

SECOND REGULAR SESSION

HOUSE BILL NO. 1785

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), DOUGHERTY, WILDBERGER,
ROORDA, SCHIEFFER, DARROUGH AND WALSH (Co-sponsors).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3972L.02I

AN ACT

To amend chapter 389, RSMo, by adding thereto one new section relating to counseling for railroad workers.

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
2 known as section 389.985, to read as follows:

**389.985. 1. Every railroad corporation and railway company shall provide or make
2 available to every member of a railroad operating crew involved in an accident on its
3 railway or right-of-way, which results in loss of life or serious bodily injury, counseling
4 services or other critical incident stress debriefing services within forty-eight hours;
5 provided, that the engineer or other operating crew member involved in such accident shall
6 be relieved from duty at the site of the accident with full compensation for all wages he or
7 she would have earned had he or she continued on his or her scheduled or assigned trip or
8 tour of duty; be it further provided, that the engineer or other operating crew member
9 involved in the accident shall be allowed the option at his or her sole discretion to remain
10 off duty for up to seventy-two hours after he or she is relieved from duty.**

**11 2. The railroad corporation, railway company, or authorized agent thereof shall
12 immediately notify all crew members involved in such accidents of their right to exercise
13 such option described in subsection 1 of this section and not in any way harass, coerce,
14 intimidate, or in any other manner whatsoever try to convince or force any crew member**

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.

15 to not exercise such option. No railroad corporation, railway company, or its agents shall
16 punish or in any way or manner whatsoever discipline any employee for exercising his or
17 her option to remain off duty.

18 3. Any engineer returning to duty following such leave shall, if he or she requests,
19 be assigned an assistant engineer or other qualified person who shall accompany him or
20 her for such time as may be necessary to guarantee the public safety.

21 4. As used in this section, the term "serious bodily injury" shall mean bodily injury
22 that creates a substantial risk of death or that causes serious disfigurement or protracted
23 loss or impairment of the function of any part of the body.

24 5. A railroad corporation or railroad company shall be exempt from the provisions
25 of this section if such corporation or company has an arrangement or a collective
26 bargaining agreement in place which provides for critical incident stress debriefing
27 services for railroad operating crews that are equivalent to the services required by this
28 section. Any question of or challenge to the equivalency of the critical incident stress
29 debriefing program shall be directed to the director of the department of transportation.

30 6. The highways and transportation commission shall promulgate rules and
31 regulations necessary for the implementation and enforcement of the provisions of this
32 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
33 that is created under the authority delegated in this section shall become effective only if
34 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
35 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
36 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
37 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
38 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
39 adopted after August 28, 2008, shall be invalid and void.

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