

Testimony in support of Raised Bill No. 550
An Act concerning Adequate Notice in Dram Shop Actions

Maureen O'Hara

My name is Maureen O'Hara. I am a self-employed hairdresser. I was injured in a motor vehicle collision that occurred on December 23, 2005 in Milford. The driver of a pick-up truck made an improper left turn and crashed into the front of my vehicle. The impact resulted in significant damage to the vehicles, both of which had to be towed from the scene.

In this crash, I lost consciousness and sustained several injuries, including lacerations to my face and head. I required numerous stitches to close the wounds and will need additional plastic surgery in the future.

The investigating police officer detected a strong odor of alcohol coming from the other driver's breath. That motorist admitted that he had consumed six beers earlier in the evening but he would not tell the officer where he had been drinking. He was arrested for driving under the influence.

My attorney hired an investigator to obtain information about the responsible driver's activities before the collision. Unfortunately, he was stymied in his efforts. The other driver refused to talk with him. Although the defendant told his insurance carrier that he had been drinking at a club, he refused to divulge the name of the club. The date for the responsible driver's arraignment was more than two months after the accident and no attorney had filed an appearance according to the court records.

Despite diligent efforts, I was therefore unable, within the time constraints (60 days) of the present Dram Shop Act, to develop sufficient information to bring a claim. This is unfair and not sound public policy as it allows sellers of alcoholic beverages to intoxicated persons to escape responsibility for their actions.

I would urge the Legislature to extend the notice period in Dram Shop actions from 60 days to 120 days. This would allow people like me who are injured as a result of an intoxicated motorist a more reasonable amount of time to determine whether the Dram Shop Act applies and to whom notice should be issued.