

## **Dram Shop Laws in New York and New Jersey**

In 2013 T.G.I. Friday's in New Jersey was sued under the state's dram shop laws. The case, Halvorsen v. Villamil, centered around a man drinking alcohol at a Friday's before driving home and colliding with a pickup truck. A woman and three children were injured and taken to a hospital.

The man had a blood alcohol concentration of 0.278 percent and was declared legally drunk.

What Is Dram Law?

[Dram Shop Act](#) is case law in 38 states which makes a business which sells alcoholic beverages to someone obviously drunk — or close to it — liable to those injured by the drunken patron or guest.

A dram shop is a term describing a bar or tavern where alcoholic drinks are sold. Originally the term referred to a tavern where "spirits" were sold by the dram.

Dram shop liability is incorporated into the laws which govern the liability of taverns, liquor stores and other commercial markets serving alcoholic drinks. In America, laws impose liability on businesses are called dram shop laws.

The law is intended to protect the public from the hazards connected to serving alcohol to minors and intoxicated persons. [MADD](#) (Mother Against Drunk Driving) has long advocated for enforcement of dram shop laws

Different states' laws also permit recover when the defendant knew the customer was drunk. Some states address the issue with more exacting tests and others even impose liability on social hosts — remember "the" Christmas party?

The variety of laws differ as to whether a [person becomes intoxicated](#) and injures themselves has a cause of action against the business, or host in a private setting. New Jersey, for example, permits a "cause of action" but instructs jurors to consider the intoxicated individual's negligence. New York, however, does not permit a person who injures themselves to bring a suit against the bar — or host — which served them. However, in New York, if that individual dies, the state allows the person's children to sue the establishment for "loss of parental consortium."

## **Recovering Damages**

New York

To recover damages in [New York](#), the plaintiff must prove:

The plaintiff suffered injury (or harm) as the result of the actions of an intoxicated person,  
The defendant served alcohol to the drunken individual, and  
The defendant contributed to the further intoxication of the person.

New Jersey

[New Jersey's Dram Shop Act](#) outlines what an individual who sustains a personal injury (or property damage) as a result of negligent service. Three conditions have to be met:

The server is found to be negligent,  
The negligent service was the cause of the injury (or damage)  
The injury or damage was foreseeable