

LIABILITY FOR ACCIDENT

Please be advised that it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”), and not the Pennsylvania Liquor Control Board (“Board”), which enforces the liquor laws in Pennsylvania. Further, the following information is not binding on the Bureau and is offered for information and guidance only.

Section 493(1) of the Pennsylvania Liquor Code prohibits licensees from selling, furnishing or giving any liquor or malt or brewed beverages or to permit any liquor or malt or brewed beverages to be sold, furnished, or given to any person visibly intoxicated, or to any minor [47 P.S. § 4-493(1)]. Licensees may be strictly liable for violations of the Liquor Code and/or Board Regulations which occur on the licensed premises without regard to who provides the alcoholic beverages. Pennsylvania Liquor Control Bd. v. TLK, Inc., 518 Pa. 500, 544 A.2d 931 (1988); Pennsylvania State Police, Bureau of Liquor Control Enforcement v. Goodfellas, 850 A.2d 868 (Pa. Cmwlth. 2004). The potential penalties for violations of the Liquor Code or the Board’s Regulations range from a fine to license suspension or revocation, or both. [47 P.S. § 4-471(b)].

However, civil liability is separate from liability under the Liquor Code. Section 497 of the Liquor Code provides that no licensee shall be liable to third person on account of damages inflicted upon them off of the licensed premises by customers of the licensee unless the customer who inflicts the damage was sold, furnished, or given liquor or malt or brewed beverages by the licensee or its agents, servants, or employees, when the customer was visibly intoxicated. [47 P.S. § 4-497]. With respect to liability of the establishment in case of injuries or damages associated with service to a patron, this office is unable to provide any guidance and it is suggested that you contact a private attorney who specializes in civil liquor liability issues in order to assess the potential for liability.