

# House Research Act Summary

**CHAPTER:** 423

**SESSION:** 2000 Regular Session

**TOPIC:** Social Host Liability for Injuries Caused by Alcohol

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## Overview

Minnesota has a statutory cause of action (dram shop act) against licensed alcohol vendors who make an illegal sale to a person who becomes intoxicated and then injures another person. Over the years, statute and case law have varied on whether a similar action could be brought against a social host who provided alcohol to a guest who then injured another person. Since 1990, a statute has provided that nothing precludes a common law action against someone 21 or older, who is not a licensed alcohol vendor, and who provides alcohol to an underage drinker. This act creates a statutory cause of action to cover that situation.

### 1 **Civil action; intoxication of person under age 21.**

**Subd. 1. Right of action.** (a) Gives a right of action to a spouse, parent, guardian, child, employer, or other person who (1) is injured in person, property, or means of support or (2) incurs other pecuniary loss by an intoxicated person under 21, or by the intoxication of that person. The action exists against a person over age 21 who:

had control of the premises and was in a reasonable position to prevent the underage drinker's alcohol consumption; knowingly or recklessly permitted consumption; and the consumption caused the intoxication of the underage drinker; or

sold, bartered, furnished, gave to, or purchased for an underage drinker, alcohol which caused that person to be intoxicated.

The act does not apply to licensed liquor sales.

(b) Provides for paying damages recovered by a minor under the act to the minor or the parent, guardian, or next friend, as the court orders.

(c) Provides that an intoxicated person under age 21 who caused an injury has no right of action under this section.

**Subd. 2. Subrogation.** Provides that an insurer has no subrogation claim under motor vehicle

insurance as a result of payments made by the insurer to persons with claims arising in whole or in part under this section.

**Subd. 3. Coverage included.** Specifies that there is no homeowner's insurance coverage for liability under the act unless specifically provided by a policy or a rider attached to a policy. This subdivision expires December 31, 2001.