

13-1501. Violation of statute.

There [was a] [were] statute[s] in force in this state, at the time of the occurrence in question, which provided that:

(Quote or paraphrase the applicable part of the statute in question. If more than one statute is in question, list each statute separately)

If you find from the evidence that _____ (party) violated [this] [any one of these] statute[s], then _____'s conduct constitutes negligence as a matter of law, [unless you further find that such violation was excusable or justified].

[To legally justify or excuse a violation of a statute, the violator must sustain the burden of showing that [s]he did that which might reasonably be expected of a person of ordinary prudence, acting under similar circumstances, who desired to comply with the law.]

USE NOTES

In order to facilitate the use of the instruction by the trial court instruction (13-1501) is to be used only when a statute is involved, whereas the companion instruction (13-1502) is to be used when an ordinance is involved.

The statute in question must have been enacted for the benefit or protection of the party or of a class of the public to which he belongs before the instruction is applicable. The last bracketed phrase of the third paragraph and the last paragraph are to be used when there is evidence of excuse or justification in the violation of the statute.

If the court finds that a regulation may be the basis for a claim of negligence per se, this instruction may be modified accordingly.

UJI 13-1503 should be used in addition to this instruction when there is an issue of proximate cause.

This instruction is applicable in all cases involving a statute.

The blank lines in the third paragraph of the instruction are to be completed by referring either to plaintiff, defendant or other pleading designation of the party or to the name of the party as may be applicable under the circumstances.

[As amended, effective November 1, 1991.]