



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0184 Introduced on January 14, 2025
Subject: Dram Shop
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: January 24, 2025

Fiscal Impact Summary

This bill specifies that a licensee that provides alcohol to an adult is civilly liable for third party actual damages under certain circumstances. This bill codifies a current common law liability.

This bill will have no expenditure impact on Judicial. The implementation of the bill may result in an increase in general sessions court caseloads, which Judicial anticipates can be managed using existing staff and appropriations.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill provides that persons or entities licensed to sell alcoholic beverages that sell, serve, or otherwise furnish alcohol to an individual are civilly liable to a third party for actual damages arising out of the transaction under the following circumstances:

- If the individual served is at least twenty-one and
 - the licensee knew or should have known the individual was visibly intoxicated at the time of the transaction;
 - at the time of the transaction, the licensee knew or should have known the individual would become intoxicated based on factors that would be obvious to a reasonable person (e.g., the licensee's knowledge of the number of alcoholic beverages served to the individual while on the premises); and
 - the individual's intoxication or the sale, service, or furnishing of the alcohol was a proximate cause of bodily injury, death, or property damage to a third party; or
- If the individual is under the age of twenty-one and
 - the individual's intoxication or the sale, service, or furnishing of the alcohol was a proximate cause of bodily injury, death, or property damage to a third party.

This bill codifies a civil cause of action that is currently recognized in common law referred to as dram shop liability.

Judicial anticipates the codification of this cause of action may result in a slight increase in the number of actions filed in court that can be managed using existing staff and appropriations.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director