

13-1318. Slip and fall.

An [owner] [occupant] owes a visitor the duty to exercise ordinary care to keep the premises safe for the visitor's use. [This duty applies whether or not a dangerous condition is obvious.] [In performing this duty, the [owner] [occupant] is charged with knowledge of any condition on the premises [of which the [owner] [occupant] would have had knowledge had [he] [she] [it] made a reasonable inspection of the premises] [or] [which was caused by the [owner] [occupant] or [his] [her] [its] employees].]

USE NOTES

This instruction should be used in slip and fall cases involving visitors. The bracketed second sentence should be given where the case involves a dangerous condition that was open and obvious. The appropriate bracketed language in the third sentence should be given if there is evidence that the defendant failed to make a reasonable inspection of the premises that would have revealed the dangerous condition or if the condition was caused by the defendant or an employee of the defendant. UJI 13-1601 (negligence) and UJI 13-1603 (ordinary care) should be given with this instruction. *Ford v. Board of County Comm'rs*, 118 N.M. 134, 879 P.2d 766 (1994).
[As amended, effective January 1, 1987; November 1, 1991; March 1, 1996.]