### IDJI 6.05.4 - Silence as acceptance

INSTRUCTION NO. \_\_\_\_

 Silence does not operate as acceptance of an offer unless

 (1) The silent party accepts services from the offering party, after a reasonable opportunity to reject, with knowledge that the offering party expects compensation; or

 (2) Because of the past dealings of the parties, it is reasonable that the silent party should notify the offering party that the silent party does not accept; or

 (3) The offering party has notified the silent party that the offer could be accepted by silence, and the silent party does intend to accept the offer by silence.

 If you find any of these circumstances exist, silence is an acceptance of the offer.

Comments:

Note: the act of sending or providing unordered goods or services is unfair and deceptive pursuant to Idaho Consumer Protection Rules, IDAPA 04.02.01220 Subchapter V, 220. General Rule, and therefore does not fall under this instruction.