

16 GCA VEHICLES
CH. 17 IMPUTED NEGLIGENCE

CHAPTER 17
IMPUTED NEGLIGENCE

§ 17101. Liability of Private Owners.

§ 17101. Liability of Private Owners.

(a) Responsibility of owners for negligent operation by person using motor vehicle with permission: imputation of negligence. Every owner of a motor vehicle is liable and responsible for the death of or injury to person or property resulting from negligence in the operation of such motor vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner, and the negligence of such person shall be imputed to the owner for all purposes of civil damages.

(b) Limitation of liability. The liability of an owner for imputed negligence imposed by this Section, and not arising through the relationship of principal and agent or master and servant, is limited to the amount of Five Thousand Dollars (\$5,000.00) for the death of or injury to one (1) person in any one (1) accident and subject to said limit as to one (1) person is limited to the amount of Ten Thousand Dollars (\$10,000.00) with respect to the death of or injury to more than one (1) person in any one (1) accident and is limited to the sum of Five Thousand Dollars (\$5,000.00) for damage to property of others in any one (1) accident.

(c) Operator to be made party defendant: recourse to operator's property. In any action against an owner on account of imputed negligence as imposed by this Section the operator of said vehicle whose negligence is imputed to the owner shall be made a party defendant if personal service of process can be had upon said operator within this Territory. Upon recovery of judgment, recourse shall first be had against the property of said operator so served.

(d) Subrogation of owner to rights of person injured: recovery from operator: bailee and driver deemed operators. In the event a recovery is had under the provisions of this Section against an owner on account of imputed negligence, such owner is subrogated to all the rights of the person injured or whose property has been injured and may recover from such operator the total amount of any judgment and costs recovered against such owner. If the bailee of an owner with the permission, express or implied, of the owner, permits another to operate the motor vehicle of the owner, then such bailee

16 GCA VEHICLES
CH. 17 IMPUTED NEGLIGENCE

and such driver shall both be deemed operators of the vehicle of the owner within the meaning of Subsections (c) and (d) of this Section.

(e) Settlement and payment of claims where two or more are injured or killed in one accident: diminution or extinguishment of owner's liability. Where two (2) or more persons are injured or killed in one (1) accident, the owner may settle and pay any bona fide claim or claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and such payments shall diminish to the extent thereof the owner's total liability on account of such accident; and payments so made aggregating the full sum of Ten Thousand Dollars (\$10,000.00) shall extinguish all liability of the owner hereunder to said claimants and all other persons on account of such accident, which liability may exist by reason of imputed negligence, pursuant to this Section, and not arising through the negligence of the owner, nor through the relationship of principal and agent or master and servant.

(f) Vendee or assignee deemed owner until possession retaken: chattel mortgagee not deemed owner. If a motor vehicle is sold under a contract of conditional sale whereby the title to such motor vehicle remains in the vendor, such vendor or his assignee shall not be deemed an owner within the provisions of this Section, but the vendee, or his assignee shall be deemed the owner, notwithstanding the terms of such contract, until the vendor or his assignee retake possession of such motor vehicle. A chattel mortgage of a motor vehicle out of possession shall not be deemed an owner within the provisions of this Section.

SOURCE: GC § 23504, enacted by P.L. 4-48.

COURT DECISIONS: Subsection (a): *Sumait v. Capital Fire and Casualty Co.*, 188 F. Supp. 638 (1960).

Subsection (b): *San Nicolas v. Lizama*, 361 F.2d. 595; *Look v. Mobley*, 323 F. 2d. 214.
