

1 **13-1828. Vicarious liability; indemnity between tortfeasors.**

2 If there is no wrongdoing on the part of the principal, then the principal is entitled to
3 indemnity from ~~[[his][her]]~~ the principal's agent.

4 USE NOTES

5 This instruction should be modified if the relationship of the parties is other than principal
6 and agent, such as employer and employee, etc.

7 This instruction is not designed for use in a case in which the basis of indemnity is
8 contractual.

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

11 **Committee commentary.** — *See Hancock v. Berger*, [~~77 N.M. 321, 422 P.2d 359 (1967)~~] 1967-
12 NMSC-007, 77 N.M. 321, 422 P.2d 359, where it was held that a broker was entitled to indemnity
13 against ~~[saleswoman]~~ salesperson although liability of broker rested solely on respondeat superior.

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

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