

SOCIAL HOST LAW

What Is Social Host liability?

Under Minnesota social host liability laws, adults who serve or provide alcohol to minors can be held liable if the minor person who was provided alcohol kills or injures another person. Minnesota does not allow a civil cause of action against a social host who provides alcohol to those who are 21 or over.

Why Is Social Host liability important?

The most common sources of alcohol are the young person's own home or from persons over the age of 21 who purchase alcohol for them. Social host liability may deter parents and other adults from hosting underage parties and purchasing/providing alcohol for underage youth. The law protects minors from injuring themselves and others because of their illegal consumption of alcohol. This bill has given parents the courage to say "No" to underage consumption of alcohol.

340A.90 CIVIL ACTION; INTOXICATION OF PERSON UNDER AGE 21.

Subdivision 1. Right of action. (a). A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support, or who incurs other pecuniary loss, by an intoxicated person under 21 years of age or by the intoxication of another person under 21 years of age, has for all damages sustained a right of action in the person's own name against a person who is 21 years or older who:

(1) had control over the premises and, being in a reasonable position to prevent the consumption of alcoholic beverages by that person, knowingly or recklessly permitted that consumption and the consumption caused the intoxication of that person; or

(2) sold, bartered, furnished or gave to, or purchased for a person under the age of 21 years alcoholic beverages that caused the intoxication of that person. This paragraph does not apply to sales licensed under this chapter.

(b) All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs.

(c) An intoxicated person under the age of 21 years who caused the injury has no right of action under this section.

Subd. 2. Subrogation claims denied. There shall be no recovery by any insurance company for any subrogation claim pursuant to any subrogation clause of the uninsured, underinsured, collision, or other first-party coverages of a motor vehicle insurance policy as a result of

payments made by the company to persons who have claims that arise in whole or in part under this section.

Subd. 3. [Expired]History: 2000 c 423 s 1 Coverage excludes (a) there shall be no coverage for liability created under this section under homeowner's insurance as defined under section 65A.27 unless:

- a. specifically covered in a policy; or
- b. covered by a rider attached to a policy
- c. this subdivision expires on December 31, 2001.

Does homeowner's insurance cover me for social host liability?

As of 2009 most homeowner's insurance companies do NOT cover for social host liability. The lack of homeowner's insurance coverage make this law useless unless the wrongdoer has sufficient assets to cover the damages. The lack of coverage is certainly against public policy.

On top of civil liabilities, there are serious criminal penalties for social hosts.

The Brockway Bill, also known as "Kevin's Law," (Minnesota Stat. 340A.503) was passed on May 24, 1999. This bill increases criminal penalties on adult providers of alcohol to persons under age 21 from a gross misdemeanor to a felony in certain cases. No one may sell or give alcoholic beverages to a person under 21 years of age. The penalty for this crime increases to a felony if alcohol is furnished to an underage purchaser, and the purchaser becomes intoxicated and suffers or causes great bodily harm or death. In addition to the state law, some municipalities have enacted additional criminal statutes.

Minn. Stat. §§ 340A.503; 340A.701; 340A.702.

Is there a time limitation in which to bring a claim against the social host?

The statute of limitations is 6 years and there is no notice of 240 days as there is in a Dram Shop claim.

Is there a social host liability for adults providing alcohol other adults?

No. Social Host only applies to adults serving liquor to minors, not adults.

THE "NOT A DROP" LAW

In addition to 340A.503, "Not A Drop" (Minn. Stat. 169A.55 subd.2) states "It is a crime for a person under the age of 21 years to drive, operate, or be in physical control of a motor vehicle while consuming alcoholic beverages, or after having consumed alcoholic beverages while there is physical evidence of the consumption present in the person's body."

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The violation is a misdemeanor and the person's driver's license or permit is suspended for 30 days or 180 days if it is the second or more offense.

Dear Parents,

Re: Permission to tell your child "No"

Prom and graduation time have arrived again. You love your teenager and want her/him to have wonderful memories of this special occasion. However, your teenager has begun to pressure you to throw an after-prom or graduation party. The problem is, according to your teenager, no one will attend the party unless alcohol is served. To make an informed decision, you must understand the risks.

In 2000, our state legislature passed a Social Host law which provides for both criminal and civil liability to anyone who provides liquor to a teenager. Minnesota Stat. 340A.90 allows for a civil cause of action against a person who is 21 years or older who: had control over the premises and, being in a reasonable position to prevent the consumption of alcoholic beverages by that person, knowingly or recklessly permitted that consumption and the consumption caused the intoxication of that person; or sold, bartered, furnished or gave to, or purchased for a person under the age of 21 years alcoholic beverages that caused the intoxication of that person.

This law will help parents to say No to their teenagers when they are asked to host underage parties that illegally serve alcohol to their friends. If a teenager who has been drinking at a party where you have provided the liquor kills or injures another, you will likely be sued for the full cost of any injuries sustained (Minn. Stat. ' 340A.801(6)). Even if you don't directly provide the alcohol but permitted the consumption, you risk putting all of your assets in jeopardy and facing a long-term judgment against you.

You cannot evade this liability by purchasing liquor for the teenagers at a hotel-room party or by purchasing drinks for them at a restaurant or bar. Although someone else may serve them, the law holds the ultimate purchaser/provider responsible.

Mom and Dad, unless you want to risk contributing to the death or injury of another (possibly your own child), losing all of your family's financial assets, or facing criminal charges, show your teen this letter and tell her/him that you have no choice but to say "no" alcohol served at the party."

Sincerely:

Two Moms who have each lost a precious child to a drunk driver.