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Intoxicating Liquor - Persons Liable - A Social Host Who Furnishes Alcoholic Beverages to an Obviously Intoxicated Person May Be Held Accountable to Third Persons Who Are Foreseeably Injured

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RECENT CASE

INTOXICATING LIQUOR — PERSONS LIABLE — A SOCIAL HOST WHO FURNISHES ALCOHOLIC BEVERAGES TO AN OBVIOUSLY INTOXICATED PERSON MAY BE HELD ACCOUNTABLE TO THIRD PERSONS WHO ARE FORESEEABLY INJURED.

James Coulter was a passenger in a car which struck an abutment.[1] Coulter and his wife, petitioners, brought an action against the owner and the manager of an apartment complex where the driver of the car had consumed alcoholic beverages.[2] The petitioners alleged the defendants were negligent[3] when they served alcohol to the driver of the car, whom they should have known was excessively intoxicated.[4] Additionally, they contended the defendants knew the driver would be driving following consumption of the alcohol, therefore, exposing others to a foreseeable risk of harm.[5] The trial court granted a demurrer requested by the defendants.[6] Petitioners sought a mandate to overturn the trial court decision and send the case to trial.[7] The

1. Coulter v. Superior Court of San Mateo County, 21 Cal.3d 144, 147, 577 P.2d 669, 671, 145 Cal. Rptr. 534, 535 (1978).

2. *Id.* at 147, 577 P.2d at 671, 145 Cal. Rptr. at 536.

3. The California statute provided that "[e]very person who sells, furnishes, gives or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor." CAL. BUS. & PROF. CODE§ 25602 (West 1964). The California Supreme Court has stated that this statute was enacted to protect members of the general public against injuries resulting from intoxication. Vesely v. Sager, 5 Cal.3d 153, 165, 486 P.2d 151, 159, 95 Cal. Rptr. 623, 631 (1971).

The Court of Appeals of California used the logic of *Vesely* to conclude that *any* person who disregards a legislative mandate breaches a duty to anyone who is injured as a result of a minor's intoxication and for whose benefit the statute was enacted. Brockett v. Kitchen Boyd Motor Co., 24 Cal. App. 3d 87, 93, 100 Cal. Rptr. 752, 756 (1972).

The California Supreme Court stated *Vesely* put the legislature on notice that this statute could form a basis for imposition of civil liability upon social hosts. This, combined with the legislative desire to liberally construe the Alcoholic Beverage Control Act, affords a sufficient statutory basis upon which civil liability may be imposed on a noncommercial supplier who provides alcoholic beverages to an obviously intoxicated person. 21 Cal.3d at 151, 577 P.2d at 673, 145 Cal. Rptr. at 538.

See the language in the N. D. Century Code which provides that, "[a]ny person delivering alcoholic beverages to a person under twenty-one years of age, an habitual drunkard, an incompetent, or an intoxicated person is guilty of a class A misdemeanor. . . " N.D. CENT. CODE § 5-01-09 (1975).

4. 21 Cal. 3d at 147, 577 P.2d at 671, 145 Cal. Rptr. at 536.

5. *Id.*

6. *Id.* The demurrer was granted, presumably, because the plaintiff failed to state a cause of action.

7. *Id.* Apparently mandate was sought because the trial court deprived the Coulters of an opportunity to plead their cause of action.

California Supreme Court *held* that a social host, as distinguished from a commercial host, who furnishes intoxicating liquor to a guest who is obviously intoxicated, may be held liable to third-parties who are injured by the guest when there is a reasonably foreseeable risk of harm.[8] *Coulter v. Superior Court of San Mateo County,* 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534 (1978).

