## HOUSE BILL 0390

HB0390FT03

AN ACT to create W.S. 12-8-301 relating to alcoholic beverages; limiting liability in some cases of selling or providing alcoholic liquor or malt beverages; providing for exceptions; and providing for an effective date.

Introduced by:

DATE	ACTION	DATE	ACTION
AN 1 9 1986	READ PRINT YIME	2/01/65	Pular Sun Rondod-30ago
	REFERRED TO COM, NS.		READ THIRD TIME
	DELIVERED TO COM. NO.		AMENDED AS POLICIUS 1+77 395531-A
MAN 8 6 1996			
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	NECOMMENDED DO PASS		Received Amended
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EB 4 1985	READ THIRD TIME		Joint Coul. Comm. appointed
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	BEAD SECOND TIME		

SIGNED BY SPEAKER 2-23-85 SIGNED BY PRESIDENT 2-23-88 APPROVED BY GOVERNOR 3-/- 95 CHAPTER NO.200 SESSION LAWS OF WYOMING

# NB390 Date 2-23-85

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FOF	RTY-	EIGH	TH WY	<b>OMING</b>	LEGISL	ATURE

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3/4/85

## HOUSE ROLL CALL

## FORTY-EIGHTH WYOMING LEGISLATURE

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<u> </u>	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	/				MURPHY		-	· · ·	
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BROWN					ROBERTSON	•			
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GERINGER	•				STRAND			1	
GETTER					TATE	-			
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LAMB	,			1	MR. SPEAKER				
LUMMIS					PRESENT		AYES		44
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# HOUSE ROLL CALL FORTY-EIGHTH WYOMING LEGISLATURE

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ADNOLD	Ayes	Noes	Excused	Absent	MUDDLIV	Ayes	Noes	Excused	Absent
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HOUSE ROLL CALL

