



General Assembly

January Session, 2009

**Raised Bill No. 1097**

LCO No. 3985

\*03985\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING BREATH ALCOHOL TESTING IN BARS.**

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) The liability under  
2 section 30-102 of the general statutes, as amended by this act, of a  
3 holder of a permit to sell alcoholic liquor issued under chapter 545 of  
4 the general statutes to a person or persons injured by an intoxicated  
5 person shall be not more than one hundred thousand dollars if such  
6 holder (1) installs and maintains on the permit premises a device  
7 certified by the Commissioner of Consumer Protection that determines  
8 a person's blood alcohol content by analyzing a sample of such  
9 person's breath, (2) makes such device available for the use of  
10 customers at no charge, (3) posts a conspicuous notice in the permit  
11 premises that the permit holder will, upon request, make  
12 arrangements for the transportation of a customer, at the customer's  
13 expense, to his or her residence, and (4) checks the device for accuracy  
14 in accordance with regulations adopted by the Commissioner of  
15 Consumer Protection under subsection (b) of this section.

16 (b) The Commissioner of Consumer Protection shall ascertain the

17 reliability of devices used to determine a person's blood alcohol  
18 content by analyzing a sample of such person's breath and certify those  
19 devices that the commissioner finds suitable for use by holders of a  
20 permit to sell alcoholic liquor issued under chapter 545 of the general  
21 statutes. The commissioner shall adopt regulations, in accordance with  
22 chapter 54 of the general statutes, concerning the installation,  
23 calibration, operation and use of such devices for the purpose of  
24 protecting the health and safety of persons who use such devices and  
25 ensuring reasonable accuracy in the results produced by such devices.

26 (c) Evidence that a permit holder installed on the permit premises,  
27 in accordance with subsection (a) of this section, a device that  
28 determines a person's blood alcohol content by analyzing a sample of  
29 such person's breath shall be inadmissible in any criminal, civil or  
30 administrative proceeding, except for purposes of determining the  
31 amount of damages that a permit holder may be liable for under  
32 section 30-102 of the general statutes.

33 Sec. 2. Section 30-102 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective October 1, 2009*):

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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	30-102

***Statement of Purpose:***

To encourage liquor permit holders to install breath alcohol testing machines to enable customers to determine their blood alcohol content.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*