At common law there was not a cause of action in favor of one injured by an intoxicated person against the furnisher of the intoxicating liquor.[9] It was felt the consumption rather than the sale of the alcohol was the proximate cause of any subsequent injury.[10] In *Cole v. Rush,*[11] the defendant had been requested by plaintiff not to serve her husband any intoxicating beverages. Plaintiff brought suit after the defendant ignored the request and plaintiff's husband was killed in a subsequent brawl.[12] The Supreme Court of California dismissed the suit because contributory negligence barred recovery, pointing out that consumption of the liquor was the proximate cause of injuries from its use and contributed to any injury.[13]

In response to harsh court decisions based on common law and to provide a remedy which the common law did not grant,[14] "dram shop" acts were enacted.[15] These acts, however, imposed liability only on sellers of alcohol.[16] Despite statutory limitations, recent decisions have extended the provisions of the dram shop acts to social hosts.[17] The Minnesota Supreme Court, in allowing an

8. *Id.*

9. Megge v. United States, 344 F.2d 31 (6th Cir. 1965), *cert. denied,* 382 U.S. 831 (1965); Kingen v. Weyant, 148 Cal. Appl 2d 656, 307 P.2d 369 (1957); Sworski v. Colman, 204 Minn. 474, 283 N.W. 778 (1939).

10. Car v. Turner, 238 Ark. 889, 385 S.W.2d 656 (1965); Hull v. Rund, 150 Colo. 425, 374 P.2d 351 (1962); Meade v. Freeman, 93 Idaho 389, 462 P.2d 54 (1969); Cowman v. Hansen, 250 Iowa 358, 92 N.W.2d 682 (1958); Lee v. Peerless Ins. Co., 248 La. 982, 183 So. 2d 328 (1966); Hamm v. Carson City Nugget, Inc., 85 Nev. 99, 450 P.2d 358 (1969); Hall. v. Budagher, 76 N.M. 591, 417 P.2d 71 (1966); Garcia v. Hargrove, 46 Wis.2d 724, 176 N.W.2d 566 (1970).

11. 45 Cal. 2d 345, 289 P.2d 450 (1955).

12. Cole v. Rush, 45 Cal.2d 345, 347, 289 P.2d 450, 451 (1955).

13. *Id.* at 356, 289 P.2d at 457.

14. Megge v. U.S., 344 F.2d 31 (6th Cir. 1965), *cert. denied,* 382 U.S. 831 (1965); Cherbonnier v. Rafalovich, 88 F. Supp. 900 (D. Alas. 1950); Nolan v. Morelli, 154 Conn. 432, 226 A.2d 383 (1967); Howlett v. Doglio, 402 Ill. 311, 83 N.E.2d 708 (1949).

15. Through dram shop acts, legislatures sought to protect the health, safety and welfare of the public by regulating the distribution of liquor and providing remedies for injured parties which did not exist at common law. ABA SECT. OF INS., NEG. & COMP. LAW, 448 (1967). *See generally* Note, *Liability Under the Minnesota Civil Damage Act,* 46 MINN. L. REV. 169, 170 (1962).

16. *But see* Williams v. Klemesrud, 197 N.W.2d 614 (Iowa 1972); Ross v. Ross, 294 Minn. 155, 200 N.W.2d 149 (1972).

17. Williams v. Klemesrud, 197 N.W.2d 614 (Iowa 1972); Ross v. Ross, 294 Minn. 115, 200 N.W.2d 149 (1972).

But of. Miller v. Owens-Ill. Glass Co., 48 Ill. App. 2d 412, _____ 199 N. E.2d 300, 306 (1964) (the court found the purpose of the dram shop act was to regulate those in business, not the social drinker); LaGault v. Klebba, 7 Mich. App. 640, _____, 152 N. W.2d 712, 713 (1967) (the court held that it is not the law that private persons are liable for the actions of their social guests who over-indulge in liquid hospitality at private homes or parties); Manning v. Andy, 454 Pa. 237,

action against a non-commercial purveyor of liquor, concluded that all those who furnish liquor to others should be responsible for protecting innocent third parties from the potential dangers of furnishing such hospitality indiscriminately.[18] The Iowa Supreme Court also rejected such a statutory construction because it would have limited the scope of the dram shop statute.[19] The Iowa Court arrived at this conclusion by liberally construing the statute.[20] The North Dakota Supreme Court has strictly interpreted a portion of North Dakota's dram shop act,[21] regardless of the desire of the

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_____, 310 A.2d 75, 76 (1973)(the court declined to impose civil liability on nonlicensed persons who furnish intoxicants without payment).

