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OWNER LIABILITY FOR STOLEN VEHICLES IN ALL 50 STATES

A vehicle slams into a group of vehicles stopped at a red light, only to quickly drive away from the scene. This fact scenario almost always involves operating under the influence or a stolen vehicle. In the case of a stolen vehicle, rarely is a thief considerate enough to take out insurance covering his operation of the stolen vehicle before it is stolen. This leaves claims and subrogation professionals struggling to find a source of subrogation for the injuries and/or property damage. In claims involving personal injury or property damage caused by the negligent operation of a stolen vehicle operated by the thief who stole the vehicle, we are instantly confronted by the issue of whether the owner of the stolen vehicle is responsible for the subsequent negligence and damage caused by the theft. Finding independent negligence by and liability on the owner of a stolen vehicle usually means the existence of liability insurance, and a subrogation recovery. However, like negligent entrustment, such liability is usually not automatic or vicarious. MWL has another chart which does list the states which have vicarious liability laws or statutes which make an owner of a vehicle liable for injuries or property damage that are caused by the negligent operation of a motor vehicle by a permissive user. That chart can be found [HERE](#).

Common Law Rule

The majority common law rule among the 50 states is that the owner of a stolen vehicle will *not* be held liable for damages when the vehicle is stolen and then involved in an accident that causes injury or property damage. This is because the vehicle was taken without the consent of the owner, who did not cause the accident. Under the “permissive use doctrine”, an owner is liable for personal injury or property damage resulting from negligence in the operation of a vehicle by any person using the vehicle with the permission of the owner. Liability is dependent on the express or implied permission of the owner. Since the owner of a stolen vehicle has clearly not given permission for their vehicle to be used, they are generally not responsible for the actions of the thief. They owe no duty to the owner of the legally-parked vehicle owned by your insured. The general rule, from a legal perspective, is that a vehicle owner will not be liable for damages resulting from his stolen vehicle if the negligent act of the thief resulting in the injury and in the death, could not be reasonably foreseen and is sufficient to break the chain of causation. Unless there is a state statute or municipal ordinance which prohibits an owner from leaving keys in an unlocked vehicle, or otherwise holds the owner liable, the liability of the owner will usually depend on the facts of the case. However, the general rule is that the theft breaks the chain of causation between the owner’s alleged negligence and the injury or damage.

Whether liability can be imputed to a vehicle owner for injuries caused by a thief is based on questions of foreseeability. States approach this differently, but most states note several factors that may lead a jury to impose a legal duty on the owner, including whether the vehicle is one that may attract those who lacked the skill and knowledge to operate it safely, whether the vehicle is one that would inflict more injury and damage than an ordinary vehicle, and whether prior occurrences should have indicated that additional security measures were required to prevent theft. Just leaving the keys in a vehicle’s ignition is generally not a proximate cause of injuries resulting from a thief’s negligent operation of the vehicle. However, liability may exist in special circumstances when the vehicle is left in an area with the keys

that would make a theft likely. Some states will allow the owner of a stolen vehicle to be found liable when the owner’s negligence made the theft a foreseeable consequence.

Anti-Theft/“Key In The Ignition” Statutes

Of course, what good is a common law rule without exceptions? The general rule of owner non-liability when stolen vehicles are involved has exceptions. Many states and municipalities have begun fighting the state anti-theft or “key in the ignition” statutes. In **New York**, for example, § 1210 of New York’s Vehicle and Traffic Law provides:

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the vehicle, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway, provided, however, the provision for removing the key from the vehicle shall not require the removal of keys hidden from sight about the vehicle for convenience or emergency.