## FORTY-EIGHTH WYOMING LEGISLATURE

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BARLOW BIRLEFFI BLACKWELL BROWN BURDO BURDO BURNS BURTON BYRD CHAMBERLAIN CROSS CROWLEY DOBOS GERINGER GETTER GETTER GRANT HARRISON HARRISON HERBST HUMPHREY JONES LUMBILAN MALDONADO MARTON MALLESS J.5	ARNOLD	V			,	MURPHY				
BARLOW BIRLEFFI BROWN BRITEFI BROWN BROWN BROWN BROWN BROWN BROWN	BAKER	v				ODDE	-			
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CHAMBERLAIN  CROSS  CROWLEY  DICKEY  DOBOS  GERINGER  GERINGER  GEANT  HAGEMAN  HARSEN  HARRISON  HERBST  HUMPHREY  JACKSON  JENSEN  JENSEN  JENSEN  WEAVER  WALLIS  JENSEN  WALLIS  JONES  KUNZ  LAMB  LUMMIS  MALDONADO  MARTON  MEENAN  MICILVAIN  MEENAN  SORENSEN  SIMONS  SAVER  VALUFFER  STRAND  THOMAS  THOMAS  TIPPETS  TATE  VALUE  VALUE	BURTON	V				SANDERS	•		•	
CROSS CROWLEY DICKEY DOBOS GERINGER GERINGER GETTER GRANT HAGEMAN HARSEN HARRISON HERBST HUMPHREY JACKSON JENSEN JENSEN JENSEN WOLFLEY JONES KUNZ LAMB LUMMIS MALDONADO MARTON MCILVAIN MEENAN  SORENSEN SIMONS SIMONS SIMONS SIMONS SIMONS SIMONS SIMONS WSAGENER WASIMONS WSAGENER WASIMONS WATTON STRAND THOMAS THOMAS THOMAS THEPETS TATE WASIMONS WAGENER WAGENER WAGENER WALLIS TYSDAL WALLIS WAGGENER WOLFLEY WALLIS TOTAL G4 MEENAN  SIMONS WAGENER WAGENER WAGENER WAGENER WALLIS TOTAL G64 LESS LIST	BYRD					SCHWOPE				
CROWLEY  DICKEY  DOBOS  GERINGER  GERINGER  GETTER  GRANT  HAGEMAN  HARISON  HARRISON  HERBST  HUMPHREY  JACKSON  JENSEN  JENSEN  JONES  KUNZ  LAMB  LUMMIS  MALDONADO  MARTON  MCILVAIN  MEENAN  DOBOS  STAUFFER  SORENSEN  STRAND  THOMAS  THOMAS  THOMAS  THOMAS  THOMAS  THOMAS  STRAND  THOMAS  TOTAL  MESS  STRAND  TATE  WASE  WASE  SORENSEN  SORENSEN  SORENSEN  SORENSEN  SORENSEN  SORENSEN  SORENSEN  WASE  STRAND  THOMAS  WASE  WASE  STRAND  TOTAL  MESS  TOTAL  64  LESS  LESS  SORENSEN  SORENSEN  SORENSEN  WASE  TOTAL  GERION  TOTAL  TOTA	CHAMBERLAIN					SHREVE				
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HANSEN  HARRISON  HERBST  HINES  HUMPHREY  JACKSON  JENSEN  JONES  KUNZ  LAMB  LUMMIS  MACMILLAN  MACMILLAN  MARTON  MCILVAIN  MEENAN  TIPPETS  TIPTON  TIPTON  WAGGENER  WAGGENER  WAGGENER  WALLIS  WAGGENER  WOLFLEY  WALLIS  WALLIS  WALLIS  WALLIS  WALLIS  WOLFLEY  WOLFLEY  MARTON  NOES  13  EXCUSED  AMBSENT  TOTAL  64  LESS  15	GRANT	/				THOMAS Am			-	
HARRISON  HERBST  TYSDAL  HINES  WAGGENER  HUMPHREY  WALLIS  JACKSON  WEAVER  WOLFLEY  JONES  ZIMMERMAN  KUNZ  LAMB  LUMMIS  MACMILLAN  MACMILLAN  MACMILLAN  MARTON  MARTON  MEENAN  TIPTON  WALLIS  WAGGENER  WALLIS  WEAVER  WOLFLEY  TOTAL  AMB  AMB  AMB  AMB  AMB  AMB  AMB  A	HAGEMAN	V	  -			TIBBS				
HERBST TYSDAL HINES WAGGENER HUMPHREY WALLIS JACKSON WEAVER JENSEN WOLFLEY JONES ZIMMERMAN KUNZ ZUMBRUNNEN LAMB MR. SPEAKER LUMMIS MACMILLAN MR. SPEAKER MACMILLAN MACMILLAN MACMILLAN MACMILLAN MACMILLAN MACMILLAN MACMILLAN MACMILLAN MEENAN MEENAN MEENAN  TOTAL 64 LESS JS	HANSEN	1				TIPPETS U				
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HUMPHREY  JACKSON  WEAVER  WOLFLEY  JONES  ZIMMERMAN  KUNZ  ZUMBRUNNEN  LAMB  LAMB  LUMMIS  PRESENT  MACMILLAN  MALDONADO  MARTON  MCILVAIN  MEENAN  WEAVER  WOLFLEY  AWALDER  MOLFLEY  MARTON  AYES  MAYES  MAYES  MARTON  ABSENT  TOTAL  64  LESS  MELONA  MEENAN	HERBST	•	-			TYSDAL	•			
JACKSON  JENSEN  WOLFLEY  JONES  ZIMMERMAN  KUNZ  ZUMBRUNNEN  LAMB  MR. SPEAKER  LUMMIS  MACMILLAN  MALDONADO  MARTON  MCILVAIN  MEENAN  WEAVER  WEAVER  WEAVER  WEAVER  WEAVER  WEAVER  WOLFLEY  A WO	HINES	(	•			WAGGENER	-			· · · · · · · · · · · · · · · · · · ·
JENSEN  JONES  ZIMMERMAN  KUNZ  ZUMBRUNNEN  LAMB  MR. SPEAKER  LUMMIS  PRESENT  AYES  49  MACMILLAN  NOES  73  MALDONADO  MARTON  MCILVAIN  MEENAN  WOLFLEY  ZIMMERMAN  AYES  49  AYES  49  TOTAL  64  LESS	HUMPHREY	7				WALLIS				
JONES  KUNZ  ZUMBRUNNEN  LAMB  MR. SPEAKER  LUMMIS  PRESENT  AYES  49  MACMILLAN  NOES  73  MALDONADO  MARTON  MCILVAIN  MEENAN  ZIMMERMAN  MR. SPEAKER  AYES  49  TOTAL  64  LESS  J.S	JACKSON	<u>)</u>				WEAVER	-			
KUNZ  LAMB  LAMB  MR. SPEAKER  LUMMIS  PRESENT  AYES  49  MACMILLAN  NOES  73  MALDONADO  MARTON  MCILVAIN  MEENAN  ZUMBRUNNEN  MR. SPEAKER  AYES  49  AYES  49  AYES  49  TOTAL  64  LESS  15	JENSEN					WOLFLEY	A			
LAMB  LUMMIS  MR. SPEAKER  PRESENT  AYES  49  NOES  73  MALDONADO  MARTON  MCILVAIN  MEENAN  MR. SPEAKER  AYES  49  AYES  13  ABSENT  TOTAL  64  LESS  15	JONES	<u></u>				ZIMMERMAN	_			
LUMMIS  MACMILLAN  MALDONADO  MARTON  MCILVAIN  MEENAN  PRESENT  AYES  49  NOES 13  EXCUSED 2  ABSENT  TOTAL 64  LESS 15	KUNZ	4				ZUMBRUNNEN	V			
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MACMILLAN NOES 13  MALDONADO EXCUSED 2  MARTON ABSENT TOTAL 64  MEENAN LESS 15	LUMMIS	_				PRESENT		AYES	4	9
MALDONADO  MARTON  MCILVAIN  MEENAN  EXCUSED 2  ABSENT  TOTAL 64  LESS	MACMILLAN Con								7	3
MARTON  MCILVAIN  TOTAL 64  LESS 15	MALDONADO X							1. 6.4		2
MCILVAIN TOTAL 64  MEENAN LESS 15		-								-
MEENAN LESS 15	MCILVAIN	Name -			·					 34
	MEENAN				,					
	MICHELI	<b>js</b> .						LEGG		

