**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.]