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IMPUTING CONTRIBUTORY NEGLIGENCE OF DRIVER TO VEHICLE OWNER

This chart concerns itself primarily with whether, and under what circumstances, the contributory negligence of a permissive user/driver of a motor vehicle will be imputed to the owner of that vehicle so as to defeat or reduce the owner's recovery when the owner sues the driver of the other vehicle involved in the collision for either (1) personal injuries received by the owner while a passenger in the vehicle, or (2) property damage to the owner's vehicle. This issue involves the concepts of both "imputed negligence" and "imputed contributory negligence." The two concepts are related and often used interchangeably.

Imputed Negligence: A form of vicarious liability. Under certain circumstances, the negligence of A is imputed to B, as a matter of social policy, resulting in B being liable for the damages caused by A's negligence. In other words, imputed negligence is a blame attributed to B, not on the basis of B's conduct, but because of the conduct of A for which B becomes legally responsible. For example, a parent can be held vicariously responsible for some acts of a child or an employer can be vicariously liable for the negligence of an employee. Imputed negligence occurs when negligence is imputed to a defendant.

Imputed Contributory Negligence: Imputed contributory negligence occurs when negligence is imputed to a plaintiff. For example, the contributory negligence of an employee is imputed to an employer when the employer sues a tortfeasor involved in an accident with the employee.

Imputed contributory negligence can be a very useful tool for subrogation and claims professionals. When subrogating for property damage to a vehicle, the subrogee (insurance company) may be able to argue that it is entitled to recover 100% of the damage to the insured vehicle even though the driver of that vehicle was partially at fault in causing the accident. In most states, the general rule is that the contributory negligence of a driver is not imputed to the owner, and will not reduce damages sought by the owner or the owner's subrogated insurance carrier. However, there are circumstances in which the contributory negligence of the driver will be imputed to the owner.

Imputed contributory negligence is the *old* common law rule that recognized that if the owner cannot be held vicariously liable for the negligence of a permissive user of his vehicle (imputed negligence), then the contributory negligence of that permissive user also could not be imputed to the owner when the owner sought to recover from a negligent third party (imputed contributory negligence). While common law once required that the contributory negligence of the permissive user be imputed to the owner when the owner sues the tortfeasor for damages to his vehicle caused by the joint negligence of the permissive user and the tortfeasor, this is no longer the case. Generally, where the owner has no vicarious liability (*e.g., respondeat superior*, Family Purpose Doctrine, liability under minor's driving statute, joint enterprise, vicarious liability statute, agency/partnership, etc.), for the actions of a permissive user, the contributory negligence of the permissive user will not be imputed to the owner. Of course, there are exceptions from state to state, and the ability of a subrogated carrier to recover 100% of the vehicle's damages, even though the insured's permissive user was partially at fault, may also depend on a few other things such as the ability of the tortfeasor to seek contribution against the permissive user, the particular comparative fault system adopted in the state, whether the permissive user is also considered an "insured" under the subrogating insurer's policy, the existence of a vicarious liability statute or a minor's driving statute, etc. However, the easy thing for subrogated carriers

to do is to cite the applicable law or case decision in a state which declares the general rule that the negligence of a driver is not imputed to the owner of the damaged vehicle and leave the other side to comprehend and assert the exceptions to this rule that may exist.

The general rule is that an owner of a vehicle is not vicariously or automatically liable in tort to one who suffers injury or property damage as a result of the negligent operation of the vehicle by the driver operating the owner's vehicle. Likewise, the general rule is that contributory negligence of the driver will not be imputed to the owner. However, when the owner is vicariously liable for the negligence of the driver (*respondeat superior*, Family Purpose Doctrine, liability under minor's driving statute, joint enterprise, vicarious liability statute, agency/partnership, etc.), contributory negligence may be imputed to the owner, depending on the state and facts involved. This chart will provide the case law for each state which announces that imputed contributory negligence is not followed, as well as any exceptions which would allow contributory negligence to be imputed. This should help the subrogation and claims professional to argue for recovery of 100% of the damages to the owner's vehicle, even if the driver (permissive user) of the owner's vehicle was contributorily negligent in causing the damages.

The concept of imputed contributory negligence isn't limited to property damage claims by the owner (or subrogated carrier) against the tortfeasor. It is also applicable to personal injury claims by a passenger (including the owner) of a vehicle driven by a permissive user, against a third-party tortfeasor. Whether the damages sought are personal injuries as a result of being a passenger in the vehicle or the owner's claim for property damage caused to his vehicle as a result of a collision, the concept is the same.

Imputed contributory negligence will not apply unless there is *vicarious liability* of the owner of a vehicle for the negligent acts of a permissive user under a theory such as *Respondeat Superior* (Employee/Employer), Agency/Partnership, a Vicarious Liability Statute, the Family Purpose Doctrine, or a parent's or sponsor's liability for a minor's driving under state law. Even in the face of a vicarious liability statute, some states have decided that the statute does not require the application of the Imputed Contributory Negligence Rule. Because of the role they play in determining whether or not a driver's contributory negligence will be imputed to the owner of a damaged vehicle, the following is a concise summary of laws regarding when an owner will be liable (vicarious or otherwise) for damages caused by the negligence of a permissive user of the owner's vehicle.

Vicarious Liability Statutes

Vicarious liability is a form of a strict, secondary liability that arises under the common law doctrine of agency, *respondeat superior* (responsibility of the superior for the acts of their subordinate) or, in a broader sense, the responsibility of any third party that had the "right, ability or duty to control" the activities of a negligent party. Under common law, the owner of a motor vehicle is not liable for injuries caused by the negligence of another person driving the owner's vehicle *(i.e.,* vicariously liable) unless the driver was acting as an employee or agent of the owner, or there is a vicarious liability statute at play. Very few states allow the owner of a vehicle to be vicariously liable under common law to a tort victim for the negligence of a permissive user without any allegation of an independent tort or duty owed by the owner to the victim. A few states, however, such as Florida, have judicially created rules under the Vicarious Liability Doctrine (also known as the "Dangerous Instrumentality Doctrine"), which imposes strict vicarious liability on the owner who voluntarily entrusts his vehicle to an individual whose negligent operation of the vehicle causes injury or property damage. California's permissive user statute provides that if the owner of a vehicle gives express or implied permission to somebody to use that vehicle, and that driver either negligently or intentionally causes injury, death, or property damage, the vehicle owner is vicariously liable. Cal. Veh. Code § 17150. Liability of an owner under § 17150 is limited to $15,000 per person, $30,000 per occurrence, and $5,000 for property damage.

California, Connecticut, Florida, Idaho, Iowa, Maine, Michigan, Minnesota, Nevada, New York, Rhode Island and the District of Columbia all have forms of vicarious liability statutes. Under these statutes, an owner who gives authority to another to operate the owner's vehicle, by either express or implied consent, has a non-delegable obligation to ensure that the vehicle is operated safely. *Aurbach v. Gallina*, 753 So.2d 60 (Fla. 2000). This type of "strict liability" usually applies only in strict product liability law, but Florida is the only state to have adopted this rule by judicial decree. In most states with vicarious liability statutes, the courts have construed such statutes as making the contributory negligence of the driver imputable to the owner of a motor vehicle, thereby barring the owner from recovering from a third

person, on the ground of the latter's negligence, for injuries or damages sustained in the accident. There are, however, exceptions. In California, § 17150 was amended to remove the words "*and the negligence of such person shall be imputed to the owner for all purposes of civil damages*." This reinstated the common law rule that contributory negligence of a bailee of a vehicle is not imputed to the owner of the vehicle in action against third-party tortfeasor to recover for damages to vehicle. *Hertz Corp. v. Pippin*, 113 Cal. Rptr. 698, 700 (Cal. App. 1974). Quite often, courts in states with vicarious liability statutes have held that, in enacting the statute, the legislature intended to give the plaintiff an additional source of recovery for damages which had been sustained, but do not believe that it was attempting to give the defendant, by means of the statute, an additional defense to an action for negligence brought against him.

Negligent Entrustment

This chart does not concern itself with the theory of negligent entrustment. Negligence of an owner under this theory constitutes an independent act of negligence – not vicarious liability. Therefore, it plays no role in whether or not the contributory negligence of a driver is imputed to the owner. Where the owner is not the driver, the tort of *negligent entrustment* should always be looked into. Negligent entrustment is a cause of action sounding in tort whereby one party (owner) is liable for his or her or its own negligence because they negligently "entrusted" the vehicle to the driver, and that negligence proximately caused the injury or property damage. The negligence in the entrusting can be either (1) entrusting an unsafe vehicle to the driver or (2) entrust a safe vehicle to an unsafe driver. Negligent entrustment, however, is not "vicarious liability" because the owner's liability is based on the *owner's* negligence in entrusting the vehicle in the first place. A plaintiff must prove that:

(1) the owner entrusted the vehicle to the driver;
(2) the driver was unlicensed, incompetent, or reckless;
(3) the owner knew or should have known that the driver was unlicensed, incompetent, or reckless;
(4) the driver was negligent in the operation of the vehicle; and
(5) the driver's negligence resulted in damages.

