

FIRST AMERICAN BANK OF NORTH LITTLE  
ROCK, N.A., et al. v. ASSOCIATED HOSTS, INC.,  
d/b/a WRANGLER, et al.

87-6

730 S.W.2d 496

Supreme Court of Arkansas  
Opinion delivered June 15, 1987

INTOXICATING LIQUORS — INJURIES TO OR BY PATRON WHO BECOMES  
INTOXICATED AT TAVERN — TAVERN OWNER HAS NO LIABILITY TO  
PATRON OR A THIRD PARTY. — Under Arkansas statutes and at  
common law, a tavern owner has no liability for injury to a patron or  
a third party resulting from intoxication of the patron at the tavern.

Appeal from Pulaski Circuit Court, Third Division; *Tom  
Digby*, Judge; affirmed.

*Jim O'Hara and Zachary D. Wilson*, for appellant.

*Wright, Lindsey & Jennings*, for appellees.

JOHN I. PURTLE, Justice. This appeal represents yet another  
attack on the lack of a Dramshop Act in Arkansas, and as such, it  
too must fail.

On December 7, 1982, the appellant attended the "happy  
hour" at a local bar and dance hall where he consumed more than  
a dozen drinks in about three hours. The appellant left the bar in  
an intoxicated condition and fell backwards on the sidewalk. The  
appellant's head struck the pavement, and he sustained injuries  
which rendered him partially paralyzed, blind in one eye, and  
mildly retarded.

[1] The question presented is whether a dramshop owner or  
operator is liable for damages to a patron who becomes intoxi-  
cated and by reason thereof sustains injury. Our prior decisions  
hold that an owner of a tavern is not responsible for injuries  
caused to third parties by a drunk patron. See *Yancey v. The  
Beverage House of Little Rock, Inc.*, 291 Ark. 217, 723 S.W.2d  
826 (1987). We hold that there is no reason to favor an  
intoxicated patron over an innocent third party. At the common  
law, a tavern owner had no liability for injury to a patron or a third  
party. See *Bolen v. Still*, 123 Ark. 308, 185 S.W. 811 (1916).

We continue to defer to the General Assembly on this subject. *Yancey*, supra. We therefore affirm the decision of the trial court in dismissing the complaint.

Affirmed.

---