**Understanding Liability and Limitations of Dram Shop Law in Illinois**

All states have laws pertaining to liquor liability that apply to bars, restaurants, clubs, pubs, and other such establishments serving and selling alcohol. Under the Illinois Dram Shop Act, also known as [the Liquor Control Act of 1934](http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1404&ChapterID=26), a third party may bring a lawsuit against an establishment that served a second party (customer) alcohol, and as a result, they suffered injuries and property damage caused by that intoxicated customer.

**Proving Liability under the Dram Shop Law**

The Illinois Dram Shop Act assigns vicarious liability to at-fault parties that served or sold alcohol to an individual who later caused an accident or injury due to their subsequent impairment. The Illinois Judiciary has issued the Civil Jury Instructions regarding holding establishments liable for the actions of intoxicated individuals. Liability under this law applies to both business selling alcoholic beverages and the owners or lessors of the establishment where they are being sold.

In order to establish liability, the plaintiff must prove that:

* The at-fault driver was intoxicated at the time of the accident.
* The third party (establishment) served them with alcohol prior to the accident.
* Consuming that alcohol resulted in the at-fault driver’s intoxication.
* The accident was caused due to intoxication.
* You suffered damages from the accident.

It is important to note that the plaintiff is not required to prove that the at-fault driver was visibly drunk at the time they were served with alcohol. Just showing that alcohol was served is sufficient. In addition, if an adult rents a hotel room for a minor they know might consume alcohol, it is possible to hold that adult liable for the damages caused by the intoxicated minor.

**Limits on Liability**

Every year, the Illinois Comptroller is required to set liability limits for the legal actions brought under the Dram Shop Act. Generally, the Consumer Price Index-U (CPI-U) of the past year is considered for making calculations –these limits are subject to change every January due to consumer inflation. As per the determinations set forth in January, 2017, the [liability limits](https://www.illinois.gov/ilcc/News/Pages/2017-Dram-Shop-Liability-Limits-Maximum-Signage-Allowances-and-Minimum-Purchase-Requirements.aspx) are as follows:

* For accidents involving death or injury on or after January 20, 2017, a court may order recovery or judgment for the damages to the plaintiff not exceeding $67,356.23 per person sustaining damages.
* For accidents involving property damage on or after January 20, 2017, a court may order recovery or judgment for the damages to the plaintiff not exceeding $67,356.23 per person sustaining damages.
* For accidents resulting in either loss of society or loss of means of support due to the injury or death of any individual on or after January 20, 2017, a court may order recovery or judgment to the plaintiff not exceeding $82,324.28.

If alcohol is served to underage customers, the consequences are more severe. According to the Liquor Control Act, it is a criminal offense to serve alcohol to a minor, whether this act is done in a public location, a business, or a private home.

If you have been involved in an accident involving an intoxicated driver, you may be able to sue the establishment that sold or served the at-fault party with alcohol. It is best to discuss your case with an [experienced personal injury attorney](https://www.yourrockfordlawyers.com/personal-injury/) to explore the possibilities in your case to get the maximum compensation. [Contact](http://www.yourrockfordlawyers.com/contact/) Fisk & Monteleone LTD. today at 815-209-9030 to schedule a free case consultation.