

IMPLIED CONSENT FOR CHILD TO DRIVE CAR EXISTS EVEN THOUGH CHILD'S USE OF CAR CONTRAVENED PARENT'S INSTRUCTIONS

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Young v. Beck

Ct. Appeals, Div. One, May 20, 2010

Authored by the [JSH Appellate Team](#)

Jason Beck was driving a vehicle furnished by his parents when he was involved in an accident resulting in serious injuries to Plaintiff. At the time of the accident, Jason's parents had restricted his driving because he had had a previous car accident. Jason was permitted to drive the car to school, church, or work, but was prohibited from being a "taxi service" for his friends or their girlfriends. On the night of the accident, Jason's mother had given him permission to drive the car from his job to his friend's house. After arriving at his friend's house, Jason drove several friends around while they "egged" houses and other cars. The accident occurred later that evening after Jason dropped off one his friends at home.

The court found Jason had implied consent to drive the car for a family purpose at the time of the accident. Parents give a child implied consent to use a vehicle for a family purpose when the parents provide a vehicle for the child's pleasure and convenience. Jason had permission to drive the car; driving friends around was for Jason's pleasure and the parents' convenience, and this fit within the broad definition of "family purpose."

The court found the parents' specific restrictions on Jason's use of the vehicle to be largely irrelevant. The family purpose doctrine is not based solely on agency principles, so the child's acting outside the "scope" of permission was not important for purposes of accountability under the family purpose doctrine. The doctrine's purpose is to provide a remedy for an injured party from the closest financially responsible party to the wrongdoing minor. Nor is this strict liability against every parent who furnishes a vehicle to a family member who is later negligent in causing damages to a third party. There are limits to the doctrine, although the court declined to specify any specific boundaries as to when a violation of a driving restriction may constitute such a gross deviation by the child to preclude application of the family purpose doctrine.