



House of Representatives

General Assembly

File No. 562

February Session, 2010

House Bill No. 5378

House of Representatives, April 15, 2010

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE TOLLING OF TIME PERIODS FOR BRINGING A DRAM SHOP ACTION WHILE POLICE INVESTIGATIONS ARE PENDING.

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

1 Section 1. (NEW) (*Effective October 1, 2010*) In any cause of action
2 accruing under section 30-102 of the general statutes in which the state
3 police, a local police department or other law enforcement agency has
4 conducted an investigation of any factual circumstances underlying
5 the cause of action and the report of such investigation has not been
6 made public within thirty days of the act or omission complained of,
7 the time period under said section for giving written notice to the
8 seller of the intention to bring a civil action and the time period under
9 said section for bringing such civil action shall be tolled until (1) one
10 year after the date of the act or omission complained of, or (2) the date
11 such department or agency makes the report of such investigation
12 public, whichever is earlier. A report shall be deemed to be made
13 public when it is released to the public or a supervisor of the law
14 enforcement officer who prepared the report signs the report

15 indicating its completion.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill, which outlines the time period for reporting an action under the Dram Shop Act, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5378*****AN ACT CONCERNING THE TOLLING OF TIME PERIODS FOR BRINGING A DRAM SHOP ACTION WHILE POLICE INVESTIGATIONS ARE PENDING.*****SUMMARY:**

This bill tolls the time period for notifying a liquor seller of intent to bring an action under the Dram Shop Act and for bringing the action when the State Police, local police department, or other law enforcement agency has investigated the factual circumstances underlying the cause of action and the report has not been made public within 30 days of the act or omission that is the basis of the action.

It tolls the time period until the earlier of:

1. one year after the date of the act or omission or
2. (a) the date the report is released to the public or (b) a supervisor of the law enforcement officer who prepared the report signs it indicating its completion.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Dram Shop Act***

Under the Dram Shop Act, a liquor seller is liable if the seller or his or her employee sells liquor to an already-intoxicated person who injures a person or property. The act limits the damages a liquor seller must pay to injured people to \$250,000. The actual amount of liability in a particular case is decided in court.

The injured party must notify the seller of his or her intention to sue for damages within (1) 120 days of the incident causing harm or (2) 180

days of the incident causing harm in the case of death or incapacity of the injured party. The notice must state (1) the time and day of the sale and to whom it was made; (2) the name and address of the injured party; and (3) the time, day, and place of injury. Suits must be brought within one year of the sale (CGS § 30-102).

Related Bill

HB 5536, reported favorably by the Judiciary Committee, defines the term “sells” for purposes of dram shop liability as purveying or furnishing directly to a person.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 3 (03/29/2010)