

1 **13-1207. Duty of passenger.**

2 A passenger has a duty to use ordinary care for ~~[[his] [her]]~~their own safety. A passenger  
3 may not sit idly by and permit ~~[[himself] [herself]]~~themselves to be driven carelessly, to ~~[[his]~~  
4 ~~her]]~~their injury, where there are dangers which are known or which reasonably should be known  
5 to ~~[[him] [her]]~~the passenger.

6 If you find that circumstances existed in this case which would cause a passenger,  
7 exercising ordinary care for ~~[[his] [her]]~~the passenger's own safety, to keep a lookout or warn the  
8 driver, and that the plaintiff failed to do so, then such failure is negligence.

9 [As amended, effective January 1, 1987; November 1, 1991; as amended by Supreme Court Order  
10 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

11 **Committee commentary.** — This instruction was approved in *Trujillo v. Chavez*, 76 N.M. 703,  
12 417 P.2d 893 (1966), and *Romero v. Melbourne*, 90 N.M. 169, 561 P.2d 31 (Ct. App.), cert. denied,  
13 90 N.M. 254, 561 P.2d 1347 (1977).