

**BILL NO. 36-0113**

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**Thirty-Sixth Legislature of the Virgin Islands**

**July 10, 2025**

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An act amending title 8 Virgin Islands Code, chapter 4 to assess liability on businesses that serve intoxicating beverages to patrons that have overconsumed the beverages

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**PROPOSED BY:** Senator Carla J. Joseph

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1       **WHEREAS**, drunk driving causes substantial costs to the Virgin Islands;

2       **WHEREAS**, there are innocent persons who are injured in car wrecks by drunk drivers  
3 who were clearly over-served to the financial benefit of the bar or restaurant;

4       **WHEREAS**, criminal laws serve to punish those persons who drive while intoxicated  
5 but the enactment of “The No Liability for Bars Act in title 8 Virgin Islands Code chapter 4,  
6 section 161 practically removed all liability from bars or restaurants for over-serving a clearly  
7 intoxicated patron leaving innocent people little recourse for their injuries;

8       **WHEREAS**, those businesses and persons who benefit financially from the over-service  
9 of alcohol should bear some of the cost of the injury or death of innocent persons from car  
10 wrecks due to alcohol over service;

11       **WHEREAS**, this cost can be mitigated by safe alcohol serving procedures and proper  
12 insurance;

13       **WHEREAS** a more balanced law would help protect the innocent by preventing the  
14 incentive to over-serve those persons clearly intoxicated and, further, helps innocent people  
15 recover damages for those who are injured by a drunk driver where over-service can be proven;

1       **WHEREAS**, more balanced laws championed by Mothers Against Drunk Driving  
2 (“MADD”) have been enacted in Alabama, Arizona, Arkansas, Colorado, Connecticut, District  
3 of Columbia, Georgia, Illinois, Indiana, Idaho, Iowa, Kentucky, Massachusetts, Maine, New  
4 Mexico, New York, North Dakota, New Hampshire, Rhode Island, Ohio, Oregon, and  
5 Vermont;

6       **WHEREAS**, Idaho and Rhode Island have been selected as models for a dram shop law  
7 due to the simplicity of their laws and fairness to businesses and innocent persons injured and  
8 that Idaho and Rhode Island, like the Virgin Islands, are small population states;

9       **WHEREAS**, the primary legislative purpose of this chapter is to prevent intoxication-  
10 related injuries, deaths and other damages to Virgin Islanders and those visiting the territory;

11       **WHEREAS**, the secondary legislative purposes are to establish a legal basis for  
12 obtaining compensation for innocent persons who suffered damages as a result of intoxication  
13 related car accidents in accordance with this chapter and to allocate the liability for payment of  
14 damages fairly among those responsible for the damages to innocent persons harmed and to  
15 encourage all servers of alcohol to exercise responsible serving practices and to discourage the  
16 irresponsible consumption of alcohol, to increase the availability and usage of liquor liability  
17 insurance, and to reinforce the public safety message, ‘do not drink and drive’;

18       **WHEREAS**, this act would also protect businesses by eliminating liability by the  
19 intoxicated first-party and limiting liability to a small class of innocent persons who are injured  
20 in motor vehicle accidents; Now, Therefore,

21 *Be it enacted by the Legislature of the Virgin Islands:*

22       **SECTION 1.** Title 8 Virgin Islands Code, chapter 4 is amended by striking section 161  
23 and inserting the following section 161:

24       “§161. Liquor Liability for Over-Service.

25           (1) Limitations of Liquor Liability. Furnishing of alcoholic beverages may  
26 constitute a proximate cause of injuries inflicted by intoxicated persons only in limited

1 circumstances. No claim or cause of action may be brought by or on behalf of any person  
2 who has suffered injury, death or other damage caused by an intoxicated person against  
3 any person who sold or otherwise furnished alcoholic beverages to the intoxicated person,  
4 except as provided in this section.

5 (2) Innocent Persons. A person who has suffered injury, death or any other  
6 damage due to a motor vehicle accident caused by an intoxicated person, may bring a  
7 claim or cause of action against any person who sold or otherwise furnished alcoholic  
8 beverages to the intoxicated person if:

9 (a) The intoxicated person was younger than the legal age for the  
10 consumption of alcoholic beverages at the time the alcoholic beverages were sold  
11 or furnished and the person who sold or furnished the alcoholic beverages knew or  
12 should have known at the time the alcoholic beverages were sold or furnished that  
13 the intoxicated person was younger than the legal age for consumption of the  
14 alcoholic beverages; or

15 (b) The intoxicated person was visibly intoxicated at the time the alcoholic  
16 beverages were sold or furnished, and the person who sold or furnished the  
17 alcoholic beverages knew or should have known under a reasonably prudent person  
18 standard that the intoxicated person was visibly intoxicated and foreseeably  
19 presented a danger to himself or others.

20 (c) This section is inapplicable to a person who is not operating a motor  
21 vehicle.

22 (3) Intoxicated Persons and Passengers.

23 (a) No claim or cause of action may be brought by the intoxicated person  
24 or on behalf of the intoxicated person's estate or representatives under this section.

25 (b) No claim or cause of action may be brought by a person who is a  
26 passenger in an motor vehicle driven by an intoxicated person or on behalf of the

1 passenger's estate or representatives under this section, unless the passenger was  
2 under the age of 21 years old.

3 **BILL SUMMARY**

4 This bill limits a legal claim to only innocent persons who are struck by a drunk driver in  
5 a car accident. The innocent person must prove that the person driving was intoxicated and  
6 that prior to the car accident a server continued to over-serve alcohol to the obviously  
7 intoxicated person. The current law requires showing service to a person "habitually addicted"  
8 which is an archaic standard of proof. The drunk driver and any passengers in the drunk  
9 driver's car have no legal right to bring an action against the server (unless the passenger is  
10 under that age of 21 and thus may not have had the ability to refuse riding in the vehicle or was  
11 unable to understand the driver was intoxicated

12 **BR25-0340/June 12, 2025/AA**