### 1 RB0390H31/FC CORRECTED COPRECTED COPY

page 1-line 3 After ";" insert "providing a definition of when alcoholic liquor or malt beverages are furnished illegally;".

5 Page 1-line 9 Before "Any" insert "(a)".

6 Page 2-After line 10 Insert:

8

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11

13

14

"(b) Alcoholic liquor or malt beverages are deemed to be furnished illegally if they are furnished to:

ned lilegally if they are furnished to:

(ii) A minor in violation of Section 12-6-101(a);

(ii) An intoxicated person who the person furnishing the alcoholic liquor or malt beverage knew or should have known was obviously intoxicated to a degree to render that person unable to safely drive a motor vehicle in violation of W.S. 31-5-233.". -HARRISON.

	Stand Report Do Amd Not St Com Whole Do Amd Not Co 2nd Reading Amd 2r	Second Hou come No cand Report om Whole nd Reading od Reading	Do Amd Not Do Amd Not
		EN	GROSSED
1985	STATE OF WYOMING		85LSO-0804/eng
	HOUSE BILL NO. 0390	_	
Alcoh	holic beverages.		
Spons	sored by: Representative(s) JONES		
	A BILL		
	for		
1	AN ACT to create W.S. 12-8-301 relat	ting to alo	coholic bev-
2	erages; limiting causes of action	n in cases	of voluntary
3	intoxication in some cases; and prov	viding for	an effective
4	date.		
5	Be It Enacted by the Legislature of	the State	of Wyoming:
6	Section 1. W.S. 12-8-301 is co	reated to 1	read:
7	ARTICLE 3		
8	DAMAGES		
` 9	12-8-301. Cause of action	abolished.	Any right of

- action against a licensee or the licensee's employees
  alleging that a person to whom alcoholic liquor or malt
  beverages were legally sold by the licensee or the
  licensee's employees caused damages because of intoxication is abolished. Any right of action against a person
  which alleges that he legally furnished a third person
  with alcoholic liquor or malt beverages which third person
- 8 caused damages to another because of intoxication is abol-
- 9 ished. This section does not affect the liability of the
- 10 intoxicated person for damages.
- 11 Section 2. This act is effective May 23, 1985.