Legal causation is required with negligent entrustment. If the owner entrusts a vehicle without working headlights, but the accident occurs in broad daylight, there is negligence but no causation and a recovery based on negligent entrustment will be unlikely. If the owner entrusts a vehicle to an unlicensed, intoxicated driver, but the accident is the not the fault of the vehicle driver, negligent entrustment will likely not be found to be the proximate cause of the accident. However, the search for third-party liability should extend beyond mere negligent entrustment theories. A summary of the negligent entrustment laws of each state can be found in each state chapter within our book, *Automobile Insurance Subrogation In All 50 States*, which can be ordered HERE.

Respondeat Superior / Agency / Employer Vicarious Liability

True *vicarious liability* takes place when one person is automatically held responsible for the acts or omission of another person. Vicarious liability means holding the owner responsible for the negligence of the *permissive user* of the vehicle, rather than based on an act or omission of the owner. Under common law, an owner of a vehicle is not automatically vicariously liable for the negligent acts of a permissive user. Something more is needed for that to happen. For example, if the driver was in the course and scope of his or her employment, the driver's employer may be responsible under the doctrine of *respondeat superior* – one type of vicarious liability which means "let the master answer." If the uninsured driver was in the course and scope of employment at the time of the accident, the employer will be liable for the employee's negligence. This is true whether the employer is the owner of the vehicle or not. With limited exception, the liability of an employer for the actions of an employee acting in the course and scope of employment is the law in every state, and will, therefore, not be a topic covered in this chart.

An "agent" is an authorized representative who has the authority to make decisions or create obligations for another person, called the "principal." At common law, a principal is liable for the acts of his agent done within the scope of his authority. Therefore, if an agency relationship exists between the owner of or passenger in a vehicle and the driver of the vehicle, the driver's contributory negligence might be imputed to the owner or passenger. The correct way to identify agents is to look for

the authority they are given. Agency relationships can be created in the following ways: (1) by agreement (express agency), which is a mutual agency rooted in contract law; (2) by ratification (after-the-fact-agency) where a principal agrees to accept the decision a person made supposedly on his behalf; and (3) by estoppel (implied agency) where a principal can be estopped from denying an agency relationship because of behavior and treatment consistent with such a relationship.

Joint Enterprise / Joint Venture

The existence of a carpooling arrangement may affect the rule against imputed contributory negligence. A *joint enterprise* is an informal relationship between two or more parties in which each party contributes their skill, efforts, knowledge, or money to achieve a common purpose. Under the enterprise liability theory, individual entities can be held jointly liable for conduct resulting from participation in a shared enterprise. The joint enterprise is typically limited to a single event or transaction. The basic defining characteristic of a joint enterprise is that the parties share a common purpose which is to be carried out by the group. The term "*joint enterprise"* is often confused with other business arrangements, especially *joint ventures* and *partnerships*. However, joint enterprise is a distinct legal concept and is applied in various areas of law, not just business law. In a joint enterprise, each party may be held liable for the wrongdoings of the other participants. This is similar to the concept of joint liability in the area of tort law. The existence of a joint enterprise is frequently used to establish the shared liability of parties in a criminal law or tort law context.

A *joint venture* is different than a *joint enterprise*. The difference is found in the purpose for which the association is formed. In a *joint enterprise*, the common purpose may be general, such as research, non-profit activities, or leisure activities. In contrast, a *joint venture* is only formed for business purposes. The parties must have definite business aims in order to qualify as a joint venture, and the venture will terminate once the business goal has been reached.

Joint Enterprise

- An express or implied agreement amongst the members of the group;
- A common purpose that is to be achieved by the group; and
- An equal right of control to voice the direction of the enterprise.

Joint Venture

- An agreement between the parties;
- A joint interest in a common business aim;
- A mutual understanding that profits and/or losses will be shared; and
- A right to the joint control of the venture.

As you can see, a joint venture is much more business-oriented than a joint enterprise. Unlike a joint venture, a joint enterprise is actually not a status conferred on the group. Rather, a joint enterprise is formed based on a contractual agreement between the parties. Thus, joint enterprises are often regulated by contract laws. Also, a joint enterprise is much more similar to an agency-principal relationship, wherein one party authorizes the other to act on their behalf. Liability in a joint enterprise is based on the fact that each party acts as an agent of the others. Therefore, any party to a joint enterprise may be held responsible for the negligent acts of any of the other parties. This is true even if only one party actually committed the negligent act that caused injury to a non-member of the enterprise, so long as the act was done somehow related to the group's common purpose. Any criminal or negligent act committed within the scope of the enterprise's purpose will be charged to the others, much like the acts of an employee may be charged vicariously against their employer. In determining whether a party is actually involved in a joint enterprise, courts may look to the person's conduct to determine their intent. Joint enterprises are much less formal than a business arrangement - oftentimes a written document is not needed to determine liability.

It is a general rule that the negligence of a member of a joint enterprise causing injury to a third person is imputable to other members of the enterprise and that all may be liable for the injury. Although a motor vehicle driver's negligence may, under given circumstances, be imputed to a passenger under the theory of joint venture or enterprise, application of the rule imputing such negligence has not been frequent in modern times. There are certain factors that tend to indicate the existence of a joint venture or joint enterprise, such as an equal right of control over the motor vehicle in question and an agreement or contract regarding control of the venture generally, sharing of expenses, or the route to be taken. Some courts have suggested that vehicle ownership by the passenger, or co-ownership by both passenger and driver, may also be a factor indicating a joint venture. A family relationship alone is usually not a sufficient basis for holding one riding in a motor vehicle driven by another member of the family to be a joint adventurer engaged in a joint enterprise with the drive. In cases involving parent drivers and child passengers, the courts have generally not imputed the driver's negligence to the passenger on a joint venture or enterprise as to trips to school, to a doctor or dentist, or to an unspecified destination. In cases involving the reverse situation, the child driver's alleged negligence is usually not imputable to the parent passenger for a trip to school, a shopping trip, a trip to work, a trip to a family reunion, a trip to the parent's home, or other unspecified trips. There are exceptions. This chart does not address the specific law in each state with regard to joint venture or joint enterprise.

Family Purpose Doctrine

The Family Purpose Doctrine is a court-created or legislatively established rule that holds the owner of an automobile liable for damages to others while a member of the family is driving a family vehicle, regardless of whether or not the owner gave permission. In states which apply this doctrine, the owner of a vehicle is financially responsible for the careless operation of the vehicle when it is being driven by other family members. This doctrine applies so long as the family member consensually used the vehicle for any family purpose. Typically, any family purpose will do, including driving for pleasure. Some states follow the doctrine and some do not. For those which do, the plaintiff must often show that the family vehicle was purchased and/or maintained for the owner's family pleasure and convenience and that the car was being used for such a purpose at the time of the accident in question. Liability under the Family Purpose Doctrine is "vicarious" because it exists in some states without regard to and in the absence of any fault on the part of the vehicle owner.

Parent or Sponsor Liability for Minor's Driving

Many states have passed parental liability laws that make a parent or sponsor liable for injuries or property damage caused by a minor driver's negligence. Known as "sponsorship laws", these laws typically provide that a minor must have a "sponsor" in order to obtain a driver's license. The sponsor is often, but not always, a parent. If the minor causes injury or damage while driving, these laws impute liability to the parent or sponsor. This can be true even if the parent/sponsor has no control over the minor and even if the parent or sponsor did not own the vehicle involved. In the United States, 27 states do not have a statute imputing liability to sponsors. Of the remaining 23 states which have a statute imputing liability to the parent or other adult sponsor, 14 do not impute any liability if the minor has liability insurance at the state required minimum and the minor has filed proof of liability insurance. Seven (7) states impose unlimited liability for the statutory sponsor.

Whether or not an owner has vicarious liability for the negligent operation of his or her vehicle by a bailee/permissive user of the vehicle also plays a significant role when the issue of imputed contributory negligence rears its ugly head. When an insurance company insures a vehicle whose owner has allowed a permissive user to drive the vehicle and is subsequently involved in a collision with a third party causing damage to the vehicle, the insurer will want to subrogate against the third-party tortfeasor and his or her insurer for 100% of the damages to the vehicle even if the third party and the bailee of the owner's vehicle are each at fault in causing the accident. Whether or not the contributory negligence of the permissive user is imputed against the owner so as to reduce the amount of collision damage the owner can recover (by the percentage of the bailee's fault) is frequently dependent on whether the owner is vicariously liable to the third party for the negligence of the permissive user/bailee under the laws of the state involved. This law contained in this chart then becomes invaluable in turning a partial recovery of property damages into a 100% recovery.

Permissive Use Coverage

Subrogation professionals should also always look to the owner's liability insurance coverage. Quite often, the owner's liability policy will provide liability coverage to the named insured and to any other person using the vehicle with the insured's permission, express or implied, within the scope of that permission. The question of whether an individual is a *permissive user* under the standard automobile liability policy can be difficult to answer. In some cases, the facts will establish that express permission has been given by the vehicle owner. Once it has been determined that permission was given by the owner, it must be established whether there was any communicated limitations as to the scope of permission. Each state has different approaches for determining how far a permissive driver may deviate from the scope of permissive use expressed and still be covered.

(1) *Initial Permission Rule*. Also referred to as the "Hell or High-Water Rule", this rule provides that once an owner/insured grants initial permission to the permittee, that permittee is covered regardless of how far the permissive user deviates from the terms and conditions of the permission granted;
(2) *Minor Deviation Rule*. When the permissive user materially deviates from the scope of initial permission, there is no coverage, but slight deviations are covered; and
(3) *Conversion Rule*. An entrusted vehicle must be used within the specific scope of the permission granted or there is no coverage.

