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HOLIDAY PARTY ETIQUETTE: A GOOD HOST IS A RESPONSIBLE HOST WHEN IT COMES TO SERVING ALCOHOL

HOMEOWNERS CAN BE SUBJECT TO SOCIAL HOST LIABILITY LAWS WHEN SERVING LIQUOR

ALBANY, N.Y., Dec. 20, 2011— The holiday season means party time for many people. But hosts who serve alcohol should take steps to limit their liquor liability and make sure they have the proper insurance, according to the New York Insurance Association, Inc. (NYIA).

Social host liability, the legal term for the criminal and civil responsibility of a person who furnishes liquor to a guest, can have a serious impact on party throwers. Social host liability, also known as “Dram Shop Liability” laws vary widely from state to state, but 43 states including New York have them on the books. Most of these laws also offer an injured person, such as the victim of a drunk driver, a method to sue the person who served the alcohol. There are circumstances under these laws where criminal charges may also apply. And even if the Dram Shop Act does not apply, a host can still be civilly liable under ordinary negligence standards.

“Because you can be held legally responsible for your guests’ actions after they leave your party, hosts need to be particularly careful,” said Ellen Melchionni, president of the NYIA. “While a social host is not liable for injuries sustained by the drunken guest (as they are also negligent), the host can be held liable for third parties, and may even be liable for passengers of the guest who have been injured in their car.”

Before planning a party in your home, it is important to speak with your insurance agent or company representative about your homeowners coverage and any exclusions, conditions or limitations your policy might have for this kind of risk. Homeowners insurance usually provides some liquor liability coverage, but it is typically limited to \$100,000 to \$300,000, depending on the policy, which might not be enough.

Whether you are hanging out with a small group of friends for cocktails or throwing a big family bash, remember that a good host is a responsible host, and needs to take steps to ensure guests get home safely if they have been drinking.

How to Protect Yourself and Your Guests

If you plan to serve alcohol at a holiday party the NYIA offers the following tips to promote safe alcohol consumption and reduce your social host liability exposure:

- **Make sure you understand your state laws.** Before sending out party invitations, familiarize yourself with your state’s social host liability laws. These laws vary widely from state to state. Some states do not impose any liability on social hosts. Others limit liability to injuries that occur on the host’s premises. Some extend the host’s liability to injuries that occur anywhere a guest who has consumed alcohol goes. Many states have laws that pertain specifically to furnishing alcohol to minors.

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- **Consider venues other than your home for the party.** Hosting your party at a restaurant or bar with a liquor license, rather than at your home, will help minimize liquor liability risks.
- **Hire a professional bartender.** Most bartenders are trained to recognize signs of intoxication and are better able to limit consumption by partygoers.
- **Encourage guests to pick a designated driver** who will refrain from drinking alcoholic beverages so that he or she can drive other guests home.
- **Be a responsible host/hostess.** Limit your own alcohol intake so that you will be better able to judge your guests' sobriety.
- **Offer non-alcoholic beverages and always serve food.** Eating and drinking plenty of water, or other non-alcoholic beverages, can help counter the effects of alcohol.
- **Do not pressure guests to drink** or rush to refill their glasses when empty. And never serve alcohol to guests who are visibly intoxicated.
- **Stop serving liquor toward the end of the evening.** Switch to coffee, tea and soft drinks.
- **If guests drink too much or seem too tired to drive home, call a cab,** arrange a ride with a sober guest or have them sleep at your home.
- **Encourage all your guests to wear seatbelts as they drive home.** Studies show that seatbelts save lives.

The New York Insurance Association (NYIA®) is a state trade association that has represented the property and casualty insurance industry for more than 125 years. For more information on NYIA, visit www.nyia.org.