

SUPREME COURT OF ARIZONA

Young v. Beck, 227 Ariz. 1

251 P.3d 380 (2011) · No. CV-10-0230-PR · Decided April 5, 2011

SUMMARY

The Arizona Supreme Court considers whether the family purpose doctrine remains valid, whether Arizona statutes abrogated it, and whether it was properly applied to impose vicarious liability on the vehicle owners. The court holds that the Uniform Contribution Among Tortfeasors Act and Financial Responsibility Act did not abrogate the doctrine, declines to abolish it, and affirms summary judgment for Amy Young because the vehicle was furnished for family use and Jason used it with permission, despite violating specific restrictions.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Pelander, Justice; Rebecca White Berch, Chief Justice; Andrew D. Hurwitz, Vice Chief Justice; W. Scott Bales, Justice; Michael D. Ryan, Justice (Retired)
JURISDICTION	Arizona
DECIDED	April 5, 2011
DOCKET	CV-10-0230-PR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Arizona Supreme Court granted review of a court of appeals decision affirming partial summary judgment for Young on the applicability of the family purpose doctrine.
STANDARD OF REVIEW	The court reviewed the legal applicability of the family purpose doctrine to undisputed facts de novo; the scope and extent of the doctrine under undisputed facts presented a question of law.
PRECEDENTIAL VALUE	Published, en banc Arizona Supreme Court opinion; precedential.
PARTIES	Kenneth L. Beck, Barbara Beck v. Amy Young

TOPICS

- vicarious liability
- statutory interpretation
- appellate procedure
- insurance
- standard of review

PRACTICE AREAS

torts

motor vehicle liability

vicarious liability

appellate procedure

QUESTIONS PRESENTED

1. Whether Arizona's family purpose doctrine was abrogated by the 1987 amendments to the Uniform Contribution Among Tortfeasors Act.
2. Whether Arizona's Financial Responsibility Act preempted, limited, or abrogated the family purpose doctrine.
3. Whether the Arizona Supreme Court should abolish the family purpose doctrine as a matter of common law.
4. Whether the family purpose doctrine applied as a matter of law when the minor family member used the vehicle for personal pleasure and convenience and violated parental restrictions on transporting friends.
5. Whether Young was entitled to partial summary judgment on the doctrine's applicability.

HOLDINGS

1. The 1987 amendments to Arizona's Uniform Contribution Among Tortfeasors Act did not abrogate the family purpose doctrine because the statute did not clearly and plainly manifest legislative intent to eliminate the doctrine, which is a form of vicarious liability.
2. Arizona's Financial Responsibility Act did not preempt, replace, limit, or abrogate the family purpose doctrine.
3. The court declined to abolish the family purpose doctrine.
4. The doctrine applies when a head of family furnishes or maintains a vehicle for the family's general use, pleasure, and convenience, and a family member uses it with the head's express or implied permission for a family purpose.

KEY QUOTATIONS

"We generally do not find that a statute changes common law unless "the legislature. . . clearly and plainly manifest[s] an intent" to have the statute do so." (251 P.3d at 383)

"Joint liability and vicarious liability are related but separate doctrines," (251 P.3d at 384)

"Liability under the doctrine arises (1) when there is a head of the family, (2) who maintains or furnishes a vehicle for the general use, pleasure, and convenience of the family, and (3) a family member uses the vehicle with the family head's express or implied permission for a family purpose." (251 P.3d at 387)

"Based on the undisputed facts of this case, we agree with the trial court and court of appeals that the doctrine applies and that Young was entitled to summary judgment on that issue." (251 P.3d at 388)

FACTUAL BACKGROUND

Kenneth and Barbara Beck furnished a sport utility vehicle for the general use of their seventeen-year-old son, Jason, who primarily used it for transportation to school, church, and work and was also permitted to use it for social and recreational purposes. After an earlier incident, the Becks instructed Jason not to transport friends or drive girlfriends home. On the night of the accident, Jason's mother permitted him to drive to a friend's house and spend the night, but Jason instead drove around with friends, transported a friend's girlfriend, and collided with Amy Young's vehicle while taking another friend home. Young was seriously injured.

PROCEDURAL HISTORY

Young sued Jason Beck and his parents after Jason, driving the family vehicle, collided with Young's vehicle. On cross-motions for summary judgment, the superior court granted partial summary judgment to Young on the family purpose doctrine. The court of appeals affirmed, and the Arizona Supreme Court granted review. The parties had entered into a high-low settlement conditioned on whether the summary judgment ruling was affirmed or reversed.

DISPOSITION

affirmed

CASES CITED

- Benton v. Regeser, 20 Ariz. 273, 179 P. 966 (1919)
- Wiggs v. City of Phoenix, 198 Ariz. 367, 10 P.3d 625 (2000)
- State Farm Insurance Cos. v. Premier Manufactured Systems, Inc., 217 Ariz. 222, 172 P.3d 410 (2007)
- Wyatt v. Wehmueller, 167 Ariz. 281, 806 P.2d 870 (1991)
- Pleak v. Entrada Property Owners' Ass'n, 207 Ariz. 418, 87 P.3d 831 (2004)
- Hayes v. Continental Insurance Co., 178 Ariz. 264, 872 P.2d 668 (1994)
- Mortensen v. Knight, 81 Ariz. 325, 305 P.2d 463 (1956)
- Camper v. Minor, 915 S.W.2d 437 (Tenn. 1996)
- Boswell v. Phoenix Newspapers, Inc., 152 Ariz. 9, 730 P.2d 186 (1986)
- Estate of DeSela v. Prescott Unified School District No. 1, 226 Ariz. 387, 249 P.3d 767 (2011)
- State v. Salazar, 173 Ariz. 399, 844 P.2d 566 (1992)
- State v. McGill, 213 Ariz. 147, 140 P.3d 930 (2006)
- White v. Bateman, 89 Ariz. 110, 358 P.2d 712 (1961)
- State v. Lara, 171 Ariz. 282, 830 P.2d 803 (1992)
- Galloway v. Vanderpool, 205 Ariz. 252, 69 P.3d 23 (2003)
- First-City Bank & Trust Co. v. Doggett, 316 S.W.2d 225 (Ky. 1958)
- Universal Underwriters Insurance Co. v. State Auto & Casualty Underwriters, 108 Ariz. 113, 493 P.2d 495 (1972)