CV212 Violation of a safety law.

Violation of a safety law is evidence of negligence unless the violation is excused. [name of plaintiff] claims that [name of defendant] violated a safety law that says:

[Summarize or quote the statute, ordinance, or administrative rule.]

If you decide that [name of defendant] violated this safety law, you must decide whether the violation is excused.

[Name of defendant] claims the violation is excused because:

[(1) Obeying the law would have created an even greater risk of harm.]

[(2) [~~He~~Defendant] could not obey the law because [~~he~~Defendant] faced an emergency that [~~he~~Defendant] did not create.]

[(3) [~~He~~Defendant] was unable to obey the law despite a reasonable effort to do so.]

[(4) [~~He~~Defendant] was incapable of obeying the law.]

[(5) [~~He~~Defendant] was incapable of understanding what the law required.]

If you decide that [name of defendant] violated the safety law and that the violation was not excused, you may consider the violation as evidence of negligence. If you decide that [name of defendant] did not violate the safety law or that the violation should be excused, you must disregard the violation and decide whether [name of defendant] acted with reasonable care under the circumstances.

References

Colosimo v. Gateway Cmty. Church, 2018 UT 26, ¶ 45 n.82, 424 P.3d 866.
Child v. Gonda, 972 P.2d 425 (Utah 1998).
Hall v. Warren, 692 P.2d 737 (Utah 1984).
Intermountain Farmers Ass'n v. Fitzgerald, 574 P.2d 1162 (Utah 1978).
Thompson v. Ford Motor Co., 16 Utah 2d 30, ~~;~~ 395 P.2d 62 (1964).
Blackwell v. Holiday Oil Co., 2026 UT App 99, ---P.3d----.
Gaw v. State ex rel. Dep't of Transp., 798 P.2d 1130 (Utah Ct. App. 1990).
Jorgensen v. Issa, 739 P.2d 80 (Utah Ct. App. 1987).

Restatement (Second) of Torts § 288B (Am. L. Inst. 1965).

MUJI 1st Instruction

3.11.

Committee Notes

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Before giving this instruction, the judge should decide whether the safety law applies. The safety law applies if:

(1) the plaintiff belongs to a class of people that the law is intended to protect; and

(2) the law is intended to protect against the type of harm that occurred as a result of the violation.

The judge should include the instruction on excused violations only if there is evidence to support an excuse and include only those grounds for which there is evidence.

Uncodified advisory or industry consensus standards do not qualify as safety laws for purposes of this instruction. Blackwell v. Holiday Oil Co., 2026 UT App 99, ¶¶ 19-21.