Other states and municipalities have similar statutes on the books which make it illegal for an owner of a vehicle to leave his/her keys in an unattended vehicle. The goal of these statutes is not only to prevent motor vehicles from rolling away but, more importantly, to make unattended vehicles more difficult to steal. It is based upon the idea that a running motor, with the key in the ignition, and no driver is not only an easier target, but also an attractive target. In these special circumstances, the vehicle owner may be found liable for injuries from an accident involving a stolen vehicle. This is based on the theory that it is a reasonable and foreseeable consequence that an individual would be enticed to try and steal the vehicle. One such case out of **New Jersey** involved a vehicle owner who left her keys inside of her vehicle, parked in a lot with a known history of prior thefts. The court found the subsequent theft of the vehicle to have been a foreseeable consequence. The owner and lot operator should have foreseen the hazard of theft and, therefore, had a duty to protect other drivers from the actions of a thief. *Hill v Yaskin*, 380 A.2d 1107 (N.J. 1977). **Michigan** courts have also found liability when the vehicle owner’s employee left the keys in the ignition of the vehicle outside of a middle school and a group of minors stole the vehicle, subsequently killing one individual and severely injuring five others. The court felt it was reasonable to expect a minor to be curious about a vehicle and the keys already inside the vehicle could foreseeably entice a minor. *Davis v. Thorton*, 180 N.W.2d 11 (Mich. 1970).

With the help of research by Jacob Coz, a Marquette law student and summer legal intern at Matthiesen, Wickert & Lehrer, S.C., let’s take a closer look at the specific laws and regulations in each state. If you should have any questions regarding this chart or auto subrogation in general, please contact Gary Wickert at gwickert@mwl-law.com.

STATE	“KEY IN THE IGNITION STATUTES”	COMMON LAW RULE
ALABAMA	Ala. Stat. § 32-5A-50 (1975)	A vehicle owner will not be liable for damages resulting from a stolen vehicle if the negligent act of the thief resulting in the injury could not be reasonably foreseen and is sufficient to break the chain of causation. <i>Vines v. Plantation Motor Lodge</i> , 336 So.2d 1338, 1340 (Ala. 1976).
ALASKA	13 AAC 02.480	Where a thief takes a car, in the absence of special circumstances, there is no liability. <i>Bennett v. Arctic Insulation, Inc.</i> , 253 F.2d 652 (9 th Cir. 1958) (Applying Alaska Law).
ARIZONA	N/A	The duty of one who leaves his key in an unattended vehicle does not extend to a plaintiff injured in an accident with the converter of the car. <i>Shafer v. Monte Mansfield Motors</i> , 372 P.2d 333 (1962) (this case involves unattended dealership lot).

STATE	"KEY IN THE IGNITION STATUTES"	COMMON LAW RULE
ARKANSAS	A.C.A. § 27-51-1306	The Supreme Court of Arkansas held that an insurer should not be liable to a thief or a person who has no permission to use a vehicle and who converts it to his or her own use. <i>Commercial Union Ins. Co. v. Johnson</i> , 745 S.W.2d 589, 594 (Ark. 1988).
CALIFORNIA	N/A	A vehicle owner may be liable for injuries caused by a thief if "special circumstances" exist. The "special circumstances" must create a duty owed by the vehicle owner to third persons in regard to the manner in which the vehicle is secured when not in use. The question becomes one of foreseeability and whether the foreseeable risk of harm was unreasonable. <i>Carrera v. Maurice J. Sopp & Son</i> , 177 Cal. App.4th 366, 378-381, 99 Cal. Rptr.3d 268 (2 nd Dist. 2009); <i>Kiick v. Levias</i> , 113 Cal. App.3d 399, 403, 169 Cal. Rptr. 859, 861 (Ct. App. 1980); <i>Archer v. Sybert</i> , 167 Cal.App.3d 722 (Cal. Ct. App. 1985).
COLORADO	C.R.S. § 42-4-1206	Actions of an alleged thief constitute an intervening independent and superseding proximate cause of plaintiff's injuries and the vehicle owner is therefore not liable for plaintiff's injuries. <i>Strauch v. Gonzales</i> , 494 P.2d 1300 (Colo. App. 1972); <i>Lambotte v. Payton</i> , 147 Colo. 207 (Colo. 1961).
CONNECTICUT	N/A	A vehicle owner may be liable for injuries caused by a thief to a third party if the theft could be anticipated by the vehicle owner. <i>Consiglio v. Ahern</i> , 251 A.2d 92 (Cir. Ct. A.D. 1968), <i>Alberone v. King</i> , 213 A.2d 534 (Conn. 1965).
DELAWARE	21 Del. C. § 4182	Whether liability can be imputed to a vehicle owner for injuries caused by a thief is based on questions of foreseeability. The court considers several factors that may lead a fact finder to impose a legal duty, including whether the vehicle is one that may attract those who lacked the skill and knowledge to operate it safely, whether the vehicle is one that would inflict more injury and damage than an ordinary vehicle, and whether prior occurrences should have indicated that additional security measures were required to prevent theft. <i>Vadala v. Henkels & McCoy, Inc.</i> , 397 A.2d 1381 (Del. Super. Ct. 1979); <i>Jewell v. Absher</i> , 2002 WL 970464, at *3 (Del. Super. Ct. 2002).
DISTRICT OF COLUMBIA	18 DCMR § 2418	Under District of Columbia tort law, one who leaves the keys in an unattended and unlocked vehicle parked in a publicly accessible place may be held liable to a third party for injuries caused by a thief who steals the vehicle. <i>Bailey v. J & B Trucking Services, Inc.</i> , 590 F. Supp.2d 4 (D.D.C. 2008) (applying District of Columbia law).
FLORIDA	F.S.A. § 316.1975(1)	Liability cannot be imputed to a vehicle owner for injuries caused by a thief. Conversion or theft negates vicarious liability and is an exception to the dangerous instrumentality doctrine. <i>Frank v. Wyatt</i> , 869 So.2d 763 (Fla. 1 st DCA 2004); <i>Hertz Corp. v. Jackson</i> , 617 So.2d 1051 (Fla. 1993).
GEORGIA	N/A	Mere ownership of motor vehicle does not create liability upon owner for damage sustained in collision involving the vehicle. Liability cannot be imputed to a vehicle owner for injuries caused by a thief, unless the vehicle owner had actual knowledge or the ability to reasonably anticipate the taking of the vehicle. <i>J.C. Lewis Motor Co. v. Giles</i> , 194 Ga. App. 472, 391 S.E.2d 19 (1990); <i>Price v. Big Creek of Georgia, Inc.</i> , 191 Ga. App. 534, 534, 382 S.E.2d 356, 357 (1989); <i>Robinson v. Pollard</i> , 205 S.E.2d 86 (Ga. App. 1974).

