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Georgia's Dram Shop Act

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Research Guides

Georgia's Dram Shop Act

Guide Information

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Scope of this Guide

Please note that this research guide is intended for law students and new lawyers interested in researching the Georgia Dram Shop Act (GDSA). Accordingly, this guide includes the statutory text of the GDSA and annotations of pertinent Georgia case law. In addition, numerous secondary sources, such as law review articles, encyclopedias, and A.L.R.s are referenced and annotated to supplement the primary sources of law in this area. Finally, this guide provides a compilation of organizations and interest groups to round out research materials on dram shop liability and its consequences in the state of Georgia. Don't forget to Shepardize or Keycite all materials!

Disclaimer

The information provided in this guide does not constitute legal advice; rather, it is intended to aid those interested in researching the GDSA more fully. Please consult a licensed attorney if you have questions about the law or need representation with regard to this area.

Overview

- Historically, a place that sold alcoholic beverages, such as a bar or tavern, was known as a "dram shop."
  See Black's Law Dictionary (9th ed. 2009), dram shop (dram shop. Archaic. A place where alcoholic beverages are sold; a bar or saloon. — Also spelled dram-shop; dramshop. — Also termed grog-shop; drinking shop)
- At common law, dram shops or other providers of alcohol were not liable for selling or serving alcohol to individuals who later injured themselves or third parties.
  See for example Delta Airlines, Inc. v. Townsend, 279 Ga. 511, 513 (2005), infra, under "Primary Sources"
- The belief was that the consumption of alcohol, rather than its sale, was the proximate cause of any injuries.
  Id.
- Today, however, the majority of U.S. states, including Georgia, have imposed liability, in derogation of the common law, on dram shops and other providers of alcohol, either through statutes, case law, or both,
  See for instance Edward L. Raymond, Jr., J.D., Annotation, Social host's liability for injuries incurred by third parties as a result of intoxicated guest's negligence, 62 A.L.R.4th 16 (2010), infra, under "Secondary Sources"
- The Georgia legislature enacted O.C.G.A. § 51-1-40 in 1988 to codify dram shop liability in the state.
  The full text of this statute is provided infra, under “Primary Sources.”
- Subsection (a) of O.C.G.A. § 51-1-40 maintains the common law rule that consuming alcohol, rather than furnishing it, is the proximate cause of any injury.
  See O.C.G.A. § 51-1-40(a) infra, under "Primary Sources"
- Subsection (b) however provides two instances where the provider will nevertheless be held liable.
- These two instances involve either: serving a minor (someone under 21) or serving someone (21 or over) who is noticeably intoxicated.
- In order for liability to attach in either situation, the plaintiff must prove three elements.
  See Birnbrey, Minsk & Minsk, LLC v. Yirga, 244 Ga. App. 726, 728, 535 S.E.2d 792 (2000), infra under "Primary Sources"
- 1- Defendant knowingly furnished alcoholic beverages to a person under 21 or to a person (age 21 or older) who was in a state of noticeable intoxication,

2-Defendant did so knowing that minor or intoxicated person would soon be driving a motor vehicle, and

- 3-The act of providing the alcohol was the proximate cause of the injuries sustained by the Plaintiff.
- For most cases, the first and second elements are the most critical for Plaintiff to prove and many cases therefore hinge on these elements.
- Under O.C.G.A. § 51-1-40, it does not matter whether the provider of alcohol is a traditional dram shop or is an individual social host. The statute applies so long as a person knowingly sells, furnishes, or serves alcohol.
  As the case law infra under "Primary Sources" will show, individual home owners or party hosts can be held liable under the GDSA if the three elements are met.
- Georgia courts have interpreted subsection (b) to exclude only those "consumers" who later drive and injure themselves and not to exclude those who were also drinking and then later injured by a third party.
  See Griffin Motel Co. v. Strickland, 223 Ga. App. 812, 479 S.E.2d 401 (1996) infra, under "Primary Sources"
- Lastly it should be noted that a Defendant may have a valid assumption of the risk defense against a Plaintiff who assumed the risk of riding with a noticeably intoxicated person.
  See Taylor v. Racetrac Petroleum, 238 Ga. App. 761, 519 S.E.2d 282 (1999) infra, under "Primary Sources"

About the Author

Kate Hendren is a third year law student at the Georgia State University College of Law. Before attending law school, Kate graduated from Duke University with a Bachelor of Arts degree in Psychology and worked full-time as a Case Clerk for Alston & Bird, LLP for over 2 years. During law school, she has served as the International Student & Scholar Services-GRA Scholar and a Litigation Associate for the COL while working part-time at law firms, both big and small. Kate looks forward to graduating in May 2011 and pursuing a legal career in business immigration and/or employment law. If you should have any questions with regard to this research guide, please contact Professor Nancy Johnson at njohnson@gsu.edu.