In states which follow the *Initial Permission Rule*, so long as the initial use of the vehicle is with consent, any subsequent changes in the character or scope of the use does not require the additional specific consent of the insured. *French v. Hernandez*, 875 A.2d 943 (N.J. 2005). Coverage under the owner's policy is jeopardized only when the deviation from the original permission given amounts to theft or other conduct displaying an utter disregard for the safe keeping of the vehicle. *Barton v. U.S. Agencies Cas. Ins. Co*., 948 So.2d 1267 (La. App. 2007). In states which follow the *Minor Deviation Rule*, however, permissive use exists if the actual use of the vehicle does not materially violate the terms of the initial scope of permission given. What constitutes as "material" depends on the extent of the deviation in terms of the actual distance or time, the purpose for which the vehicle was provided, and any other relevant factors. *Tull v. Chubb Group of Ins. Cos*., 146 S.W.3d 689 (Tex. App. 2004).

It is not uncommon for owners to instinctively give statements claiming that they did not give permission to use the vehicle to the driver seeking coverage. This claim, true or not, is a natural reaction by a nervous insured that is unclear as to whether they will be held personally responsible for the acts of the permissive user. Even where express permission is determined not to be given, implied permission may still exist and should be thoroughly looked into during the claim/subrogation investigation.

Community Property Law

In a small number of jurisdictions which have the law of community property, the negligence of one spouse is still imputed to bar recovery by the other. Ordinarily, the negligence of the husband or wife does not bar the other spouse from recovery for personal injury or damage to his/her property. However, in a few states, by virtue of the state's law of community property, where the damages recoverable by either spouse for bodily or other physical harm are treated as community property, the contributory negligence of the spouse who does not suffer harm may be imputed to the other spouse who does, in order to prevent the negligent spouse from benefiting, as community owner, through his own fault. For example, see: Nevada: *Tinker v. Hobbs*, 294 P.2d 659 (Ariz. 1956); *Choate v. Ransom*, 323 P.2d 700 (Nev. 1958), Idaho: *Dallas Ry. & Term. Co. v. High*, 103 S.W.2d 735 (Tex. 1937). This chart does not address community property laws of each state.

Contribution Law

Whether or not a subrogated carrier can recover 100% of the damages to its insured's vehicle, damaged due to the negligence of a permissive user and tortfeasor, often depends on the ability of the tortfeasor to pursue the permissive user for contribution. A contribution claim is a claim brought by a joint tortfeasor who has paid all of the plaintiff's damages against another joint tortfeasor, seeking "contribution" in the amount that the percentage fault of the contribution defendant (driver of

the owner's vehicle) bears to the total damages it paid. For example, if the tortfeasor pays 100% of the damage to the owner's vehicle, but is only 50% at fault, in some states it can seek contribution of 50% of the damages it paid from the permissive user operating the plaintiff's vehicle at the time of the loss. This chart does not address contribution law. However, another MWL chart entitled "*Joint and Several Liability and Contribution Laws In All 50 States*" can be found HERE. If the driver is a permissive user and insured under the subrogated insurer's policy, a contribution action by the third-party tortfeasor against the driver will negate any benefit of being able to subrogate for 100% of the vehicle damages. Therefore, an understanding of contribution law is essential to effective auto property subrogation. Contribution claims are frequently asserted in the original lawsuit itself. The claim must be personally served on the new, contribution defendant by the contribution plaintiff. In some states, a contribution claim must be opened as a new case, and thus the defendant must institute an entirely new lawsuit following judgment or settlement of the first lawsuit. If the contribution defendant is an insured under the owner's policy, the subrogated insurer which has recovered 100% of the vehicle damages from the tortfeasor may be responsible for repaying 50% of those damages back to the tortfeasor as indemnity for the driver's 50% fault in causing the accident.

Pure Contributory Negligence States

Alabama, the District of Columbia, Maryland, North Carolina, and Virginia all follow the Pure Contributory Negligence Rule. Contributory negligence is negligent conduct on the part of the plaintiff/injured party that contributes to the negligence of the defendant in causing the injury or damage. The Pure Contributory Negligence Rule is literally a defense which says that a damaged party cannot recover any damages if it is even 1% at fault. The pure contributory negligence defense has been criticized for being too harsh on the plaintiff, because even the slightest amount of contributory negligence by the plaintiff which contributes to an accident bars all recovery no matter how egregiously negligent the defendant might be. However, it can be seen that if the contributory negligence of a permissive user of the vehicle can be imputed to the owner in an owner's action against a third-party tortfeasor, the owner's claim will be barred if the driver is even 1% at fault. Therefore, it becomes even more important to emphasize to liability claims adjusters that it is not imputed. In North Carolina, for example, despite clinging to the archaic Pure Contributory Negligence Rule, state courts have held that the doctrine of imputed contributory negligence does not bar recovery by the owner when the driver is partially at fault. *Etheridge v. Norfolk Southern Ry. Co.,* 171 S.E.2d 459 (N.C. App. 1970).

History of Imputed Contributory Negligence

The *imputed negligence doctrine* originally imputed the negligence of the driver of a vehicle to an owner/passenger. It was designed to provide a financially responsible defendant to victims of the driver's negligence. (Prosser, *Torts* § 73 (4th ed. 1971). It was soon applied, however, to bar plaintiffs from recovery due to their *imputed contributory negligence*. Prosser, *Torts* § 74 (4th ed. 1971). The right of an owner to control the vehicle was the basis for the doctrine. In the days of the horse and buggy, it was possible for an owner-passenger to exercise a degree of control over the driver. Traffic was light, the speed was slow, and the reins could be taken from the driver with relative ease. Thus, passenger control over the physical details of driving was a realistic possibility. Gradually, the imputed contributory negligence doctrine and the theory on which it is premised came under strong criticism. With the advent of the modern automobile, there was no longer any basis for assuming that the passenger, no matter what his relationship to the driver may be, has the capacity to assert control over or direct the operation of a moving automobile. The design of the vehicle, the high speeds at which it travels, and the split-second timing which is often necessary to avoid collision have all combined to erode the assumption that anyone other than the driver can effectively control the operation of the vehicle in traffic. The concept of imputed negligence and imputed contributory negligence has since been dissolved in every state, meaning that an owner of a vehicle can recover for the property damage to a vehicle caused by the negligence of a permissive user, provided the owner is not otherwise negligent or vicariously liable. Today, courts have recognized that there no longer is an ability of a passenger or owner to control a vehicle driven by a permissive user. The criticism rests on the practical consideration that, while back-seat driving is generally an annoyance, and sometimes a danger, it is almost never a physical fact. *Nationwide Mut. Ins. Co. v. Stroh,* 550 A.2d 373 (Md. 1988*).* Today, the *Restatement (Second) of Torts § 485* reads as follows:

§ 485 Imputed Negligence: General Principle

Except as stated in §§ 486, 491, and 494, a plaintiff is not barred from recovery by the negligent act or omission of a third person.

Comment:

a. The rule stated in this Section rejects, except as indicated by the reference to other Sections, the doctrine of "imputed contributory negligence," under which the plaintiff is barred from recovery against the defendant because the negligence of a third person, with whom the plaintiff stands in some relation, has contributed to his harm. During the latter part of the nineteenth century a good many courts "imputed" the negligence of the third person to the plaintiff in a number of situations, because of theories of a fictitious agency relation, which are now generally recognized as pure fiction, and no longer valid. Thus a passenger in a vehicle was held to be barred by the negligence of his own driver from recovery against a defendant who collided with the vehicle, on the basis that the driver was necessarily the agent of the plaintiff, even though the vehicle was that of a common carrier. Likewise a child was held to be barred from recovery against a defendant who injured him, by the negligence of a parent who had the child in custody, on the theory that the parent was the child's agent to look after him. There were similar imputations of the negligence of one spouse to the other, and of the negligence of a bailee to his bailor.

b. It is now generally recognized that such theories of agency are entirely fictitious, and the doctrine of imputed negligence has been largely discredited. It is now applied only in the limited number of respects. These are as follows:

1. The negligence of a servant acting within the scope of his employment is imputed to bar the recovery of his master. (See § 486.)
2. In a small number of jurisdictions which have the law of community property, the negligence of one spouse is still imputed to bar recovery by the other. (See § 487, Comment c.)
3. The negligence of one member of a joint enterprise is imputed to bar recovery by the others. (See § 491.)
4. In an action for death or loss of services, the negligence of the person who is injured bars recovery by the person who has been deprived of the relation. (See § 494.)

c. With these exceptions, the common law no longer imputes the negligence of a third person to the plaintiff to bar his recovery for the harm he has suffered, even in situations where he would be liable for that negligence as a defendant in an action brought by a third person.

d. The rule stated in this Section may, however, be affected by statute. For example, there are statutes which make the owner of an automobile liable as a defendant for any harm done to others by the negligence of any one driving it with the consent of the owner. If the purpose of such a statute is found to be to make the owner responsible in all respects for the negligence of the driver, it may be construed to impute the negligence of the driver to the owner to bar his recovery for harm to the automobile. On the other hand, if the purpose of the statute is found to be merely to give greater opportunity for recovery to third persons injured by the negligent operation of automobiles, by affording an action against a financially responsible defendant, it may be construed to have no such effect in imputing the negligence to the owner to bar his own recovery.

