



## Legal Note – Attribution of Auto Liability

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In Florida, the owner of the car may be responsible for its operation by another person. The attribution of liability regarding an automobile from one person to another is generally based in the theory of “strict liability.” According to Black’s Law Dictionary, strict liability means liability without fault.

Liability for accidents involving a car in Florida may therefore expose the owner of the car even if the owner is otherwise unrelated to the accident. An individual owner of a vehicle is therefore strictly liable for the operation of the vehicle by a permissive user. Subject to certain limitations, if the owner therefore lends the auto to a friend in Florida, the owner then becomes liable for damages caused by the friend. [FL. Stat. §§ 324.021 (9)(b)(3)] The different state statutes include a variety of limitations and variations on the scope of strict liability.

Florida further attributes liability to the car owner through a doctrine known as negligent entrustment of a dangerous instrumentality. If (i) a vehicle owner knew, should have known, or should have reason to know that the borrower was incompetent, unfit, inexperienced or reckless, (ii) the entrustment of the vehicle created an appreciable risk of harm to others and (iii) the harm was caused by the negligence of the entrustor, the plaintiff may prove a case for negligent entrustment.

The most obvious step therefore in avoiding owner liability for operation by someone else is to avoid lending your car to others. Beyond the obvious, insurance policies are available nationally which cover the head of household, spouse and children (a common source of attribution). Additionally, umbrella liability coverage to augment auto and homeowners’ coverage is generally available from one to five million dollars. Such coverage may be reasonably priced and will eliminate much of the liability associated with car and home accidents. Moreover, the umbrella policy can be underwritten to cover sources of liability such as boats and RVs.