

1 **13-908. Negligence; definition.**

2 The term [“negligence”] may relate either to an act or to a failure to act.

3 An act to be negligent must be one which a reasonably prudent person would foresee as
4 involving an unreasonable risk of injury to [~~himself~~ ~~herself~~] themselves or to another and which
5 such a person, in the exercise of ordinary care, would not do.

6 A failure to act to be negligent must be a failure to do an act which one is under a duty to
7 do and which a reasonably prudent person, in the exercise of ordinary care, would do in order to
8 prevent injury to [~~himself~~ ~~herself~~] themselves or to another.

9 USE NOTES

10 A definition of negligence must be used in F.E.L.A. matters and for convenience the
11 definition of Chapter 16 is repeated here.

12 [As amended, effective November 1, 1991; as amended by Supreme Court Order No. S-1-RCR-
13 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

14 **Committee commentary.** — UJI 13-1601 NMRA is the basic instruction defining negligence and
15 can be used in F.E.L.A. cases. Negligence is a substantive matter, governed by federal cases, but
16 the definition found in UJI - Civil is in accord with that found in federal decisional law.

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