



General Assembly

February Session, 2006

**Raised Bill No. 550**

LCO No. 2559



Referred to Committee on

Introduced by: **JUDICIARY**  
(JUD)

**AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.**

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 Section 30-102 of the general statutes is repealed and the  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, 2006, and*  
3 *applicable to causes of action arising on or after said date*):

4 If any person, by such person or such person's agent, sells any  
5 alcoholic liquor to an intoxicated person, and such purchaser, in  
6 consequence of such intoxication, thereafter injures the person or  
7 property of another, such seller shall pay just damages to the person  
8 injured, up to the amount of two hundred fifty thousand dollars, or to  
9 persons injured in consequence of such intoxication up to an aggregate  
10 amount of two hundred fifty thousand dollars, to be recovered in an  
11 action under this section, provided the aggrieved person or persons  
12 shall give written notice to such seller within [sixty] one hundred  
13 twenty days of the occurrence of such injury to person or property of  
14 such person's or persons' intention to bring an action under this  
15 section. [In computing such sixty-day period, the time between the  
16 death or incapacity of any aggrieved person and the appointment of an

17 executor, administrator, conservator or guardian of such person's  
 18 estate shall be excluded, except that the time so excluded shall not  
 19 exceed one hundred twenty days.] Such notice shall specify the time,  
 20 the date and the person to whom such sale was made, the name and  
 21 address of the person injured or whose property was damaged, and  
 22 the time, date and place where the injury to person or property  
 23 occurred. No action under the provisions of this section shall be  
 24 brought but within one year from the date of the act or omission  
 25 complained of. Such injured person shall have no cause of action  
 26 against such seller for negligence in the sale of alcoholic liquor to a  
 27 person twenty-one years of age or older.

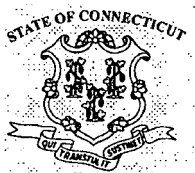
This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006, and applicable to causes of action arising on or after said date</i>	30-102
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**Statement of Purpose:**

To extend the notice period in dram shop actions.

*[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.]*



General Assembly

February Session, 2006

Senate

CONNECTICUT STATE LIBRARY  
LEGISLATIVE REFERENCE SECTION  
CONNECTICUT STATE LIBRARY  
LEGISLATIVE REFERENCE SECTION

**File No. 479**

Senate Bill No. 550

*Senate, April 11, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.**

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, 2006, and*  
3 *applicable to causes of action arising on or after said date*):

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

15 section. [In computing such sixty-day period, the time between the  
16 death or incapacity of any aggrieved person and the appointment of an  
17 executor, administrator, conservator or guardian of such person's  
18 estate shall be excluded, except that the time so excluded shall not  
19 exceed one hundred twenty days.] Such notice shall specify the time,  
20 the date and the person to whom such sale was made, the name and  
21 address of the person injured or whose property was damaged, and  
22 the time, date and place where the injury to person or property  
23 occurred. No action under the provisions of this section shall be  
24 brought but within one year from the date of the act or omission  
25 complained of. Such injured person shall have no cause of action  
26 against such seller for negligence in the sale of alcoholic liquor to a  
27 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, 2006, and applicable to causes of action arising on or after said date</i>	30-102

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Social Services, Dept.	GF - Savings	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill increases the period of time that an injured party has to determine if there is a legitimate cause to bring a civil action under the Dram Shop Act, which makes any person liable who sells liquor to an intoxicated person who subsequently injures the person or property of another. To the extent that this provision shifts the cost of medical care for injured persons from the state to liable third parties via civil actions brought under the Dram Shop Act, a potential cost savings could occur which is anticipated to be infrequent.

### **The Out Years**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Social Services, Dept.	GF - Savings	Potential	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**OLR Bill Analysis****SB 550****AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.****SUMMARY:**

The Dram Shop Act makes a liquor seller liable if he or his employee sells liquor to an already-intoxicated person who injures a person or property. In most instances, this bill increases the amount of time an injured party has to notify the seller of an incident and his intention to sue for damages from 60 to 120 days.

But it eliminates a provision that can allow more time if the injured party dies or is incapacitated. It does so by eliminating a provision that allows up to 120 days between the person's death or incapacity and the appointment of an executor, administrator, conservator, or guardian to be excluded from the 60-day deadline.

EFFECTIVE DATE: October 1, 2006, and applicable to causes of action beginning on that date.

