

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1416

Introduced by

Representatives K. Koppelman, Delmore, Kiefert, Klemin, Ruby

Senators Dotzenrod, Hogue, Luick, O'Connell

1 A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century
2 Code, relating to violations of alcohol retail licenses; to amend and reenact section 5-01-06.1 of
3 the North Dakota Century Code, relating to liability for injuries related to intoxication; and to
4 provide for a report to legislative management.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 5-01-06.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **5-01-06.1. Claim for relief for fault resulting from intoxication.**

- 9 1. Every spouse, child, parent, guardian, employer, or other ~~person~~individual who is
10 injured by any obviously intoxicated ~~person~~individual has a claim for relief for fault
11 under section 32-03.2-02 against any person who knowingly disposes, sells, barter, or
12 gives away alcoholic beverages to a ~~person~~an individual under twenty-one years of
13 age, or to an incompetent, or an obviously intoxicated person~~individual~~, and if death
14 ensues, the survivors of the decedent are entitled to damages defined in section
15 32-21-02. Not if a retail licensee is found liable under this section and exemplary
16 damages are sought, the finder of fact may consider as a mitigating factor that the
17 licensee provided to an employee alcohol server training that addressed intoxication,
18 drunk driving, and underage drinking.
- 19 2. If a retail licensee provided to an employee alcohol server training that addresses
20 intoxication, drunk driving, and underage drinking, a person with a claim for relief
21 under this section may not use the fact that the retail licensee provided this training to
22 prove culpability.
- 23 3. A claim for relief pursuant to under this section may not be had on behalf of the
24 intoxicated person~~individual~~ nor on behalf of the intoxicated person's~~individual's~~ estate

1 or personal representatives, nor may a claim for relief be had on behalf of an adult
2 passenger in an automobile driven by an intoxicated person~~person~~individual or on behalf of
3 the passenger's estate or personal representatives.

4 **SECTION 2.** A new section to chapter 5-02 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Violations - Alcohol server training.**

7 For a first violation taken against the retail licensee by a licensing authority for serving
8 alcoholic beverages, the licensing authority shall accept as a mitigating factor the retail licensee
9 provided to the licensee's employees alcohol server training that addressed intoxication, drunk
10 driving, and underage drinking, as approved by the licensing authority. Under this section, a
11 mitigating factor must result in a lesser punishment than the retail licensee would have received
12 if not for the mitigating factor.

13 **SECTION 3. WORKFORCE SAFETY AND INSURANCE - SAFETY PROGRAMS -**

14 **REPORT.** During the 2015-16 interim, workforce safety and insurance shall investigate whether
15 there is an industry interest in using safety programs under section 65-03-04 to provide grants
16 to an industry association to provide alcohol server training to employees of bars and
17 restaurants that serve alcohol in order to address workplace safety and public safety. Before
18 August 1, 2016, workforce safety and insurance shall report to the legislative management on
19 the outcome of the organization's efforts under this section.