18. Ross v. Ross, 294 Minn. 115, 200 N.W.2d 149 (1972). A minor had his brother purchase alcohol for him. Thereafter an accident occurred and the minor was killed. His wife brought an action against the brother basing the claim on the following statute:

> Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, by any intoxicated person ... has a right of action, in his own name, against any person who, by illegally selling, bartering or giving intoxicating liquors, caused the intoxication of such persons, for all damages, sustained;...

MINN. STAT. ANN. § 340.95 (West 1972).

The Minnesota Supreme Court made a lengthy review of the conditions under which the act was adopted. From this survey the court determined the legislature clearly intended the act should apply to everyone who violated it. *Id.* at 121, 200 N. W.2d at 150.

19. Williams v. Klemesrud, 197 N.W.2d 614 (Iowa 1972).

20. *Id.* at 615. A minor had a friend of age purchase alcohol for him. The minor became intoxicated and was then involved in an automobile accident in which the plaintiff was injured. The suit relied on statutory language which provided the following:

> Every. . . . person who shall be injured in person or property. . . . by any intoxicated person ... shall have a right of action ... against any person who shall, by selling or giving to another contrary to the provisions of this title any intoxicating liquors, cause the intoxication of such person, for all damages actually sustained, as well as exemplary damages.

IOWA CODE ANN. § 129.2 (West 1949).

The Supreme Court of Iowa viewed such statutes to be compensatory. It rejected a strict construction because it would have limited the scope of the act, impaired the remedy of the statute and advanced the mischief sought to be corrected. 197 N.W.2d at 615.

The North Dakota Century Code also provides for liberal construction of statutes:

> The rule of the common law that statutes in derogation thereof are to be construed strictly has no application to this code. The code established the law of this state respecting the subjects to which it relates, and its provisions and all proceedings under it are to be construed liberally, with a view to effecting its objects and to promoting justice.

N.D. CENT. CODE § 1-02-01 (1975).

21. Jore v. Saturday Night Club, Inc., 227 N.W.2d 889 (N.D. 1975). The suit arose when the plaintiff's decendent attended a party at a motel. Another party-goer, Coss, left with a friend to go to defendant's bar where they had beer and purchased a twelve-pack of beer. They returned to the party. Thereupon plaintiff's decedent went for a motorcycle ride with Coss and was killed in an accident. It was determined Coss had a blood alcohol level of 0.10, which made him legally intoxicated.

The suit relied on statutory language providing as follows:

> Every wife, child, parent, guardian, employer, or other person who shall be injured in person, property or means of support by any intoxicated person, or in consequence of intoxication, shall have a right of action against any person who shall have caused such intoxication by disposing, selling, bartering, or giving away alcoholic beverages contrary to statute for all damages sustained.

N. D. CENT. CODE 5-01-06 (1975).

Compare N. D. CENT. CODE § 5-01-06 with IOWA CODE ANN. § 129.2 note 20 *supra*.

The court dismissed an interpretation which would equate "intoxication" with "under the influence of intoxicating liquor" because the later has a specialixed, well-defined meaning which would indicate that, because it was omitted, the legislature did not intend to embody its meaning within the statute. 227 N.W.2d at 895.

legislature to have statutes interpreted liberally.[22]

In addition to statutory construction, courts have utilized the concept of negligence per se,[23] based on the violation of a duty imposed by liquor control statutes,[24] to impose liability on servers of alcoholic beverages. A case supporting this theory is *Brockett v. Kitchen Boyd Motor Co.*[25] where a minor employee became intoxicated at a company Christmas party. The minor was placed in his car by the employer and instructed to drive home. The minor struck plaintiff with his car and injured him.[26] Plaintiff sued the employer; however, the trial court sustained a demurrer by the defendant. On appeal, the court concluded that *any* person who violates a statute breaches a duty to anyone who is injured as a result of the minor's intoxication and for whose benefit the statute was enacted.[27]

Other courts have used common law negligence principles when analyzing such cases.[28] The duty was found to arise from conditions which the social host should realize are dangerous.[29] A list of factors was utilized in *Coulter* to determine whether a duty existed between a social host and a third person injured by a

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22. N.D. CENT. CODE § 1-02-01, note 20 *supra.*

23. Once a statute is interpreted as being designed to protect the class of persons in which the plaintiff is included against the risk of the type of harm which has in fact occurred as a result of a violation of the statute, most courts hold that an unexcused violation of the statute is conclusive on the issue of negligence and the court must so direct the jury. W. PROSSER, LAW OF TORTS § 36 (4th ed. 1971).

