

Amendment to HB 279-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraphs; Prohibited Sales; Serving of Intoxicated Persons; Penalties In Cases of
4 Injury or Death. Amend RSA 179:5 by inserting after paragraph I the following new paragraphs:

5 I-a. A licensee that violates paragraph I by serving an individual who is visibly intoxicated
6 or who a reasonable and prudent person would know is intoxicated, and such intoxicated person
7 directly causes the serious bodily injury or death of a person or persons shall be subject to the
8 following minimum penalties:

9 (a) For the first offense, subject to the limitations of RSA 179:57, I, a suspension of up to
10 30 days provided that the suspension cannot exceed 10 days if the person in charge, managers
11 security staff, servers, and clerks have completed liquor commission training within 24 months
12 before the date of violation; fine of \$7,500;

13 (b) For the second offense within 7 years of the first offense, a license suspension of a
14 minimum of 15 days and a maximum of 30 days; fine of \$7,500; and

15 (c) For the third offense within 7 years of the second offense, the license shall be revoked
16 by the commission.

17 I-b. During the period of the license suspension, the licensee shall post a suspension notice
18 distributed and prepared by the commission, on the exterior doors of the premises facing the public
19 and on the public Internet website, if applicable, the suspension notice shall include the following
20 language, "Liquor license suspended by the New Hampshire Liquor Commission for overserving of
21 alcohol in accordance with RSA 179:5"

22 2 Suspension or Revocation; Administrative Fines. Amend RSA 179:57, I(e) to read as follows:

23 (e) Otherwise fails to carry out in good faith the purposes of this title or if the premises
24 are regularly the site of violence, the license of such licensee may be suspended or revoked after
25 notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of
26 this chapter, the commission after the appropriate hearing may impose a fine of a specific sum,
27 which shall not be less than \$100 nor more than [~~\$5,000~~] **\$7,500** for any one offense. Such a fine
28 may be imposed instead of, or in addition to, any suspension or revocation of a license by the
29 commission.

30 3 Effective Date. This act shall take effect 60 days after its passage.