

13-2503. Knowingly; definition.

A claim of unfair or deceptive trade practices under the Unfair Practices Act requires that a [statement] [description] [or] [representation] be “knowingly” made. Knowingly is not the same as intentionally. A statement is knowingly made for purposes of the Unfair Practices Act if:

_____ (*name of defendant*) was actually aware that the statement was false or misleading when it was made, or

_____ (*name of defendant*), by using reasonable diligence, should have been aware that the statement was false or misleading.

USE NOTES

This instruction should be given in cases involving UPA claims when the second element of UJI 13-2501 NMRA—i.e., that the false or misleading representation was knowingly made—is disputed.

[Adopted by Supreme Court Order No. 22-8300-001, effective for all cases pending or filed on or after February 21, 2022.]