

HOUSE BILL No. 1033

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-9-11.

Synopsis: Railroad employees involved in accidents. Requires a Class I or Class II railroad company to offer to relieve an employee involved in a train accident from duty for three days with pay and benefits if the accident results in a death or a serious bodily injury. Requires a Class I or Class II railroad company to provide counseling services to an employee involved in a train accident that results in a death or a serious bodily injury. Provides that if an employee requests an extension of the counseling services provided by the railroad company, the railroad shall have a mental health professional certify that the employee does not suffer from posttraumatic stress disorder before the railroad may discontinue counseling services. Makes it a Class C infraction for a railroad company to violate these requirements.

Effective: July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1033

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-9-11 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:

4 **Chapter 11. Railroad Employee Counseling and Assistance**
5 **Sec. 1. This chapter does not apply to a Class III railroad as**
6 **established by the Interstate Commerce Commission.**

7 **Sec. 2. As used in this chapter, "counseling services" means**
8 **consultation with a psychiatrist, a psychologist, or other mental**
9 **health professional that is designed to enable an operating crew**
10 **member to overcome anxieties arising from a train accident.**

11 **Sec. 3. As used in this chapter, "operating crew member" means**
12 **a railroad employee described in IC 8-9-2-1(n).**

13 **Sec. 4. As used in this chapter, "railroad" has the meaning set**
14 **forth in IC 8-3-1-2. However, the term does not include a Class III**
15 **railroad as established by the Interstate Commerce Commission.**

16 **Sec. 5. (a) If a train operated by a railroad company in**
17 **passenger, freight, or yard service is involved in an accident that**



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1 results in a death or serious bodily injury, the railroad company
2 shall provide or make available counseling services not more than
3 forty-eight (48) hours after the accident to each operating crew
4 member of the train involved in the accident.

5 (b) If a train operated by a railroad company in passenger,
6 freight, or yard service is involved in an accident that results in a
7 death or serious bodily injury, the railroad company shall make an
8 offer at the accident site to each operating crew member of the
9 train involved in the accident to relieve the crew member from
10 duty with pay and applicable benefits for at least three (3) days
11 following the accident. However, if the railroad company has
12 evidence that the accident was the result of negligence on the part
13 of an operating crew member, the railroad company is not
14 required to pay the negligent operating crew member during the
15 period required under this subsection.

16 (c) If an operating crew member requests an extension of the
17 counseling services provided under subsection (a), the railroad
18 company shall continue to provide counseling services for the
19 operating crew member until a mental health care provider,
20 selected by the railroad company from among three (3) names
21 submitted by the operating crew member, certifies that the
22 operating crew member is not suffering from posttraumatic stress
23 syndrome.

24 (d) The list of three (3) mental health care providers submitted
25 by an operating crew member under subsection (c) may not include
26 a mental health care provider who has previously provided
27 services to the operating crew member. The railroad company
28 shall pay the cost of services provided by a mental health care
29 provider selected by the railroad company under subsection (c).

30 Sec. 6. A railroad company that violates this chapter commits
31 a Class C infraction.

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