

**3250 NEGLIGENCE: DUTY OF SELLER: INSTALLING (SERVICING) PRODUCT**

It is the duty of a person, who, while delivering (installing, servicing) a machine (equipment), has observed defects in the same, to exercise ordinary care to repair such defects so as to render such machine (equipment) safe for its intended use, or give the buyer or user thereof notice of the danger involved in the use thereof.

**COMMENT**

This instruction and comment were originally published in their present form in 1971. Editorial changes were made in 1994. No substantive changes were made to the instruction.

Bruss v. Milwaukee Sporting Goods Co., 34 Wis.2d 688, 150 N.W.2d 337 (1967); 2 Frumer and Friedman, Products Liability § 18.03(4) (1966); 65 C. J. S. Negligence § 100(5) (1966).