



SPONSOR: Rep. DiLiberto

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 594

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE TO CREATE A PRIVATE CAUSE OF ACTION IN FAVOR OF PERSONS WHO SUFFER INJURY OR LOSS DUE TO THE SALE OR SERVICE OF ALCOHOL TO AN INTOXICATED PERSON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §706 of the Delaware Code, by designating the existing language as subsection "(a)" and by
2 adding a new subsection thereto as follows:

3 "(b) A private cause of action shall exist against any person who serves alcoholic beverages in violation
4 of this section to another who thereafter commits a tort. The action shall run in favor of a party injured or killed
5 by the tortious conduct of the intoxicated person, and any other person who suffers injury or loss caused by such
6 conduct."

SYNOPSIS

This Act will allow a person who suffers injury or death due to the negligence of an intoxicated person to recover damages from the person or establishment that sold or served the alcohol if the person sold or served the individual alcohol after the individual was visibly intoxicated.