

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

A Bill

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
35 (\$10,000,000) per occurrence *with the nonprofit sponsor and the railroad or*

1 *rail authority over whose tracks the special passenger excursion train is*
2 *operated, as named insureds. Such insurance shall not have a self-insured*
3 *retention or deductible greater than one hundred thousand dollars (\$100,000).*

4 A nonprofit sponsor shall provide evidence of such coverage upon demand of
5 the *Arkansas State Highway Commission or by the railroad or rail authority*
6 *over whose tracks the special passenger excursion train is to be operated.*

7 (c) As used in this section:

8 (1) "Nonprofit sponsor" means a nonprofit corporation *other than*
9 *a railroad or rail authority* whose purpose includes the historic preservation
10 of documents, memorabilia, and equipment associated with the railroad
11 industry, and public education regarding the history, current functions, and
12 future of railroad transportation and which is exclusive to religious,
13 scientific, literary, or educational within the meaning of 26 U.S.C.
14 501(c)(3) as amended; and

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

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

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

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

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34 *repealed.*

35 */s/Bradford*

