

1 **13-1204. Right-of-way at intersection; no traffic controls.**

2 It is the duty of every driver of a vehicle to exercise ordinary care in approaching, entering
3 and driving through an intersection.

4 Approaching an intersection from different highways or streets, drivers have the following
5 right-of-way:

6 (1) The driver on the left must yield when the vehicle on the right is either in the
7 intersection or so near to the intersection that there is danger of collision;

8 (2) The driver on the right must yield when the vehicle on the left will enter the
9 intersection and pass beyond the driver's line of travel, if the driver on the right exercises ordinary
10 care in approaching and entering the intersection.

11 Failure to yield the right-of-way at an intersection is negligence.

12 USE NOTES

13 This instruction is not to be used where traffic at an intersection is controlled by signs,
14 devices or lights, and the instructions found in Chapter 15 are applicable.

15 [As amended, effective January 1, 1987; November 1, 1991.]

16 **Committee commentary.** — This instruction reflects New Mexico[']s adoption, in light of the
17 construction of NMSA 1953, § 64-18-27[~~, 1953 Comp.~~] [repealed, Laws 1978, ch. 35, § 554; *see*
18 *now* NMSA 1978, § 66-7-328[~~NMSA 1978~~] and *Moore v. Kujath*, [~~225 Minn. 107,~~] 29 N.W.2d
19 883[~~, 175 A.L.R. 1007~~] (Minn. 1947), of the ["]“interval of time and distance[”] rule, which
20 states, ["]“[the car on the left] having entered the intersection at such interval of time and distance
21 as to safely cross ahead of the vehicle approaching from the east, had its driver been exercising
22 due care, the statute secured to [~~him~~][them] the prior use of the intersection[”].” *See Brizal v. Vigil*,
23 1959-NMSC-015, 65 N.M. 267, 335 P.2d 1065[~~(1959)~~].

- 1 One may be liable for negligent acts occurring after entering the intersection even though favored
- 2 at the time of entry. *Miller v. Marsh*, 1948-NMSC-064, 53 N.M. 5, 201 P.2d 341[~~(1948)~~].
- 3 Right-of-way is a relative right which does not justify action likely to cause an accident. *See*
- 4 *Schoen v. Schroeder*, 1948-NMSC-052, 53 N.M. 1, 200 P.2d 1021[~~(1948)~~].
- 5 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]