

13-1646. Negligent entrustment of a motor vehicle.

To establish the claim of negligence in allowing _____ to [use] [drive] _____'s motor vehicle, _____ has the burden of proving the following contentions:

1. _____ was the owner or person in control of the vehicle that caused _____'s injuries;
2. _____ permitted _____ to operate the vehicle;
3. _____ knew or should have known that _____ was likely to use the vehicle in such a manner as to create an unreasonable risk of harm to others;
4. _____ was negligent in the operation of the motor vehicle; and
5. _____'s negligence was a cause of the injury to _____.

USE NOTES

This instruction should be used if the negligent entrustment doctrine is the basis of the plaintiff's claim against the defendant. The instruction is not applicable to a claim of negligent entrustment of real property. However, the instruction may apply to chattels other than automobiles. For example, it may apply to a claim for negligent entrustment of a firearm. The names identifying the owner or person in control of the vehicle, the negligent operator of the vehicle, and the person injured should be inserted as appropriate in the instruction.

[Approved, effective July 15, 2002; as amended, effective March 1, 2005; as amended by Supreme Court Order No. 10-8300-026, effective October 18, 2010.]