
Parental Liability for Injuries and Property Damage Caused by Their Teen Driver



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Under Wisconsin law, no person under the age of 18 years of age can obtain a driver's license without having a parent, stepparent, or other adult sponsor sign the application for the license. Once an adult signs the license application, that adult is assuming responsibility for any personal injury or property damage caused by the negligence or willful misconduct of the underage driver. The law states: "Any negligence or willful misconduct of a person under the age of 18 years when operating a motor vehicle upon the highways is imputed to the parents where both have custody and either parent signed as sponsor, otherwise, it is imputed to the adult sponsor who signed the application for such person's license. The parents or the adult sponsor is jointly and severally liable with such operator for any damages caused by such negligent or willful misconduct."

As the statute implies, so long as the parents of the teen driver remain married to each other, both parents are liable for injuries or property damage caused by the negligence of their teen driver even if only one of the parents signs the application for a driver's license. What happens, however, when parents are divorced? What does the statute mean when it states liability is "imputed to the parents where both have custody"? You might be surprised by the answer. The Wisconsin sponsorship law specifically states that custody does not mean joint legal custody as it is defined under the family law statute. Wisconsin Courts have held that the law is meant to impute liability only to the parent who signs the teen driver's application for a driver's license. This remains true regardless of whether or not the parties have joint legal custody and regardless of which parent has physical placement of the child at the time that the teen's negligent driving results in physical injury or property damage to another.

The reason for imputing liability only to the parent who signs the teen driver's application for a driver's license was outlined in a 2002 Wisconsin Court of Appeals decision, *LaCount v. Salkowski*. In that decision, the Court found that in enacting Wisconsin's sponsorship law, the "legislature determined that juvenile drivers pose an increased risk to the public and generally lack adequate financial resources to cover any potential damages that they may cause." The court went on to state, "therefore, the legislature deemed the best course of action was to allow juveniles to drive

only if an adult sponsor agreed to accept responsibility for the increased risk to the public." In situations where the parents of the teen driver are divorced, the court found that imputing liability to both parents, even when only one parent signs their child's application for a driver's license, "creates an unreasonable result" in that to hold both parents liable would mean that "a divorced parent who purposefully declined to sponsor a child, perhaps because of concerns over the child's sense of responsibility or lack of maturity, could nevertheless be liable."

Thus, parental liability is dependent on marital status. Both parents in an intact family are legally liable for the physical injuries or property damage caused by the negligent or willful misconduct of their underage child driver, even if only one parent signs the application for a driver's license. However, this is not the case when parents are divorced. In a case of divorce, only the parent who signs the application sponsoring their underage child for a driver's license is liable for the physical injuries or property damage that is caused by the negligence or willful misconduct of their teen driver.

Obtaining a driver's license is a big milestone in the life of a child, both for the child and the parents of the child. Parents are in the best position to determine whether or not their teen is ready to assume such a huge responsibility. Parents should know, however, that when they sign as a sponsor for their child's license, they are not simply giving their child permission to drive, they are assuming personal liability for any damage that their teen driver might cause. In the case of divorce, the parent who signs their teen's license application must also know that they alone assume the personal liability regardless of which parent has actual physical custody and control of the child at the time an accident occurs.



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