

MVA: ACTIONS FOR DAMAGES BASED ON NEGLIGENCE

Fact Pattern:

Defendant had a history of epileptic seizures and had been under a doctor's care and medication for 20 years. Defendant's last seizure was in 1953, but in 1967, the defendant apparently had a seizure while driving and while unconscious, he crashed into Plaintiff's store, causing personal injuries and property damage. Defendant claimed he became unconscious during an epileptic seizure losing control of his car. He did not recall the accident but his last recollection before it, was leaving a stop light after his last stop, and his first recollection after the accident was being taken out of

his car in plaintiffs' shop. In 1955 or 1956 the Department of Motor Vehicles was advised that defendant was an epileptic and placed him on probation under which every six months he had to report to the doctor who was required to advise it in writing of defendant's condition. In 1960 his probation was changed to a once-a-year report. Plaintiff Store Owner brought suit for negligence and strict liability in tort.

Question: Is Strict liability that would make a defendant liable for damages in the absence of negligence or any fault, a proper theory to apply to sudden illnesses which renders a driver unconscious?

Rule

The court does not apply the doctrine of strict liability to automobile drivers. Principles of negligence govern personal injury cases arising out of automobile accidents.

Discussion

The court distinguishes between superimposing strict liability on automobile drivers and product manufacturers. The defendant had not had a seizure for 14 years, was under a doctor's care, and was receiving medication to control his condition. He had no notice of the onset of the seizure nor any grounds to suspect it was likely to occur, therefore, his seizure was not foreseeable. When the driver has constructive or actual notice of the onset of a serious illness which might make driving dangerous, negligence may be found. Where an outside force beyond the driver's control, such as a swarm of bees entering the car and causing an accident, no liability will normally be found. Sudden heart attack is not ground for liability. In this situation, the driver acted reasonably to control his condition and therefore, there is no negligence.

California / Texas / Florida

Attorneys look for three things in motor vehicle accidents: 1) Liability (fault of the other party), 2) Damages (cost of past and future medical and non-medical care, lost earnings past and future, pain/suffering), and a 3) Deep pocket.

Deep pockets might include an employee driving in the scope of his employment, a defendant who provided a minor with alcohol prior to an accident, an unsafe condition of a road that would pass liability to a municipality, or a mechanic who failed to fix an unsafe condition of the vehicle that cause the crash.