

Santalucia v. County of Broome

Facts: Plaintiff sued parents for injuries she received when their five-year-old son struck her with his 16-inch bicycle. Plaintiff alleged that defendants negligently entrusted their son with a dangerous instrument—his bike. At the time of the accident, plaintiff was walking on a path in a park. The defendants and their son were biking on the same path. The son became distracted by dogs and collided with plaintiff. The son had been riding a bike since he was three. He had basic bike-riding skills and no history of accidents. The defendants moved for summary judgment dismissing the claim for negligent entrustment of a dangerous instrument (NEDI). The trial court denied the motion. The defendants appealed. The appellate court reversed and granted summary judgment dismissing the claim.

Issue: Did parents negligently entrust a dangerous instrument—a 16-inch bike—to their five-year-old son who had basic bike-riding skills and experience and no history of accidents?

Law: General Rule: Parents cannot be held liable for negligently supervising their children. Exception: A person injured by a child may have a claim for NEDI against the child's parents if the injury occurs because the parents allowed their child to improvidently use a dangerous instrument. A claim for NEDI must establish that

- (1) the injury resulted from the child's improvident use of the instrument,
- (2) the instrument was dangerous when used by the child,
- (3) the parents were aware that their child might not be able to control the instrument without unreasonable risk to third parties, and
- (4) the parents could control their child's use of the instrument.

In deciding whether an instrument is dangerous, the courts consider the nature and complexity of the instrument and the age, intelligence, experience, and proficiency of the child.

Holding: No. A 16-inch bike is not a dangerous instrument when operated by a five-year-old who had basic bike-riding skills and experience and no history of accidents.

Reasoning: The court found the son's bike was not a dangerous instrument as a matter of law because a child's bike is not complex. Young children ride bikes without assistance. The son had adequate skills and experience to ride a 16-inch bike. Also, the defendants were not aware that their son might ride his bike carelessly because he had basic skills and no history of irresponsible riding.

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