

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Bradford**

# A Bill

**ACT 1251 OF 1995**  
**SENATE BILL 234**

## For An Act To Be Entitled

8 "AN ACT LIMITING LIABILITY IN RAIL INCIDENTS OR ACCIDENTS  
9 INVOLVING A SPECIAL PASSENGER EXCURSION TRAIN; REQUIRING  
10 INSURANCE COVERAGE FOR A SPECIAL PASSENGER EXCURSION  
11 TRAIN; AND FOR OTHER PURPOSES."

### Subtitle

14 "AN ACT LIMITING LIABILITY IN RAIL  
15 INCIDENTS OR ACCIDENTS INVOLVING A  
16 SPECIAL PASSENGER EXCURSION TRAIN; AND  
17 REQUIRING INSURANCE COVERAGE FOR A  
18 SPECIAL PASSENGER EXCURSION TRAIN."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. (a) (1) Notwithstanding any other law to the contrary, the  
24 liability of a nonprofit sponsor of a special passenger excursion train, the  
25 owner or operator of a special passenger excursion train, and the railroad or  
26 rail authority over whose tracks the special passenger excursion train is  
27 operated, for all claims, whether for compensatory damages or punitive  
28 damages, arising from a rail incident or accident occurring in Arkansas and  
29 involving a special passenger excursion train, shall not exceed *ten million*  
30 *dollars (\$10,000,000)*.

31 (2) This section shall not limit the liability of a person whose  
32 intentional misconduct causes a rail incident or accident.

33 (b) The *nonprofit* sponsor of a special passenger excursion train shall  
34 maintain insurance coverage of not less than ten million dollars (\$10,000,000)  
35 per occurrence *with the nonprofit sponsor and the railroad or rail authority*  
36 *over whose tracks the special passenger excursion train is operated, as named*

1 *insureds. Such insurance shall not have a self-insured retention or*  
2 *deductible greater than one hundred thousand dollars (\$100,000). A nonprofit*  
3 *sponsor shall provide evidence of such coverage upon demand of the Arkansas*  
4 *State Highway Commission or by the railroad or rail authority over whose*  
5 *tracks the special passenger excursion train is to be operated.*

6 (c) As used in this section:

7 (1) "Nonprofit sponsor" means a nonprofit corporation *other than*  
8 *a railroad or rail authority whose purpose includes the historic preservation*  
9 *of documents, memorabilia, and equipment associated with the railroad*  
10 *industry, and public education regarding the history, current functions, and*  
11 *future of railroad transportation and which is exclusive to religious,*  
12 *scientific, literary, or educational within the meaning of 26 U.S.C. 501(c) (3)*  
13 *as amended; and*

14 (2) "Special passenger excursion train" means a train offered by  
15 a nonprofit sponsor to the public for operation over a common carrier railroad  
16 or railroad authority.

17

18 *SECTION 2. Nothing in this act shall be construed as requiring a*  
19 *railroad or rail authority to permit the operation of a special passenger*  
20 *excursion train over its tracks.*

21

22 *SECTION 3. All provisions of this act of a general and permanent nature*  
23 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*  
24 *Revision Commission shall incorporate the same in the Code.*

25

26 *SECTION 4. If any provision of this act or the application thereof to*  
27 *any person or circumstance is held invalid, such invalidity shall not affect*  
28 *other provisions or applications of the act which can be given effect without*  
29 *the invalid provision or application, and to this end the provisions of this*  
30 *act are declared to be severable.*

31

32 *SECTION 5. All laws and parts of laws in conflict with this act are*  
33 *repealed.*

34

*/s/Bradford*

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***As Engrossed: 3/30/95***

**SB 234**

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APPROVED: 4-13-95

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