12 (END)

NB390

```
/HB0390HS1/
     Page 2-line 2 After "alcoholic" insert "liquor".
2
                            After "that" insert "he legally furnished"; delete "to whom" insert "with"; after "alcoholic" insert "liquor".
     Page 2-line 6
3
5
6
      Page 2-line 7 Delete line through "that" insert "which
                           third". CROWLEY, CHAIRMAN
         HB0390JC1/AHE(TO ENGROSSED COPY)
   1
   2
         Delete the following Senate amendments:
               HB0390SS1/AE
               HB0390S21/AE
   5
               HB0390S31/AE
  6
         Further amend the ENGROSSED COPY as follows:
                              Delete "causes of action" insert "liabil-
  7
         Page 1-line 2
                               ity"; after "in" insert "some"; after
  8
                               "cases" delete balance of the line.
  9
                              Delete through ";" and insert "of selling or providing alcoholic liquor or malt bev-
 10
         Page 1-line 3
 11
 12
                              erages; providing for exceptions;"
                              Delete "Cause of action abolished." insert "Limitation of liability."; delete balance
 13
         Page 1-line 9
 14
 15
                              of the line.
 16
         Page 2-lines 1 through 10 Delete entirely and insert:
 17
               "(a) No licensee is liable for damages caused by an
 18
         intoxicated person to whom the licensee legally sold or fur-
        nished alcoholic liquor or malt beverages unless the licen-
see sold or provided alcoholic liquor or malt beverages to
 19
 20
        a person who was intoxicated, and:
 21
        (i) It was reasonably apparent to the licensee that the person buying or receiving the alcoholic liquor or
 22
 23
 24
        malt beverage was intoxicated; or
       (ii) The licensee knew or reasonably should have known from the circumstances that the person buying or receiving the alcoholic liquor or malt beverages was intoxi-
 25
 26
 27
 28
        cated.
               (b) No person who is not a licensee who has gratu-
 29
        itously and legally provided alcoholic liquor or malt bever-
 30
        age to any other person is liable for damages caused by the
 31
 32
        intoxication of the other person.
 33
                   This section does not affect the liability of the
34
        intoxicated person for damages.
               (d) This section does not affect the liability of the
 35
        licensee or person if the alcoholic liquor or malt \bar{b}everage was sold or provided in violation of Title 12 of the Wyoming
 36
37
38
        Statutes.
```

39 (e) For purposes of this section "licensee" is as 40 defined in W.S. 12-1-101(a)(viii) and includes the 41 licensee's employee or employees.".

42 -JONES, JACKSON, RYCKMAN, ARNEY, NICHOLAS, HINCKLEY

DW

1	THE LEGISLATURE OF THE STATE OF WYOMING
2	JOINT CONFERENCE REPORT
3	Cheyenne, Wyoming
4	February 23, 1985
5 6	To the Honorable President of the Senate, and the Honorable Speaker of the House of Representatives:
7 <sup>*</sup> 8 9	We, your Joint Conference Committee appointed to confer on House Bill No. 0390, respectfully recommend as follows: HB0390JC1/(TO ENGROSSED COPY):
10 11 12 13	Delete the following Senate amendments: HB0390SS1/AE HB0390S21/AE HB0390S31/AE
14	Further amend the ENGROSSED COPY as follows:
15 16 17	Page 1-line 2 Delete "causes of action" insert "liabil- ity"; after "in" insert "some"; after "cases" delete balance of the line.
18 19 20	Page 1-line 3 Delete through ";" and insert "of selling or providing alcoholic liquor or malt beverages; providing for exceptions;".
21 22 23	Page 1-line 9 Delete "Cause of action abolished." insert "Limitation of liability."; delete balance of the line.
24	Page 2-lines 1 through 10 Delete entirely and insert:
25 26 27 28 29	"(a) No licensee is liable for damages caused by an intoxicated person to whom the licensee legally sold or furnished alcoholic liquor or malt beverages unless the licensee sold or provided alcoholic liquor or malt beverages to a person who was intoxicated, and:
30 31 32	(i) It was reasonably apparent to the licensee that the person buying or receiving the alcoholic liquor or malt beverage was intoxicated; or
33 34 35 36	(ii) The licensee knew or reasonably should have known from the circumstances that the person buying or receiving the alcoholic liquor or malt beverages was intoxicated.
37 38 39	(b) No person who is not a licensee who has gratu- itously and legally provided alcoholic liquor or malt bever- age to any other person is liable for damages caused by the

