

HOUSE BILL NO. 1235

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RAILSBACK.

2511H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 389, RSMo, by adding thereto one new section relating to railroad freight transport, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 389, RSMo, is amended by adding thereto one new section, to be known as section 389.1200, to read as follows:

389.1200. 1. For purposes of this section, the following terms mean:

(1) "Crew member", an employee of the common carrier involved in the operation of a railroad train or light engine; "crew member" does not include a hostler service or utility employee or contractor of the carrier;

(2) "Helper service", the use of a locomotive or a group of locomotives to assist another train that is experiencing mechanical failure or lacks the power to traverse difficult terrain; "helper service" includes the travel to or from a location where the assistance is provided;

(3) "Hostler service", the movement of locomotives that are not attached to rail cars within a rail yard.

2. A railroad train or light engine operated in connection with carrying freight shall have at least two qualified crew members.

3. Subsection 2 of this section does not apply to:

(1) Helper services;

(2) Hostler services; and

(3) The movement of a train for the purpose of loading or unloading freight so long as the train is moving no more than ten miles per hour.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **4. A person who willfully violates the provisions of subsection 2 of this section is**
19 **guilty of a:**

20 **(1) Class D misdemeanor, and shall be punished by a fine not to exceed five**
21 **hundred dollars for a first offense;**

22 **(2) Class C misdemeanor, and shall be punished by a fine not to exceed seven**
23 **hundred dollars for a second offense; and**

24 **(3) Class B misdemeanor, and shall be punished by a fine not to exceed one**
25 **thousand dollars for a third or subsequent offense.**

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