ARIZONA HOUSE BILL 2461 ESTABLISHES STANDARD OF CARE FOR SAFETY EQUIPMENT ON LEASED VEHICLES IN CIVIL LITIGATION

April 16, 2024 | Law Alerts, News

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Arizona Governor Hobbs signed House Bill 2461 into law on April 10, 2024, establishing a standard of care for safety equipment on leased vehicles in civil litigation. Specifically, the bill mandates that there be no obligation or duty of care for an owner, lessor, or operator of a vehicle to retrofit a vehicle with component parts or to purchase optional add-on equipment if the parts or equipment are not required by Federal Motor Vehicle Safety Standards, 49 CFR Part 571, when the vehicle is manufactured or first sold. The bill also prohibits the introduction of evidence of any alleged obligation or duty requiring such retrofitting.

Often in litigation we see pseudo-products liability claims against leasing and rental companies when drivers or passengers of rental vehicles are injured in accidents where, they argue, available safety-equipment such as blind spot detection, lane departure warnings, or other automated devices may have prevented the accident. Companies then face reptilian arguments via expert testimony that the standard of care should be to purchase or retrofit entire fleets with all of these new technologies regardless of the age or size of the fleet, or whether or not it is feasible to outfit such vehicles with these devices. When purchasing new vehicles for a rental fleet, the new vehicles also need only comply with the safety features and equipment required by the FMVSS. Of note, however, this law does not apply to a Company's obligation to comply with mandatory recalls or laws requiring retrofitting, if issued.

HB 2461, which will be codified as A.R.S. § 12-690, provides leasing and rental companies with fleets based in Arizona with significant protection from ever-evolving 'standard of care' experts who opine in a vacuum, without regard to the realities of cost and operating a business, and its prohibition on the admission of evidence as to a heightened standard further protects rental companies facing reptilian efforts from the plaintiffs' bar to live up to such moving standards. With this new law, leasing and rental companies now have additional statutory protection to exercise their discretion to explore the addition of new safety technologies to their fleets in ways that work for their fleet, their business, their vehicles, and their own renters.

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Erica Spurlock focuses her litigation practice in the areas of automobile, commercial trucking, and other personal injury, wrongful death and general liability defense. Additionally, Erica represents healthcare providers involved in mental health cases, overseeing Court Ordered Treatment Plans, and other Title 36 matters. Erica was a summer law clerk for Jones, Skelton & Hochuli and has practiced with the firm since she was licensed in 2015. In her practice, she has obtained favorable outcomes for many of her clients through motion practice, settlement negotiations, arbitrations, and trials in state and federal court.

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