

**13-905. The rule of liability; interstate commerce an issue.**

When an employee of a railroad is [injured] [killed] while engaged in [his] [her] employment in interstate commerce and the [injury] [death] is caused in whole or in part by the negligence of the railroad or by reason of any defect or insufficiency resulting from the railroad's negligence, the railroad is liable in damages.

An employee is considered as being employed by a railroad while engaging in interstate commerce when any part of [his] [her] duties shall be in the furtherance of interstate commerce or shall, in any way, directly or closely and substantially affect such commerce.

USE NOTES

This instruction is to be used only when interstate commerce is an issue.  
[As amended, effective November 1, 1991.]