Stricken language would be deleted from and underlined language would be added to present law.

Act 467 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representative Christiansen

A Bill

HOUSE BILL 1549

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING RAILROAD EMPLOYEES; TO CLARIFY THE IDENTIFICATION REQUIRED OF A RAILROAD EMPLOYEE INVOLVED IN A RAILROAD ACCIDENT OR INCIDENT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING RAILROAD EMPLOYEES; TO CLARIFY THE IDENTIFICATION REQUIRED OF A RAILROAD EMPLOYEE INVOLVED IN A RAILROAD ACCIDENT OR INCIDENT; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 23, Chapter 12, Subchapter 5, is amended to add an additional section to read as follows:


(a) The General Assembly finds that:

(1) The services provided by railroads are essential to the functionality of the state;

(2) The legislature is obligated to provide standard identification requirements for railroad employees involved in a railroad accident or incident;

employees; and

(4) Providing standard identification requirements facilitates
the investigation of railroad accidents or incidents for the investigating
law enforcement officers or other safety officers.

(b) As used in this section:

(1) "Federal Railroad Administration-certified conductor" means
a conductor, switchman, brakeman, trainman, or fireman licensed and certified
by the Federal Railroad Administration;

(2) "Federal Railroad Administration-certified engineer" means
an engineer licensed and certified by the Federal Railroad Administration;

(3) "Railroad accident or incident" means a collision or impact
that:

(A) Occurs as a consequence to the flow of pedestrians, motor vehicles, or animals along the railroad system in the state; and

(B) Results in death, injury or property damage; and

(4) "Railroad manager" means a railroad employee overseeing and
assisting in the operation of railroad transit.

(c)(1) Except as provided in subdivision (c)(2) of this section, a
railroad employee involved in a railroad accident or incident shall not be
required to present his or her driver’s license for identification purposes
to a law enforcement officer or other safety officer investigating the
railroad accident or incident.

(2) In lieu of a driver's license under subdivision (c)(1) of
this section, Federal Railroad Administration certification may be presented
to a law enforcement officer or other safety officer by a:

(A) Federal Railroad Administration-certified conductor;

(B) Federal Railroad Administration-certified engineer; or

(C) Railroad manager.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
General Assembly of the State of Arkansas that railroad employees and safe
and effective railroad management are essential to the day-to-day railroad
transit operations of the state; that the Railway Safety Improvement Act of
Certification for railroad employees; that using the Federal Railroad
Administration certification as the standard identification required for any
accidents or incidents involving railroads eliminates misinterpretations and
sets both a standard for identification and understanding between law
enforcement officers and other safety officers with railroad employees and
members of railroad management; and that this act will convey how highly the
State of Arkansas values its transportation infrastructure. Therefore, an
emergency is declared to exist, and this act being immediately necessary for
the preservation of the public peace, health, and safety shall become
effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor,
    the expiration of the period of time during which the Governor may veto the
    bill; or

(3) If the bill is vetoed by the Governor and the veto is
    overridden, the date the last house overrides the veto.

APPROVED: 3/14/19