

**Assembly Bill No. 1407**

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Passed the Assembly September 7, 2011

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*Chief Clerk of the Assembly*

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Passed the Senate July 14, 2011

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 1714 of the Civil Code, relating to liability.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1407, Committee on Judiciary. 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 these 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 people of the State of California do enact as follows:*

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

1714. (a) Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of

firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section. The extent of liability in these cases is defined by the Title on Compensatory Relief.

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

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

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

(2) A claim under this subdivision may 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.

Approved \_\_\_\_\_, 2011

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*Governor*