

Taking License

Man Found Not Responsible For Adult Daughter's Actions

This month, we continue our discussion of *Robb vs. Wancowicz*, decided on February 3, 1998 by the Court of Special Appeals of Maryland. Richard Robb, Jr., injured in an automobile accident, sought to hold the father (Peter Wancowicz) of the other driver, Carol Lunner, responsible because Wancowicz had provided Lunner with expired license plates (formerly relating to another's car) for her 1976 Chevrolet Malibu involved in the accident.

In addition to a claim of "negligent entrustment," which the lower and appellate courts rejected, Robb also raised negligence and conspiracy claims against Wancowicz.

According to the court, Robb claimed that Wancowicz's violation of the Maryland Transportation Article by affixing the expired plates to Lunner's Malibu was evidence of Wancowicz's negligence. In deposition, Wancowicz admitted to violating a provision prohibiting "displaying or permitting to be displayed on any vehicle used or driven in this state any registration plate issued for another vehicle."

The court examined whether "the undisputed fact that Wancowicz violated" the provision supported Robb's negligence claim against him. "The violation of a statute may furnish evidence of negligence.'...It may be actionable when it causes harm to a person within the class of persons the statute seeks to protect and the harm is the kind that the statute was designed to prevent. Although the violation of a statute is evidence of negligence, it 'is not *per se* [automatically by itself] enough to make a violator thereof liable for damages.'...For that to occur, the plaintiff must show that the violation was a proximate [legally direct] cause of his or her injury...that "had not been interrupted by a break in the chain of causation."


"The Court of Appeals has long held, in automobile tort cases, that evidence of a violation of a duty imposed by a 'Rule of the Road' statute, which, by definition, relates

to 'the driving of vehicles on highways,'...is evidence of negligence when the violation was the proximate cause of the accident." However, the court ruled that evidence that Wancowicz violated the provision in question could not be evidence of negligence in this case because Robb, as the operator of a motor vehicle, was not within the class of people that the statute was intended to protect. The provision was part of a section entitled "Vehicle Laws—Certificate of Title and Registration of Vehicle" consisting of rules controlling the identification, classification, and registration of motor vehicles. The court found that these were not "Rules of the Road" and did not generally pertain to the operation of motor vehicles on the highways or the safety of drivers or vehicle occupants. "The purpose of [the provision] is to promote easy identification of motor vehicles and determination of ownership of vehicles...Its primary purpose is not to prevent or lessen the risk of unskilled driving and thereby to protect people from sustaining injuries in automobile accidents...The trial court correctly ruled that evidence that Wancowicz violated [the provision] did not constitute evidence that he breached a duty of care to Robb."

The appellate court also agreed that Wancowicz's statutory violation was not the proximate cause of the automobile accident in which Robb sustained injuries. "[T]here was no cause and effect relationship between the appearance of the expired license plate on Lunner's Malibu and the happening of the accident. The accident was caused by Lunner's careless driving, not by the license plate that was affixed to her car at the time...For wrongful conduct to be a proximate cause of an injury, it first must be a cause in fact of the injury: *i.e.*, there must be proof that, but for the wrongful conduct, the injury would not have occurred...Wancowicz's conduct in permitting Lunner to display the expired plates on her car was not a cause in fact of her driving the car, as she could have driven it with replacement tags. As Wancowicz's conduct was not a cause in fact of Lunner driving the Malibu, it could not have been a cause in fact of her driving the Malibu carelessly."

Moreover, "it was not reasonably foreseeable that, as a consequence of Wancowicz affixing an expired license plate for another car to his adult daughter's car to move it to his property, his daughter would continue to drive the car and, more than a year later, negligently cross the center line and injure another driver. Lunner's action in continuing to display the expired license plate on her Malibu was itself unrelated to her negligent driving; and her negligent driving was an intervening act for which she alone was responsible."

The appellate court also rejected Robb's conspiracy claim, since Wancowicz's conduct did not constitute a wrong against Robb.

On June 25, 1998, the Maryland Court of Appeals denied Robb's petition for further appellate review. 

Lawrence Savell is Counsel at the law firm Chadbourne & Parke LLP in New York City. This column provides general information and cannot substitute for consultation with an attorney. Additional background on this and prior "Old Cars in Law" articles can be found on-line at www.lawrencesavell.com