

HOUSE BILL No. 2693

By Committee on Judiciary

2-14

1 AN ACT concerning civil actions; relating to victims of certain alcohol-
2 related incidents; creating a civil cause of action.

3
4 WHEREAS, The provisions of this act shall be known as the Jeff
5 Kudlacik act.

6 Now, therefore:

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) (1) A person injured as a result of the acts of an
9 intoxicated person may bring an action in an appropriate state court against
10 the person or licensee who sold or provided alcoholic liquor or cereal malt
11 beverage to such intoxicated person and who caused the intoxication in
12 whole or in part.

13 (2) A person or licensee who sells or provides alcoholic liquor or
14 cereal malt beverage to an intoxicated person or causes, in whole or in
15 part, the intoxication of such person, has a duty of reasonable care to
16 prevent the intoxicated person, or the acts of an intoxicated person, from
17 causing injury.

18 (b) In any action brought under this section, a plaintiff may recover
19 economic, noneconomic and exemplary damages.

20 (c) A claim brought under this section shall survive death for
21 purposes of K.S.A. 60-1801, and amendments thereto, and may be
22 maintained as a wrongful death action pursuant to K.S.A. 60-1901, and
23 amendments thereto.

24 (d) For the purposes of this section:

25 (1) "Alcoholic liquor" and "cereal malt beverage" mean the same as
26 defined in K.S.A. 41-102, and amendments thereto.

27 (2) "Licensee" means a licensee under the Kansas liquor control act,
28 the club and drinking establishment act or the provisions of article 27 of
29 chapter 41 of the Kansas Statutes Annotated, and amendments thereto.
30 "Licensee" does not include a person who holds a license to sell only
31 cereal malt beverages in original and unopened containers, not for
32 consumption on the premises, or a person who sells at retail alcoholic
33 liquor.

34 (3) "Intoxicated person" means any person:

35 (A) In violation of K.S.A. 3-1001, 8-1543, 8-1567, 8-2,144 or 32-
36 1131, and amendments thereto, or K.S.A. 2019 Supp. 21-6332, and

1 amendments thereto;

2 (B) physically or mentally incapacitated by the consumption of
3 alcoholic liquor or cereal malt beverage;

4 (C) under the influence of alcohol or cereal malt beverage to a degree
5 that renders the person a hazard to others; or

6 (D) who could reasonably have been presumed to be intoxicated as a
7 result of the amount of alcoholic liquor or cereal malt beverage served,
8 sold, given away, disposed of, exchanged, delivered, procured or provided
9 to such person.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.