



**SUPPORT FOR RAISED BILL 550 - AN ACT CONCERNING ADEQUATE NOTICE IN
DRAM SHOP ACTIONS**

My name is Andrew Groher and I am presenting this on behalf of the members of the Connecticut Trial lawyers Association and our clients. The Connecticut Trial Lawyers Association respectfully urges you to support Raised bill No. 550.

This bill would expand the notice provisions of the Dram Shop Act to 120 days from 60 days. Such an expansion of the time period for giving notice is necessary to provide injured parties enough time to conduct an investigation and determine if there is a legitimate cause of action under the Act.

As the law currently stands, persons injured by a drunk driver only have 60 days, from the date of injury, to determine if the negligent driver was drunk and to find out where that person had been drinking. This has become an almost impossible task to accomplish within such a short time span. Absent a confession from the drunk driver, the most likely source for this information is the police investigation report regarding the accident. In many of our cities and towns, it can take more than 60 days just to get the police report. The same is true for the State Police which seems to have an even longer turn around time for its reports. I am currently representing two Estates where the injuries and death occurred before the first of the year and we still do not have the results of the state police investigations. More importantly, the police are very unwilling to share any information regarding their investigations before the report is finalized.

All of this puts injured parties at a significant disadvantage with regard to potential dram shop actions. I currently represent a young man who was seriously injured last summer when a drunk driver crossed over the center line and struck him head on. As a result of the collision, my client suffered fractures of both of his legs and required extensive hospitalization and surgery to treat these fractures. Although the police arrested the defendant for driving while under the influence, they never asked her where she had been drinking. The drunk driver was unwilling to tell us where she had been drinking and we were not able to finally determine that she had been drinking much of the night at one particular bar until the time for giving notice had already expired. This particular young man did not have health insurance at the time of this crash and there is not enough liability insurance on the vehicle that hit him. As a consequence, he will not be adequately compensated for his injuries and the State is not going to get back the money it paid for his medical care.

This is not an unusual occurrence under the current provisions of the act. You have had other testimony submitted to you also detailing the difficulties persons injured by drunk drivers have had obtaining sufficient information to bring a claim under this Act and these cases are just the tip of the iceberg. This is an ongoing problem that our members and their clients face on a day in, day out basis. Expanding the time period for filing this notice will give our citizens who are injured by drunk drivers a fighting chance to preserve legitimate claims under this Act.