The following chart provides the law in each state which rejects the application of the old "imputed contributory negligence" law. This is the law to be cited to the liability claims adjuster on the other side when you are subrogating for property damage to a vehicle which was not driven by your insured. It also sets forth the law of each state which serves as an exception to the rule. These exceptions include the vicarious liability of a vehicle owner for the negligence of a permissive user of the vehicle. The concept of imputed contributory negligence arises in two contexts:

(1) The owner sues the tortfeasor for damage to his/her vehicle which was driven by a permissive user and both the permissive user and tortfeasor were jointly and severally at fault, and

(2) The owner/passenger sues the driver for an accident involving another vehicle and both vehicles were at fault. The issue in both contexts is whether the driver's comparative fault is imputed to the owner.

Obviously, the owner of the damaged vehicle is not at fault in causing the accident, and if the permissive user's negligence cannot be imputed against him, the owner will be able to recover 100% of the damage to his vehicle even if the permissive driver of his vehicle was 25% at fault in causing the accident. However, contributory negligence will be imputed where the owner of the vehicle is vicariously liable for the actions and negligence of the permissive user by operation of law. Vicarious liability arises under operation of law when there is an agency or partnership relationship, an employer/employee relationship, statutory liability for the driving of a minor, a joint enterprise, a Family Purpose Doctrine at play, or the existence of a vicarious liability statute with regard to owner. Therefore, familiarity with the vicarious liability law of a state, as set forth in the chart below, becomes indispensable in handling even routine claims involving an automobile accident where a vehicle involved was driven by somebody other than the owner of that vehicle. Note, however, that a complete understanding of the claim and liability environment in an accident involving such circumstances requires becoming intimately familiar with the precarious intersection of comparative fault, joint and several liability, guest statutes, contribution, vicarious liability, and imputed contributory negligence. These concepts are covered and discussed in other MWL charts which can be found on our website.

The following chart provides an overview of the most applicable law in each state which bears on whether and/or when the contributory negligence of a permissive user of a vehicle can be imputed against the owner in a claim brought by the owner for personal injuries (*e.g.,* owner-passenger in vehicle driver by permissive user) or property damage (owner sues third-party tortfeasor for damages caused to the owner's vehicle while the vehicle was being driven by the permissive user. It also includes law on the *vicarious liability* of the owner of a vehicle for the negligent acts of a permissive user. This includes vicarious liability statutes, the Family Purpose Doctrine and a sponsor's liability for a minor's driving. It also describes the guest statutes of the three states which still have one (Alabama, Illinois, and Indiana). It does not cover permissive user insurance coverage under the owner's policy, which often varies with the specific terms of the insurance policy involved. For more information on these and other theories of recovery, see our book, *Automobile Insurance Subrogation In All 50 States*, which can be found HERE.

When attempting to subrogate for vehicle damage resulting from an accident in which the insured was not driving the insured vehicle, make a 100% demand on the third-party's liability carrier for 100% of the vehicle damage, citing state law which rejects the Imputed Contributory Negligence Rule. Leave it to the other side to figure out why they are or are not responsible for 100% of the damages even though they feel that your driver was 25% at fault. This avoids all arguments regarding percentages of fault, unless and until they piece together the other parts of the imputed contributory negligence puzzle, pointing out that they have a right of contribution for which the subrogated carrier will have to indemnify them, or that there is some sort of vicarious liability statute or law in place which allows your driver's negligence to be imputed to your insured owner.

For another chart which concerns itself with the *Parental Responsibility Laws In All 50 States*, governing liability for a child's vandalism or intentional/willful acts, see HERE. For questions regarding liability and recovery of damages involving automobile accidents, please contact Gary Wickert at gwickert@mwl-law.com.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
ALABAMA	Driver's negligence is not imputed to owner of the vehicle unless agency or other relationship existed. *Teague v. Motes*, 330 So.2d 434 (Ala. App. 1976). Negligence of the driver will not bar recovery of a plaintiff passenger unless the passenger assumed control of the vehicle. *Johnson v. Battles*, 52 So.2d 702 (Ala. 1951).	No vicarious liability statute. Owner not responsible for actions of permissive user. Vehicles are not dangerous instrumentalities. Ala. Stat. § 6-5-71. No Family Purpose Doctrine. Alabama is one of three states with a Guest Statute which states no driver is liable for the injury of a passenger unless willful or wanton. Ala. Stat. § 32-1-2. (See Ill. & Ind.)	No Sponsorship Liability Statute.
ALASKA	No case law. This is likely because Alaska became a state in 1959, long after the Imputed Contributory Negligence Doctrine had been abandoned in other states.	No Vicarious Liability Statute. Family Purpose Doctrine: Owner of vehicle purchased and maintained for use of owner's family is liable for injuries and damage while it is being used by a family member. *Burns v. Main*, 87 F.Supp. 705 (D. Alaska 1950).	Alaska Stat. § 28.15.071: Parents, guardian, or responsible adult who signed for minor to receive drivers' license will be liable for negligence or willful misconduct of minor while driving a motor vehicle.
ARIZONA	Negligence of the driver will not be imputed to or bar recovery of damages by an owner/passenger unless special relationship, such as master and servant or joint enterprise, exists. *Reed v. Hinderland*, 660 P.2d 464 (Ariz. 1983).	No Vicarious Liability Statute. Family Purpose Doctrine applies when: (1) there is a family with sufficient unity so that there is a head of the family; (2) the vehicle is furnished by the head of the family to a member of the family; and (3) the vehicle is used by the family member with the implied or express consent of the head of the family for a family purpose. *Young v. Beck*, 231 P.3d 940 (Ariz. App. 2010), *aff'd*, 251 P.3d 380 (Ariz. 2011).	A.R.S. § 28-3160: If a minor is guilty of negligence or willful misconduct while driving a motor vehicle, liability will be imputed to the person who signed the minor's application for a drivers' license. The Family Purpose Doctrine is not abrogated by A.R.S. § 28-3160. See *Country Mut. Ins. Co. v. Hartley*, 204 Ariz. 596, 65 P.3d 977 (Ct. App. Div. 1 2003).

