

13-406. Employer sued; employment and scope of employment denied.

If you find that _____ (*name of employee*) was the employee of _____ (*name of employer*) and as acting within the scope of [his] [her] [its] employment at the time of the occurrence, then _____ (*name of employer*) is liable to plaintiff for any wrongful act or omission of the employee.

However, if you find that _____ (*name of employee*) was not the employee of _____ (*name of employer*) or that [he] [she] was not acting within the scope of [his] [her] [its] employment at the time of the occurrence, then _____ (*name of employer*) is not liable to plaintiff for any such act or omission.

USE NOTE

This instruction is to be used together with UJI 13-403 and 13-407 NMRA when there is a proper issue for jury deliberation as to liability of the employer for the wrongful acts of the employee.

[As amended, effective January 1, 1987; November 1, 1991.]