



House of Representatives

General Assembly

File No. 569

February Session, 2010

House Bill No. 5536

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 DRAM SHOP ACT.

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

1 Section 1. Section 30-102 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 If any person, by such person or such person's agent, sells any
4 alcoholic liquor to an intoxicated person, and such purchaser, in
5 consequence of such intoxication, thereafter injures the person or
6 property of another, such seller shall pay just damages to the person
7 injured, up to the amount of two hundred fifty thousand dollars, or to
8 persons injured in consequence of such intoxication up to an aggregate
9 amount of two hundred fifty thousand dollars, to be recovered in an
10 action under this section, provided the aggrieved person or persons
11 shall give written notice to such seller of such person's or persons'
12 intention to bring an action under this section. Such notice shall be
13 given (1) within one hundred twenty days of the occurrence of such
14 injury to person or property, or (2) in the case of the death or
15 incapacity of any aggrieved person, within one hundred eighty days of

16 the occurrence of such injury to person or property. Such notice shall
17 specify the time, the date and the person to whom such sale was made,
18 the name and address of the person injured or whose property was
19 damaged, and the time, date and place where the injury to person or
20 property occurred. No action under the provisions of this section shall
21 be brought but within one year from the date of the act or omission
22 complained of. Such injured person shall have no cause of action
23 against such seller for negligence in the sale of alcoholic liquor to a
24 person twenty-one years of age or older. For the purposes of this
25 section, "sells" means to purvey or furnish directly to a person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	30-102

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 specifies dram shop liability, has no fiscal impact.

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

OLR Bill Analysis**HB 5536*****AN ACT CONCERNING THE DRAM SHOP ACT.*****SUMMARY:**

The Dram Shop Act makes a liquor seller liable if he or she personally, or through an employee, sells liquor to an intoxicated person who later injures another person or his or her property. This bill defines the term "sells" for purposes of dram shop liability as purveying or furnishing directly to a person. The Connecticut Supreme Court has interpreted "sell" to mean to purvey or furnish rather than a sale in the strict sense of the term and purveying or furnishing for a price to a person or group of people "obviously together" is a sale to that person or each member of the group (*Pierce v. Albanese*, 144 Conn. 241 (1957)).

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Liability Under the Dram Shop Act***

The Dram Shop 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 5378, favorably reported by the Judiciary Committee, tolls the time period for notifying a liquor seller under the Dram Shop Act and bringing the action when a law enforcement agency has investigated the factual circumstances underlying the cause of action and the report has not been made public.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (03/29/2010)