

AMENDED IN SENATE JUNE 27, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1407**

---

---

**Introduced by Committee on Judiciary (Feuer (Chair), Atkins,  
Dickinson, Huber, Huffman, Monning, and Wieckowski)**

March 7, 2011

---

---

~~An act to amend Section 51.7 of the Civil Code, and to repeal Section 1 of Chapter 1293 of the Statutes of 1976, relating to civil rights. An act to amend Section 1714 of the Civil Code, relating to liability.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1407, as amended, Committee on Judiciary. ~~Civil rights.~~ *Liability: social hosts: alcoholic beverages.*

*Existing law generally prohibits a social host who furnishes alcoholic beverages to any person from being held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages. Existing law excepts from this prohibition claims against a parent, guardian, or another adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death.*

*This bill would revise the exception described above to permit a claim against a parent, guardian, or another adult for furnishing alcoholic beverages to a person whom he or she knows, or should have known, to be under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death.*

*The bill would permit a claim pursuant to there provisions to be brought by, or on behalf of, the person under 21 years of age or by a person who was harmed by the person under 21 years of age.*

~~The Ralph Civil Rights Act of 1976 provides, in part, that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, on account of their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.~~

~~This bill would repeal the provision entitling the act the Ralph Civil Rights Act of 1976, and would instead state the findings of the Legislature that the above-described provision was enacted as part of the Ralph Civil Rights Act of 1976.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1714 of the Civil Code is amended to  
2     read:

3     1714. (a) Everyone is responsible, not only for the result of  
4     his or her willful acts, but also for an injury occasioned to another  
5     by his or her want of ordinary care or skill in the management of  
6     his or her property or person, except so far as the latter has,  
7     willfully or by want of ordinary care, brought the injury upon  
8     himself or herself. The design, distribution, or marketing of  
9     firearms and ammunition is not exempt from the duty to use  
10    ordinary care and skill that is required by this section. The extent  
11    of liability in these cases is defined by the Title on Compensatory  
12    Relief.

13    (b) It is the intent of the Legislature to abrogate the holdings in  
14    cases such as *Vesely v. Sager* (1971) 5 Cal.3d 153, *Bernhard v.*  
15    *Harrah’s Club* (1976) 16 Cal.3d 313, and *Coulter v. Superior Court*  
16    (1978) 21 Cal.3d 144 and to reinstate the prior judicial  
17    interpretation of this section as it relates to proximate cause for  
18    injuries incurred as a result of furnishing alcoholic beverages to  
19    an intoxicated person, namely that the furnishing of alcoholic  
20    beverages is not the proximate cause of injuries resulting from  
21    intoxication, but rather the consumption of alcoholic beverages is  
22    the proximate cause of injuries inflicted upon another by an  
23    intoxicated person.

1 (c) Except as provided in subdivision (d), no social host who  
2 furnishes alcoholic beverages to any person may be held legally  
3 accountable for damages suffered by that person, or for injury to  
4 the person or property of, or death of, any third person, resulting  
5 from the consumption of those beverages.

6 (d) (1) Nothing in subdivision (c) shall preclude a claim against  
7 a parent, guardian, or another adult who knowingly furnishes  
8 alcoholic beverages at his or her residence to a person *whom he*  
9 *or she knows, or should have known, to be* under 21 years of age,  
10 in which case, notwithstanding subdivision (b), the furnishing of  
11 the alcoholic beverage may be found to be the proximate cause of  
12 resulting injuries or death.

13 (2) *A claim under this subdivision may be brought by, or on*  
14 *behalf of, the person under 21 years of age or by a person who*  
15 *was harmed by the person under 21 years of age.*

16 ~~SECTION 1. Section 51.7 of the Civil Code is amended to~~  
17 ~~read:~~

18 ~~51.7. (a) All persons within the jurisdiction of this state have~~  
19 ~~the right to be free from any violence, or intimidation by threat of~~  
20 ~~violence, committed against their persons or property because of~~  
21 ~~political affiliation, or on account of any characteristic listed or~~  
22 ~~defined in subdivision (b) or (c) of Section 51, or position in a~~  
23 ~~labor dispute, or because another person perceives them to have~~  
24 ~~one or more of those characteristics. The identification in this~~  
25 ~~subdivision of particular bases of discrimination is illustrative~~  
26 ~~rather than restrictive.~~

27 ~~(b) This section does not apply to statements concerning~~  
28 ~~positions in a labor dispute which are made during otherwise lawful~~  
29 ~~labor picketing.~~

30 ~~(c) The Legislature finds and declares that this section was~~  
31 ~~enacted as part of the Ralph Civil Rights Act of 1976, in Chapter~~  
32 ~~1293 of the Statutes of 1976.~~

33 ~~SEC. 2. Section 1 of Chapter 1293 of the Statutes of 1976 is~~  
34 ~~repealed.~~