

13-835. Illegality; enforceability of contractual obligations.

There was in force in the State of New Mexico at the time this contract was entered into a certain [statute] [ordinance] [regulation] which provided:

(set out statutory language)

If [making the contract] [performing the contract] [violated] [would violate] the [statute] [ordinance] [regulation], then _____ *(name of defendant)* is excused from [his] [her] [its] obligation[s] under the contract.

USE NOTES

This instruction is to be used when the defendant has asserted that the making or performance of the contract violated public policy as expressed in a statute, ordinance, or regulation and there is evidence to support a finding that the violation occurred. Before the instruction is given, however, the court must determine as a matter of law that the public policy allegedly violated is of sufficient importance to justify invalidating the contract. Where the evidence warrants, the court should instruct on excuse or justification with respect to violation of the statute or ordinance as provided in UJI 13-1503 NMRA.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 20-8300-006, effective for all cases pending or filed on or after December 31, 2020.]