STATE	"KEY IN THE IGNITION STATUTES"	COMMON LAW RULE
HAWAII	Haw. Rev. Stat. § 291C-121	An owner who leaves the keys in a vehicle can be held liable for damages to third parties after the theft of the vehicle, if certain circumstances exist that make the theft foreseeable. <i>Uy v. Spencer Homes, Inc.</i> , 354 P.3d 186 (Table) (2015); <i>Ajirogi v. State</i> , 583 P.2d 980 (1978).
IDAHO	Idaho Code § 49-602	A vehicle owner is not liable for injuries to a third party caused by a thief driving negligently. The thief's negligent operation of the vehicle is an intervening force constituting a superseding cause. <i>Gamble v. Kinch</i> , 629 P.2d 1168 (1981).
ILLINOIS	625 I.L.C.S. § 5/11-1401	<p>It has been held that the theft of a car is a consequence too remote to have been reasonably contemplated by the owner, and the affirmative act of the thief amounted to an intervening cause insulating any negligence of the owner of the vehicle. <i>Childers v. Franklin</i>, 46 Ill. App.2d 344, 197 N.E.2d 148 (5th Dist. 1964). However, several cases have held that in regard to a vehicle owner leaving his keys in the ignition in violation of a statute on public property, the statutory violations were <i>prima facie</i> evidence of negligence, but not necessarily the proximate cause of injury caused by a thief driving the vehicle. <i>Kacena v. George W. Bowers Co.</i>, 211 N.E.2d 563 (1965); <i>Ney v. Yellow Cab Co.</i>, 117 N.E.2d 74 (1954).</p> <p>With regard to a vehicle owner leaving his keys in the ignition on private property, Illinois courts have held that no duty exists to a third party injured by the defendant's stolen vehicle absent special circumstances that made the theft foreseeable. <i>Hallmark Insurance Co. v. Chicago Transit Authority</i>, 534 N.E.2d 501 (1989); <i>Hensler v. Renn</i>, 520 N.E.2d 1110 (1988); <i>Ruyle v. Reynolds</i>, 357 N.E.2d 804 (1976).</p>
INDIANA	N/A	Vehicle owner has no duty to protect others from the action of a thief who steals his vehicle and causes injury to third party. <i>Cates v. Long</i> , 117 Ind. App. 444, 72 N.E.2d 233 (1947), <i>Kiste v. Red Cab</i> , 122 Ind. App. 587, 106 N.E.2d 395 (1952).
IOWA	I.C.A. § 321.362	<p>An owner who leaves the key in the ignition of an unlocked auto, or in plain view inside the auto, cannot be held liable for damages to a third party proximately caused by the negligent operation of the auto by a person who has stolen it. <i>Roadway Exp., Inc. v. Piekenbrock</i>, 306 N.W.2d 784 (Iowa 1981).</p> <p>The mere leaving of keys in a vehicle's ignition is generally not a proximate cause of injuries resulting from a thief's negligent operation of the vehicle. However, liability may exist in special circumstances when the vehicle is left in an area or under circumstances where leaving the keys would make a theft likely. <i>Smith v. Shaffer</i>, 395 N.W.2d 853 (Iowa 1986).</p>
KANSAS	K.S.A. § 8-1573	The act of leaving the keys in the ignition of a vehicle is not the proximate cause of a third party's injury. Therefore, the owner of a stolen vehicle may not be held liable. <i>George v. Breising</i> , 477 P.2d 983 (Kan. 1970).
KENTUCKY	K.R.S. § 189.430	A Kentucky Court has held that a vehicle owner, who left his keys in the ignition, was not liable for injuries sustained by a third party in an accident that occurred while a thief was driving the vehicle because the theft was a superseding cause of the third party's injuries. <i>Bruck v. Thompson</i> , 131 S.W.3d 764 (Ky. Ct. App. 2004).

