

SENATE BILL 699

By Yager

AN ACT to amend Tennessee Code Annotated, Title 29
and Title 65, relative to liability of special
passenger excursion trains.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 3, Part 1, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Nonprofit sponsor" means a nonprofit corporation whose purpose includes the historic preservation of documents, memorabilia, and equipment associated with the railroad industry, and public education regarding the history, current functions, and future of railroad transportation and which is exclusive to religious, scientific, literary, or educational purposes within the meaning of 26 U.S.C. § 501(c)(3); and

(2) "Special passenger excursion train" means a train offered by a nonprofit sponsor to the public for operation over a common carrier railroad or railroad authority.

(b) Notwithstanding § 29-39-102 or any other law to the contrary, the liability of a nonprofit sponsor of a special passenger excursion train, the owner or operator of a special passenger excursion train, and the railroad or rail authority over whose tracks the special passenger excursion train is operated, for all claims, whether for compensatory damages or punitive damages, arising from a rail incident or accident occurring in this state and involving a special passenger excursion train shall not exceed ten million dollars (\$10,000,000) per occurrence or per claim.

(c) A nonprofit sponsor of a special passenger excursion train shall maintain liability insurance coverage of ten million dollars (\$10,000,000) per occurrence or per claim. The nonprofit sponsor shall provide evidence of liability insurance coverage in an amount that meets the requirements of this subsection (c) upon demand of the department of transportation.

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

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.