

SPECTRUM



Liability of alcohol providers

It is common knowledge that people who drink and drive can face very serious consequences if they injure or kill someone. Because the cost of such accidents can be so very high, the legal community has had to look beyond the drunk driver to obtain restitution for the person who has been injured. As a result, the alcohol suppliers such as bars and bartenders are now being held financially responsible.

Traditionally, the law did not require that establishments such as bars control the conduct of people, except while they were actually on the premises. Now,

after a series of important court decisions, the law says that alcohol providers have a legal duty not to serve customers past the point of intoxication. If they do, they can be held partially liable for the conduct of the intoxicated person.

The issue has become a matter of great concern to licensed establishments because they can be held liable even if they only sold the customer one drink. For example, a patron could have a number of drinks at one establishment and then go to another bar. He or she could then order another drink and the bartender would have no idea how much liquor that person had

already consumed. A person need not appear drunk to be dangerously intoxicated. If that establishment was the last place that patron visited before driving home, it could be held liable for serving someone past the point of intoxication.

In order to combat this problem, providers of alcohol are now being encouraged to set up and participate in programs that are designed to promote awareness of alcohol and its effects on the body, as well as the legal issues. In New Brunswick, the Alcohol and Drug Dependency Commission has responded to the problem by intro-

ducing the Responsible Beverage Service Program. This program covers topics such as: tips on preventing intoxication, managing intoxicated patrons and the risks of civil liability.

The bartenders employed by Campus Bar Services are required to take this course which is offered by the New Brunswick Community Colleges. The ultimate purpose of the program is to prevent alcohol-related problems for both servers and drinkers.

It must be emphasized that the intoxicated person is still responsible for his or her actions. The liability of alcohol providers is

merely an extension of the chain of responsibility to the victim. The costs will be apportioned between the individual who caused the accident and the establishment which provided him or her with alcohol.

THIS COLUMN IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT MEANT TO BE A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE. IF YOU REQUIRE ANY ADDITIONAL LEGAL INFORMATION, PLEASE CONTACT A LAWYER.

Bunswickan Staff Meeting

Fridays at 12:30 p.m. in Rm# 35 S.U.B.

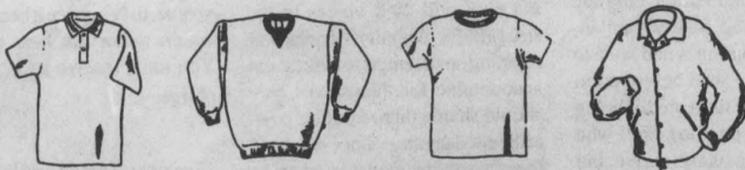
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