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Primary Sources

O.C.G.A. § 51-1-40 (1988)

Below you will find the complete statutory text of the Georgia Dram Shop Act as articulated in section 51-1-40 of the Georgia Code (O.C.G.A.). This provision of O.C.G.A., along with the rest of the Georgia Code, can be accessed free of charge through the Georgia General Assembly website at http://www.legis.state.ga.us. Once there, simply select "Georgia Code" from the lefthand panel and you will be redirected to a LexisNexis page for searching. Enter "liability for acts of intoxicated persons" in the search box to retrieve O.C.G.A. § 51-1-40 or expand Title 51. Torts > expand Chapter 1. General Provisions > select O.C.G.A. § 51-1-40.

O.C.G.A. § 51-1-40. Liability for acts of intoxicated persons

(a) The General Assembly finds and declares that the consumption of alcoholic beverages, rather than the sale or furnishing or serving of such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person, except as otherwise provided in subsection (b) of this Code section.

(b) A person who sells, furnishes, or serves alcoholic beverages to a person of lawful drinking age shall not thereby become liable for injury, death, or damage caused by or resulting from the intoxication of such person, including injury or death to other persons; provided, however, a person who willfully, knowingly, and unlawfully sells, furnishes, or serves alcoholic beverages to a person who is not of lawful drinking age, knowing that such person will soon be driving a motor vehicle, or who knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, knowing that such person will soon be driving a motor vehicle, may become liable for injury or damage caused by or resulting from the intoxication of such minor or person when the sale, furnishing, or serving is the proximate cause of such injury or damage. Nothing contained in this Code section shall authorize the consumer of any alcoholic beverage to recover from the provider of such alcoholic beverage for injuries or damages suffered by the consumer.

(c) In determining whether the sale, furnishing, or serving of alcoholic beverages to a person not of legal drinking age is done willfully, knowingly, and unlawfully as provided in subsection (b) of this Code section, evidence that the person selling, furnishing, or serving alcoholic beverages had been furnished with and acted in reliance on identification as defined in subsection (d) of Code Section 3-3-23 showing that the person to whom the alcoholic beverages were sold, furnished, or served was 21 years of age or older shall constitute rebuttable proof that the alcoholic beverages were not sold, furnished, or served willfully, knowingly, and unlawfully.

(d) No person who owns, leases, or otherwise lawfully occupies a premises, except a premises licensed for the sale of alcoholic beverages, shall be liable to any person who consumes alcoholic beverages on the premises in the absence of and without the consent of the owner, lessee, or lawful occupant or to any other person, or to the estate or survivors of either, for any injury or death suffered on or off the premises, including damage to property, caused by the intoxication of the person who consumed the alcoholic beverages.

Judicial Opinions

The following sections contain relevant case law pertaining to the essential elements of a dram shop claim as well as some important limitations and other considerations for plaintiffs asserting – and alcohol providers defending against – dram shop claims in the state of Georgia. A brief synopsis of each case is provided below as well a listing of sources from where to find the full text of each opinion.

Georgia Supreme Court Cases

Each Georgia Supreme Court case listed below can be accessed for free by visiting the Georgia Court of Appeals website at http://www.gaappeals.us. Simply select "Opinions" from the home page and you will be redirected to lexisONE where you may search for any Georgia judicial opinion issued within the last ten years.

Delta Airlines, Inc. v. Townsend, 279 Ga. 511, 614 S.E.2d 745 (2005)

The Supreme Court held that the plaintiff did not state a claim against Delta under the GDSA for serving wine to a passenger during flight because the airline had no way of knowing that the drinker would soon be driving. The Court suggested in dicta that "land-based establishments," unlike airlines, are more likely to be found liable where their patrons have "direct and immediate access to their vehicles." This case is a good source of background information on the GDSA as well as information on the second element of a dram shop action, soon to be driving.

