

13-1627. Explosives; ultrahazardous activities; absolute liability.

When a person is engaged in the use of explosives, [he] [she] is liable for any damages proximately caused by that activity, including those damages resulting from concussion or vibration. This is true regardless of the amount of care used.

USE NOTES

1. This instruction applies to activities involving the actual use of explosives, including dynamite, nitroglycerine and like substances.

2. This instruction would not apply to the manufacture, storage or transportation of explosives, since liability based on those activities is predicated either on negligence or nuisance.

3. This instruction would not apply to firearms cases.

4. The theory may not apply where an independent contractor is performing a governmental function.

[As amended, effective November 1, 1991.]