

1 **13-1318. Slip and fall.**

2 An [owner] [occupant] owes a visitor the duty to exercise ordinary care to keep the
3 premises safe for the visitor's use. [This duty applies whether or not a dangerous condition is
4 obvious.] [In performing this duty, the [owner] [occupant] is charged with knowledge of any
5 condition on the premises [of which the [owner] [occupant] would have had knowledge had [~~he~~
6 ~~she~~ ~~it~~] the [owner] [occupant] made a reasonable inspection of the premises] [or] [which was
7 caused by the [owner] [occupant] or [~~his~~ ~~her~~ ~~its~~] the [owner] [occupant]'s employees.]

8 USE NOTES

9 This instruction should be used in slip and fall cases involving visitors. The bracketed
10 second sentence should be given where the case involves a dangerous condition that was open and
11 obvious. The appropriate bracketed language in the third sentence should be given if there is
12 evidence that the defendant failed to make a reasonable inspection of the premises that would have
13 revealed the dangerous condition or if the condition was caused by the defendant or an employee
14 of the defendant. UJI 13-1601 NMRA (negligence) and UJI 13-1603 NMRA (ordinary care)
15 should be given with this instruction. *Ford v. [~~Board of County~~] Bd. of Cnty. Comm'rs, 1994-
16 NMSC-077, 118 N.M. 134, 879 P.2d 766[~~(1994)~~].*

17 [As amended, effective January 1, 1987; November 1, 1991; March 1, 1996; as amended by
18 Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after
19 December 31, 2025.]

20 **Committee commentary.** — This instruction applies the general rule of ordinary care expressed
21 in UJI 13-1309 NMRA to typical "slip and fall" cases involving a visitor (or, in former parlance,
22 a licensee or business invitee).

1 The former version of this instruction, which suggested that the duty to exercise ordinary care
2 could always be satisfied by warning the plaintiff of a dangerous condition and which invoked
3 outmoded concepts of contributory negligence, has been revised in light of *Klopp v. Wackenhut*
4 *Corp.*, 1992-NMSC-008, 113 N.M. 153, 824 P.2d 293[~~(1992)~~]. This instruction, accompanied by
5 basic instructions defining negligence and ordinary care, provides a basis for counsel to argue the
6 application of the law to the facts of a particular case. *Cf. Klopp*, 1992-NMSC-008, ¶¶ 16-17[~~113~~
7 ~~N.M. at 159, 824 P.2d at 299~~].

8 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]