Sugarloaf Cafe, Inc. v. Willbanks, 279 Ga. 255, 612 S.E.2d 279 (2005)

In Sugarloaf, the Georgia Supreme Court reversed the Court of Appeals' decision that a question of fact remained as to whether the establishment knew the driver in that case would soon be driving. The Supreme Court found in favor of the defendant and rejected the reasoning of the The Court of Appeals which relied on an expert's affidavit that the establishment was located in a "remote" area and that most of its patrons drove there. The Supreme Court maintained that such circumstantial evidence could not contradict the direct evidence that the drinker in that case did not drive to or from the establishment, which was located in a shopping center near office buildings (including that of the drinker), and that such facts did not warrant a conclusion that the establishment knew the drinker would soon be driving.

Northside Equities v. Hulsey, 275 Ga. 364, 567 S.E.2d 4 (2002)

The Supreme Court ruled in Hulsey that the driver's blood alcohol content (BAC) level coupled with expert testimony regarding likely manifestations of intoxication at such a BAC level was sufficient evidence to overcome the defendant's motion for summary judgment. This case has important implications for litigants as it suggests that a plaintiff, in the face of direct evidence that the driver did not appear to the alcohol server as noticeably intoxicated when last served, can nonetheless defeat summary judgment on this element by hiring an expert who can attest to likely manifestations of intoxication at the driver's state of inebriation based on the driver's BAC level when last served (or shortly thereafter).

Georgia Court of Appeals Cases

Except as otherwise noted, each Georgia Court of Appeals case listed below can be accessed for free by visiting the Georgia Court of Appeals website at http://www.gaappeals.us. Simply select "Opinions" from the home page and you will be redirected to lexisONE where you may search for any Georgia judicial opinion issued within the last ten years. Older opinions may be accessed by a subscription service such as Westlaw or LexisNexis or Loislaw, as noted below.

Shin v. Estate of Camacho, 302 Ga. App. 243, 690 S.E.2d 444 (2010)

The Georgia Court of Appeals held that a party host was not liable under the GDSA because there was no evidence that he furnished alcohol to the driver once the driver was noticeably intoxicated. The defining event in that case was the driver's verbal altercation with another guest - the Court determined that only once the fight occurred did the host know the driver was intoxicating and the host did not serve the driver once the fight occurred (thereby avoiding liability). This case is often cited for its treatment of the first element of a dram shop claim, "noticeable intoxication." This case also stands for the proposition that the GDSA is an injured third party's "exclusive remedy" against a provider of alcohol.

Capp v. Carlito's Mexican Bar & Grill #1, Inc., 288 Ga. App. 779, 655 S.E.2d 232 (2007)

The Court in this case concluded that combined evidence of the patron's loud and obnoxious behavior with other factors, including an admission from the server that he topped her drink as she was leaving, was enough to prove the restaurant knew or should have known the patron was noticeably intoxicated. Thus this case provides insight into the first element of a GDSA claim, noticeable intoxication.

Wright v. Pine Hills Country Club, 261 Ga. App. 748, 583 S.E.2d 569 (2003)

In Wright, the Court determined that the mere offering of the driver's BAC level and a description of the driver's alimentary tract after the accident was not enough to overcome the defendant's direct evidence in the form of attestations from the staff who served the driver that she did not appear intoxicated. This case may be reconciled with the Supreme Court case, Hulsey(discussed above), by noting that Hulsey provided expert evidence that the driver in that case would manifest certain noticeable signs of intoxication based on the BAC, weight, drinking habits, etc. of the driver, whereas the expert in this case merely recited the BAC without any proof of how that BAC would manifest in the driver (and thus put the alcohol provider on notice).

Baxley v. Hakiel Indus., 280 Ga. App. 94, 633 S.E.2d 360 (2006) (rev'd on other grounds)

In this case, the Court of Appeals interpreted OCGA § 51-1-40 (b) as requiring that the alcohol provider knew or should have known both that the patron was noticeably intoxicated and that he or she would soon be driving. The Court in Baxley explains that: "a plaintiff need not prove that an alcohol provider had actual knowledge that the intoxicated person would soon drive. Rather, if a provider in the exercise of reasonable care should have known both that the recipient of the alcohol was noticeably intoxicated and that the recipient would be driving soon, the provider will be deemed to have knowledge of that fact."

