### IDJI 2.04.4 – Definition of passenger

INSTRUCTION NO. \_\_\_

A passenger is one who is being transported by the common carrier with the consent of the carrier. Such person is a passenger from the time the individual begins to board the vehicle until the individual has completed exiting the vehicle.

Comment:

These instructions divide the previous IDJI 202 into several specific components, depending upon what is at issue. The instruction on liability of a common carrier sets out that a common carrier owes the highest duty of care, which is the holding of Clark v. Tarr*,* 76 Idaho 383, 283 P.2d 942 (1955), but that it is not a guarantor or insurer, which is the holding in Ness v. West Coast Air, 90 Idaho 111, 410 P.2d 965.