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
ARKANSAS	Negligence of driver cannot be imputed to owner in owner's suit for property damage resulting from collision with third party in which driver was contributorily negligent. *Willingham v. S. Rendering Co.*, 394 S.W.2d 726 (Ark. 1965); *Missouri Pac. R. Co. v. Boyce*, 270 S.W. 519 (Ark. 1925).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Bieker v. Owens*, 350 S.W.2d 522(Ark. 1961).	A.C.A. § 27-16-702: Parent or guardian who signs application for drivers' license will be liable with the minor for any damages caused by the negligence or willful misconduct operation of motor vehicle. If the statute is applicable, the parent is liable, regardless of whether he knew or consented to the use of the automobile. *Ross v. Vaught*, 246 Ark. 1002, 440 S.W.2d 540 (1969). Person may also be vicariously liable if minor permitted to drive and the minor's operation of a motion vehicle proximately caused damages. Ark. Model Jury Instr., Civil AMI 802 and 804; *Garrison v. Funderbunk*, 561 S.W.2d 73 (Ark. 1978).
CALIFORNIA	Contributory negligence of the driver of a vehicle is not ordinarily imputable to his passenger or guest; unless the parties are engaged in a common or joint enterprise, contributory negligence of one will not bar recovery by the other. *Pope v. Halpern*, 193 Cal. 168, 223 P. 470 (1924). In 1967, § 17150 was amended to remove the words "*and the negligence of such person shall be imputed to the owner for all purposes of civil damages*." This reinstated the common law rule that contributory negligence of a bailee of a vehicle is not imputed to the owner of the vehicle in action against third-party tortfeasor to recover for damages to vehicle. *Hertz Corp. v. Pippin*, 113 Cal. Rptr. 698, 700 (Cal. App. 1974).	Every owner of a motor vehicle is liable for injury or damage caused by negligent operation of vehicle by any person using a vehicle with permission, express or implied, of the owner. California Vehicle Code § 17150. Limited to $15,000/$30,000/$5,000. California Vehicle Code § 17150. No Family Purpose Doctrine. *Spence v. Fisher,* 193 P. 255 (Cal. 1920).	California Vehicle Code § 17707: Person verifying minor's license application liable for driving of minor. California Vehicle Code § 17708: Parents jointly and severally liable for negligent driving of child.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
COLORADO	A driver's negligence may not be imputed to the owner of a vehicle so as to limit an owner's recovery for injuries or damage unless the owner-passenger is independently negligent and that negligence causes the injury. *Watson v. Reg'l Transp. Dist.*, 762 P.2d 133 (Colo. 1988).	No Vicarious Liability Statute. To establish liability under the Family Car Doctrine, a plaintiff must establish that (1) the defendant is the head of the household; (2) the negligent driver is a member of the household; (3) the driver was given express or implied permission to operate the vehicle; and (4) the defendant owns or has control over the vehicle. *Peterson v. Halsted*, 829 P.2d 373 (Colo. 1992); Colo. Jury Instr., 4th Civil 11:18.	If minor is guilty of negligence or willful misconduct while driving a motor vehicle, liability will be imputed to the person who signed the affidavit of liability associated with the minor's application for a drivers' license. C.R.S. § 42-2-108. When the Family Car Doctrine applies, it will impute unlimited liability to the parents. Therefore, this statute is important in cases of minors operating cars that are neither owned, nor controlled, by the head of the household, or when the parent who signed the affidavit is not the same person subject to vicarious liability under the Family Car Doctrine.
CONNECTICUT	Contributory negligence of driver is not imputed to owner of vehicle in action for recovery of damages to vehicle against third-party defendant resulting from negligence of third party. *Levy v. Senofonte*, 204 A.2d 420, 426 (Conn. Cir. Ct. 1964). However, when Family Car Doctrine is in effect, action for property damage resulting from collision between owner's wife and third party will be defeated by imputed contributory negligence of wife. *Ustjanauskas v. Guiliano*, 225 A.2d 202 (Conn. 1966).	Driver is presumed to be the agent and servant of the owner of vehicle and operating it in the course of his employment. The defendant shall have the burden of rebutting the presumption. C.G.S.A. § 52-183. Connecticut adheres to the Family Car Doctrine. Operation by family member raises presumption that vehicle was family vehicle and was being operated as such within the scope of general authority from the owner, which the defendant must rebut. C.G.S.A. § 52-182. Vicarious liability imputed to owner on basis of agency and is applicable equally to all parties whether they are plaintiffs or defendants. *Ustjanauskas v. Guiliano*, 26 Conn. Supp. 387, 225 A.2d 202 (Super. Ct. 1966); *Hunt v. Richte*r, 163 Conn. 84, 88, 302 A.2d 117, 119 (1972).	No Sponsorship Liability Statute.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
DELAWARE	The contributory negligence of a permissive user is not imputed to the owner in an owner's action against a third-party tortfeasor for causing damage to the owner's vehicle in a collision. *Westergren v. King*, 99 A.2d 356, 358 (Del. Super. 1953). Negligence of a minor driver is not imputed to owner under § 6104 (making owner vicariously liable for negligence of minor diving with owner's consent) because the language of the statute does not alter the common law rule preventing same.	No Vicarious Liability Statute. No Family Purpose Doctrine. *Markland v. B.O.R.R Co.*, 351 A.2d 89 (Del. Supr. 1976).	21 Del. C. § 6104: Under Delaware law, a parent or guardian who signs a minor's application for a driver's license is liable, along with the minor, for damages caused by the minor's negligent operation of a vehicle on a highway. 21 Del. C. § 6105: Owner of vehicle liable for damages caused by minor given permission to operate vehicle.
DISTRICT OF COLUMBIA	Negligence of permissive user cannot be imputed to owner, unless so done by statute. *Nash v. Holzbeierlein & Sons*, 68 A.2d 403 (D.C. 1949).	Driver is statutorily deemed to be an agent of the owner and, therefore, the owner is responsible for the operator's negligence. The law, however, allows the owner to produce evidence to disprove this. D.C. Code § 50-1301.08. No Family Purpose Doctrine.	No Sponsorship Liability Statute.
FLORIDA	Driver's negligence is not imputed to the owner-in an action by the latter directly against the actively negligent driver. *Weber v. Porco,* 100 So.2d 146 (Fla. 1958); *Kaczmarek v. Kelly,* 479 So.2d 222 (Fla. App. 1985).	Florida judicially imposes strict vicarious liability on any owner (not just head of family) who entrusts vehicle to an individual whose negligent operation of the vehicle causes injury or property damage. Florida is the only state with this strict vicarious liability law. *Aurbach v. Gallina*, 753 So.2d 60 (Fla. 2000). No Family Purpose Doctrine.	F.S.A. § 322:09: Any negligence or willful misconduct of the minor when driving a motor vehicle shall be imputed to the person who signed the application. The minor and his parent or guardian will be jointly and severally liable for any damages caused by the minor's misconduct.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
GEORGIA	The contributory negligence of a permissive user of the owner's vehicle is not imputed to the owner in an action by the owner against a third party, unless the owner had the ability to control and influence the driver's conduct. *Floyd v. Colonial Stores, Inc.*, 176 S.E.2d 111 (Ga. App. 1970); *Hightower v. Landrum*, 136 S.E.2d 425 (Ga. App. 1964). Negligence is imputed if agency/ principal, parent child. Ga. Stat. §§ 51-2-1 and 51-2-2.	To establish a claim under the Family Purpose Doctrine (1) defendant must own or have an interest in or control over the automobile; (2) defendant must have made the automobile available for family use; (3) driver must be a member of defendant's immediate household; and (4) vehicle must have been driven with the permission or acquiescence of the defendant. *Hicks v. Newman*, 283 Ga. App. 352, 353, 641 S.E.2d 589 (2007). Alternatively, some Georgia courts require (1) the owner must have given permission to a family member to drive the vehicle; (2) the owner must have relinquished control of the vehicle to the family member; (3) the family member must be in the vehicle; and (4) the vehicle must be engaged in a family purpose. *Danforth v. Bulman*, 276 Ga. App. 531, 532(1), 623 S.E.2d 732 (2005).	No Sponsorship Liability Statute.
HAWAII	No Caselaw This is likely because Hawaii became a state in 1959, long after the Imputed Contributory Negligence Doctrine had been abandoned in all the other states.	No Vicarious Liability Statute. No Family Purpose Doctrine	Haw. Rev. Stat. § 286-112 Joint and several liability is imposed on the person verifying a minor's driver's license.
IDAHO	Negligence of the operator is imputed to owner, via § 49-2417 [then § 49-1404] in all actions by or against third persons for civil damages. *Bush v. Oliver,* 386 P.2d 967 (Idaho 1963). Negligence of driver is not imputed to owner/passenger unless there was joint enterprise. *Gardner v. Hobbs*, 206 P.2d 539 (Idaho 1949).	The owner of a vehicle is automatically liable for the negligence of any permissive driver of that vehicle, up to the minimum limits of insurance required in Idaho. Idaho Code § 49-2417. No Family Purpose Doctrine.	Idaho Code Ann. § 49-310(3): Any negligence or willful misconduct of the minor when driving a motor vehicle shall be imputed to the person who signed the application unless the minor has proof of financial responsibility as required under Idaho's motor vehicle financial responsibility law (unless liability insurance is maintained on behalf of the minor).

