZ

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act providing a civil cause of action for false accusations
 2 relating to the sale of alcohol to a person under legal age,
 3 made against a liquor licensee or permittee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 311
JUDICIARY

1 Section 1. Section 123.49, subsection 3, Code 2001, is
2 amended to read as follows:

3 3. A person under legal age shall not misrepresent the
4 person's age for the purpose of purchasing or attempting to
5 purchase any alcoholic beverage liquor, wine, or beer from any
6 licensee or permittee. If any person under legal age
7 misrepresents the person's age, and the licensee or permittee
8 establishes that the licensee or permittee made reasonable
9 inquiry to determine whether the prospective purchaser was
10 over legal age, the licensee or permittee is not guilty of
11 selling alcoholic liquor, wine, or beer to a person under
12 legal age. If a person under legal age falsely accuses a
13 licensee or permittee of knowingly selling alcoholic liquor,
14 wine, or beer to that person under legal age, the licensee or
15 permittee shall have a civil cause of action against that
16 person for actual damages up to one thousand dollars and
17 reasonable attorney fees and court costs, and for punitive
18 damages against minors aged eighteen and over.

19 EXPLANATION

20 This bill creates a civil cause of action for a person who
21 holds an alcoholic liquor, wine, or beer license or permit
22 against a person under legal age who falsely accuses the
23 licensee or permittee of knowingly selling alcohol to that
24 person. The civil cause of action is for actual damages up to
25 \$1,000, and reasonable attorney fees and court costs, and for
26 punitive damages against persons who are at least 18 years of
27 age but under legal age.

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