



General Assembly

Substitute Bill No. 689

February Session, 2008

* SB00689JUD 032408 *

AN ACT CONCERNING BREATH ALCOHOL TESTING IN BARS AND THE TOLLING OF TIME PERIODS FOR INITIATING A DRAM SHOP OR WRONGFUL DEATH ACTION.

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) The liability under
2 section 30-102 of the 2008 supplement to the general statutes, as
3 amended by this act, of a holder of a permit to sell alcoholic liquor
4 issued under chapter 545 of the general statutes to a person or persons
5 injured by an intoxicated person shall be not more than one hundred
6 thousand dollars if such holder (1) installs and maintains on the permit
7 premises a device certified by the Commissioner of Consumer
8 Protection that determines a person's blood alcohol content by
9 analyzing a sample of such person's breath, (2) makes such device
10 available for the use of customers at no charge, (3) posts a conspicuous
11 notice in the permit premises that the permit holder will, upon request,
12 make arrangements for the transportation of a customer, at the
13 customer's expense, to his or her residence, and (4) checks the device
14 for accuracy in accordance with regulations adopted by the
15 Commissioner of Consumer Protection under subsection (b) of this
16 section.

17 (b) The Commissioner of Consumer Protection shall ascertain the
18 reliability of devices used to determine a person's blood alcohol
19 content by analyzing a sample of such person's breath and certify those

20 devices that the commissioner finds suitable for use by holders of a
21 permit to sell alcoholic liquor issued under chapter 545 of the general
22 statutes. The commissioner shall adopt regulations, in accordance with
23 chapter 54 of the general statutes, concerning the installation,
24 calibration, operation and use of such devices for the purpose of
25 protecting the health and safety of persons who use such devices and
26 ensuring reasonable accuracy in the results produced by such devices.

27 (c) Evidence that a permit holder installed on the permit premises,
28 in accordance with subsection (a) of this section, a device that
29 determines a person's blood alcohol content by analyzing a sample of
30 such person's breath shall be inadmissible in any criminal, civil or
31 administrative proceeding.

32 Sec. 2. Section 30-102 of the 2008 supplement to the general statutes
33 is repealed and the following is substituted in lieu thereof (*Effective*
34 *October 1, 2008*):

35 If any person, by such person or such person's agent, sells any
36 alcoholic liquor to an intoxicated person, and such purchaser, in
37 consequence of such intoxication, thereafter injures the person or
38 property of another, such seller shall, except as provided in section 1 of
39 this act, pay just damages to the person injured, up to the amount of
40 two hundred fifty thousand dollars, or to persons injured in
41 consequence of such intoxication up to an aggregate amount of two
42 hundred fifty thousand dollars, to be recovered in an action under this
43 section, provided the aggrieved person or persons shall give written
44 notice to such seller of such person's or persons' intention to bring an
45 action under this section. Such notice shall be given (1) within one
46 hundred twenty days of the occurrence of such injury to person or
47 property, or (2) in the case of the death or incapacity of any aggrieved
48 person, within one hundred eighty days of the occurrence of such
49 injury to person or property. Such notice shall specify the time, the
50 date and the person to whom such sale was made, the name and
51 address of the person injured or whose property was damaged, and
52 the time, date and place where the injury to person or property

53 occurred. No action under the provisions of this section shall be
54 brought but within one year from the date of the act or omission
55 complained of. Such injured person shall have no cause of action
56 against such seller for negligence in the sale of alcoholic liquor to a
57 person twenty-one years of age or older.

58 Sec. 3. (NEW) (*Effective October 1, 2008*) In any action brought
59 pursuant to section 30-102 of the 2008 supplement to the general
60 statutes, as amended by this act, or section 52-555 of the general
61 statutes in which the state police, a local police department or other
62 law enforcement agency has conducted an investigation of any factual
63 circumstances underlying the claim, any applicable time period for
64 bringing such action shall be tolled until one year after the date of the
65 act or omission complained of or until the date such department or
66 agency makes its report of such investigation public, whichever is
67 earlier. For the purposes of this section, "time period for bringing such
68 action" includes any statute of limitation, any statute of repose, any
69 period for providing notice and any other statutory, regulatory or
70 common law time period that provides a time limit for the initiation of
71 a legal action or claim.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	30-102
Sec. 3	<i>October 1, 2008</i>	New section

JUD *Joint Favorable Subst.*