

Rhode Island Dram Shop Law



The dram shop law imposes liability for negligence or recklessness in certain situations involving minors or visibly intoxicated people.

Rhode Island General Laws Chapter 3-14 is the Rhode Island Liquor Liability Act, which covers alcoholic beverage retail licensees (and their employees) and anyone who was required to have had an alcoholic beverage retail license (and their employees) at the time of an act giving rise to liability under the statute. Section 3-14-6 makes these defendants liable for negligently serving liquor to a minor or a visibly intoxicated individual if damages resulted from the consumption by the minor or visibly intoxicated individual. Negligence means that the defendant knows that the person is a minor or is visibly intoxicated, or a reasonable and prudent person in similar circumstances would know that. A rebuttable presumption of negligence arises from proof of service of alcohol to someone under 21 without asking for an ID.

Meanwhile, Section 3-14-7 makes these defendants liable for recklessly providing liquor to a minor or a visibly intoxicated individual if damages resulted from the consumption by the minor or visibly intoxicated individual. Recklessness means that the defendant intentionally served liquor despite

knowing that the person being served was a minor or was visibly intoxicated, and the server consciously disregarded an obvious and substantial risk that serving liquor to that person would cause physical harm. The statute lists certain serving practices that are admissible as evidence of recklessness. Punitive damages are available in actions based on reckless conduct but not in actions based on negligent conduct.

A three-year statute of limitations applies to these claims. A defendant can introduce proof of their responsible serving practices as evidence that they were not negligent or reckless. The law lists certain examples of responsible serving practices.

Meanwhile, the Rhode Island Supreme Court has recognized a duty to a third party by a social host for injuries suffered at the hands of an intoxicated guest only when a special relationship exists between the host and the guest.

Source: Justia