

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1647

4
5 By: Representatives Ormond, Gillespie, Thomas, Milligan

For An Act To Be Entitled

9 AN ACT TO LIMIT LIABILITY IN RAIL INCIDENTS OR
10 ACCIDENTS INVOLVING A FOR-PROFIT PASSENGER
11 EXCURSION TRAIN; TO REQUIRE INSURANCE COVERAGE
12 FOR A FOR-PROFIT PASSENGER EXCURSION TRAIN; AND
13 FOR OTHER PURPOSES.

Subtitle

16 TO LIMIT LIABILITY IN RAIL INCIDENTS OR
17 ACCIDENTS INVOLVING A FOR-PROFIT
18 PASSENGER EXCURSION TRAIN, AND TO
19 REQUIRE INSURANCE COVERAGE FOR A FOR-
20 PROFIT PASSENGER EXCURSION TRAIN.

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

25 SECTION 1. Arkansas Code Title 23, Chapter 10, Subchapter 2 is amended
26 by adding an additional section to read as follows:

27 23-10-214. For-profit passenger excursion trains.

28 (a)(1) Notwithstanding any other law to the contrary, the liability of
29 the owner or operator of a for-profit passenger excursion train, and the
30 railroad or rail authority over whose tracks the for-profit passenger
31 excursion train is operated, for all claims, whether for compensatory damages
32 or punitive damages, arising from a rail incident or accident occurring in
33 Arkansas, and involving a for-profit passenger excursion train shall not
34 exceed ten million dollars (\$10,000,000).

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



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1 (b)(1) The owner of a for-profit passenger excursion train shall
2 maintain insurance coverage of not less than ten million dollars
3 (\$10,000,000) per occurrence, with the railroad or rail authority over whose
4 tracks the special passenger excursion train is operated as named insureds.

5 (2) The insurance shall not have a self-insured retention or
6 deductible greater than two hundred thousand dollars (\$200,000).

7 (3) The owner of the for-profit passenger excursion train shall
8 provide evidence of the coverage upon demand by the State Highway Commission
9 or by the railroad or rail authority over whose tracks the for-profit
10 passenger excursion train is to be operated.

11 (c) Nothing in this section shall be construed as requiring a railroad
12 or rail authority to permit the operation of a for-profit passenger excursion
13 train over its tracks.

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