

How “Dram Shop” Liability Works in Pennsylvania

Know all your rights and options if you are hit by a drunk driver

Even though the dangers of drinking and driving are well known, and even though the rise of rideshare services has given people more options than ever to avoid driving drunk, too many people in Pittsburgh and throughout Pennsylvania choose to get behind the wheel while intoxicated. The consequences can be deadly. In Pennsylvania, alcohol is a factor in over 8,000 crashes and 300 fatalities per year, [according to PennDOT](#).

That’s why accountability for [drunk driving crashes](#) is so important. If you’ve been injured in an alcohol-related crash, you can take legal action against the drunk driver who hit you. But depending on the circumstances, that may not be your only option. You may also be able to pursue a claim against the bar, restaurant, or social host that served alcohol to the driver.

These types of cases can make a big difference in your ultimate recovery. They are also complex and difficult to win. That’s why you need an experienced drunk driving accident attorney who can conduct a full investigation, get to the bottom of what happened, and pursue the accountability and justice you deserve.

Breaking down the Pennsylvania dram shop law

A dram shop claim is a civil action against an establishment or licensed individual that serves alcohol to a visibly intoxicated person, or to a minor, who then goes on to cause an injury due to their intoxication. Let’s look at each of those elements in more detail:

What is a licensed establishment?

Any establishment or individual that has a license to serve liquor for consumption on the premises falls within the scope of the dram shop law. That includes bars and restaurants that serve alcohol, of course. It also includes licensed bar services, caterers, and similar businesses that serve alcohol at weddings and events. So, even if the drunk driver who hit you consumed alcohol at a private party, if the host of that party hired a licensed service that served the alcohol, you may have a dram shop case.

If the drunk driver was served alcohol by a social host rather than a business with a liquor license, that’s outside the scope of the dram shop law. However, social hosts can still be held responsible in some circumstances. (More on that in a moment.)

What counts as visibly intoxicated?

The core of a dram shop claim is showing that the business served alcohol to someone who was already visibly intoxicated. Visible intoxication must include signs that are externally apparent, such as:

- Slurred or incoherent speech

- Trouble finishing thoughts or sentences
- Bloodshot or glassy eyes
- Difficulty with fine motor control (trouble opening a wallet, using silverware, etc.)
- Loss of coordination or reaction time
- Stumbling or falling
- Changes in behavior
- Impaired judgment

Notably, this is *not* based directly on the number of drinks served; it's based on whether the patron was visibly intoxicated *at the time* at least one drink was served. That said, circumstantial evidence such as the number of drinks consumed and any blood alcohol concentration (BAC) testing can help to establish intoxication.

If the licensed establishment served alcohol to a minor, then there is no requirement to prove visible intoxication. (A "minor" for dram shop purposes is anyone under the legal drinking age of 21.)

What types of accidents does dram shop liability cover?

The most common dram shop scenario is a [car accident](#) caused by a drunk driver who was served alcohol in violation of the dram shop law. However, dram shop liability applies to other injuries caused by intoxicated people as well; for instance, if the intoxicated person starts a fight, someone injured in that fight can hold a bar or restaurant accountable.

In some circumstances, dram shop liability can even apply to the intoxicated person's *own* injury, especially if they are a minor. That said, there is often some comparative negligence that could reduce the injured person's recovery.

It's also important to remember that *causation* is a requirement. Put another way, just because an intoxicated driver was involved in the accident doesn't mean dram shop liability automatically applies. You still have to prove that the drunk driver actually caused or contributed to the crash.

The social host liability rule in Pennsylvania

Under Pennsylvania law, social hosts – that is, individuals without a liquor license who serve alcohol at a social gathering – have less legal responsibility than licensed alcohol sellers. A social host is generally not liable for serving alcohol to a visibly intoxicated adult. However, a social host *is* responsible for any underage drinking that happens at an event they host, whether they knew the minor in question was drinking or not.

Taking legal action against a social host is otherwise similar to a dram shop case. You must prove that they served alcohol to someone under 21 and that the intoxicated person went on to cause or contribute to an injury.

Proving dram shop cases in Pennsylvania

In dram shop claims involving intoxicated adults, the key question is whether they were “visibly intoxicated” at the time they were served alcohol by the licensed seller. There are a few key pieces of evidence in situations like this:

- **Video footage**, if available, can be very powerful evidence in support of a dram shop case. For instance, video footage may show the person stumbling around or (if audio is also available) slurring their words. Photos can be useful as well, but because they don’t show behavior in motion, they generally have less impact than video. Securing video footage quickly is paramount because it is often erased or overwritten within days.
- **Witness testimony** from people who interacted with the intoxicated person at the time they were served can be invaluable evidence. Who else was at the bar that night? Can they testify that the drunk driver was behaving erratically or had bloodshot eyes? Interviewing witnesses soon after the incident can provide key insights.
- **Expert witness testimony**, such as an analysis of the drunk driver’s BAC, can also be important. If an expert testifies based on later BAC results that the intoxicated person was likely visibly drunk at the time they were served, that can help to corroborate other evidence and strengthen your dram shop claim.

As with any car accident or other incident causing injury, you also have to prove causation. Again, just because someone was drunk – even if they were convicted of DUI – doesn’t necessarily mean they caused the accident. Your attorney needs to investigate and get to the bottom of what happened and who was responsible.

If you’ve been hit by a drunk driver, get a lawyer who does more

Proving dram shop liability can be difficult, but it’s often well worth doing, especially if the drunk driver doesn’t have insurance or doesn’t have enough to cover the full cost of your injuries. In many situations, a dram shop claim can dramatically increase the compensation available to pay for your accident. Pursuing dram shop claims also holds businesses accountable and helps to protect others from being harmed by over-served drunk drivers.

If you were injured by a drunk driver in Pittsburgh or anywhere in Pennsylvania, talk to a lawyer who will do whatever it takes to get the justice and financial compensation you deserve.

[Contact Romanow Law Group](#) today for a free and confidential consultation.