24. Waynick v. Chicago's Last Dept. Store, 269 F.2d 322 (7th Cir. 1959), *cert. denied,* 362 U.S. 903 (1960); Deeds v. United States, 306 F. Supp. 348 (D. Mont. 1969); Vesely v. Sager, 5 Cal. 3d 153, 486 P.2d 151, 95 Cal. Rptr. 623 (1971); Brockett v. Kitchen Boyd Motor Co., 24 Cal. App. 3d 87, 100 Cal. Rptr. 752 (1972); Davis v. Shiappacossee, 155 So.2d 364 (Fla. 1963); Elder v. Fisher, 247 Ind. 598, 217 N.E.2d 847 (1966); Brattain v. Herron, 159 Ind. App. 663, 309 N.E.2d 150 (1974); Lewis v. State, 256 N.W.2d 189 (Iowa 1977); Adamian v. Three Sons, Inc., 353 Mass. 498, 233 N.E.2d 18 (1968); Ramsey v. Anctil, 106 N.H. 375, 211 A.2d 900 (1965); Rappapart v. Nichols, 31 N.J. 188, 156 A.2d 1 (1959); Berkeley v. Park, 47 Misc. 2d 381, 262 N.Y.S. 2d 290 (1965); Mitchell v. Kettner, 54 Tenn. App. 656, 393 S.W.2d 755 (1965).

But of. Nitschke v. Barnick, 226 N. W.2d 785 (N. D. 1975)(the court held violation of a statute is evidence of negligence, although not negligence as a matter of law).

25. 24 Cal. App. 3d 87, 100 Cal. Rptr. 752 (1972).

26. Brockett v. Kitchen Boyd Notor Co., 24 Cal. App. 3d 87, 88, 100 Cal. Rptr. 752, 753 (1972).

27. *Id* at 93, 100 Cal. Rptr. at 756. The court's decision was based upon *Vesely v. Sager,* 5 Cal. 3d 153, 486 P.2d 151, 95 Cal. Rptr. 623 (1971), in which the Supreme Court of California said in California "A presumption of negligence arises from the violation of a statute which was enacted to protect a class of persons of which the person (plaintiff) is a member against the type of harm which the plaintiff suffered as a result of the violation of the statute." *Id.* at 164, 486 P.2d at 159, 95 Cal. Rptr. at 631. The court determined, by interpretation of § 25602, the statute was enacted for the purpose of protecting members of the general public against injuries resulting from intoxication. *Id.* at 165, 486 P.2d at 159, 95 Cal. Rptr. at 631.

28. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534; Wiener v. Gamma Phi Chap. of Alpha Tau Omega Frat., 258 Or. 632, 485 P.2d 18 (1971).

29. 21 Cal. 3d at 154, 577 P.2d at 675, 145 Cal. Rptr. at 540. The court said intoxicating liquor causes many outward manifestations which are plain and easily seen or discovered. *Id.* at 155, 577 P.2d at 675, 145 Cal. Rptr. at 540. In *Wiener* the court stated a host has a duty to deny further alcohol to guests who are already severely intoxicated, whose behavior the host knows to be unusually affected by alcohol, or who are minors. 258 Or. at _____, 485 P.2d at 21.

guest.[30] The list included foreseeability, certainty of the injury, causal connection, moral blame, preventing future harm, burden on the defendant, consequences to the community and the availability of insurance.[31] The *Coulter* court applied these factors to find that a duty existed under both statutory and common law.[32] In addition, the *Coulter* court pointed to statistics regarding drunk drivers in California[33] and used the statistics to show the foreseeability of harm from the combination of drinking and driving.[34] This relationship has been recognized by other courts as the basis of their decisions to allow recovery from sellers of alcoholic beverages.[35]

While these cases have generally dealt with sellers of liquor, *Coulter* applied the same principle to the social host.[36] *Any person* who discovers another in such an intoxicated condition that he has lost control of his sense of responsibility to others has a common law duty to stop pouring alcohol into the other.[37] This stems from the rationale that danger to society from that individual[38] is equally as great regardless of the source of liquor and equally foreseeable to a reasonably perceptive host as to a bartender.[39] This view is

30. 21 Cal. 3d at 153, 577 P.2d at 674, 145 Cal. Rptr. at 539.

