

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

HOUSE ENROLLED ACT No. 1099

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

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

SECTION 1. IC 8-9-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]:

Chapter 12. Railroad Employee Counseling and Assistance

Sec. 1. This chapter does not apply to a Class II or Class III railroad as established by the Interstate Commerce Commission.

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

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

Sec. 4. (a) A railroad company operating in Indiana shall establish a counseling or trauma program and provide or make available counseling or critical incident stress debriefing services to each operating crew member of a train that is:

- (1) operated by the railroad company in passenger, freight, or yard service; and**
- (2) involved in an accident that results in death or serious bodily injury.**

(b) A railroad company operating in Indiana shall file a description of the railroad company's counseling or trauma

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program required under subsection (a) with the Indiana department of transportation, whose sole responsibility under this section is to receive the descriptions and make the descriptions available to the public in accordance with IC 5-14-3.

(c) Before a railroad company implements one (1) or more changes to the railroad company's counseling or trauma program required under subsection (a), the railroad company must file with the Indiana department of transportation a revised description of the program that includes the changes.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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