Special Types of Liability

Under the law of negligence, there are several special types of liability. Each of the following groups is subject to slightly different rules:

* Manufacturers
* Property Owners
* People who serve Alcohol
* Car and Pet Owners
* Those who work with materials that could pollute environment

Product Liability: The area of law that deals with negligence on the part of manufacturers. Manufacturers have to meet a high standard of care in order to prevent injury to consumers who use their products.

To meet that standard, manufacturers have to make sure that:

1. The design of the product is free from harmful defects
2. The product is properly manufactured
3. The consumer is informed about how to use the product safely
4. The consumer is warned of risks associated with using the product

Occupier’s Liability: The responsibility of owners or renters to ensure that no one entering their premise is injured.

Invitee: A person invited onto the property for a business purpose (pizza delivery, landscaper, mail carrier)

Licensee: A person with expressed or implied permission to pay a social visit. (friend, family)

Trespasser: A person who enters another’s property without permission or legal right. (burglar, stalker, vandal)

Allurement: A site or an object that might attract children and result in causing them harm (Pool).

Occupiers must take all reasonable precautions to protect children who could be lured to their premises.

Host: Someone who serves alcohol to guests or paying customers.

May be commercial hosts, such as a bar or restaurant

May be social hosts, such as having a party and serving alcohol

Commercial hosts have a statutory duty of care to their patrons and to anyone who may be injured by their patrons’ negligent driving.

*If a bar owner serves alcohol to a patron whose negligence causes an accident while driving home, the bar owner may be liable for the injuries suffered by the patron as well as those suffered by other victims of the accident.)*

Vicarious Liability: a third party who is responsible for individuals acting on their behalf. This usually applies in the workplace where employers can be held responsible for the actions of their employees.

Strict Liability takes place when a person/corporation is held responsible or liable for damages even though they were not negligent

* In common law, strict liability pertains to fires or vicious animals that might cause harm. It also applies in cases involving leaking toxic waste or the escape of dangerous fumes
* Environmental protection acts often impose strict liability on the part of persons or municipalities whose actions result in pollution or damage to the natural environment