

13-1427. Comparative negligence defense.

[A user of a product] [a person in the vicinity during the use of a product] has a duty to use ordinary care to avoid a foreseeable risk of injury caused by the condition of the product or a manner in which it is used. Ordinary care is that care exercised by a reasonably prudent person and varies with the nature of what is being done. As the danger that should reasonably be foreseen increases, the amount of care required also increases.

USE NOTES

This instruction will be given in every products liability case where there is sufficient evidence that negligence of the plaintiff was a cause of injury. It applies regardless of the theories of liability used.
[As amended, effective March 1, 2005.]