

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Subject: Annual Report (Report on Statutes Repealed by Implication  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Repealed by Implication or Held Unconstitutional attached to Memorandum  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,<sup>6</sup> 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