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The Automobile, Negligence, and Wyoming Law

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INTRODUCTION

America is a nation on wheels. Just as the automotive manufacturing industry has become a primary factor in our national economy, so the use of the automobile has become one of the most prolific sources of litigation. A major portion of the work load of the lawyer in general practice is in some way connected with the ownership and use of the automobile.

In view of the complexities of the many facets of litigation involving automobile use and ownership, the editors of the Wyoming Law Journal felt it might be helpful to collect in a single volume much of the statutory and case law governing the ownership and use of the automobile in Wyoming. With this thought in mind, the following symposium is offered for your approval.

WYOMING LAW JOURNAL EDITORS

THE AUTOMOBILE, NEGLIGENCE, AND WYOMING LAW

"We have grown up with the motor vehicle. We are the products of its revolutionary effects, dependent upon it for everything we do. It is so much a part of our lives that we are unable to assess its influence upon our thought, our activities, our livelihoods, our culture, our law. We know its dangers — the great toll of lives it takes and the great toll in suffering, loss of services of those who are injured, and services of those who must care for them, losses in happiness, productive energies, property and money, wholly incalculable."¹

When the automobile burst upon this nation, the traditional legal concepts of negligence were applied. By court decision and legislative action the slow process of developing doctrinal refinements and limitations for softening the immunities of the early law of negligence was begun.

This note is limited to how Wyoming law and courts have handled the problem of the automobile. No attempt is here made to suggest what the law should be in Wyoming. The cases and authorities cited do not presume to encompass all the cases or authorities in Wyoming on the particular point discussed. However, the cases and authorities cited, it is hoped, do reflect the present law on the particular point or doctrine.

Negligence has been defined in Wyoming as "the failure to observe, for the protection of the interests of another person, that degree of care, precaution and vigilance which the circumstances justly demand, whereby

1. Green, Leon, *Traffic Victims: Tort Law and Insurance*, Northwestern University Press (1958), p. 65.