Becks v. Pierce, 282 Ga. App. 229, 638 S.E.2d 390 (2006)

The Court in Becksdetermined that the defendant's summary judgment motion should have been granted because the bar had no way of knowing that its patron would soon drive where the patron had not "displayed his keys at any time or otherwise did anything to indicate that he might be driving". On appeal, the defendant did not raise the first element, noticeable intoxication, and the Court of Appeals suggests it was a strategic move in light of the Hulsey case (discussed supra).

Hodges v. Erickson, 264 Ga. App. 516, 591 S.E.2d 360 (2003)

The Court of Appeals concluded that the social host did not know that the drinker would soon be driving. In that case, the drinker's older brother asked him not to leave and the drinker agreed. Notably, the drinker "put his keys back in his pocket" and his brother consequently believed the drinker would not be leaving. The evidence, therefore, showed that the drinker "would *not* soon be driving" and consequently that element of the GDSA claim had not been met.

The following Court of Appeals cases may be accessed from the Loislaw website at www.loislaw.com. The Georgia bar provides students free access for academic use after a brief sign-up process. Members of the Georgia Bar are also afforded access to this low-cost legal research service.

La Cosecha v. Hall, 246 Ga. App. 441, 540 S.E.2d 659 (2000)

The Court granted the restaurant's motion for summary judgment in the absence of admissible evidence contradicting statements made by the driver's friend that the driver did not appear noticeably intoxicated.

Griffin Motel Co. v. Strickland, 223 Ga. App. 812, 479 S.E.2d 401 (1996)

This case stands for the proposition that passengers or other third parties who consumed alcohol are not barred from recovery based on the last sentence of O.C.G.A. § 51-1-40 (b). The Court reasoned that legislature intended only to exclude drivers who consumed alcohol and then injured themselves, not those who are passengers or otherwise injured by the intoxicated driver.

Taylor v. Racetrac Petroleum, 238 Ga. App. 761, 519 S.E.2d 282 (1999)

This case stands for the proposition that a dram shop may assert as a defense the plaintiff's assumption of the risk in riding with a noticeably intoxicated driver. While it is not clear that the defendant will succeed in avoiding liability, it is clear the establishment at least has the option to assert the defense.

Birnbrey v. Yirga, 244 Ga. App. 726, 535 S.E.2d 792 (2000)

This case highlights that the element of proximate cause must be proved by a plaintiff in addition to noticeable intoxication and knowledge that the drinker would soon be driving. Moreover, it clearly sets out the three elements of a GDSA claim.

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Secondary Sources

Law Review Articles

Following are some sample law review articles that explore various aspects of the GDSA in detail and will help the student or new lawyer understand the subject matter more fully.

J. Voyles, ***Dram Shop Law: Codify Third Party Liability***, 5 Ga. St. U. L. Rev. 498 (1988)

This short law review article is a great place to start. It was published in the year of the GDSA's promulgation (1988) when the topic was no doubt fresh. It addresses the history of the statute, including the common law predecessor of nonliability, as well as the Georgia House Bill (HB 1495) that introduced its subject matter.

Deron R. Hicks & Travis C. Hargrove, ***TORTS***, 62 Mercer L. Rev. 317, 326-327 (2010)

Each year the Mercer University Law Review publishes an annual survey of recent changes in Georgia law from the preceding year (June 1st - May 31st). The survey is organized based on subject matter (e.g. "Torts") and under each broad subject, the topic is broken down into subtopics such as "Premises Liability" and, pertinent to this research guide, "Dram Shop Act." This 2010 article discusses the recent case of Shin v. Estate of Camacho (discussed supra, under "Primary Sources") and the Court's findings on the noticeable intoxication element.

Leighton Moore, ***Tort Law***, 55 Mercer L. Rev. 425, 428-429 (2003)

This article provides an overview of the Hulseycase (discussed supra, under "Primary Sources") with in-depth treatment of the case facts and an analysis of the dissenting opinion. The author's treatment of the dissent is particularly illuminating with regard to the 3 justices' belief that the majority opinion augmented the reach of the dram shop act beyond that contemplated by the legislature.

