



General Assembly

February Session, 2010

Raised Bill No. 490

LCO No. 2563

02563_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE LIABILITY OF SERVERS OF ALCOHOL.

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (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 makes a breath alcohol analysis device approved by the
7 Commissioner of Consumer Protection available on the permit
8 premises for the use of customers at no charge.

9 (b) Evidence that a holder of a permit to sell alcoholic liquor under
10 chapter 545 of the general statutes attempted to arrange transportation
11 for a customer who requested such transportation after using a breath
12 alcohol analysis device made available on the permit premises shall be
13 inadmissible in an action under section 30-102 of the general statutes,
14 as amended by this act.

15 (c) The Commissioner of Consumer Protection shall ascertain the
16 reliability of breath alcohol analysis devices and approve those devices
17 that the commissioner finds suitable for use by holders of a permit to
18 sell alcoholic liquor. The commissioner shall compile a list of the
19 approved devices, specifying manufacturers and models, and publish
20 such list for the benefit of permit holders.

21 (d) For the purposes of this section, a "breath alcohol analysis
22 device" means a device that determines a person's blood alcohol
23 content by analyzing a sample of such person's breath.

24 Sec. 2. (NEW) (*Effective October 1, 2010*) The liability under section
25 30-102 of the general statutes, as amended by this act, of a holder of a
26 permit to sell alcoholic liquor issued under chapter 545 of the general
27 statutes to a person or persons injured by an intoxicated person shall
28 be not more than fifty thousand dollars if such holder proves that all
29 servers of alcoholic liquor employed by such holder have successfully
30 completed a responsible alcohol service certification program
31 approved by the Commissioner of Consumer Protection.

32 Sec. 3. Section 30-102 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective October 1, 2010*):

34 If any person, by such person or such person's agent, sells any
35 alcoholic liquor to an intoxicated person, and such purchaser, in
36 consequence of such intoxication, thereafter injures the person or
37 property of another, such seller shall, except as provided in sections 1
38 and 2 of this act, pay just damages to the person injured, up to the
39 amount of two hundred fifty thousand dollars, or to persons injured in
40 consequence of such intoxication up to an aggregate amount of two
41 hundred fifty thousand dollars, to be recovered in an action under this
42 section, provided the aggrieved person or persons shall give written
43 notice to such seller of such person's or persons' intention to bring an
44 action under this section. Such notice shall be given (1) within one
45 hundred twenty days of the occurrence of such injury to person or
46 property, or (2) in the case of the death or incapacity of any aggrieved

47 person, within one hundred eighty days of the occurrence of such
 48 injury to person or property. Such notice shall specify the time, the
 49 date and the person to whom such sale was made, the name and
 50 address of the person injured or whose property was damaged, and
 51 the time, date and place where the injury to person or property
 52 occurred. No action under the provisions of this section may be
 53 brought by a person injured in consequence of such person's own
 54 intoxication. No action under the provisions of this section [shall] may
 55 be brought but within one year from the date of the act or omission
 56 complained of. Such injured person shall have no cause of action
 57 against such seller for negligence in the sale of alcoholic liquor to a
 58 person twenty-one years of age or older.

59 Sec. 4. (NEW) (*Effective October 1, 2010*) In any cause of action
 60 accruing under section 30-102 of the general statutes in which the state
 61 police, a local police department or other law enforcement agency has
 62 conducted an investigation of any factual circumstances underlying
 63 the cause of action and the report of such investigation has not been
 64 made public within thirty days of the act or omission complained of,
 65 the time period under said section for giving written notice to the
 66 seller of the intention to bring a civil action and the time period under
 67 said section for bringing such civil action shall be tolled until (1) one
 68 year after the date of the act or omission complained of, or (2) the date
 69 such department or agency makes the report of such investigation
 70 public, whichever is earlier. A report shall be deemed to be made
 71 public when it is released to the public or a supervisor of the law
 72 enforcement officer who prepared the report signs the report
 73 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
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010</i>	30-102
Sec. 4	<i>October 1, 2010</i>	New section

Statement of Purpose:

To encourage liquor permit holders to install breath alcohol testing devices and train their employees in responsible alcohol service and to revise liability and notice provisions under the dram shop act.

[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.]