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PERSONAL INJURY ATTORNEYS

Dram Shop Laws and Liability

What are Dram Shop Laws?

The body of law asserting liability to establishments whom serves alcohol. In general, dram shop laws declare liability to establishments arising out of the sale of alcohol to evidently intoxicated persons who consequently injure or cause death to a third party as a result of the alcohol (i.e. car accident).

- **Dram shop laws reduce the frequency of alcohol-related crashes.** For example, in Texas after a liability case was filed in 1983, there was a decrease in single vehicle nighttime crashes by 6.5%. Similarly, in 1984 after another case was filed, this number decreased by another 5.3%. Other comparable studies also concluded the same deterrent effect from dram shop liability, ranging from three to five percent. This liability makes it in the establishment's best interest to serve patrons responsibility in order to avoid the financial burden of a lawsuit.
- **Dram shop laws amplify exposure of the impacts of over-serving.** Studies show that in states that have high level of dram shop liability, more servers and managers are aware of these liabilities. There is also more publicity surrounding the liability that establishment's have.
- **Dram law laws decrease unnecessary and illegal consumption.** Studies have found that states with more severe levels of dram shop liability; they also had fewer lower-priced drink options that encourage heavy drinking in a restricted amount of time. This study also revealed that these states were much stricter when verifying identification, which lowers the risk of minors being served alcohol. 40- 49% of outlets sell to underage buyers, so this is an immense accomplishment.
- **Dram shop laws, however, do not reduce personal responsibility by any means.** Although dram shop laws were put into place to hold establishment's accountable for over serving, this still does not void the personal responsibility of refraining from drinking and driving. The individual whom drinks and drives is still responsible, both criminally and civilly. These penalties are put in place in so establishments and individual both recognize the dangers of over-pouring and over-consuming.