

9/26/78

First Supplement to Memorandum 78-60

Subject: Annual Report (Report on Statutes Repealed by Implication
or Held Unconstitutional)

The following material should be added to the Report on Statutes
Repealed by Implication or Held Unconstitutional attached to Memorandum
78-60:

In Cooper v. Bray,⁶ the court held that Vehicle Code Section
17158, which bars a vehicle owner injured while riding as a pass-
enger from recovering damages from the permissive driver of the
owner-passenger's vehicle unless the injuries resulted from the
driver's intoxication or willful misconduct, is an unconstitutional
statutory classification under the equal protection clauses of the
California and United States Constitutions.

6. 21 Cal.3d 841, ___ P.2d ___, ___ Cal. Rptr. ___ (1978).

Respectfully submitted,

Stan G. Ulrich
Staff Counsel