



Dismantling the Dangerous Instrumentality Doctrine Will Erase Accountability

OPPOSE HB 355 (Rep. Leek)

Florida's Dangerous Instrumentality Doctrine establishes the principle that the owner of an inherently dangerous tool is liable for any injuries caused by that tool's operation. The doctrine imposes what is known as strict vicarious liability upon the owner of a dangerous instrumentality, which includes a vehicle.

Vicarious liability is essential because without it, people could loan any person—including a child—dangerous equipment, injure a third party, and face no repercussions. Not only would this lack of responsibility encourage negligent behavior, but it would further harm victims because they would not have a way to be made whole in the event of an unfortunate accident. Through the accountability of the dangerous instrumentality doctrine, victims are provided for and future accidents can be prevented.

This bill would drastically impair the ability to hold the responsible parties accountable for injuries caused by their dangerous vehicles and tools. Under this bill, a person may not be held liable for any injury, death, or damage caused by a dangerous instrumentality unless the person had direct custody and control over the instrumentality at the time of the injury, death, or damage. This means this legislation could have devastating consequences.

Envision the scenario of a woman lending her car to her brother, who has 4 DUI convictions in the last 5 years and a revoked license, so he can go meet his buddies at the bar. On his drive home, the unimaginable happens. Yet under this bill, there would be no liability for the destruction he caused.

Passage of this bill would allow owners to create dangerous situations without any consequences. Owners would be able to escape liability and would leave innocent victims bearing the burden.

**To ensure innocent victims get justice, keep the Dangerous
Instrumentality Doctrine intact and VOTE NO on HB 355**