



Senate

General Assembly

File No. 479

February Session, 2006

Senate Bill No. 550

Senate, April 11, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-102 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006, and*
3 *applicable to causes of action arising on or after said date*):

4 If any person, by such person or such person's agent, sells any
5 alcoholic liquor to an intoxicated person, and such purchaser, in
6 consequence of such intoxication, thereafter injures the person or
7 property of another, such seller shall pay just damages to the person
8 injured, up to the amount of two hundred fifty thousand dollars, or to
9 persons injured in consequence of such intoxication up to an aggregate
10 amount of two hundred fifty thousand dollars, to be recovered in an
11 action under this section, provided the aggrieved person or persons
12 shall give written notice to such seller within [sixty] one hundred
13 twenty days of the occurrence of such injury to person or property of
14 such person's or persons' intention to bring an action under this

15 section. [In computing such sixty-day period, the time between the
16 death or incapacity of any aggrieved person and the appointment of an
17 executor, administrator, conservator or guardian of such person's
18 estate shall be excluded, except that the time so excluded shall not
19 exceed one hundred twenty days.] Such notice shall specify the time,
20 the date and the person to whom such sale was made, the name and
21 address of the person injured or whose property was damaged, and
22 the time, date and place where the injury to person or property
23 occurred. No action under the provisions of this section shall be
24 brought but within one year from the date of the act or omission
25 complained of. Such injured person shall have no cause of action
26 against such seller for negligence in the sale of alcoholic liquor to a
27 person twenty-one years of age or older.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006, and applicable to causes of action arising on or after said date</i>	30-102

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Social Services, Dept.	GF - Savings	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the period of time that an injured party has to determine if there is a legitimate cause to bring a civil action under the Dram Shop Act, which makes any person liable who sells liquor to an intoxicated person who subsequently injures the person or property of another. To the extent that this provision shifts the cost of medical care for injured persons from the state to liable third parties via civil actions brought under the Dram Shop Act, a potential cost savings could occur which is anticipated to be infrequent.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Social Services, Dept.	GF - Savings	Potential	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

OLR Bill Analysis**SB 550*****AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.*****SUMMARY:**

The Dram Shop Act makes a liquor seller liable if he or his employee sells liquor to an already-intoxicated person who injures a person or property. In most instances, this bill increases the amount of time an injured party has to notify the seller of an incident and his intention to sue for damages from 60 to 120 days.

But it eliminates a provision that can allow more time if the injured party dies or is incapacitated. It does so by eliminating a provision that allows up to 120 days between the person's death or incapacity and the appointment of an executor, administrator, conservator, or guardian to be excluded from the 60-day deadline.

EFFECTIVE DATE: October 1, 2006, and applicable to causes of action beginning on that date.

BACKGROUND***Dram Shop Act***

The Dram Shop Act does not require proof that the seller acted negligently. The maximum amount an injured person can recover is \$250,000 for injuries to a single person or more than one person. The actual amount of liability in a particular case is determined in court.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/27/2006)