STATE	"KEY IN THE IGNITION STATUTES"	COMMON LAW RULE
LOUISIANA	La. R.S. § 32:145	Liability may not be imposed on a vehicle owner for injuries sustained by a third party in an accident that occurred while a thief was driving the vehicle. Louisiana Courts have held that the thief's act of stealing the car supersedes the owner's negligence as the cause of the third party's injury. <i>Humphrey v. Balsamo</i> , 914 So.2d 1217 (La. Ct. App. 2 nd Cir. 2005); <i>DeCastro v. Boylan</i> , 367 So.2d 83 (La. App. 4 th Cir. 1979).
MAINE	N/A	A vehicle owner will not be held liable when a vehicle is stolen by a thief and causes injury to a third party unless the negligent act of a third person should have been foreseen. Maine Courts have held that the proximate cause of the injury to a third party was the willful and illegal act of the thief or thieves, over whom the vehicle owner had no control, and for whose act he was not responsible. <i>Curtis v. Jacobson</i> , 54 A.2d 520 (1947).
MARYLAND	Md. Code Trans. § 21-1101	The negligence of one driving a stolen vehicle supersedes the negligence of one who left the vehicle unattended. <i>Hartford Ins. Co. v. Manor Inn of Bethesda, Inc.</i> , 642 A.2d 219 (Md. Ct. App. 1994).
MASSACHUSETTS	M.G.L.A. 90 § 13	In an early case, Massachusetts courts held that the theft of the car was a superseding intervening act that prevented the car owner from being liable for failing to lock the car and set the brake properly. <i>Slater v. T. C. Baker Co.</i> , 158 N.E. 778 (Mass. 1927). A more recent case has called this precedent into doubt by finding that if a person negligently makes the theft of a motor vehicle possible, certain circumstances might exist where the person making the theft possible can be held liable for injuries to a third person caused by the thief. <i>Poskus v. Lombardo's of Randolph, Inc.</i> , 423 Mass. 637, 670 N.E.2d 383 (1996).
MICHIGAN	Mich. Admin. Code R. § 28.1458	The act of the thief stealing a car is too attenuated to impose a duty on the defendant. <i>Terry v. City of Detroit</i> , 573 N.W.2d 348 (Mich. Ct. App. 1997).
MINNESOTA	N/A	Liability may be imposed on an owner of a stolen vehicle for negligence and consequent injury or damage to a third party only if special circumstances created a foreseeable risk of theft or a risk of a more serious injury. <i>Illinois Farmers Ins. Co. v. Tapemark Co.</i> , 273 N.W.2d 630 (Minn. 1978); <i>See also, Whaley v. Anderson</i> , 461 N.W.2d 913 (Minn. 1990) (Foreseeability that a car will be stolen is an issue of negligence; and foreseeability that the thief will drive negligently and cause an accident is a matter of proximate causation. The court blends foreseeability and proximate cause in its analysis).
MISSISSIPPI	M.C.A. § 63-3-909	Where a thief acts unlawfully and steals the vehicle, the thief's negligent and unlawful driving of the vehicle after the theft constitutes an intervening act which supersedes the liability of the negligent owner of the vehicle. <i>Permenter v. Milner Chevrolet Co.</i> , 91 So.2d 243 (Miss. 1956); <i>S. Heritage Ins. Co. v. C.E. Frazier Const. Co.</i> , 809 So.2d 668 (Miss. 2002).
MISSOURI	N/A	In the absence of special circumstances or of special relationship affecting foreseeability, one who leaves a vehicle unlocked with the keys in the ignition does not owe a duty to third parties arising from accidents involving negligent thieves. <i>Dix v. Motor Mkt., Inc.</i> , 540 S.W.2d 927 (Mo. Ct. App. 1976).
MONTANA	Mont. Code Ann. § 61-8-357	N/A

