**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.]