

1 **13-412. Deviation - *No instruction drafted.***

2 *No instruction drafted.*

3 **Committee commentary.** — No instruction has been drafted on this legal principle. Most cases
4 presenting a question of deviation are [~~workmen's~~] workers' compensation cases which are not
5 subject to jury deliberations.

6 The resolution of the question, whether a deviation by an agent from the scope of [~~his~~] employment
7 is casual or so substantial in kind or area that, in fairness, the principal should not be held for the
8 actions of the agent, depends on many detailed circumstances which vary widely from case to case;
9 because of this fact, the committee did not draw an instruction more specific than the other
10 instructions contained in this chapter which relate to the scope of authority.

11 The committee suggests that if the instructions here on scope of employment are not sufficient,
12 then the trial lawyers will have to submit an instruction of their own drafting.

13 *See Velkovitz v. Penasco Indep. [~~School~~] Sch. Dist., 1981-NMSC-075, 96 N.M. 577, 633 P.2d 685*
14 *[(1981)]*, for a discussion of deviation in the [~~workmen's~~] workers' compensation context.

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

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