Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1416
(Representatives K. Koppelman, Delmore, Kiefert, Klemin, Ruby)
(Senators Dotzenrod, Hogue, Luick, O'Connell)

AN ACT to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to violations of alcohol retail licenses; to amend and reenact section 5-01-06.1 of the North Dakota Century Code, relating to liability for injuries related to intoxication; and to provide for a report to legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. Every spouse, child, parent, guardian, employer, or other ~~person~~individual who is injured by any obviously intoxicated ~~person~~individual has a claim for relief for fault under section 32-03.2-02 against any person who knowingly disposes, sells, barters, or gives away alcoholic beverages to ~~a person~~an individual under twenty-one years of age~~,~~ or to an incompetent~~,~~ or an obviously intoxicated ~~person~~individual, and if death ensues, the survivors of the decedent are entitled to damages defined in section 32-21-02. ~~No~~If a retail licensee is found liable under this section and exemplary damages are sought, the finder of fact may consider as a mitigating factor that the licensee provided to an employee alcohol server training that addressed intoxication, drunk driving, and underage drinking.

2. If a retail licensee provided to an employee alcohol server training that addresses intoxication, drunk driving, and underage drinking, a person with a claim for relief under this section may not use the fact that the retail licensee provided this training to prove culpability.

3. A claim for relief ~~pursuant to~~under this section may not be had on behalf of the intoxicated ~~person~~individual nor on behalf of the intoxicated ~~person's~~individual's estate or personal representatives, nor may a claim for relief be had on behalf of an adult passenger in an automobile driven by an intoxicated ~~person~~individual or on behalf of the passenger's estate or personal representatives.

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

Violations - Alcohol server training.

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

SECTION 3. WORKFORCE SAFETY AND INSURANCE - SAFETY PROGRAMS - REPORT. During the 2015-16 interim, workforce safety and insurance shall investigate whether there is an industry interest in using safety programs under section 65-03-04 to provide grants to an industry association to provide alcohol server training to employees of bars and restaurants that serve alcohol in order to address workplace safety and public safety. Before August 1, 2016, workforce safety and insurance shall report to the legislative management on the outcome of the organization's efforts under this section.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1416.

House Vote:	Yeas 90	Nays 3	Absent 1
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 10:05 A.M. on March 17, 2015.

Approved at 2:43 P.M. on March 18, 2015.

Governor

Filed in this office this 18th day of March, 2015,

at 4:21 o'clock P M.

Secretary of State