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Briefs and Other Related Documents

Supreme Court, Queens County, New York.
 Rafael Orlando INFANTE, Plaintiff,

v.

U-HAUL CO. OF FLORIDA, Carmine Calderaro
 and Eduardo Citron, Defendants.

Jan. 18, 2006.

Background: Motorist involved in accident with rental vehicle sued, inter alios, rental company for damages. Company moved to dismiss.

Holding: The Supreme Court, Queens County, Augustus C. Agate, J., held that vicarious liability claim against rental company was preempted by federal law.

Motion granted.

Automobiles 48A ↪ 391

48A Automobiles

48AVIII Garage Keepers, Repairmen, Auto Liverymen, and Filling Stations

48Ak386 Renting Out of Vehicle by Auto Liverymen

48Ak391 k. Injuries to Third Persons.
 Most Cited Cases

States 360 ↪ 18.61

360 States

360I Political Status and Relations

360I(B) Federal Supremacy; Preemption

360k18.61 k. Motor Vehicles; Highways.

Most Cited Cases

Claim that vehicle rental company was vicariously liable for accident involving rented vehicle was preempted by federal law. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, § 10208(a), 49 U.S.C.A. § 30106.

Claim that vehicle rental company was vicariously liable for accident involving rented vehicle was preempted by federal law. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, § 10208(a), 49 U.S.C.A. § 30106. West Codenotes Limited on Preemption Grounds McKinney's Vehicle and Traffic Law § 388(1) AUGUSTUS C. AGATE, J.

*1 Defendant U-Haul of Florida's motion to dismiss pursuant to CPLR § 3211 is granted. Defendant has presented sufficient evidence that it did not own the vehicle involved in plaintiff's accident. Rather, defendant presented the certificate of title demonstrating that U-Haul of Arizona was the owner of the vehicle in question. Plaintiff's opposition seeking further discovery before the court decides this motion is without merit, as he presented no evidence to support a theory of ownership against U-Haul of Florida that would justify prolonging this matter. (See *Wyllie v. District Atty. of County of Kings*, 2 A.D.3d 714, 770 N.Y.S.2d 110 [2nd Dept.2003].) Regardless, it is clear that plaintiff's claim against either U-Haul of Florida or U-Haul of Arizona is invalid based upon Congress' recent enactment of the "Safe, Accountable, Flexible Efficient Transportation Equity Act-A Legacy for Users." (See 49 USC 30106 [8/10/2005].) This law, and specifically the "Graves Amendment", resolved a long-standing debate as to the propriety of imposing vicarious liability on car owners who rent or lease their vehicles which are subsequently involved in motor vehicle accidents. By enacting the Graves Amendment, Congress has prohibited vicarious liability against these owners and preempted the laws in states, such as New York, that previously permitted it.

As plaintiff's claim against either U-Haul entity is under the theory of vicarious liability, his claim cannot stand. (See generally *Piche v. Nugent*, 2005 WL 2428156 [U.S.D.C. Maine 9/30/2005].)

Accordingly, defendant's motion to dismiss is

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granted and plaintiff's Complaint is dismissed solely
as to defendant U-Haul of Florida.

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Briefs and Other Related Documents (Back to top)

• 0018167/2005 (Docket) (Oct. 21, 2005)

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