**BACKGROUND*****Dram Shop Act***

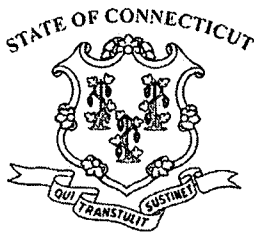
The Dram Shop Act does not require proof that the seller acted negligently. The maximum amount an injured person can recover is \$250,000 for injuries to a single person or more than one person. The actual amount of liability in a particular case is determined in court.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/27/2006)



General Assembly

(SENATE) Amendment

February Session, 2006

LCO No. 4093



Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

To: Senate Bill No. 550

File No. 479

Cal. No. 343

**"AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006*) (a) For purposes of this  
4 section, "alcohol vaporization device" means a device, machine or  
5 process which mixes spirits, alcoholic liquors or any product  
6 containing alcoholic liquor with oxygen or any other gas to produce a  
7 vaporized product for consumption by humans by inhalation.

8 (b) No person shall sell, purchase or possess an alcohol vaporization  
9 device. No person shall permit such a device on premises licensed for  
10 the sale of alcoholic liquor.

11 (c) Any person who violates subsection (b) of this section shall be  
12 fined not more than one thousand dollars or imprisoned not more than  
13 six months, or both."

SENATE AMENDMENT

Calendar: 343

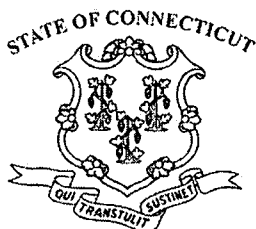
LCO: 4023

Bill: 550

ADOPTED voice ☐ REJECTED voice ☐

ADOPTED roll ☐ REJECTED roll ☐





General Assembly

February Session, 2006

[SENATE] Amendment

LCO No. 4098



Offered by:  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: Senate Bill No. 550

File No. 479

Cal. No. 343

**"AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 14-227a of the 2006 supplement to  
4 the general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective October 1, 2006*):

6 (a) No person shall operate a motor vehicle while under the  
7 influence of intoxicating liquor or any drug or both. A person commits  
8 the offense of operating a motor vehicle while under the influence of  
9 intoxicating liquor or any drug or both if such person operates a motor  
10 vehicle [on a public highway of this state or on any road of a district  
11 organized under the provisions of chapter 105, a purpose of which is  
12 the construction and maintenance of roads and sidewalks, or on any  
13 private road on which a speed limit has been established in accordance  
14 with the provisions of section 14-218a, or in any parking area for ten or  
15 more cars or on any school property] (1) while under the influence of

LCO No. 4098

CONNECTICUT STATE LIBRARY  
LAW/LEGISLATIVE REFERENCE UNIT

16 intoxicating liquor or any drug or both, or (2) while such person has an  
 17 elevated blood alcohol content. For the purposes of this section,  
 18 "elevated blood alcohol content" means a ratio of alcohol in the blood  
 19 of such person that is eight-hundredths of one per cent or more of  
 20 alcohol, by weight, and "motor vehicle" includes a snowmobile and all-  
 21 terrain vehicle, as those terms are defined in section 14-379.

22 Sec. 502. Section 14-386a of the general statutes is repealed and the  
 23 following is substituted in lieu thereof (*Effective October 1, 2006*):

24 No person shall operate a snowmobile or all-terrain vehicle in the  
 25 following manner: (1) At an unreasonable or imprudent rate of speed  
 26 for existing conditions; (2) in a negligent manner so as to endanger any  
 27 person or property; or (3) while under the influence of intoxicating  
 28 liquor or any drug, [as defined by] or both, as provided in subsection  
 29 (a) of section 14-227a, as amended by this act. Any person who violates  
 30 [any provision] the provisions of subdivision (1) or (2) of this section,  
 31 or any regulation relating [hereto] thereto, shall be fined not more than  
 32 two hundred [and] fifty dollars for each offense. Any person who  
 33 violates the provisions of subdivision (3) of this section shall be subject  
 34 to the penalties set forth in section 14-227a, as amended by this act. In  
 35 addition thereto, the operator or owner, or both, of a snowmobile or  
 36 all-terrain vehicle, shall be responsible and held accountable to the  
 37 owner of any land where trees, shrubs, crops, fences or other property  
 38 have been damaged as a result of travel of such snowmobiles or all-  
 39 terrain vehicles over such land, or where consequential damage has  
 40 resulted from such travel. Proof of the registration number of the  
 41 snowmobile or all-terrain vehicle shall be prima facie evidence in any  
 42 prosecution or action for damages that the owner was the operator."

SENATE AMENDMENT

Calendar: 343  
LCO: 4098  
Bill: 550

ADOPTED voice ☐ REJECTED voice ☒  
ADOPTED roll ☐ REJECTED roll ☒

# REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

**COMMITTEE:** Judiciary Committee

**File No.:**

**Bill No.:** SB-550

**PH Date:** 3/24/2006

**Action/Date:** JF 3/27/06

**Reference Change:**

## **TITLE OF BILL:**

AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.