31. Rowland v. Christian, 69 Cal. 2d 108, 113, 443 P.2d 561, 564, 70 Cal. Rptr. 97, 100 (1968).

32. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534.

33. Id. at 154, 577 P.2d at 675, 145 Cal. Rptr. at 540.

34. In 1975 there were 508,723 males and 45,879 females arrested for drunken driving in the United States. The figures in 1970 were 340,873 males and 24,394 females. INFORMATION PLEASE ALMANAC 783 (1978). The California court suggested many drunken drivers are not apprehended and that arrests may only be the tip of the iceberg. 21 Cal. 3d at 154, 577 P.2d at 675, 145 Cal. Rptr. at 540.

35. *See* Deeds v. United States, 306 F. Supp. 348 (D. Mont. 1969). The court stated the following:

> The increasing frequency of serious accidents caused by drivers who are intoxicated is a fact which must be well known to those who sell and dispense liquor. This lends support to those cases which have found the automobile accident to be 'the reasonably foreseeable' result of furnishing liquor to the intoxicated driver, at least where the person furnishing the liquor knew that the intoxicated person would be driving on a public highway.

Id. at 358.

See Berkeley v. Park, 47 Misc. 2d 381, 262 N.Y.S.2d 290 (1965). The *Berkeley* court explained that when the problem of drunk driving developed the car was still an idea, modern highway traffic unimaginable and taverns patronized by the local citizenry or travelers in horse drawn vehicles, while "[today], the hazards of travel by cars on modern highways has become a national problem. The drunken driver is a threat to the safety of many." *Id.* at _____, 262 N.Y.S. 2d at 293.

See also Vesely v. Sager, 5 Cal. 3d 153, 486 P.2d 151, 95 Cal. Rptr. 623 (1971); Adamian v. Three Sons, Inc., 353 Mass. 498, 233 N.E.2d 18 (1968); Rappaport v. Nichols, 31 N.J. 188, 156 A.2d 1 (1959); Mitchell v. Ketner, 54 Tenn. App. 656, 393 S.W.2d 755 (1964); Garcia v. Hargrove, 46 Wis. 2d 724, 176 N.W.2d 566 (1970)(Hallows, C.J., dissenting).

36. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534. The court required the furnishing to be an affirmative act. *Id.* at 155, 577 P.2d at 676, 145 Cal. Rptr. at 581.

37. Jardine v. Upper Darby Lodge No. 1973, Inc., 413 Pa. 626, ____, 198 A.2d 550, 553 (1964).

38. Such a person is unable to exercise normal powers of judgment and prudence. Soronen v. Olde Milford Inn, 84 N.J. Super. 372, ____, 202 A.2d 208, 209 (1964).

39. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534. *But cf.* Cherbonnier v. Rafalovich, 88 F. Supp. 900 (D. Alaska 1950)(the fact the bartender may have sold the patron a drink while the latter was intoxicated is not sufficient, by itself, to make the bartender or his master liable).

supported by the Restatement (Second) of Torts.[40]

In determining that social hosts may be liable for the consequences following from serving alcohol to guests who are already intoxicated[41] the court in *Coulter* expressed the belief that the potential hazards to life and limb caused by drunken drivers outweigh any burdens the rule places on society.[42] However, other courts have been unwilling to impose such liability fearing such an extension would be a step too far;[43] one which should be left to the legislature.[44] No undue burden, however, is imposed by asking a social host to exercise due care to protect an intoxicated guest from himself and the public in general from such a guest.[45]

There is no reasonable excuse for distinguishing between the liability of a commercial supplier and a social host.[46] Imposing common law liability on the social host is but another method[47] of attempting to ensure the safety of our highways.[48] The California Supreme Court was forced to resort to common law to impose civil liability on servers of alcoholic beverages[49] because California has no dram shop act. In *Coulter* a criminal statute was interpreted so as to allow a civil recovery.[50]

The courts of North Dakota, however, will not be faced with such a problem. The legislature of North Dakota has provided both criminal[51] and civil[52] statutes which permit actions against servers of alcoholic beverages. The criminal statute grants the state a means of punishing *anyone* who furnishes liquor to an intoxicated person.[53] The civil statute, or dram shop act, provides a remedy

40. "An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk or harm to another through the negligent or reckless conduct of the other or a third person." RESTATEMENT (SECOND) OF TORTS § 302A (1965).

41. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534.

42. *Id.* at 154, 577 P.2d at 675, 145 Cal. Rptr. at 540.

43. Garcia v. Hargrove, 46 Wis. 2d 724, 176 N.W.2d 566 (1970). The court stated "such a restriction of social activity encompasses changes far beyond the framework of negligence law previously interpreted and applied by this court." *Id.* at 734, 176 N.W.2d at 571.

44. Holmes v. Circo, 196 Neb. 496, 244 N.W.2d 65 (1976); Edgar v. Kajet, 84 Misc. 2d 100, 375 N.Y.S. 2d 548 (1975).

45. Rappaport v. Nichols, 31 N.J. at _____, 156 A.2d at 10; Garcia v. Hargrove, 46 Wis. 2d at 739, 176 N.W.2d at 573 (Hallows, C.J., dissenting).

46. Garcia v. Hargrove, 46 Wis. 2d 724, 176 N.W.2d 566. "[If] the act of providing liquor to one already intoxicated is a negligent act, then it remains a negligent act regardless of who the supplier may be." *Id.* at 734, 176 N.W.2d at 571.

47. Dram shop acts and liquor control statutes are the others.

48. "If we are looking for a deterrent for drinking, sole liability of the drunk driver will not deter as effectively as liability for selling liquor to an inebriate—one cannot drink if no one will sell or give him liquor." 46 Wis. 2d at 740, 176 N.W.2d at 574.

49. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534 (1978).

50. *Id. See supra* note 3.

51. *See* N.D. CENT. CODE § 5-01-09 (1975), *supra* note 3.

52. *See id.* § 5-01-06 (1967), *supra* note 21.

53. *See id.* § 5-01-09 (1975), *supra* note 3.

against people who furnish liquor contrary to statute[54] for persons injured by an intoxicated person.[55] Therefore, North Dakota courts would not have to rely on an expansion of the criminal statute to grant a civil remedy.

Just as California has provided a civil remedy for its citizens,[56] North Dakota should extend its civil remedy under its dram shop act[57] to include social hosts. Such an extension is needed to protect ordinary citizens from the danger created by drunken drivers. In fact, there may be more need for such protection in North Dakota as the state's roads are more dangerous than in California.[58] While such an application may impose some restrictions on social merrymaking, it must be but a secondary consideration when compared to the savings of human lives on our highways.

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54. The phrase "contrary to statute" as stated in § 5-01-06 must be read as meaning those persons listed in § 5-01-09, which would include an already intoxicated person.

55. *See* N.D. CENT. CODE § 5-01-06 (1967), *supra* note 21. The statutory language of North Dakota's dram shop act is not limited to sellers of alcoholic beverages. The statute includes "*any person* who shall have caused such intoxication by *disposing, selling, bartering,* or *giving away* alcoholic beverages. . . . " *Id.* (emphasis added).

56. 21 Cal. 3d 144, 577 P.2d 669, 145 Cal. Rptr. 534 (1978).

57. *See* N.D. CENT. CODE § 5-01-06 (1967), *supra* note 21.

58. THE WORLD ALMANAC 954 (1978). The number of motor vehicle deaths per hundred million vehicle miles in California in 1976 was 3.2; in North Dakota in 1976 the figure was 3.9. *Id.* These figures may be deceiving because of the different conditions with which drivers of the respective states must contend. A large part of the driving in North Dakota takes place on high speed, over unprotected stretches of road, over gravel roads, and, for a good portion of the year, while snow and ice cover the roads. California drivers, while facing more crowded roads and city driving, generally do not have to face the challenge of gravel roads and ice-coated roads.