STATE	"KEY IN THE IGNITION STATUTES"	COMMON LAW RULE
NEBRASKA	Neb. Rev. Stat. § 60-6,168	No liability attaches to owner of vehicle when taken by thief, or other unauthorized person, who, while driving the vehicle, has an accident resulting in injury and damage to third persons. <i>Gerken v. Hawkins Constr. Co.</i> , 498 N.W.2d 97 (Neb. 1993).
NEVADA	N.R.S. § 484B.530	The owner or bailee of a vehicle is ordinarily not, as a matter of law, liable for injuries caused by the negligent operation of the vehicle by a stranger who steals the car. <i>Elliott v. Mallory Electric Corp., et. al.</i> , 571 P.2d 397 (Nev. 1977).
NEW HAMPSHIRE	N.H. Rev. Stat. Ann. § 265:72	A motor vehicle accident caused by a thief, who was able to steal a vehicle because the vehicle owner failed to remove the key from the ignition, does not create liability for the vehicle owner because the subsequent accident was not foreseeable. <i>Manchenton v. Auto Leasing Corp.</i> , 605 A.2d 208 (1992).
NEW JERSEY	N.J.S.A § 39:4-137 (Requires the motor to be turned off in unattended vehicle but says nothing about removing key from ignition).	A vehicle owner can be held liable for injuries to a third party where the theft was foreseeable and could have been guarded against. <i>Hill v Yaskin</i> , 380 A2d 1107 (1977); <i>Lomano v. Ideal Towel Supply Co.</i> , 51 A.2d 888 (Dist. Ct. Hoboken, N.J. 1947).
NEW MEXICO	N.M.S.A. § 66-7-353	Liability may be imposed on an owner of a stolen vehicle for negligence and consequent injury or damage to a third party if theft was foreseeable. The court ruled that purpose of N.M.S.A. § 66-7-353 was to prevent inadvertent movement of vehicle and that deterring theft was another purpose and, therefore, an owner who left keys in vehicle could be found negligent under statute. <i>Herrera v. Quality Pontiac</i> , 73 P.3d 181 (N.M. 2003).
NEW YORK	N.Y. Veh. & Traf. Law § 1210	At common law, the owner of a stolen vehicle was not liable for injuries caused by the thief. <i>Epstein v Mediterranean Motors, Inc.</i> , 109 A.D.2d 340, 491 N.Y.S.2d 391 (2 nd Dept. 1985), <i>aff'd</i> , 66 N.Y.2d 1018, 499 N.Y.S.2d 397, 489 N.E.2d 1299 (1985).
NORTH CAROLINA	N.C.G.S.A. § 20-163	The owner may not be held liable for the negligent operation of a vehicle by a thief, merely because the owner left the keys in the car after parking it in a lawful manner. <i>Williams v. Mickens</i> , 100 S.E.2d 511 (N.C. 1957); <i>Spurlock v. Alexander</i> , 468 S.E.2d 499 (N.C. Ct. App. 1996) (additionally holding that violation of N.C.G.S.A. § 20-163 did not establish negligence per se).
NORTH DAKOTA	N.D.C.C. § 39-10-51	Although the case was never officially completed, one case indicates potential support for a defendant being held liable for injuries suffered by a third party after a thief steals the defendant's car and negligently causes injuries to the third party. <i>See Roquette v. North Am. Van Lines, Inc.</i> , 187 N.W.2d 78 (N.D. 1971) (Where a truck was stolen after the driver had left the keys in the vehicle, summary judgment was inappropriate as genuine questions of fact existed as to responsibility of all involved parties. Case was remanded for trial but was never tried).

