

**13-908. Negligence; definition.**

The term "negligence" may relate either to an act or to a failure to act.

An act to be negligent must be one which a reasonably prudent person would foresee as involving an unreasonable risk of injury to [himself] [herself] or to another and which such a person, in the exercise of ordinary care, would not do.

A failure to act to be negligent must be a failure to do an act which one is under a duty to do and which a reasonably prudent person, in the exercise of ordinary care, would do in order to prevent injury to [himself] [herself] or to another.

USE NOTES

A definition of negligence must be used in F.E.L.A. matters and for convenience the definition of Chapter 16 is repeated here.

[As amended, effective November 1, 1991.]