

### 313AI(A) Products in General

#### 313Ak11 k. Design. [Most Cited Cases](#)

Under Products Liability Act of 1987, if plaintiff proves by preponderance of evidence that defendant could have eliminated danger without impairing usefulness of product, then product might be defectively designed, and recovery may be permissible, even though defendant has established that risk of harm caused by product would be recognized by ordinary person and harm stems from inherent characteristic of product. [N.J.S.A. 2A:58C-3](#), subd. a(2).

## [10] Products Liability 313A 🔑8

### 313A Products Liability

#### 313AI Scope in General

##### 313AI(A) Products in General

[313Ak8](#) k. Nature of Product and Existence of Defect or Danger. [Most Cited Cases](#)  
Under Products Liability Act of 1987, dangers that are not inherent can be eliminated without impairing usefulness; conversely, dangers that are inherent cannot be eliminated without impairing usefulness. [N.J.S.A. 2A:58C-3](#), subd. a(2).

## [11] Products Liability 313A 🔑8

### 313A Products Liability

#### 313AI Scope in General

##### 313AI(A) Products in General

[313Ak8](#) k. Nature of Product and Existence of Defect or Danger. [Most Cited Cases](#)  
“Inherent danger” of product, injury arising from which will in certain circumstances not give rise to action under Products Liability Act of 1987, arises from aspect of product that is indispensable to its intended use. [N.J.S.A. 2A:58C-3](#), subd. a(2).

## [12] Products Liability 313A 🔑26

### 313A Products Liability

#### 313AI Scope in General

##### 313AI(A) Products in General

[313Ak26](#) k. Defenses in General; Limitation of Liability. [Most Cited Cases](#)

Term “impairing the usefulness of the product,” as used in Products Liability Act of 1987 to provide that absolute defense otherwise available where risk created by product would be recognized by ordinary person will not apply to manufacturer if defect in product could feasibly be eliminated without impairing usefulness, means significantly diminishing product's intended use; even where it is technologically feasible to eliminate danger from product, provision of Act still provides defense if eliminating danger would require eliminating inherent characteristic. [N.J.S.A. 2A:58C-3](#), subd. a(2).

## [13] Products Liability 313A 🔑8

### 313A Products Liability

#### 313AI Scope in General

##### 313AI(A) Products in General

[313Ak8](#) k. Nature of Product and Existence of Defect or Danger. [Most Cited Cases](#)

## Products Liability 313A 🔑26

### 313A Products Liability

#### 313AI Scope in General

##### 313AI(A) Products in General

[313Ak26](#) k. Defenses in General; Limitation of Liability. [Most Cited Cases](#)  
Plaintiff seeking to establish that dangers posed by product could feasibly be eliminated without impairing usefulness of product, as will make inapplicable absolute defense otherwise available to manufacturer of product where risk of harm created by product would be recognized by ordinary person, must prove that manufacturer could have eliminated danger without eliminating inherent characteristic of product and thereby significantly diminishing product's intended use. [N.J.S.A. 2A:58C-3](#), subd. a(2).

## [14] Products Liability 313A 🔑26

### 313A Products Liability

#### 313AI Scope in General

##### 313AI(A) Products in General

[313Ak26](#) k. Defenses in General; Limita-