STATE	"KEY IN THE IGNITION STATUTES"	COMMON LAW RULE
OHIO	Ohio Rev. Code Ann. § 4511.661	Vehicle owner is not liable to persons injured by the negligent operation of the vehicle by a thief since the chain of causation is broken by the thief's negligence in operating the vehicle. <i>Pendrey v. Barnes</i> , 479 N.E.2d 283 (Ohio 1985).
OKLAHOMA	47 Okla. Stat. Ann. § 11-1101	A vehicle owner will not be liable for the negligent operation of his vehicle by a thief, unless a special set of circumstances exists that creates a special duty to prevent the acts of a third person. <i>Joyce v. M&M Gas Co.</i> , 672 P.2d 1172 (Okla. 1983); <i>Merchants Delivery Service, Inc. v. Joe Esco Tire Co.</i> , 533 P.2d 601 (Okla. 1975); <i>Felty v. City of Lawton</i> , 578 P.2d 757 (Okla. 1977).
OREGON	O.R.S. § 811.585	Whether the circumstances are such that a vehicle owner should have reasonably foreseen that their vehicle would be stolen is a question for the jury. <i>Itami v. Burch</i> , 650 P.2d 1092 (1982).
PENNSYLVANIA	75 P.S. § 3701	To hold the owner of a vehicle liable for the tortious conduct of an unauthorized driver, the plaintiff must plead that the defendant-owner knew or should have known that the defendant-driver would take the vehicle without authorization and that the unauthorized driver would operate it in the tortious manner that he or she did. Furthermore, 75 P.S. § 3701 is a regulatory statute meant to deal with safe use of motor vehicles, not prevention of theft. <i>Estate of O'Loughlin, ex rel. O'Loughlin v. Hunger</i> , 2009 WL 1084198 (E.D. Pa. 2009); <i>Santarlas v. Leaseway Motorcar Transport Co.</i> , 689 A.2d 311 (Pa. Super. Ct. 1997).
RHODE ISLAND	R.I.G.L. § 31-22-1	Leaving the keys in the car is not a concurring proximate cause of injuries sustained by a third party. <i>Keefe v. McArdle</i> , 109 R.I. 90, 280 A.2d 328 (1971); <i>Clements v. Tashjoin</i> , 168 A.2d 472 (R.I. 1961).
SOUTH CAROLINA	S.C. Code Ann. § 56-5-2570	As a matter of law, sole, proximate, and efficient cause of collision and victim's resulting injuries was intervening, independent acts of negligence and willfulness on part of thief who steals a vehicle, unless circumstances exist that made the theft foreseeable. <i>Stone v. Bethea</i> , 161 S.E.2d 171 (S.C. 1968); <i>Johnston v. Pittman</i> , 380 S.E.2d 850 (S.C. Ct. App. 1989).
SOUTH DAKOTA	S.D.C.L. § 32-30-5	No case is exactly on point, but a truck driver was held liable for violation of South Dakota's key in the ignition statute in <i>Stevens v. Wood Sawmill, Inc.</i> , 426 N.W.2d 13 (S.D. 1988) (the truck driver failed to properly secure his truck, and it rolled down a hill causing injury to a third party, and the owner and driver were negligent as a matter of law due to violation of S.D.C.L. § 32-30-5).
TENNESSEE	T.C.A. § 55-8-162	A vehicle owner can be held liable for injuries to a third party caused by a thief who stole the car if the owner left the keys in the car. <i>McClenahan v. Cooley</i> , 806 S.W.2d 767 (Tenn. 1991); <i>Newman v. Jarrell</i> , 354 S.W.3d 309 (Tenn. Ct. App. 2010).
TEXAS	Tex. Transp. Code § 545.404	Owner of motor vehicle is not liable to third party for negligent operation of vehicle by thief, unless theft was foreseeable. <i>McKinney v. Chambers</i> , 347 S.W.2d 30 (Tex. App. 1961); <i>Williamson v. Wayne Strand Pontiac-GMC, Inc.</i> , 658 S.W.2d 263 (Tex. App. 1983); <i>Simmons v. Flores</i> , 838 S.W.2d 287 (Tex. App. 1992); <i>Cummings v. Conner Mach., Inc.</i> , 2012 WL 1174740 (Tex. App.--Amarillo 2012).

