

Connecticut Restaurant Association

Testimony before the Judiciary Committee

March 24, 2009

In opposition to RB 5378 AAC THE TOLLING OF TIME PERIODS FOR BRINGING A
DRAM SHOP ACTION WHILE POLICE INVESTIGATIONS ARE PENDING

The Connecticut Restaurant Association must oppose RB 5378 as drafted. This bill would toll the notice requirement and the statute limitations in any dram shop case.

Certainly there may be instances where a plaintiff must rely on the details of a police report in order to name a defendant. However, this bill is problematic for a couple of reasons:

First, it applies only to holders of a liquor license rather than all potential defendants. This is unfair to one potential defendant, going after the perceived deep pockets under dram shop. It is unfair to one particular group of potential defendants. Additionally, it would result in different statute of limitations for different defendants in the litigation.

Second, it is overbroad in that it applies to *all* cases where a police report is pending, regardless of whether the seller of alcohol may be known to the plaintiff, through other means. Police reports are not always the most reliable or timely source of information and the plaintiff can often obtain the relevant information through his/her own investigation. Further, a police report is not always completed, depending on the jurisdiction, and a police report does not always provide the information about the license holder.

If the Committees intention is to move this bill forward, we respectfully request that it be amended to provide an extension of the notice requirement *only* where the plaintiff, his attorney or agent cannot independently ascertain the potential defendant.

For these reasons, we urge you to reject HB 5378 or amend the bill as drafted.
Thank you for your consideration.