

**13-1667. Liquor licensee liability for sale or service to a minor.**

To establish a claim against defendant \_\_\_\_\_ (*name of licensee*) for the [sale or service of alcoholic beverages to a minor] [or] [a minor's consumption of alcoholic beverages on the defendant's premises], plaintiff has the burden of proving the following elements:

1. Defendant was a licensee;
2. [Defendant or defendant's [agent(s)] or [employee(s)] sold or served alcoholic beverages to a minor] [or] [the minor consumed alcoholic beverages on the defendant's premises];
3. Defendant or defendant's agents or employees knew or, as a reasonably prudent person, would have known, the person was a minor.

In addition, plaintiff has the burden of proving that plaintiff's damages were proximately caused by [defendant's sale or service of alcoholic beverages to the minor] [or] [the minor's consumption of alcoholic beverages on defendant's premises].

**USE NOTES**

This instruction should be given in those cases where a liquor licensee sold or served alcohol to a minor or the minor consumed alcoholic beverages on the licensee's premises. The bracketed element number one should be given only if the court determines there is a factual issue regarding the status of defendant as a licensee. The other bracketed portions of the instruction should be used as appropriate to the circumstances of the case. The committee recommends that the name of defendant or defendant's agent or employee be inserted into the instruction at the appropriate points. [Approved, effective July 16, 2001; UJI 13-1644 NMRA recompiled as UJI 13-1667 NMRA by Supreme Court Order No. 15-8300-005, effective for all cases pending or filed on or after December 31, 2015.]