

ASSEMBLY, No. 372

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

SYNOPSIS

Establishes affirmative defense to liability for licensed alcoholic beverage servers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the “New Jersey Alcoholic Beverage Server
2 Fair Liability Act” and amending P.L.1987, c.152.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 6 of P.L.1987, c.152 (C.2A:22A-6) is amended to
8 read as follows:

9 Damages may be awarded in a civil action under P.L.1987, c.152
10 (C.2A:22A-1 et seq.) subject to the limitations set forth in this
11 section.

12 a. The provisions of sections 1 and 2 of P.L.1973, c.146
13 (C.2A:15-5.1 and C.2A:15-5.2) shall apply in all civil actions
14 instituted pursuant to the provisions of this act.

15 b. Notwithstanding the provisions of P.L.1952, c.335
16 (C.2A:53A-1 et seq.), section 3 of P.L.1973, c.146 (C.2A:15-5.3) or
17 any other law to the contrary, in any case where a licensed alcoholic
18 beverage server or any other party to a suit instituted pursuant to the
19 provisions of this act is determined to be a joint tortfeasor, the
20 licensed alcoholic beverage server or other party shall be
21 responsible for no more than that percentage share of the damages
22 which is equal to the percentage of negligence attributable to the
23 server or other party.

24 c. A licensed alcoholic beverage server shall be entitled to an
25 affirmative defense against liability under P.L.1987, c.152
26 (C.2A:22A-1 et seq.), if the licensed alcoholic beverage server, or
27 an employee of the licensed alcoholic beverage server, made a good
28 faith effort to arrange transportation for the visibly intoxicated
29 patron.

30 (cf: P.L.1987, c.152, s.6)

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32 2. This act shall take effect immediately.

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35 STATEMENT

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37 This legislation is to be called “Cory’s Law” after Cory Aufiero
38 of Colts Neck who was tragically hit by a car and killed after he left
39 a bar. His family and friends hope that this bill will help save lives.

40 Under the New Jersey Licensed Alcoholic Beverage Server Fair
41 Liability Act, also known as the “dram shop” law, a licensed
42 alcoholic beverage server may be liable for personal injury or
43 property damage caused by the negligent service of alcohol to a
44 visibly intoxicated patron. Under current law, a person injured by
45 an intoxicated person may bring a suit against the establishment that

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 served alcoholic beverages to the person that caused the injury,
2 even if an employee of the establishment attempted to arrange
3 transportation for the visibly intoxicated person.

4 This bill would provide a defense against liability for damages
5 under the State's dram shop law, if the licensed alcoholic beverage
6 server or an employee made a good faith effort to arrange
7 transportation for the visibly intoxicated patron.