Dramshop Liability Laws Encyclopedia Article

Dramshop Liability Laws

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Contents

Dramshop Liability Laws Encyclopedia Article.....1

Contents.....2

Dramshop Liability Laws.....3

Dramshop Liability Laws

Dramshops are taverns, saloons, bars, and drinking establishments. All states impose fines and other punishments when alcohol is sold to "visibly intoxicated" customers or "habitual drunkards." Although historically these laws aimed to preserve public order and morality, today they are perceived primarily as tools to curtail drunk driving. Their effectiveness is a direct function of compliance and enforcement. Although compliance has rarely been studied, one study in Michigan found that an increase in police enforcement (through visits and warnings) resulted in a three-fold increase in the rates of service refusal to intoxicated patrons. In addition, service intervention training has been voluntarily implemented in many states and is required by law in some. Although the evidence is mixed, recent research indicates that sustained server training can reduce the risk of drunk driving.

In addition to these statutory penalties, more than half the states also impose tort liability on tavern keepers for injuries caused by intoxicated patrons. Liability in such situations serves both compensatory and deterrent purposes. Although it is difficult to isolate the effects of the threat of so-called "dramshop tort liability" or server behavior, one study attributed a decline in traffic crash injuries in Texas to the filing of two major liability suits in that state (Wagenaar & Holder, 1991). Courts in a few states have extended the dramshop principle to private "social hosts" who fail to take adequate precautions to prevent obviously intoxicated guests from getting behind the wheel.

Whether or not the threat of liability for servers of alcohol exerts a clear-cut deterrent effect, it is clear that dramshop liability serves an important pedagogical effect and, together with other legal and cultural factors, helps to shape social norms against driving while intoxicated.

See Also

Driving, Alcohol, and Drugs; Driving Under the Influence; Drug Interactions and Alcohol; Drunk Driving; Legal Regulation of Drugs and Alcohol; Mothers Against Drunk Driving; Students Against Destructive Decisions)

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