### IDJI 6.43.1 – Scope of authority

INSTRUCTION NO. \_\_\_

Conduct is within the scope of the agent's authority if it occurs while the agent is engaged in the duties that the agent was asked or expected to perform and relates to those duties. It is not necessary that a particular act or failure to act be expressly authorized by the principal to bring it within the scope of the agent's authority. Conduct for the benefit of the principal that is incidental to, customarily connected with, or reasonably necessary for the performance of such duties is within the scope of the agent's authority.

Comment:

*See*, Landvik v. Herbert, 936 P.2d 697, 702, 130 Idaho 54 (Idaho App. 1997). (The Court of Appeals noted that agency by apparent authority has not been extended to tort law in Idaho, but declined to address the issue further because the case was decided on other grounds).