

1025.6 DUTY OF BAILOR FOR HIRE

It is the duty of the bailor to exercise ordinary care to furnish articles which are reasonably fit for the purpose of the bailment or capable of the use, known or intended, for which they are bailed. A person, who is a bailor, is required, in the exercise of ordinary care, to make all reasonable inspections to determine whether the article is safe for its intended use. A bailor is not an insurer of the safety of the article bailed. It is the bailor's duty to see that the bailed property is reasonably safe for its intended use and free from defects which are known or which could have been known in the exercise of ordinary care by reasonable inspections. Also, it is the bailor's duty to give warnings of any danger of which the bailor is aware.

COMMENT

This instruction and comment were approved in 1977. The comment was reviewed without change in 1989. Editorial changes were made in 1992 to address gender references in the instruction. No substantive changes were made to the instruction.

Wadzinski v. Cities Serv. Oil Co, 275 Wis. 84, 91, 80 N.W.2d 816 (1957); Henricksen v. Mc Carroll, 45 Wis.2d 368, 373-75, 173 N.W.2d 153 (1970); Smith v. Pabst, 233 Wis. 489, 288 N.W. 780 (1940).