

1 **13-1604. Duty to use ordinary care.**

2 Every person has a duty to exercise ordinary care for the safety of the person and the
3 property of others.

4 [Every person also has a duty to exercise ordinary care for the person's own safety and the
5 safety of ~~[[his][her]]~~ their property.]

6 USE NOTES

7 The bracketed material is to be used only when the party seeking recovery has been charged
8 with lack of ordinary care.

9 This instruction must be used in those cases where the duty or duties in issue are not set
10 forth in instructions specifically covering the subject matter.

11 [As amended, effective November 1, 1991; as amended by Supreme Court Order No. S-1-RCR-
12 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

13 **Committee commentary.** — This instruction is a consolidation of UJI Civ. 12.3 and 12.4 of the
14 first edition. It was held reversible error to refuse to give UJI Civ. 12.3 in *De La O v. Bimbo's*
15 *Restaurant*, 1976-NMCA-115, 89 N.M. 800, 558 P.2d 69, cert. denied, 90 N.M. 7, 558 P.2d 619
16 (Ct. App. 1976). The court held that the definition of ordinary care (UJI 13-1603 NMRA) does not
17 exclusively "cover" the subject and must be accompanied by this instruction applying the
18 definition.

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