

2015 Regular Session

HOUSE BILL NO. 132

BY REPRESENTATIVE HENRY BURNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Requires a designated driver for individuals consuming alcoholic beverages at certain establishments

1 AN ACT

2 To enact R.S. 26:90(A)(17) and 286(A)(17), relative to alcoholic beverages; to require a
3 designated driver for any person consuming alcoholic beverages on any licensed
4 premises; to provide for the definition of "designated driver"; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:90(A)(17) and 286(A)(17) are hereby enacted to read as follows:

8 §90. Acts prohibited on licensed premises; suspension or revocation of permits

9 A. No person holding a retail dealer's permit and no agent, associate,
10 employee, representative, or servant of any such person shall do or permit any of the
11 following acts to be done on or about the licensed premises:

12 * * *

13 (17)(a) Sell or serve alcoholic beverages for consumption on the licensed
14 premises to any person who has not presented a designated driver to the agent,
15 associate, employee, representative, or servant prior to the sale or service of alcohol.

16 (b) For purposes of this Paragraph, a "designated driver" shall mean any
17 person who has not been served or consumed an alcoholic beverage on the licensed
18 premises where the person for whom he is designated is consuming alcohol, and has
19 agreed to be a designated driver prior to the purchase or consumption of alcohol by
20 the person for whom he is designated.

1 (i) The designated driver shall provide proof of a valid, current Louisiana
2 driver's license.

3 (ii) A person may serve as a designated driver for more than one individual
4 at a time.

5 (c) No person holding a retail dealer's permit and no agent, associate,
6 employee, representative, or servant of any such person shall refuse service to any
7 person solely because the person is not purchasing alcoholic beverages if that person
8 is the designated driver for one or more persons who are purchasing alcoholic
9 beverages on the licensed premises.

10 (d) The provisions of this Paragraph shall not excuse a retail dealer from
11 complying with any applicable municipal or local ordinances regulating the presence
12 of persons under the age of twenty-one years of age on the licensed premises.

13 * * *

14 §286. Acts prohibited on licensed premises; suspension or revocation of permits

15 A. No person holding a retail dealer's permit and no servant, agent, or
16 employee of the permittee shall do any of the following acts upon the licensed
17 premises:

18 * * *

19 (17)(a) Sell or serve alcoholic beverages for consumption on the licensed
20 premises to any person who has not presented a designated driver to the agent,
21 associate, employee, representative, or servant prior to the sale or service of alcohol.

22 (b) For purposes of this Paragraph, a "designated driver" shall mean any
23 person who has not been served or consumed an alcoholic beverage on the licensed
24 premises where the person for whom he is designated is consuming alcohol, and has
25 agreed to be a designated driver prior to the purchase or consumption of alcohol by
26 the person for whom he is designated.

27 (i) The designated driver shall provide proof of a valid, current Louisiana
28 driver's license.

1 (ii) A person may serve as a designated driver for more than one individual
2 at a time.

3 (c) No person holding a retail dealer's permit and no agent, associate,
4 employee, representative, or servant of any such person shall refuse service to any
5 person solely because the person is not purchasing alcoholic beverages if that person
6 is the designated driver for one or more persons who are purchasing alcoholic
7 beverages on the licensed premises.

8 (d) The provisions of this Paragraph shall not excuse a retail dealer from
9 complying with any applicable municipal or local ordinances regulating the presence
10 of persons under the age of twenty-one years of age on the licensed premises.

11 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 132 Original

2015 Regular Session

Henry Burns

Abstract: Requires a designated driver for individuals consuming alcoholic beverages at certain establishments.

Present law prohibits persons holding a retail dealer's permit and any agent, associate, employee, representative, or servant of the permit holder from doing or permitting certain acts on the licensed premises.

Proposed law retains present law and also prohibits the agent, associate, employee, representative, or servant for a licensed retail dealer from selling or serving alcoholic beverages for consumption to a person without the designation of a driver who is not consuming alcohol.

Proposed law defines "designated driver" and requires that the designated driver provide proof of a valid La. driver's license. Further authorizes the driver to be designated for more than one person at any given time.

Proposed law prohibits the retail dealer or his agent, associate, employee, representative, or servant from refusing service to a person who is a designated driver and who is not purchasing alcohol on the licensed premises for consumption.

Proposed law provides that the retail dealer is not excused from complying with any municipal or local ordinances regulating the presence of persons under the age of 21 on the licensed premises.

(Adds R.S. 26:90(A)(17) and 286(A)(17))