

13-1408. Strict liability; evidence.

Under the "products liability" claim, what is customarily done by those engaged in the supplier's business is evidence of whether a risk of injury would be acceptable to a reasonably prudent person. However, the acceptability of a risk of injury is determined by the conduct of a reasonably prudent person having full knowledge of the risk, whether such conduct is usually followed or not.

Compliance with [industry [customs] [standards] [codes] [rules__ [or] [governmental [rules] [standards] [codes__ is evidence of the acceptability of the risk, but it is not conclusive.

USE NOTES

In a strict liability action, this instruction should be given when the court has admitted evidence of compliance with industry practices or customs or with governmental rules or standards. UJI 13-1405 NMRA is a comparable instruction applicable to an action in negligence. See UJI 13-1405 NMRA, Use Note. This instruction is to be given following UJI 13-1407.

[As amended, effective January 1, 1997.]