Major Changes to South Carolina Dram Shop Law Coming January 1, 2026

Related Practices

Personal Injury

- Restaurant and Bar (Dram Shop) Liability

Related Attorneys

Mary Harriet Moore

By Mary Harriet Moore on December 12, 2025

Beginning January 1, 2026, significant changes to South Carolina's dram shop laws will fundamentally alter how bars and restaurants are held accountable when they overserve customers who cause drunk driving injuries and/or deaths.

At Rosen Hagood, our Charleston personal injury attorneys have represented drunk driving victims for over 75 years. This blog post explains everything you need to know about the updates to South Carolina's dram shop statute.

What Is Dram Shop Liability?

Dram shop liability allows injured parties to hold bars, restaurants, and other alcohol-serving establishments responsible for injuries caused by patrons they overserved. This is particularly important in drunk driving cases where the intoxicated driver may lack sufficient insurance to fully compensate victims with serious injuries and/or deaths.

Current South Carolina Dram Shop Law (Before January 1, 2026)

Joint and Several Liability:

If an establishment is found even 1% liable for a drunk driving accident, it can be held responsible for 100% of the damages under S.C. Code § 15-38-15(F). This means victims can recover their full damages from the bar or restaurant.

Different Standards for Different Types of Alcohol:

Beer and wine sales require that the establishment "knowingly" overserved an intoxicated person. However, the liquor statute (S.C. Code Ann. § 61-6-2220) contained no "knowingly" requirement, creating an argument for strict liability when liquor was served to intoxicated persons.

Mandatory Insurance:

Establishments must carry at least $1 million in liquor liability coverage.

Major Changes Taking Effect January 1, 2026

Beginning in the New Year, this new bill updating South Carolina's dram shop laws will take effect, creating significant changes.

©2026 Rosen Hagood All Rights Reserved |

1. Elimination of Full Joint Liability

The biggest change: When both a drunk driver and an establishment are found liable, the establishment is now responsible for only **50% of the plaintiff's actual damages** Additionally, drunk drivers and any other tortfeasors will be included on the verdict form.

Impact on victims: You can no longer recover 100% of your damages from the establishment alone. If the drunk driver is uninsured or has limited assets, you may only recover half your damages from the establishment.

2. "Knowingly" Standard Now Applies to Liquor

The new law adds a "knowingly" requirement to liquor sales, eliminating the strict liability argument. Now, establishments can only be held liable if they "knowingly" serve alcohol to an intoxicated person.

What "knowingly" means: The establishment or its employees must have known or should have known that it was serving an intoxicated person based on visible signs like slurred speech, stumbling, glassy eyes, or aggressive behavior.

3. New Comprehensive Statute & Training Requirements

All servers and managers must now complete state-approved alcohol training within 60 days of employment, covering recognizing intoxication, ID verification, and civil liability.

Additionally, insurance requirements may be reduced from $1 million to as low as $300,000 based on qualifying credits such as a server training credit, an early closing credit, and a forensic ID system credit.

What This Means for Drunk Driving Victims

The 2026 changes present a mixed picture:

Positive developments:

- Establishments can still be held accountable.
- Clearer standards for proving liability.
- Mandatory training may prevent some injuries.

Significant challenges:

- Reduced recovery potential with the 50% liability cap for establishments.
- Lower insurance coverage means less money available.
- Increased burden of proof with the "knowingly" standard for all alcohol types.
- If the drunk driver lacks insurance or assets, victims may only recover half of their actual damages.

Why You Need Experienced Legal Representation

These changes make dram shop cases more complex than ever. At Rosen Hagood, we

©2026 Rosen Hagood All Rights Reserved | **Charleston, SC**

understand the new statutory framework and act quickly to preserve critical evidence before it disappears.

With over 75 years of experience serving Charleston and the South Carolina Lowcountry, Rosen Hagood provides personalized attention and aggressive advocacy for drunk driving victims. Our personal injury attorneys understand the complexities of dram shop liability and fight to ensure you receive full and fair compensation. If you've been injured by a drunk driver in Charleston or anywhere in South Carolina, contact us for a free consultation.

©2026 Rosen Hagood All Rights Reserved