Richard Smith, Note,***A Comparative Analysis of Dramshop Liability and a Proposal For Uniform Legislation***, 25 Iowa J. Corp. L. 553 (2000)

This note provides a good basis for understanding the policies behind dram shop legislation in general and an examination of how other states have addressed the issue. The GDSA is referenced approximately 4 times. The value of this note lies in its depth of treatment of the backdrop of dram shop acts and its incremental treatment of potential plaintiffs (and those who may be barred), apportionment, damages, etc.

Sarita Anne Smithee, Case note, ***Federal Preemption - State Dram Shop Legislation in Conflict with Federal Aviation Administration Regulations - The Supreme Court of Georgia Declines to Hold that the Airline Deregulation Act Mandates Preemption of the Georgia Dram Shop Act as it Applies to Air Carriers***, 71 J. Air L. & Com. 75 (2006)

This case note is a good source to consult if the establishment at issue is an airline provider. The author examines the interplay of the GDSA with federal regulations issued by the FAA regarding the provision of alcohol on planes. This note has particular significance after the Georgia Supreme decision in Delta Airlines, Inc. v. Townsend (discussed supra under "Primary Sources").

Deron R. Hicks & Travis C. Hargrove, ***TORTS***, 61 Mercer L. Rev. 335, 356-357 (2009)

This article discusses a recent case, Mulligan's Bar & Grill v. Stanfield, 294 Ga. App. 250, 668 S.E.2d 874 (2008), where the Court of Appeals upheld the trial court's denial of the defendant's motion for a directed verdict on the basis of GDSA. The note highlights that the GDSA is separate and distinct from a premises liability action, which was at the heart of the plaintiff's claims in that case.

Matthew C. Houchens, Comment, ***Killer Party: Proposing Civil Liability for Social Hosts who Serve Alcohol to Minors***, 30 J. Marshall L. Rev. 245, 276 (1996)

This comment provides a good overview of various states in the U.S. who seek to impose social host liability either through statute or case law. The focus is on social hosts, rather than traditional dram shop establishments such as bars. Georgia, of course, imposing such social host liability provided the elements of the GDSA claim are met (See Shindiscussed supra, under "Primary Sources"). This comment specifically addresses how the GDSA codifies the Georgia Supreme Court's holding in the pre-GDSA case Sutter v. Hutchings, 254 Ga. 194, 327 S.E.2d 716 (1985).

Georgia Jurisprudence Personal Injury and Torts

14 Ga. Jur. Personal Injury and Torts § 25:9, Dram shop liability

The listing for Chapter 25, Section 9 under Georgia Personal Injury and Torts, is brief and simply restates the elements of a GDSA claim. The listing however notes other sources that may prove helpful.

14 Ga. Jur. Personal Injury and Torts § 26, Alcohol Liability in Georgia

Chapter 26 addresses Alcohol Liability in Georgia, and hence is a great resource to those interested in studying the GDSA. Each section within is helpful, inlcuding Section 2 (bar to recovery by consumers; exceptions), 3 (requirement that consumer drive soon after consumption), 4 (constitutionality), and section 13 (causation requirement) just as examples.

Other Encyclopedias

45 Am Jur 2d Intoxicating Liquors § 502
This section provides a quick note on who a plaintiff can sue under a dram shop action, including the seller of the alcohol and any sureties.
Other good sources include:
32 Am. Jur. Proof of Facts 2d 357, Tavern Keeper's Liability Under Dramshop Act.

12 Am. Jur. Trials 729, Dram Shop Litigation.

American Law Reports (A.L.R.)

Edward L. Raymond, Jr., J.D., Annotation, ***Social host's liability for injuries incurred by third parties as a result of intoxicated guest's negligence***, 62 A.L.R.4th 16 (2010)

This annotation provides in-depth treatment of social host liability in the context of serving a minor or an intoxicated adult (both treated under the GDSA). Further, it provides a review of the common law, the imposition of dram shop acts by individual states, and practice pointers, a most unique and helpful feature.

