

SUPREME COURT OF CALIFORNIA

Druzanich v. Criley

19 Cal. 2d 439 (Cal. 1942) · No. L. A. No. 17817 · Decided February 6, 1942

SUMMARY

The California Supreme Court held that an occupant who promised to share in driving had given compensation under Vehicle Code section 403 and therefore was a passenger rather than a noncompensating guest. The court also held that res ipsa loquitur applied and that the driver's explanation failed to rebut the resulting inference of negligence. The judgment for defendants was reversed.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Gibson, C.J. (did not participate)
JURISDICTION	California
DECIDED	February 6, 1942
DOCKET	L. A. No. 17817
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment for defendants entered after a bench trial in an automobile-accident personal-injury action.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential
PARTIES	George Druzanich v. Dorothy Criley, Richard Criley, Other defendant owners of the automobile

TOPICS

- personal injury
- negligence
- statutory interpretation
- evidence
- proximate cause

PRACTICE AREAS

- torts
- personal injury
- automobile negligence
- evidence

QUESTIONS PRESENTED

1. Whether the plaintiff's promise to share in driving constituted compensation under section 403 of the Vehicle Code, making him a passenger rather than a guest.

2. Whether the doctrine of res ipsa loquitur applied to the automobile accident.
3. Whether the driver's evidence rebutted the inference of negligence created by res ipsa loquitur.

HOLDINGS

1. A promise by an occupant to share in driving, when transportation is conditioned on that promise, constitutes compensation for the ride within the meaning of section 403 of the Vehicle Code.
2. Res ipsa loquitur applies when the instrumentality causing the injury was in the defendant driver's exclusive control, the accident ordinarily would not occur if due care had been used, and the injury occurred without voluntary action by the plaintiff.
3. The res ipsa loquitur inference is evidence that the trier of fact may not arbitrarily disregard, and the driver's explanation did not rebut the inference of negligence as a matter of law.

KEY QUOTATIONS

"Appellant's promise then was the "special tangible benefit" which was the "motivating influence for furnishing the transportation" referred to in the McCann case, supra, at page 286, and must be termed compensation." (at 443)

"However, the trier of fact cannot arbitrarily disregard the inference." (at 445)

"Automobiles when driven with due care and caution do not leave the highway under these circumstances." (at 445)

FACTUAL BACKGROUND

Druzanich and Dorothy Criley were delegates to a labor-union conference in Los Angeles and traveled together in an automobile owned by the Crileys. Criley agreed to use the car only if Druzanich and the other occupants helped share the driving, and Druzanich drove part of the trip. While Criley was driving after an all-night journey, she became sleepy, blinked while entering a curve at approximately fifty to fifty-five miles per hour, left the roadway, and crashed, seriously injuring Druzanich.

PROCEDURAL HISTORY

Druzanich sued the operator and owners of an automobile, alleging that he was a passenger and that Dorothy Criley negligently operated the vehicle. The trial court found that Druzanich was a guest who had given no compensation for the ride and that Criley was not negligent. The California Supreme Court reversed.

DISPOSITION

reversed

CASES CITED

- Whitechat v. Guyette, 19 Cal. 2d 428, 122 P.2d 47 (1942)
- Walker v. Adamson, 9 Cal. 2d 287, 70 P.2d 914 (1937)

- Doherty v. Edwards, 227 Iowa 1264, 290 N.W. 672 (1940)
- McCann v. Hoffman, 9 Cal. 2d 279, 70 P.2d 909 (1937)
- Lerma v. Flores, 16 Cal. App. 2d 128, 60 P.2d 546 (1936)
- Haney v. Takakura, 2 Cal. App. 2d 1, 37 P.2d 170 (1934)
- Mayer v. Puryear, 115 F.2d 675 (4th Cir. 1940)
- Godfrey v. Brown, 220 Cal. 57, 29 P.2d 165, 93 A.L.R. 1092 (1933)
- Raymer v. Vandenberg, 10 Cal. App. 2d 193, 51 P.2d 104 (1935)
- Nicol v. Geitler, 188 Minn. 69, 247 N.W. 8 (1933)
- Sweeney v. Erving, 228 U.S. 233, 33 S. Ct. 416, 57 L. Ed. 815 (1913)
- Anderson v. I. M. Jameson Corp., 7 Cal. 2d 60, 59 P.2d 962 (1936)
- Scarborough v. Urgo, 191 Cal. 341, 216 P. 584 (1923)
- Ireland v. Marsden, 108 Cal. App. 632, 291 P. 912 (1930)
- Crooks v. White, 107 Cal. App. 304, 290 P. 497 (1930)
- Ales v. Ryan, 8 Cal. 2d 82, 99, 64 P.2d 409 (1937)
- Seney v. Pickwick Stages, Northern Div., 206 Cal. 389, 274 P. 536 (1929)

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