- intoxication of the other person.
- 2 (c) This section does not affect the liability of the intoxicated person for damages.
- 4 (d) This section does not affect the liability of the 5 licensee or person if the alcoholic liquor or malt beverage 6 was sold or provided in violation of Title 12 of the Wyoming 7 Statutes.
- 8 (e) For purposes of this section "licensee" is as 9 defined in W.S. 12-1-101(a)(viii) and includes the 10 licensee's employee or employees.".

Tom Jønes

Dona ha Tack com

Touring Buckman

Louise Ryckmak

Rex Arney

vavid Micholas

Frank Hinckley

SENATE

HOUSE

### HB0390JC1/AA (TO ENGROSSED COPY)

Delete the following Senate amendments:

HB0390SS1/AE HB0390S21/AE

HB0390S31/AE

Further amend the ENGROSSED COPY as follows:

- Page 1-line 2 Delete "causes of action" insert "liability"; after "in" insert "some"; after "cases" delete balance of the line.
- Page 1-line 3 Delete through ";" and insert "of selling or providing alcoholic liquor or malt beverages; providing for exceptions;".
- Page 1-line 9 Delete "Cause of action abolished." insert
  "Limitation of liability."; delete balance
  of the line.

Page 2-lines 1 through 10 Delete entirely and insert:

- "(a) No licensee is liable for damages caused by an intoxicated person to whom the licensee legally sold or furnished alcoholic liquor or malt beverages unless the licensee sold or provided alcoholic liquor or malt beverages to a person who was intoxicated, and:
- (i) It was reasonably apparent to the licensee that the person buying or receiving the alcoholic liquor or malt beverage was intoxicated; or
- (ii) The licensee knew or reasonably should have known from the circumstances that the person buying or receiving the alcoholic liquor or malt beverages was intoxicated.
- (b) No person who is not a licensee who has gratuitously and legally provided alcoholic liquor or malt beverage to any other person is liable for damages caused by the intoxication of the other person.
- (c) This section does not affect the liability of the intoxicated person for damages.
- (d) This section does not affect the liability of the licensee or person if the alcoholic liquor or malt beverage was sold or provided in violation of Title 12 of the Wyoming Statutes.
- (e) For purposes of this section "licensee" is as defined in W.S. 12-1-101(a)(viii) and includes the licensee's employee or employees.".
- -JONES, JACKSON, RYCKMAN, ARNEY, NICHOLAS, HINCKLEY

## THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

HB03904151/	Cheyenne, January 25, 19	.8.5
Mr. Speaker:		
Your Committee No	1 on JUDICIARY	
to whom was referred	No.	.g. : •••••••
respectfully reports same back with the following and	to the House with the recommendation that HB0390 DO PA	SS
Page 2 - line 2	After "alcoatile" insert "liquor".	er en en en de Konstant de la Konstant de la de
Page 2 - line 6	After "that" insert "he legally furnished"; delete "to whom" insert "with"; after alcoholic" insert "liquor".	
Fago 2 - lime 7	Nelete line through "that" insert "which third".	/ ·

Rep. Hansen Pr, Skiežri Tate wipton Crowley NOES Vetrison Ođ ಕನ್ನ Robertson Wolfler

