

Plaintiff's Initial Burden

"Negligence" as to the Dram Shop Defendant means providing, under authority of a license, an alcoholic beverage to a recipient when it is apparent to the Dram Shop Defendant that the recipient is obviously intoxicated to the extent that he presents a clear danger to himself and others.

Source: Texas PJC 5.5 Definition of Negligence Under the Dram Shop Act

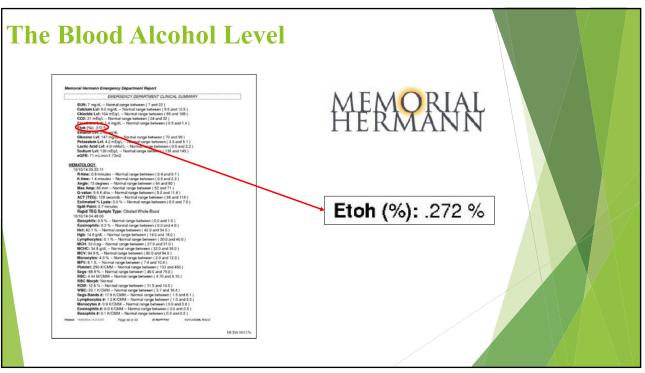
4

## The Intoxication Must Be:

- 1. Obvious to the server;
- 2. When the recipient was served; and
- 3. To the extent that the recipient presented a clear danger to himself and others.

Source: Texas Alcoholic Beverage Code § 2.02 (b) (1)

5



6





Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Dram Shop

Also available as part of the eCourse <u>Dram Shop Laws</u>

First appeared as part of the conference materials for the 2023 The Car Crash Seminar session "Dram Shop "  $\,$