## **SPONSORS OF BILL:**

Connecticut Trial Lawyers Association (CTLA)

## **REASONS FOR BILL:**

Expansion of the time period for giving notice is necessary to provide injured parties enough time to conduct an investigation and determine if there is a legitimate cause of action under the Dram Shop Act.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

Nothing submitted

## **NATURE AND SOURCES OF SUPPORT:**

Andrew Groher, CTLA - This bill would expand the notice provisions of the Dram Shop Act to from 60 to 120 days.

As the law currently stands, persons injured by a drunk driver only have 60 days, from the date of injury, to determine if the negligent driver was drunk and to find out where that person had been drinking. This has become an almost impossible task to accomplish within such a short time span. Absent a confession from the drunk driver, the most likely source for this information is the police investigation report regarding the accident. In many of our cities and towns, it can take more than 60 days just to get the police report. The same is true for the State Police which seems to have an even longer turn around time for its reports. I am currently representing two estates where the injuries and death occurred before the first of the year and we still do not have the results of the State Police investigations. More

importantly, the police are very unwilling to share any information regarding their investigations before the report is finalized. All of this puts injured parties at a significant disadvantage with regard to potential dram shop actions

I currently represent a young man who was seriously injured last summer when a drunk driver crossed over the center line and struck him head on. Although the police arrested the defendant for driving while under the influence, they never asked her where she had been drinking. The drunk driver was unwilling to tell us where she had been drinking and we were not able to finally determine that she had been drinking much of the night at one particular bar until the time for giving notice had already expired. This particular young man did not have health insurance at the time of this crash and there is not enough liability insurance on the vehicle that hit him. As a consequence, he will not be adequately compensated for his injuries and the state is not going to get back the money it paid for his medical care. This is not an unusual occurrence under the current provisions of this act. This is an ongoing problem that our members and their clients face on a day in, day out basis.

Maureen O'Hara, Victim of Drunk Driving - I was involved in a motor vehicle collision that occurred on December 23, 2005 in Milford. That motorist admitted that he had consumed six beers earlier in the evening but he would not tell the officer where he had been drinking. My attorney hired an investigator to obtain information about the responsible driver's activities before the collision. Unfortunately, he was stymied in his efforts. The defendant refused to talk with him. Although the defendant told his insurance carrier that he had been drinking at a club, he refused to divulge the name of the club.

Despite diligent efforts, I was therefore unable, within the 60-day time constraint of the present Dram Shop Act, to develop sufficient information to bring a claim. This is unfair and not sound public policy as it allows sellers of alcoholic beverages to intoxicated persons to escape responsibility for their actions.

This bill would allow people like me who are injured as a result of an intoxicated motorist a more reasonable amount of time to determine whether the Dram Shop Act applies and to whom notice should be issued.

#### **NATURE AND SOURCES OF OPPOSITION:**

Nothing submitted

Diana Caliendo  
Sarah Kolb

3/30/06

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Reported by

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Date

## JUDICIARY COMMITTEE VOTE TALLY SHEET

**Bill No.:** SB-550

### Amendment Letter:

## AN ACT CONCERNING ADEQUATE NOTICE IN DRAM SHOP ACTIONS.

**Chair:** MCDONALD, A.

**Motion:** DYSON, W.

**Second: MCMAHON, F.**

**Action:** Joint Favorable

## Language Change:

TOTALS	Voting	Yea	Nay	Abstain	Absent and Not Voting	Voice Vote
	38	38	0	0	3	

	yea	nay	abstain	absent
Sen. McDonald, A. S27	X			
Rep. Lawlor, M. 099	X			
Sen. Handley, M. S04	X			
Rep. Spallone, J. 036	X			
Sen. Kissel, J. S07	X			
Rep. Farr, R. 019	X			
Rep. Barry, R. 012	X			
Rep. Berger, J. 073	X			
Rep. Cafero, L. 142	X			
Rep. Candelaria, J. 095	X			
Sen. Cappiello, D. S24	X			
Sen. Coleman, E. S02	X			
Rep. Dillon, P. 092	X			
Rep. Doyle, P. 028	X			
Rep. Dyson, W. 094	X			
Rep. Fox, G. 146	X			
Rep. Fritz, M. 090				X
Rep. Geragosian, J. 025	X			
Rep. Giegler, J. 138	X			
Rep. Godfrey, B. 110	X			
Sen. Gomes, E. S23	X			
Rep. Gonzalez, M. 003				X
Rep. Green, K. 001				X
Rep. Hamm, G. 034	X			
Rep. Hamzy, W. 078	X			
Rep. Hovey, D. 112	X			
Rep. Klarides, T. 114	X			
Rep. Labriola, D. 131	X			

[illegible]

Vote date: 3/27/2006 4:30:00 PM

Correction date:

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