

**13-1208. Joint enterprise; imputation of negligence.**

A joint enterprise existed between passenger and driver if these two elements were present:

- (1) a common purpose in the use of a vehicle; and
- (2) the right in each to share in the control of the vehicle.

As to the second element, the question for you to decide is whether there was a right in each to share in the control of the car rather than the actual exercise of such right of control.

If you find that there was a joint enterprise, then any negligence of the driver is the negligence of the plaintiff, but, if you do not find a joint enterprise, the negligence of the driver is not the negligence of the passenger.

**USE NOTES**

This instruction should identify the passenger and driver in their respective positions as parties to the action.

[As amended, effective January 1, 1987.]