

Understanding Assault & Battery Coverage

Bars, Taverns, Restaurants, and other Liquor Serving Establishments

“Who Started the Fight in My Bar?”

By Lyle Horiuchi, MBA
Hill and Usher Insurance

How do you know if your insurance policy will respond to an issue at your establishment, or even away from your place of business?

Many times, my clients ask me the proverbial questions like “What if (fill in the blanks) this happened?” The many possible scenarios of what ‘could’ or ‘might’ occur, raises this question: Does your business have insurance that would respond to a claim? Consider this example:

A recent altercation at a local bar ends up in a small brawl where two persons go to the hospital. Each individual is blaming the other as to who started the fight and how each of them was injured. After their investigation, the police decide to let each combatant go on his own, with neither party filing a report against the other. So, criminally the CASE CLOSED public prosecution. But what about the bar—*your* bar—that was the scene of the quarrel?

A few months go by and you, the establishment owner, receive a very harsh and accusatory letter from a local attorney saying that his client, your former patron, was injured at your place and that you need to pay for his medical care and other damages. Good thing you have insurance to respond to such issues as this. Or do you?

How would your general liability insurance respond to something like this? How would your liquor liability

insurance respond? Or any other coverage you may have for that matter? Most likely your general liability policy will not respond to a claim such as this. So the next layer of coverage may be the liquor liability you have.

During the insurance carrier’s investigation, they find that neither one of the persons in the brawl was drinking. How about checking to see if you have assault and battery coverage? To your relief, your excellent insurance agent did provide for some assault and battery for your bar. But it was under the liquor liability, and these two former customers were not drinking. So now what?

The moral of the story is to review your coverages with your insurance agent to make certain you have coverages that are reflected in your business practices, your business concerns and your insurance budget—and, by the way, the cost of the insurance attorney, or what is normally called “defense costs” may not be included either!

A thorough review of your total insurance picture today could save you a lot of headaches tomorrow.

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