Joel E. Smith, J.D., Annotation, ***Liability of persons furnishing intoxicating liquor for injury to or death of consumer, outside coverage of civil damage acts***, 98 A.L.R.3d 1230 (2009)

This A.L.R. begins with a review of the common law nonliability theory and proceeds to address jurisdictions that have actionable torts outside of the applicable liquor laws. Further, the A.L.R. discusses in some detail the consumer bar to recovery under GDSA where a plaintiff who consumed alcohol and then drove is not able to recover from the alcohol provider for injuries he or she sustains.

M. L. Schellenger, Annotation, ***Guest's knowledge that automobile driver has been drinking as precluding recovery, under guest statutes or equivalent common-law rule***, 15 A.L.R.2d 1165 (2009)

As the title suggets, this annotation is a great resource for exploring the second element of the GDSA, knowledge that the drinker will soon be driving. Moreoever, this A.L.R. addresses the assumption of the risk defense as presented in the Taylor case (discussed supra, under "Primary Resources").

Treatises and Practice Aids

Frank E. Jenkins III & Wallace Miller III, Georgia Automobile Insurance Law, Including Tort Law With Forms, Ga. Automobile Insurance Law § 49:2 (2010 ed.)

Section 49:2 of this aid covers the Alcohol Provider Liability Statute (Dram Shop Act). It is a great place to start when you seek a reader-friendly overview of the topic, its history, and the discrete elements. This section provides a variety of subheadings within subheadings including "loss of consortium" under rights to recover, the "fake ID defense," and "use of pre-dram shop case law." Again, a good secondary source to use to gain familiarity quickly and easily with dram shop liability.

Frank M. Eldridge & Robert E. Clearly, Jr., Georgia Wrongful Death Actions: with Forms (4d ed. 2008)

For a more in depth treatment, access this book in hard copy at the Georgia State University College of Law library or browse the electronic version online through a paid subscription service such as Westlaw or LexisNexis.

Blogs and Other Online Postings

- Legal Trouble on Tap as State Supreme Court Considers Broader Interpretation of Dram Shop Law
  http://www.bfvlaw.com/UploadedFiles/Publications/radBC8829200527132411.pdf.
  See Charles Hoff, Legal Trouble on Tap as State Supreme Court Considers Broader Interpretation of Dram Shop Law, Georgia Restaurant Association, for a discussion of the GDSA from the perspective of the GRA's General Counsel, in the eve of the Sugarloaf Cafe, Inc. v. Willbanks decision.
- Blame it on the Bars
  http://www.cfif.org/htdocs/freedomline/current/guest_commentary/dram_shop_liability.htm.
  For a criticism of dram shop liability laws, see Erin Murphy, Blame it on the Bars, Center for Individual Freedom (Jan. 29, 2004), for a criticism of dram shop liability laws.
- Georgia Court of Appeals Strictly Construes Dram Shop Act to Absolve Host for Intoxicated Guest's Auto Accident
  http://www.georgiainsurancedefenselawyer.com/2010/02/georgia_court_of_appeals_stric_1.html#more
  For a discussion of GDSA in the wake of Shin v. Estate of Camacho, see H. Lee Pruett, Georgia Court of Appeals Strictly Construes Dram Shop Act to Absolve Host for Intoxicated Guest's Auto Accident, Georgia Insurance Defense Lawyer Blog (Feb. 17, 2010),

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Interest Groups and Associations

Interest Groups and Associations

This page represents a compilation of various organizations and other groups that potentially have an interest in the enforcement of or litigation outcomes of GDSA matters. All information reproduced below, including each organization's mission statement or goals, is taken directly from the respective organization's publicly accessible website. Please note that the author of this guide does not endorse any of the opinions or positions set forth below, but merely provides this information for educational purposes.

Georgia Mothers Against Drunk Driving (M.A.D.D.)

Homepage

http://www.maddga.org/

Mission

The mission of MADD Georgia is to stop drunk driving, support the victims of this violent crime and prevent underage drinking.

History

MADD is a 501(c)(3) nonprofit, grassroots organization serving all 159 counties in the state of Georgia. Established in 1982, our state office has become a leader in our community's fight against drunk driving, underage drinking and in support of victims. This leadership has developed through actively working to heighten awareness of the crime, assisting victims and their families, and empowering youth to affect change in their community. The impact of drunk driving and underage drinking is felt throughout our community - from the loss of innocent lives, the grief experienced by surviving family members and friends, and the rise in high-risk behaviors. In order to address these growing concerns, MADD Georgia offers a variety of programs and activities in an effort to achieve our mission.

