

13-1406. Strict products liability; care not an issue.

Under the “products liability” claim, a supplier in the business of putting a product on the market is liable for harm caused by an unreasonable risk of injury resulting from a condition of the product or from a manner of its use. Such a risk makes the product defective. This rule applies even though all possible care has been used by the supplier in putting the product on the market.

The liability of the supplier is [to persons whom the supplier can reasonably expect to use the product] [and] [to persons whom the supplier can reasonably expect to be in the vicinity during the use of the product].

USE NOTES

This is the basic instruction defining strict products liability and, together with UJI 13-1407, must be used in every strict products liability case based upon Restatement (Second) of Torts § 402A. For bystander injury, use the second bracketed phrase. [Adopted by Supreme Court Order No. 09-8300-011, effective May 15, 2009.]