Bailment

Goods transferred for safekeeping, storage, or transportation
Bailment

• Elements necessary to create a bailment:
  1. Bailment of personal property:
     Only personal property can be bailed

  2. Delivery of possession:
     • bailee has exclusive control over the personal property
     • bailee must knowingly accept the personal property

  3. Bailment agreement:
     express or implied
Ordinary Bailments

• Three types:

1. Bailments for the sole benefit of the bailor:
   Gratuitous bailment that benefits only the bailor
   • Duty of slight care: Duty owed by a bailee not to be grossly negligent in caring for the bailed goods
Ordinary Bailments

2. Bailments for the sole benefit of the bailee:
   Benefits only the bailee
   - Duty of great care: Duty owed by a bailee not to be slightly negligent in caring for the bailed goods

3. Mutual benefit bailment:
   for mutual benefit of the bailor and bailee
   - Duty of reasonable care: Duty owed by a bailee not to be ordinarily negligent in caring for the bailed goods
Special Bailments

– **Common Carrier:**
  under common law, anyone who transports persons or property

**Duty of strict liability:**
if the bailed goods are lost, damaged, destroyed, or stolen, the common carrier is liable even if the loss or damage was not its fault
Special Bailments

– Innkeeper:

Under common law, the owner of a facility that provides lodging to the public for compensation

Duty of strict liability:

innkeepers are strictly liable to guests for personal property that is lost or stolen from the innkeeper’s premises even if the loss was not the innkeeper’s fault
Special Bailments

– **Warehouse:**
  
  Under common law, the owner of a facility that provides storage of property for compensation

**Duty of ordinary care:**
liable for breach of the duty of ordinary care
(i.e., negligence)