Resources

Georgia Governor's Office of Highway Safety (GOHS):
http://www.gohs.state.ga.us

National Highway Traffic Safety Administration (NHTSA):
http://www.nhtsa.dot.gov

NHTSA's Fatality Analysis Reporting System (FARS):
http://www-nrd.nhtsa.dot.gov /pdf/nrd-30/NCSA/RNotes/2005 /809904.pdf

Crash Analysis, Statistics & Information

GA DUI Law and Stats

http://www.gahighwaysafety.org/safactstat.html

Crash Data GDOT

http://www.dot.state.ga.us/statistics/CrashData/Pages/default.aspx

GA MADD Law Listing

State of Georgia Website:
http://www.georgia.gov

Georgia General Assembly:
http://www.legis.state.ga.us/

Victim Resources on the Victim Services Page

Victim Services

MADD Victim Services offers emotional support, information, and referrals to victims & survivors of drunk & impaired crashes. Services are free of charge to victims & survivors and rendered by trained victim advocates. Below are links that may be able to assit you. For more information, please contact MADD Victim Assistance.

To speak with a Victim Advocate, please call MADD's 24 hour Victim /Survivor Helpline
1-877-MADD-HELP (1-877-623-3435)

Georgia Restaurant Association (GRA)

Homepage

http://www.garestaurants.org/

Mission

The mission of the Georgia Restaurant Association is to serve as the voice of Georgia's restaurants in Advocacy, Education and Awareness.

History

The Georgia Restaurant Association (GRA) evolved from the Georgia Restaurant Council (GRC), which was created in early 2003 by a small group of prominent Georgia restaurateurs, including Karen Bremer, Phil Hickey, Pano Karatassos, Alan LeBlanc, Perry McGuire and George McKerrow. Ron Wolf, a former executive with Atlanta-based AFC Enterprises, Inc., and Bass Hotels, was hired by the founders to be the Association's first executive director. Wolf retired in 2010. Karen Bremer was hired by the Board of Directors as Executive Director in September of 2010.

The GRC was created in response to the belief that an independent restaurant association was needed to represent Georgia's restaurant industry, which had previously been served by the Georgia Hospitality & Travel Association (GH&TA). Established in 1977, GH&TA operated three hospitality associations under one umbrella - a hotel association, a restaurant association, and a travel association.

A major milestone in the growth of the GRC was the merger of the former GRA (under the GH&TA) and the GRC into a new, unified association, called the (new & improved) Georgia Restaurant Association. In August of 2004, the GH&TA board of directors voted to disband the GH&TA. The hotel association re-incorporated into the Georgia Hotel & Lodging Association (GH&LA), while the travel association ceased operation. As a result of the merger, the National Restaurant Association established a Dual Membership agreement with the new GRA.

Since the merger, the GRA has swelled to a membership of nearly 600 corporate member companies, representing almost 2,500 restaurants. With a chapter in Savannah, and members across the state, the GRA continues to grow.

Today, the GRA provides a unified voice for an industry comprising over 17,000 foodservice and drinking places in the state of Georgia with total sales in excess of $14 billion and provides more jobs (375,000+) than any other non-government employer in the state.

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For a discussion of the GDSA from the perspective of the GRA's General Counsel, in the eve of the Sugarloaf Cafe, Inc. v. Willbanks decision please see:

Charles Hoff, *Legal Trouble on Tap as State Supreme Court Considers Broader Interpretation of Dram Shop Law*, Georgia Restaurant Association, http://www.bfvlaw.com/UploadedFiles/Publications/radBC8829200527132411.pdf.

National Restaurant Association Educational Foundation and ServSafe

Homepage

http://www.nraef.org

Mission (About Us)

Nearly half of all food dollars is spent at restaurants. The industry is projected to employ 13 million people in 2009 and 15 million by 2019; fostering an educated workforce is vital to support the industry's growth.

The National Restaurant Association Educational Foundation works to ensure the most qualified and passionate people enter the industry so that we can better meet the needs of our members and the patrons and clients they serve.

