

California tightens up dram shop liability

Posted by Dennis Lansdowne

Wednesday, April 18, 2012 10:41 AM EST

California issued 12,600 liquor licenses last year. Nearly half of the 5,000 holders investigated by the state's Department of Alcohol Beverage Control were disciplined for selling alcohol to minors and other dram shop infractions. If you aren't familiar with the word, "dram" refers to a British measurement unit for serving alcohol, equal to 1/16 of an ounce. The majority of those 38 states that enforce [dram shop liability laws](#) hold bars, clubs, restaurants, hotels, liquor stores and other businesses liable when a person served too much alcohol injures someone else.

California, on the other hand, recently revised its dram shop law because the drinker – not the pourer – inflicts the injury. Bar, restaurant, and store owners can still face criminal misdemeanor charges and be held liable for damages to an injured person, but the dram shop law targets those serving minors.

Liquor licenses last one year, and prices vary depending on county, license type, and current supply and demand. Since California businesses spend anywhere from \$3-5,000 for a beer and wine license to \$12-400,000 for a full liquor license, and having one increases businesses' profits exponentially, it behooves them to make sure that license isn't suspended or revoked.

And in fact, due to California's stringent surveillance efforts, alcohol education classes are in high demand, even though the state doesn't require training.

"My employees came to me and told me they were having the hardest time getting into alcohol education classes due to sellouts," said Steve Sillin, owner of Rosati's Pizza Pub in Temecula, CA. He's grateful to the owner of a local Mexican restaurant who became certified to teach his own Training for Intervention Procedures (TIPS) classes.

TIPS conducts a \$40, five-hour course online, so bartenders and servers who work odd hours can take the class at their leisure. Students learn:

- Legal responsibilities, including when and how to check identification, how to recognize when a customer is intoxicated or underage, and how to document incidents;
- Real-life situations via video;
- How alcohol affects people; and
- Tips and tricks. For instance: some customers ask a lot of questions in order to distract the bartender.

At the end of the session, students take a multiple-choice exam. If they pass, they receive a certification card valid for three years. If they fail, they can take the class and test once more for free.

Bar, restaurant, and store owners whose employees take the course benefit because insurance companies discount liquor liability premiums up to 25 percent, and liquor boards lessen fines and penalties for violators who become TIPS-certified.

Ohio [dram shop law](#) violations typically merit a \$25-100 fine, but alcohol sellers should know they can be held liable if someone is injured on- or off-premises in a fight, car accident, or otherwise.

If you have a question about a bar's liability to an injured party in Ohio, please [contact me](#).

Find this article at:

<http://cleveland.injuryboard.com/miscellaneous/california-tightens-up-dram-shop-liability.aspx?googleid=300090>