EXCUSED Lep. Lumnis

Chairman

HB0390831/AE TO ENGROSSED COPY

Page 2-lines 1 through 10 Delete HB0390821/ARto these lines, and in the standing committee amendment (HB03908S1/AE) to these lines, amend as follows:

Delete paragraph (a) as written and insert the following:

- (a) No licensee is liable for damages caused by an intoxicated person to whom the licensee legally sold or furnished alcoholic liquor or malt beverages unless the licensee sold or provided alcoholic liquor or malt beverages to a person who was intoxicated, and:
- (i) It was reasonably apparent to the licensee that the person buying or receiving the alcoholic liquor or malt beverage was intoxicated; or

(ii) The licensee knew or reasonably should have known from the circumstances that the person buying or receiving the alcoholic liquor or malt beverages was intoxicated. -SULLIVAN

House of Intro To Com. No.	House of Intro Second Ho To Com. No. To Com No.		ise
	Amd_Not_	Stand Report	
	Amd_Not	Com Whole 2nd Reading	Do Amd Not
2nd Reading Amd 3rd Reading Amd	Pass Fail		Amd Pass Fai
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		IN	TRODUCED
1985	STATE OF WY		85LSO-0804.01
HOUSE BILL NO. 0390			
Alcoholic beverages.			
Sponsored by: Representative(s) JONES			
A BILL			
for			
1 AN ACT to create W.S. 12-8-301 relating to alcoholic bev-			
2 erages; limiting causes of action in cases of voluntary			
3 intoxication in some cases; and providing for an effective			
4 date.			
			·
5 Be It Enacted by	the Legislatu	ire of the State	or wyoming:
6 Section 1.	W.S. 12-8-301	. is created to 1	read:
7	ARTICI	.Е 3	•
8	DAMAG	re C	
	DAMAC	300	
9 12-8-301.	Cause of act	ion abolished.	Any right of

- 1 -

- action against a licensee or the licensee's employees 1 2 alleging that a person to whom alcoholic or malt beverages were legally sold by the licensee or the licensee's 3 4 employees caused damages because of intoxication is abol-5 ished. Any right of action against a person which alleges 6 that a third person to whom alcoholic or malt beverages 7 were legally furnished by that person caused damages to 8 another because of intoxication is abolished. This sec-9 tion does not affect the liability of the intoxicated per-10 son for damages.
- 11 Section 2. This act is effective May 23, 1985.
- 12 (END)

HB0390SS1/AE TO ENGROSSED COPY

Page 1-line 2 Delete "causes of action" and insert "liability"; after "in" insert "some"; after "cases" delete balance of the line.

Page 1-line 3 Delete through ";" and insert "of selling or providing alcoholic liquor or malt beverages; providing for exceptions;".

Page 1-line 9 Delete "Cause of action abolished." and insert "Limitation of liability."; delete balance of the line.

Page 2-lines 1 through 10 Delete entirely and insert:

- (a) No licensee is liable for damages caused by an intoxicated person to whom the licensee legally sold or furnished alcoholic liquor or malt beverages unless:
- (i) The licensee sold or provided alcoholic liquor or malt beverages to a person who was intoxicated;
- (ii) It was reasonably apparent to the licensee that the person buying or receiving the alcoholic liquor or malt beverage was intoxicated; and
- (iii) The licensee knew or reasonably should have known from the circumstances that the person buying or receiving the alcoholic liquor or malt beverages was intoxicated.
  - (b) This section does not affect the liability of the intoxicated person for damages.
- (c) This section does not affect the liability of the licensee if the alcoholic liquor was illegally sold or illegally provided.
- (d) For the purposes of this section "licensee" is as defined in W.S. 12-1-101(a)(viii) and includes the licensee's employee or employees.

  -ARNEY

HB0390S21/AE TO ENGROSSED COPY

Page 2-lines 1 through 10 In the standing committee amendment (HB0390SS1/AE) to these lines, amend as follows:

In paragraph (a)(i) after ";" insert "and".

In paragraph (a)(ii) delete "and" and insert "or". -SULLIVAN