

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>13</b>
<b>NO:</b>	<b>0</b>

## MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1037, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, after line 24, begin a new paragraph and insert:
- 2 "SECTION 3. IC 8-6-7.6-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A railroad that
- 4 violates ~~the provisions~~ **section 1** of this chapter shall be held liable
- 5 therefor to the State of Indiana in a penalty of one hundred dollars
- 6 (\$100) a day for each day the violation continues subject to a maximum
- 7 fine of five thousand dollars (\$5,000), to be recovered in a civil action
- 8 at the suit of said state, in the circuit or superior court of any county
- 9 wherein such crossing may be located. **This section expires on the**
- 10 **date on which rules described in section 1.1 of this chapter are**
- 11 **finally adopted.**
- 12 SECTION 4. IC 8-6-7.6-2.1 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 2013]: **Sec. 2.1. A railroad that violates a rule adopted under**

1        **section 1.1 of this chapter is subject to a civil penalty of one**  
2        **hundred dollars (\$100) for each day the violation continues. The**  
3        **maximum penalty under this section is five thousand dollars**  
4        **(\$5,000). The Indiana department of transportation may bring an**  
5        **action to recover a civil penalty under this section in the circuit or**  
6        **superior court of the county in which the crossing that is the**  
7        **subject of the violation is located."**

(Reference is to HB 1037 as introduced.)

**and when so amended that said bill do pass.**

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Representative Soliday