

1 Where this instruction is given, the applicable part of the statute or ordinance in question
2 must be quoted or paraphrased.

3 The bracketed language referring to excuse or justification of the violation and the
4 bracketed third paragraph should not be given unless the court holds, as a matter of law, that there
5 is sufficient evidence of excuse or justification for the issue to go to the jury. Absent such evidence,
6 the "liability per se" rule applies, and the defendant supplier is liable for damages caused by the
7 violation.

8 This instruction contains the element of causation, without definition, and should be
9 accompanied by UJI 13-1424 NMRA.

10 [As amended, effective November 1, 1991; March 1, 2005; as amended by Supreme Court Order
11 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

12 **Committee commentary.** — Committee comments to Chapter 15, Statutes and Ordinances, are
13 applicable. The conditions for application of this instruction, stated under Directions for Use, are
14 generally accepted prerequisites to submission of liability per se. Restatement (Second) of Torts §
15 286 (1965); *Burran v. Dambold*, 422 F.2d 133 (10th Cir. 1970); *Nunneley v. Edgar Hotel*, 36 Cal.
16 2d 493, 225 P.2d 497 (1950).