

# HOUSE BILL NO. 2620

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RAILSBACK.

5430H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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*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 for a first offense and shall be punished by a fine not to**  
21 **exceed five hundred dollars;**

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

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

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