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
ILLINOIS	Negligence of a driver is not imputed to an owner or passenger unless there is a finding of a master/servant relationship or a joint enterprise. Liability attaches only if the owner is independently negligent. *Bauer v. Johnson*, 403 N.E.2d 237 (Ill. 1980). Negligence of driver cannot be imputed to owner suing third party for damage to vehicle, absent showing of *respondeat superior* or joint enterprise relationship. *Universal Underwriters Ins. Co. ex rel. Manley Ford v. Long*, 574 N.E.2d 1284 (Ill. App. 1991).	No Vicarious Liability Statute. No Family Purpose Doctrine. Any negligence or willful misconduct of the minor when driving a motor vehicle shall be imputed to the person who signed the application. *White v. Seitz,* 342 Ill. 266 (Ill. 1930). Illinois is one of three states with a guest statute (See Ala. & Ind.). Driver not liable for injury to hitchhiker. 625 I.L.C.S. § 5/10-201. However, there is a general presumption of agency as between the owner of a vehicle and a driver. The owner must show that the driver was, in fact, not acting in capacity of the owner's agent at the time of the incident. *DeLeonardis v. Checker Taxi Co.*, 545 N.E.2d 155 (Ill. App. 1989).	No Sponsorship Liability Statute.
INDIANA	Negligence of minor driver not imputed to owner father in father's action for recovery of damages to vehicle, unless there was evidence of negligent entrustment. *Wenisch v. Hoffmeister*, 342 N.E.2d 665 (Ind. App. 1976).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Wimp v. Anthis,* 396. N.E.2d 918 (Ind. App.1979). Indiana is one of three states with guest statute (See Ala. & Ill.). Driver is not liable for injury to parent, spouse, child, step-child, brother, sister, or hitchhiker. I.C. § 34-30-11-1.	I.C. §9-24-9-4(a): Person who signs an application for a permit or driver's license is jointly and severally liable with the minor for damages resulting from the minor's operation of a motor vehicle.
IOWA	The contributory negligence of a permissive user is not imputed to the owner when the owner sues a third-party for injuries or damage to his vehicle. *Stuart v. Pilgrim,* 74 N.W.2d 212 (Iowa 1956). Vicarious liability statute (§ 321.493) does not allow the contributory negligence of a permissive user to be imputed against the owner. *Id.*	Iowa's Motor Vehicle Consent Statute (Owner's Responsibility Law) makes the owner of a vehicle liable for the negligence of a driver operating the vehicle with consent. Exception is vehicle over 7,500 lbs. rented for less than one year. I.C.A. § 321.493. No Family Purpose Doctrine. *Bridges v. Welzien,* 300 N.W. 659 (Iowa 1941*).*	No Sponsorship Liability Statute.
KANSAS	A driver's contributory negligence is not imputed to an owner in the owner's action against a third party for property damage to the vehicle. *Hartley v. Fisher*, 566 P.2d 18 (Kan. App. 1977).	No Vicarious Liability Statute. Kansas does not recognize the Family Purpose Doctrine. *Mirick v. Suchy*, 74 Kan. 715, 87 Pac. 1141 (1906); *Hartley v. Fisher*, 566 P.2d 18 (Kan. App.1977).	K.S.A. § 8-222: Any owner of a motor vehicle, parent or otherwise, who knowingly permits a minor under the age of 16 to drive the vehicle on a highway shall be jointly and severally liable with such minor for any damages caused by the minor's negligence.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
KENTUCKY	The contributory negligence of a driver will not be imputed to the owner, in an action for damages, unless the relationship between them is such that the plaintiff would be liable as defendant for harm caused to others by such negligent conduct of the third person. K.R.S. § 186.590 was intended only to provide another source of recovery of damages when a minor driver is at fault, and does not mean that the contributory negligence of the minor driver will be imputed to the owner. *Sizemore v. Bailey,* 293. S.W.2d 165 (Ky. App. 1956).	No Vicarious Liability Statute. Kentucky recognizes the Family Purpose Doctrine. *Keeney v. Smith*, 521 S.W.2d 242 (Ky. 1975).	K.R.S. § 186.590(1): Any negligence of a minor driver shall be imputed to the person who signed the application of the minor for the license. That person shall be jointly and severally liable with the minor for any damages caused by the negligence.
LOUISIANA	Contributory negligence of driver is not imputed to owner of vehicle (or to his subrogated property insurer) unless the relationship between them is such that the owner would be vicariously liable for damages caused by such negligent conduct of the third person. *North River Ins. Co. v. Allstate,* 132 So.2d 90 (La. App. 1961); *Gautreaux v. Faucheaux*, 105 So.2d 537 (La. App. 1958).	No Vicarious Liability Statute. Louisiana does not recognize the Family Purpose Doctrine. *Davis v. Shaw*, 142 So. 301 (La. App. 1932)	La. Stat. Ann. § 32:417: A person who allows an unlicensed person under the age of 17 to drive is jointly and severally liable for damages caused by the negligence or willful conduct of the minor. LA C.C. Art. 2318: Parents are liable for damage caused by their child.
MAINE	Contributory negligence of driver is not imputed to owner seeking to recover from tortfeasor for property damage to vehicle. *Tibbits v. Harbach,* 198 A. 610 (Me. 1938). However, the opposite is true if the driver was operating the vehicle as the agent of the owner. *Robinson v. Warren,* 177 A. 237 (Me. 1935).	Maine has three statutes which impose joint and several liability for entrustment of vehicles as follows (1) permissive user is a minor, Tit. 29, § 1651; (2) person in business of renting vehicles jointly and severally liable with driver, Tit. 29, § 1652; and (3) owner allows impaired person to drive (codifies common law negligent entrustment) Tit. 29, § 1653. Maine does not recognize the Family Purpose Doctrine. *Pelletier v. Mellon Bank, N.A.,* 485 A.2d 1002 (Me. 1985).	29-A M.R.S.A. § 1651: An owner who knowingly permits a minor to operate that owner's vehicle on a public way is jointly and severally liable with that minor for damages caused by the negligence of the minor in operating that vehicle. 14 M.R.S.A § 304: Parents are liable for willful/malicious damage to person or property.
MARYLAND	Contributory negligence of co-owner husband driver is not imputed to co-owner wife passenger suing for damages. The same is true in non-owner driver situations. *Nationwide Mut. Ins. Co. v. Stroh*, 550 A.2d 373 (Md. 1988).	No Vicarious Liability Statute. Maryland does not recognize the Family Purpose Doctrine. *Toscano v. Spriggs*, 343 Md. 320, 681 A.2d 61 (1996).	§ 16-107: Drivers' license application must be cosigned by parent or guardian, who will then be liable for negligent operation by minor.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
MASSACHUSETTS	Where driver was not agent of owner, driver's negligence was not imputed to owner in owner's suit against third-party tortfeasor for property damage to vehicle. *Gibbons v. Denoncourt,* 9 N.E.2d 633 (Mass 1937).	No Vicarious Liability Statute. No Family Purpose Doctrine.	No sponsorship statute. However, liability can be statutorily imposed on parents for a minor's willful act that causes damages to property or injury to a person under M.G.L.A. 231 § 85G.
MICHIGAN	Driver's contributory negligence could not be imputed to owner in owner's suit for damage to vehicle caused by third party, but the driver's negligence is imputed to owner if owner is employer of driver. *Nagele-Kelly Mfg. Co. v. Hannak*, 164 N.W.2d 540 (Mich. App. 1968). Driver's negligence is not imputed to owner by virtue of vicarious liability statute. M.C.L.A. § 257.401; *Id*. Co-ownership of vehicle by husband and wife does not give a realistic right of control so as to allow imputed contributory negligence. *Stover v. Patrick*, 459 S.W.2d 393 (Mo. 1970).	Owner is liable for an injury caused by the negligent operation of the motor vehicle driven with owner's express or implied consent or knowledge. It is presumed that the motor vehicle is being driven with the knowledge and consent of the owner if it is driven at the time of the injury by his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the family. M.C.L.A. § 257.401. No Family Purpose Doctrine. *Shaler v. Reynolds,* 360 Mich. 688, 104 N.W.2d 779 (1960).	No sponsorship liability statute. However, liability can be statutorily imposed on parents if a minor willfully and maliciously causes damages to property or injury to a person under M.C.L.A. § 600.2913.
MINNESOTA	Negligence of driver is not imputed to owner, absent control or special relationship such as master/servant. *Weber v. Stokely-Van Camp, Inc.*, 144 N.W.2d 540 (Minn. 1966); *Thomas Oil, Inc. v. Onsgaard*, 215 N.W.2d 793 (Minn. 1974).	If vehicle driven with consent of owner, the driver is deemed to be the agent of the owner and owner is liable for any damages resulting from operation of vehicle. M.S.A. § 169.09, subd. 5a. The Family Purpose Doctrine is no longer valid in Minnesota because it has been replaced by M.S.A § 169.09. *Jacobsen v. Dailey,* 228 Minn. 201, 201, 36 N.W.2d 711, 712 (1949).	No sponsorship liability statute. However, under M.S.A § 540.18, liability is imposed on parents when child willfully or maliciously causes damage to property or injury to persons.
MISSISSIPPI	Contributory negligence of driver is not imputable to wife/passenger and she could recover from the negligent tortfeasor and from such tortfeasor's employer for injuries which she sustained in collision. *McCorkle v. United Gas Pipe Line Co.*, 175 So.2d 480 (Miss. 1965).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Smith v. Dauber*, 155 Miss. 694, 125 So. 102, 103 (1929); *Prewitt v. Walker*, 231 Miss. 860, 97 So.2d 514, 516 (1957); *Warren ex rel. Warren v. Glascoe*, 852 So.2d 634, 638 (Miss. Ct. App. 2003), *aff'd*, 880 So.2d 1034 (Miss. 2004).	Miss. Code. Ann. § 63-1-25: Negligence or willful misconduct of a minor under 17 while driving a motor vehicle shall be imputed to the person who signs the minor's driver's application.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
MISSOURI	Driver's contributory negligence cannot be imputed to owner suing third party for damages to vehicle in collision; unless there is joint enterprise. *MacArthur v. Gendron,* 312 S.W.2d 146 (Mo. App. 1958). Joint ownership of automobile is not sufficient basis for imputing negligence of driver-spouse to passenger-spouse. Trip for family purpose doesn't allow for this either. *Stover v. Patrick*, 459 S.W.2d 393 (Mo. 1970).	No Vicarious Liability Statute. Missouri recognizes the Family Purpose Doctrine. *Mebas v. Werkmeister*, 221 Mo. App. 173, 299 S.W. 601 (1927).	No sponsorship liability statute. However, under Mo. Rev. Stat. § 302.250, a parent will be held liable when they knowingly allow a minor under 16 years of age to use their motor vehicle.
MONTANA	Contributory negligence of driver cannot be imputed to owner in owner's suit against tortfeasor for damages to vehicle, unless driver is agent of owner. *Smith v. Babcock*, 482 P.2d 1014 (1971). Where husband-passenger and wife-driver were not engaged in joint venture, contributory negligence will not be imputed to former. *Sumner v. Amacher,* 437 P.2d 630 (Mont. 1968).	No Vicarious Liability Statute. Montana does not recognize the Family Purpose Doctrine. A family relationship alone cannot create liability in one family member for another family member's negligence related to operation of a family vehicle. *Clawson v. Schroeder*, 63 Mont. 488, 208 P. 924 (1922); *Styren Farms, Inc. v. Roos*, 2011 MT 299, 363 Mont. 41, 265 P.3d 1230 (2011).	Mont. Code Ann. § 61-5-108(2): A minor's application for a drivers' license must be signed by parent or adult willing to assume liability for result of minor's negligence, unless a policy of insurance is in place to provide coverage for said minor.
NEBRASKA	Contributory negligence of family-purpose driver is not imputed to family-purpose owner suing third party for property damage to vehicle. *Russell v. Luevano,* 452 N.W.2d 43 (Neb. 1990). The contributory negligence of an owner-husband will not be imputed to owner-wife who was passenger in suit for damages to vehicle by wife. *Bartet v. Glasers Provisions Co.,* 71 N.W.2d 466 (Neb. 1955).	No Vicarious Liability Statute. Family Purpose Doctrine applies where head of family furnishes vehicle for use and pleasure of family, driver is family member, and driver was at time of accident using automobile with authority and consent of head of family. *Marcus v. Everett*, 239 N.W.2d 487 (Neb. 1976).	No sponsorship liability statute. However, under Neb. Rev. Stat. § 43-801, liability imposed on parents when child willfully or intentionally causes injury to person or damage to property.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
NEVADA	Contributory negligence of driver of vehicle is not imputed to owner in action for damages by owner against third party. *Rockey Mountain Produce Trucking Co. v. Johnson,* 369 P.2d 198 (Nev. 1962). Family Purpose Statute is "liability" statute and does impute family-purpose driver's contributory negligence to family-purpose owner in suit against third party for damages. *White v. Yup,* 458 P.2d 617 (Nev. 1969).	No Vicarious Liability Statute. Family Purpose Statute expanded to impose liability on owner for any negligence of wife, husband, son, daughter, father, mother, brother, sister, or other immediate member of family operating vehicle with permission. Does not require a "family purpose." N.R.S. § 41.440; *Arata v. Faubion*, 123 Nev. 153, 161 P.3d 244 (2007).	N.R.S. § 483.300: Joint and several liability imposed on parents who signs a child's driver's application and child willfully or negligently causes injury or property damage while operating motor vehicle.
NEW HAMPSHIRE	Contributory negligence of driver is not imputed to owner-passenger suing third party for damages. *Baker v. Lord,* 409 A.2d 789 (N.H. 1979). Imputed contributory negligence is limited to cases where there is a right to control, such as master/servant, principal/agent or joint enterprise. *Clough v. Schwartz,* 48 A.2d 921 (N.H. 1946).	No Vicarious Liability Statute. Family Purpose Doctrine in no longer recognized in New Hampshire. *Moulton v. Langley*, 81 N.H. 138, 124 A. 70 (1923); *Lafond v. Richardson*, 84 N.H. 288, 149 A. 600 (1930).	No Sponsorship Liability Statute.
NEW JERSEY	Contributory negligence of permissive user of vehicle is not imputed to owner when owner sues third party to recover for damages to vehicle. *Motorlease Corp. v. Mulroony,* 81 A.2d 25 (N.J. 1951).	No Vicarious Liability Statute. An agency relationship is created when one family member performs an act for another. When one member of the family is acting for a "family purpose" it may justify holding the head of the family vicariously liable for the driver's negligent operation of a motor vehicle. *Willett v. Ifrah,* 298 N.J. Super. 218, 219, 689 A.2d 195, 195 (App. Div. 1997).	No Sponsorship Liability Statute.
NEW MEXICO	Driver's contributory negligence is not imputed to owner in action against third party for property damage to vehicle, even if driver/owner is husband/wife. *Pavlos v. Albuquerque Nat. Bank,* 487 P.2d 558 (N.M. App. 1971).	No Vicarious Liability Statute. The Family Purpose is recognized in New Mexico based on agency. *Madrid v. Shryock*, 1987-NMSC-106, 106 N.M. 467, 468, 745 P.2d 375, 376.	N.M.S.A § 66-5-11: Liability imposed on parents when a child commits willful or negligent acts in operation of motor vehicle and parent signed child's application for driver's license or permit.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
NEW YORK	A driver's contributory negligence is not to be imputed to owner/passenger "no matter what his relationship to the driver may be", unless it is shown that the owner's negligence contributed to the injury. (Joint Enterprise expense sharing business trip). *Kalechman v. Drew Auto Rental, Inc.,* 308 N.E.2d 886 (N.Y. 1973). N.Y. Veh. & Traffic Law § 388 does not operate to impute contributory negligence of the driver to the owner. It is only a liability statute. *Schuyler v. Perry,* 886 N.Y.S.2d 228 (N.Y. App. 2009).	Every owner of a vehicle used or operated in New York is jointly and severally liable for injuries or damage to person or property resulting from the negligent use or operation of the vehicle by any person with permission - express or implied. N.Y. Veh. & Traffic Law § 388. New York does not recognize the Family Purpose Doctrine because it has a vicarious liability statute. *Cherwien v. Geiter*, 272 N.Y. 165, 168, 5 N.E.2d 185, 187 (1936).	No Sponsorship Liability Statute.
NORTH CAROLINA	Negligence of driver is not imputable to passenger having no control. *Williams v. Seaboard Air Line Ry. Co.*, 121 S.E. 608 (N.C. 1924). Where husband and wife were joint owners of vehicle being driven by husband with wife's consent for a common purpose, they were engaged in a joint enterprise and the husband's contributory negligence was properly imputed to the wife's third-party claim. Husband present in vehicle with right to control details of its use. *Etheridge v. Norfolk Southern Ry. Co.,* 7 N.C. App. 140, 171 S.E.2d 459 (1970). To avoid imputed contributory negligence of driver, the owner must show a bailment by which owner relinquished control of vehicle and the right to control the details of its use. *Id.* Owner-occupier doctrine holds that when owner is also occupant of vehicle, owner is presumed to have right to control and direct its operation, and negligence of driver is imputed to owner. *Monk v. Cowan Transp.,* 468 S.E.2d 407 (N.C. 1996).	No Vicarious Liability Statute. The Family Purpose Doctrine prevails in North Carolina. The Family Purpose Doctrine imposes liability upon the owner or person in ultimate control of a motor vehicle for its negligent operation by another when (1) the operator was a member of his family or household and was living in his home; (2) the vehicle was owned, provided, and [or] maintained for the general use, pleasure, and convenience of his family; and (3) at the vehicle was being so used by a member of his family at the time of the accident with his express or implied consent. *Williams v. Wachovia Bank & Trust Co.,* 233 S.E.2d 589 (N.C. 1977).	No Sponsorship Liability Statute.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
NORTH DAKOTA	Contributory negligence of driver not imputed to owner-passenger suing third party for damages. *Jasper v. Freitag,* 145 N.W.2d 879 (N.D. 1966); *Mertz v. Weibe,* 180 N.W.2d 664 (N.D. 1970). Also not imputed to owner who is not a passenger. *Matteson v. Polanchek,* 164 N.W.2d 54 (N.D. 1969). However, even though it admits weight of authority is against doing so, court held that Family Purpose Doctrine imputes contributory negligence of driver to owner for purposes of owner's suit against third party to recover for damage to his vehicle. *Schobinger v. Ivey,* 467 N.W.2d 728 (N.D. 1991), overruling *Brower v. Stoltz*, 121 N.W.2d 624 (N.D. 1963).	No Vicarious Liability Statute. North Dakota recognizes the Family Car Doctrine. Whether the doctrine applies, depends on the totality of the circumstances. While ownership of the vehicle by the head of the household is a circumstance strongly favoring application of the family car doctrine, to be liable, the head of the household must furnish, but need not own, the vehicle for the use, pleasure, and business of himself or a member of his family. *McPhee v. Tufty,* 623 N.W.2d 390 (N.D. 2001).	N.D.C.C. § 39-06-09: Joint and several liability imposed on parents when child commits negligent acts in operation of motor vehicle, such as negligent acts that harm people or property, and parent signed child's application for license or permit.
OHIO	Doctrine of imputed contributory negligence not followed in Ohio, unless there is a joint enterprise. *Parton v. Weilnau,* 158 N.E.2d 719 (Ohio 1959). Ohio Stat. § 4507.07 also imputes contributory negligence of minor driver to owner who signs driver's license application. *Hartough v. Brint,* 140 N.E.2d 34 (Ohio App. 1955).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Wilson v. Herd*, 1 Ohio App.2d 195, 30 Ohio Op.2d 238, 204 N.E.2d 389 (3rd Dist. Union County 1965).	Ohio Stat. § 4507.07: Any negligence or willful or wanton misconduct of a minor under 18 years of age, when driving a motor vehicle on a highway, is imputed to the person who has signed the application of the minor absent proof of financial responsibility.
OKLAHOMA	Contributory negligence of driver is not imputed to owner in owner's action against third-party tortfeasor, unless there is a joint enterprise or joint venture. *Reeves v. Harmon,* 475 P.2d 400 (Okla. 1970).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Traber v. House,* 240 P. 729 (Okla. 1925).	Okla. Stat. Ann. Tit. 47, § 6-107: Any negligence by a minor while driving a motor vehicle will be imputed to the parent/adult who signed their drivers' license application.
OREGON	Contributory negligence of owner-husband driver is not imputed to wife-passenger in wife's action against third party. Joint control must be shown. *Ditty v. Farley,* 347 P.2d 47 (Or. 1959); *Johnson v. Los Angeles-Seattle Motor Express*, 352 P.2d 1091 (Or. 1960).	No Vicarious Liability Statute. Oregon recognizes the Family Purpose Doctrine. Liability may be imposed on an owner who maintains a vehicle for the pleasure or convenience of the owner's family if a member of the family negligently uses the car for pleasure or convenience with the knowledge and consent of the owner. *Maquiel v. Adkins,* 27 P.3d 1050 (Or. App. 2001).	No Sponsorship Liability Statute.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
PENNSYLVANIA	Negligence of the driver will not be imputed to the owner/passenger unless the owner/passenger would be vicariously liable as a defendant for the driver's negligent actions. *Smalich v. Westfall*, 269 A.2d 476 (Pa. 1970). Negligence of driver not imputed to owner with regard to claim for property damage of owner's vehicle, unless driver was servant of owner. *Turley v. Kotter*, 398 A.2d 699 (Pa. Super. 1979).	No Vicarious Liability Statute. Family Purpose Doctrine is not recognized in Pennsylvania. *Cade v. McDanel,* 451 Pa. Super. 368, 679 A.2d 1266 (1996). However, noting that other states do apply the doctrine, Pennsylvania courts have indicated that the owner of the family vehicle is vicariously liable for the negligence of the driver if the driver is acting as an agent of the owner. *Adams v. Williams,* 39 Pa. D. & C. 307 (Pa. Cmwlth. Pl. 1940).	No Sponsorship Liability Statute.
RHODE ISLAND	Contributory negligence of driver is imputed to owner because § 31-33-6 deems the owner to be the "agent" of the owner, even if accident is outside of agency authority. Exception is where driver has proof of insurance. R.I.G.L. § 31-33-6; *Davis Pontiac Co. v. Sirois*, 105 A.2d 792 (R.I. 1954). If driver has provided statement of financial responsibility to Rhode Island's Registry of Motor Vehicles, the owner of the vehicle cannot be held responsible for injuries the driver causes. *Oliveira v. Lombardi*, 794 A.2d 453 (R.I. 2002) Merely telling the vehicle's owner you have insurance is not enough. *Ortiz v. Golini*, (R.I. Super., Jul. 12, 2005) (No. PC 04-3275).	Owners and lessees are vicariously liable for the negligence of drivers who operate their vehicles with their consent, and in the case of an accident *the driver is deemed the "agent" of the owner,* unless the driver has posted his own proof of financial responsibility prior to an accident. R.I.G.L. § 31-33-6. Rental vehicles are governed by R.I.G.L. § 31-34-4, which places different restrictions upon rental vehicle owners. No Family Purpose Doctrine.	R.I.G.L § 31-10-15: Any negligence by a minor while driving a motor vehicle will be imputed to the parent/adult who signed their drivers' license application, and they will be jointly and severally liable.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
SOUTH CAROLINA	Contributory negligence of driver can only be imputed to the owner-passenger if there is existence of an agency, common purpose, and/or joint enterprise. The test is whether driver was owner's agent and whether owner had any control over management of vehicle. *Ray v. Simon*, 140 S.E.2d 575 (S.C. 1965). Contributory negligence of driver cannot be imputed to owner suing third party for damages to vehicle unless there is agency, employer-employee relationship, and the driver is in course and scope. *Howle v. McDaniel*, 101 S.E.2d 255 (S.C. 1957).	No Vicarious Liability Statute. South Carolina recognizes the Family Purpose Doctrine. The head of a family who owns, furnishes, and maintains a vehicle for the general use and convenience of his family is liable for the negligence of a family member having general authority to operate the vehicle for such a purpose. If the car was not provided for the general use and convenience of the family, there is no relationship of principal and agent at the time of the wreck to impose liability on the parent under the Family Purpose Doctrine. *Evans v. Stewart*, 636 S.E.2d 632 (S.C. App. 2006).	S.C. Code. Ann. § 56-1-110: Person signing minor's drivers' license application will be jointly and severally liable for the motor vehicle negligence of the minor unless there is a policy of insurance in place which provides required coverage.
SOUTH DAKOTA	Contributory negligence of driver should not be imputed to an owner in owner's action against third party for damage to vehicle operated by permissive use, absent a showing of a master/servant relationship or a joint enterprise. *Fredrickson v. Kleuver,* 152 N.W.2d 346 (S.D. 1967).	No Vicarious Liability Statute. The Family Purpose Doctrine is not recognized in South Dakota. *Flanagan v. Slattery*, 49 N.W.2d 27 (S.D. 1951).	No Sponsorship Liability Statute.
TENNESSEE	Contributory negligence of driver should not be imputed to an owner/passenger, absent a showing of a master/servant relationship or a joint enterprise. *Cole v. Woods*, 548 S.W.2d 640 (Tenn. 1977).	No Vicarious Liability Statute. Tennessee recognizes the Family Purpose Doctrine. In order for the Family Purpose Doctrine to apply in Tennessee (1) the head of the household must maintain the vehicle for the purpose of providing pleasure or comfort to his or her family and (2) the driver must have been using the motor vehicle at time of the injury in furtherance of that purpose with permission, either express or implied, of owner. *Droussiotis v. Damron*, 958 S.W.2d 127 (Tenn. Ct. App. 1997).	T.C.A. § 55-50-312: Adult or guardian signing minor's drivers' license application will be jointly and severally liable for the motor vehicle negligence of the minor, and must also file proof of financial responsibility on behalf of minor.
TEXAS	Contributory negligence of driver will not be imputed to an owner in owner's action against third party for full value of damaged vehicle operated by permissive user, absent a showing of an agency or control relationship. *Rollins Leasing Corp. v. Barkley,* 531 S.W.2d 603 (Tex. 1975).	No Vicarious Liability Statute. Texas does not recognize the Family Purpose Doctrine. *Ener v. Gandy*, 158 S.W.2d 989 (Tex. 1942).	No Sponsorship Liability Statue.