STATE	"KEY IN THE IGNITION STATUTES"	COMMON LAW RULE
UTAH	U.C.A. § 41-6a-1403	Although Utah's "key in the ignition statute" was found to not create a tort duty, and most cases have not found a driver liable for a stolen vehicle, Utah courts have not ruled out the possibility that special circumstances may exist where an owner could be found liable for conduct of a car thief. <i>Rollins v. Petersen</i> , 813 P.2d 1156 (Utah 1991); <i>Cruz v. Middlekauff Lincoln-Mercury, Inc.</i> , 909 P.2d 1252 (Utah 1996).
VERMONT	Vt. Stat. Ann Tit. 23, § 1111	No case exactly on point, but in <i>Rivers v. State</i> , 328 A.2d 398 (Vt. 1974), the state was found not liable after an inmate who was on weekend release stole a vehicle and killed two individuals in a subsequent accident. The court held that although questions remained as to whether the state was negligent in allowing the inmate out on weekend release, the act of the inmate stealing the car, getting drunk, and driving at a high rate of speed were superseding intervening causes in the deaths of the third parties.
VIRGINIA	Va. Stat. § 46.2-1071 (Does not require removal of keys but does require engine to be turned off).	No case exactly on point, but in <i>Interim Pers. of Cent. Va., Inc. v. Messer</i> , 559 S.E.2d 704 (Va. 2002), an employee stole a truck from the employer, went out drinking, and subsequently injured a third party in an accident. The court primarily focused on issues of negligent hiring and foreseeability. The court ruled that the company had no reason to suspect that employee had a DUI history and that it was not foreseeable that he would steal a company vehicle to go out drinking.
WASHINGTON	R.C.W.A. § 46.61.600	Although generally a vehicle owner is not liable for the conduct of a thief after stealing a car, the right set of circumstances can create a duty for the driver. <i>Pratt v. Thomas</i> , 80 Wash.2d 117, 491 P.2d 1285 (1971); <i>Sailor v. Ohlde</i> , 71 Wash.2d 646, 430 P.2d 591 (1967); <i>Parrilla v. King County</i> , 157 P.3d 879 (Wash. Ct. App. 2007) (holding that a duty was created where a bus driver left keys in the bus and the bus running when a "visibly erratic" passenger was on the bus). Additionally, R.C.W.A. § 46.61.600 did not represent intent by the legislature to create a duty for owners to prevent theft of their vehicles, nor did the statute apply to vehicles on private property. <i>Kim v. Budget Rent a Car Systems, Inc.</i> , 15 P.3d 1283 (Wash. 2001).
WEST VIRGINIA	W. Va. Code § 17C-14-1	The act of a thief stealing a car is an efficient intervening cause, protecting the vehicle owner from liability. <i>State of W. Va., ex rel. Poulos v. Fidelity & Cas. Co. of New York</i> , 263 F.Supp. 88 (S.D.W. VA. 1967); <i>See Yourtee v. Hubbard</i> , 474 S.E.2d 613 (W. Va. 1996) (holding that vehicle owner owed no duty to vehicle thief other than to refrain from wanton or willful misconduct).
WISCONSIN	N/A	A vehicle owner may be liable for harm resulting from theft of the car if the theft was reasonably foreseeable. <i>Meihost v Meihost</i> , 139 N.W.2d 116 (Wis. 1966).
WYOMING	Wyo. Stat. § 31-5-509 (1977)	A thief's action in stealing a vehicle is a superseding cause of a third-party's injury. <i>Lucero v. Holbrook</i> , 288 P.3d 1228 (Wyo. 2012).

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