

1997 SESSION

INTRODUCED

973640360

HOUSE BILL NO. 2811

Offered January 20, 1997

A *BILL to amend the Code of Virginia by adding in Article 9 of Chapter 13 of Title 56 a section numbered 56-441.1, relating to railroad corporations; liability to employees; after-accident counseling services.*

Patrons—Moore, Armstrong, Baker, Darner, Jackson, Johnson, Jones, D.C., Keating, Kilgore, Phillips, Stump, Tate and Woodrum; Senator: Edwards

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 9 of Chapter 13 of Title 56 a section numbered 56-441.1 as follows:

§ 56-441.1 *Counseling services for railroad employees; after-accident counseling.*

A. Every corporation operating a railroad in this Commonwealth, whether such corporation is created under the laws of this Commonwealth or otherwise, shall provide or make available counseling services or other critical incident debriefing services to every engineer or member of an operating crew involved in an accident on its railway or right-of-way that results in the loss of life or serious bodily injury. Such counseling or incident debriefing shall occur within forty-eight hours of the accident, and shall be provided at no cost to the engineer or crew member.

B. The engineer or other operating crew members involved in an accident resulting in loss of life or serious bodily injury shall be relieved of duty with compensation and applicable benefits at the site of the accident for a minimum of three days. The railroad corporation may withhold compensation and benefits if it can affirmatively show that the accident was caused by the negligence of the engineer or any crew member. However, any engineer or crew member who is otherwise eligible for these benefits shall not be precluded from these benefits due to the negligence of the engineer or another crew member.

C. Any engineer returning to duty following such leave from duty shall, if requested, be assigned an assistant engineer or other qualified person who shall accompany the engineer for such time as may be necessary to guarantee public safety, or until an appropriate medical professional has determined that the engineer does not suffer from post-traumatic stress disorder.

D. The State Corporation Commission shall promulgate regulations necessary for the implementation and enforcement of the provisions of this section.

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