STATE	IMPUTED CONTRIBUTORY NEGLIGENCE LAW	VICARIOUS LIABILITY/FAMILY PURPOSE DOCTRINE	SPONSOR LIABILITY FOR MINOR'S DRIVING
UTAH	Statute making parent liable for driving of minor was an imputation of *liability* statute not a *negligence* imputation statute. *Phillips v. Tooele City Corp*., 500 P.2d 669 (Utah 1972).	Utah does not recognize the Family Purpose Doctrine. *Mehr v. Child*, 90 Utah 348, 61 P.2d 624 (1936); *Reid v. Owens*, 98 Utah 50, 93 P.2d 680 (1939).	U.C.A. 1953 § 53-3-211 Joint and several liability imposed on parents who signed child's application for driver's license or permit and child negligently injures person or damages property while operating motor vehicle.
VERMONT	Contributory negligence of driver will not be imputed to an owner in owner's action against third party for full value of damaged vehicle operated by permissive user. *Purington v. Newton,* 49 A.2d 98 (Vt. 1946).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Jones v. Knapp,* 156 A. 399 (Vt. 1931).	No Sponsorship Liability Statute.
VIRGINIA	Contributory negligence of driver will not be imputed to an owner in owner's action against third party for full value of damaged vehicle operated by permissive user, unless they are in joint venture. *Carroll v. Hutchinson,* 200 S.E.2d 644 (Va. 1939).	The Supreme Court in Virginia has specifically rejected the Family Purpose Doctrine. *Hackley v. Robey,* 195 S.E2d 689 (Va. 1938).	No sponsorship liability statute. However, under Va. Code Ann. § 8.01-64, a parent or adult allows that allows a minor under the age of 16 to drive a vehicle, will be jointly and severally liable for damages resulting from that minor's negligence.
WASHINGTON	A tortfeasor cannot impute the contributory negligence of the permissive user of a vehicle, in a suit by the owner for damages to the vehicle, unless there was more than a mere "right to control" the driver – there must be a valid contract between the driver and the owner. *Poutre v. Saunders,* 143 P.2d 554 (Wash. 1943).	No Vicarious Liability Statute. Washington recognizes the Family Car Doctrine. Liability is established under the Family Car Doctrine when (1) the car is owned, provided, or maintained by the parent, (2) for the customary conveyance of family members and other family business, (3) and at the time of the accident, the car is being driven by a member of the family for whom the car is maintained, and (4) with the express or implied consent of the parent. *Kaynor v. Farline*, 72 P.3d 262 (Wash. App. 2003).	No sponsorship liability statute. However, R.C.W.A. § 4.24.190 imposes liability on parents when a child willfully or maliciously injures s person or defaces or destroys property.
WEST VIRGINIA	Tortfeasor may not use the Family Purpose Doctrine to impute contributory negligence of permissive user to owner to bar recovery for damage to owner's vehicle. *Bartz v. Wheat,* 285 S.E.2d 894 (W. Va. 1982).	No Vicarious Liability Statute. West Virginia recognizes the Family Purpose Doctrine. *Bartz v. Wheat,* 169 W. Va. 86, 89, 285 S.E.2d 894, 896 (W. Va. 1982).	No Sponsorship Liability Statute. However, under W. Va. Code § 55-7A-2, liability can be imposed on parents when child willfully or maliciously injures person, destroys property, sets fire to forest or wooded area of another, or willfully takes property of another.

