

13-505. Livestock on unfenced highway.

Owners of livestock ranging in pastures through which unfenced roads or highways pass are liable for damages proximately caused by collisions of vehicles with the livestock, only if the owner of the livestock was negligent in some manner other than allowing the livestock to range along the highway.

USE NOTE

The statute upon which this instruction is predicated (Section 66-7-363C NMSA 1978) was passed by the legislature with an emergency clause, in order to overrule the opinion of the New Mexico Supreme Court in the case of *Grubb v. Wolfe*, 75 N.M. 601, 408 P.2d 756 (1965).

The UJI definition for negligence (UJI 13-1601 NMRA) would need to be used with this instruction.