



2001 SENATE BILL 341

December 6, 2001 – Introduced by Senators HUELSMAN, DECKER, COWLES, DARLING, BAUMGART, KANAVAS and ROESSLER, cosponsored by Representatives LADWIG, STONE, LEIBHAM, KRUG, URBAN, JESKEWITZ, KESTELL, HAHN, STARZYK, GRONEMUS, TURNER, MUSSER, LASSA, NASS, KRAWCZYK, ALBERS, FREESE, M. LEHMAN, AINSWORTH, LIPPERT, WARD, OTT and MEYERHOFER. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT** *to create* 125.036 of the statutes; **relating to:** civil liability relating to
2 alcohol beverages.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person is immune from civil liability arising from the act of procuring alcohol beverages for or selling, dispensing, or giving away alcohol beverages to another person. In the recent case of *Stephenson v. Universal Metrics*, 2001 WI App 128 (May 15, 2001), the defendant stated that he would provide transportation for an intoxicated person from a work-related social event and then failed to do so. The plaintiff was killed by the intoxicated person in an automobile accident that occurred as the intoxicated person drove home from the social event. The Wisconsin court of appeals held that the defendant was not immune from liability for offering to provide transportation for an intoxicated person and then failing to do so.

This bill provides that no civil liability may be imposed on a person for the act of offering to furnish transportation for another person who is or later becomes intoxicated and then failing to provide transportation if the intoxicated person causes the death of or injury to a third party by means of the intoxicated person's operation of a motor vehicle.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