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WISCONSIN	Contributory negligence of driver will not be imputed to an owner/passenger in owner's action against third party for full value of damaged vehicle operated by permissive user, unless they are in joint venture or mutual agency relationship. *Emerich v. Bigsby,* 286 N.W.2d 51 (Wis. 1939); *Vogel v. Vetting,* 60 N.W.2d 399 (Wis. 1953).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Knoche v. Stracka,* 353 N.W.2d 842 (Wis. App. 1984).	Wis. Stat. § 343.15: Joint and several liability is imposed on the parents who signs the child's license application for the child's negligent or willful misconduct in operating a motor vehicle. Liability is limited to $300,000.
WYOMING	Driver's negligence cannot be imputed to passenger unless conduct of passenger had material bearing upon driver's operation of car at time of accident. *Martinez v. Union Pacific,* 714 F.2d 1028 (10th Cir. 1983). Same is true in owner's action against third party for damages to vehicle when wife driving owner's vehicle. *Porter v. Wilson*, 357 P.2d 309 (Wyo. 1960).	No Vicarious Liability Statute. No Family Purpose Doctrine. *Wyoming Dep't of Revenue v. Wilson*, 400 P.2d 144 (Wyo. 1965).	No sponsorship liability statute. However, under Wyo. Stat. § 14-2-203, liability imposed on parents if child willfully damages or destroys property.