

Pennsylvania Dram Shop Law



A pair of statutes have been interpreted to impose liability in situations involving people who were visibly intoxicated and minors.

47 Pennsylvania Statutes Section 4-497 provides that a licensee under the liquor law will not be liable to third parties for damages inflicted on them off the licensed premises by customers of the licensee unless the customer who inflicted the damages was sold or given alcohol by the licensee (or their employee) when the customer was visibly intoxicated. However, the Pennsylvania Supreme Court has ruled that a licensee cannot assert its immunity under Section 4-497 unless the customer was of legal drinking age, so the statute does not block claims involving minors.

Meanwhile, Section 4-493 prohibits a licensee or their employee, or any other person, from selling or giving any alcohol to someone who is visibly intoxicated or a minor. In general, Pennsylvania courts have found that a violation

of this law is negligence per se, and the defendant will be held liable if a violation was the proximate cause of the victim's injuries.

However, the Supreme Court has declined to impose civil liability based on Section 4-493 on non-licensed people who furnish alcohol for no remuneration. The Court has found that the only exception to the general rule that liability under the Liquor Code will not be applied to a social host is when they knowingly furnished alcohol to a minor. (This exception is based on the legislative judgment that people under 21 are incompetent to handle alcohol, as reflected by certain provisions of the Crimes Code.) There is no liability on the part of a social host who serves alcohol to adult guests.