

A man was driving his new car along a dark road with the car's high-beam headlights on to illuminate the road. When he saw the headlights of another car appear in the distance, he reached to turn the high beams off. Instead of turning from high-beam to low-beam, the headlights on the car turned off completely. The man tried repeatedly to turn the lights on again but could not do so. He collided with the other car and suffered injuries.

The man has brought an action against the manufacturer of the headlight controls in his car, the manufacturer of his car, and the retailer who sold him the car.

If the man can establish that a defect in the controls caused the accident, from whom can he recover?

- A. Only the manufacturer of the car.
- B. Only the manufacturer of the car and the retailer of the car.
- C. Only the manufacturer of the headlight controls and the manufacturer of the car.
- D. All three defendants.

Explanation:

Any **commercial supplier** in the chain of distribution (eg, manufacturer, distributor, retailer) may be subject to **strict products liability** if (1) the product contained a **defect when it left that commercial supplier's control** and (2) the defect caused the plaintiff's harm. Strict liability (liability without proof of fault) is imposed even when the commercial supplier did not directly cause—or was unaware of—the product defect.

Here, a defect in the man's headlight controls caused him to collide with another car and suffer injuries. That defect existed at the time the *headlight manufacturer* sold the headlight controls to the car manufacturer. And the defect continued to exist when the *car manufacturer* sold the car (with the defective headlight controls) to the retailer and when the *retailer* sold that car to the man. As a result, all three defendants are strictly liable for the man's injuries (**Choices A, B, & C**).

Educational objective:

Any commercial supplier in the chain of distribution may be strictly liable for a defective product that harms the plaintiff if the defect existed at the time the product left the commercial supplier's control.

References

Restatement (Third) of Torts: Prods. Liab. § 1 cmt. e (Am. Law Inst. 1998) (commercial supplier liability).

Copyright © 2019 by the National Conference of Bar Examiners. All rights reserved.

Copyright © UWorld. All rights reserved.

Strict products liability along chain of distribution