Our commitment is to enhance our industry's service

The National Restaurant Association Educational Foundation (NRAEF) is the philanthropic foundation of the National Restaurant Association.

Founded in 1987, the NRAEF was originally designed to strengthen and support the industry by providing high quality, educational and awareness programs created to professionalize the workforce, particularly in the areas of food safety and restaurant management. The NRAEF developed more than 200 educational products, services and certifications, enabling it to be the leader in industry education.

In 2008, the NRAEF refined its mission to focus on a commitment to enhancing the restaurant industry's service to the public through education, community engagement and promotion of career opportunities.

Contributions to the NRAEF ensure the continued growth of our industry by directly supporting future chefs, general managers, operators and teachers.

Look to the NRAEF for the tools and resources you need to propel your career to the next level or join us and help serve the needs of industry and the public at large. Whether it's through your support of the National Restaurant Association's ProStart® Program, the NRAEF Scholarship Program, special events, awards programs, or your philanthropic gifts, your assistance is essential to our success.

ServSafe Alcohol Homepage

http://www.servsafe.com/Alcohol/

Mission/About

Responsible alcohol service is an issue that touches your business, your customers and your community. That's why the National Restaurant Association Educational Foundation (NRAEF) developed the ServSafe Alcohol Program to raise the bar in responsible alcohol service training and certification.

ServSafe Alcohol is today's real-world training solution, with practical knowledge and best-in-class resources that help to prepare and protect every operation every day.

Center for Individual Freedom (CFIF)

Homepage

http://cfif.org/v/

Mission

Founded in 1998, the Center for Individual Freedom is a non-partisan, non-profit organization with the mission to protect and defend individual freedoms and individual rights guaranteed by the U.S. Constitution.

The Center seeks to focus public, legislative and judicial attention on the rule of law as embodied in the federal and state constitutions. Those fundamental documents both express and safeguard society's commitment to individual freedom, not only through specific protections such as the Bill of Rights, but also through structural protections that constrain and disperse governmental authority.

In addition, the Center seeks to foster intellectual discourse by bringing together independent thinkers to examine broad-ranging issues of individual freedom in our global society. While the Center is decidedly for individual freedom, scholars and legal authorities who share that same basic philosophy differ as to the application of those principles in the complex world in which we live. The Center strives for balanced debate that encourages conflict resolution where there is tension between the rights of individuals and the requirements of government, as well as between individuals.

The Center engages in three distinct but complementary activities:

Legal activities. It is a fundamental premise of the Center that the courts are rapidly supplanting legislative and public initiatives, as our increasingly diverse Republic seeks to balance the interests of individuals, interest groups and government. The Center will engage constitutional authorities to participate in major litigation on behalf of fundamental individual rights protection.

Legislative activities. State legislatures and the US Congress at times introduce and pass legislation that violates the Constitution. The Center seeks to make its voice heard on important legislative issues affecting constitutional rights and freedoms.

Education. Through a variety of publications, seminar sponsorships, issues papers and briefings, news bulletins and broadsides, the Center seeks to reaffirm the plain language imperatives of the US Constitution, relating it to contemporary conflicts that cannot be allowed to erode or circumvent it.

Based in Alexandria, Virginia, the Center for Individual Freedom is a nonprofit, 501(c)(4) corporation that relies on private financial support from individuals, associations, foundations and corporations. For more information, please call us at 703-535-5836. To make a contribution to the Center please click on Donate to CFIF.

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For a criticism of dram shop liability laws, see:

Erin Murphy, *Blame it on the Bars*, Center for Individual Freedom (Jan. 29, 2004), http://www.cfif.org/htdocs/freedomline/current/guest_commentary/dram_shop_liability.htm.

Georgia Insurance Defense Lawyers

For a discussion of GDSA in the wake of Shin v. Estate of Camacho, please see:

H. Lee Pruett, *Georgia Court of Appeals Strictly Construes Dram Shop Act to Absolve Host for Intoxicated Guest's Auto Accident*, Georgia Insurance Defense Lawyer Blog (Feb. 17, 2010), http://www.georgiainsurancedefenselawyer.com/2010/02/georgia_court_of_appeals_stric_1.html#more

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