

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2196

Introduced by

Senators Lyson, Nething

Representatives Schneider, Dahl

1 A BILL for an Act to amend and reenact section 5-01-06.1 of the North Dakota Century Code,
2 relating to host liability for damages caused by an intoxicated individual.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **5-01-06.1. Claim for relief for fault resulting from intoxication.** Every spouse, child,
7 parent, guardian, employer, or other person who is injured by any obviously intoxicated person
8 has a claim for relief for fault under section 32-03.2-02 against any person who knowingly
9 disposes, sells, barters, or gives away alcoholic beverages to a person under twenty-one years
10 of age, an incompetent, or an obviously intoxicated person, and if death ensues, the survivors
11 of the decedent are entitled to damages defined in section 32-21-02. ~~No~~ A claim for relief
12 ~~pursuant to~~ under this section may not be had on behalf of the intoxicated person, nor on
13 behalf of the intoxicated person's estate or personal representatives, nor ~~may a claim for relief~~
14 ~~be had~~ on behalf of an adult passenger in an automobile driven by an intoxicated person or on
15 behalf of the passenger's estate or personal representatives. The exclusions from having a
16 claim for relief, however, do not include a minor, a minor's estate, or a minor's personal
17 representative.