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Date 3-26-83

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983



ENROLLED

Committee Substitute for
SENATE BILL NO. 228

(By Mr. *McGraw, Jr. President*)



PASSED March 9. 1983

In Effect ninety days from Passage



ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 228

(MR. MCGRAW, MR. PRESIDENT, *original sponsor*)

[Passed March 9, 1983; in effect ninety days from passage.]

AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-b, relating to installation of illuminating devices on certain railway cabooses for protection of workmen and property when such cars are being pushed at night; exemptions; enforcement; penalty; and liability.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-b, to read as follows:

ARTICLE 2B. ILLUMINATION EQUIPMENT FOR RAILROAD CABOOSES.

§31-2E-1. Legislative findings and purposes.

- 1 The Legislature hereby finds that for the purpose of
- 2 protecting the lives of workmen, other persons and rail-
- 3 road equipment there shall be maintained at the rear of
- 4 cabooses illumination when they are being pushed during
- 5 hours of darkness.

§31-2B-2. Illumination requirements; time period for implementation; application of requirements.

1 (a) From the effective date of this article, there shall
2 be maintained at the rear of all cabooses, while cabooses
3 are being pushed during the hours of darkness, either a
4 handheld or installed backup light which shall have
5 sufficient candlepower to illuminate the track for a dis-
6 tance of at least two hundred fifty feet under clear
7 atmospheric conditions on all local and mine runs.

8 (b) Every railroad company operating within this
9 state shall be required to comply with the provisions of
10 this article, but shall have one year from the effective
11 date hereof to comply with such requirements.

12 (c) The provisions of this article shall apply to all
13 local and mine run cabooses.

§31-2B-3. Repair and maintenance; exemption.

1 Any railroad company operating a caboose to which the
2 illumination requirements of section two of this article
3 apply shall not be in violation of said article if the failure
4 of lighting equipment required under the provisions of
5 this article is corrected at the first point maintenance
6 supplies are available, or in the case of repairs, the first
7 point at which materials and repair facilities are avail-
8 able and repairs can reasonably be made.

§31-2B-4. Runs originating from out of state.

1 Runs originating from without the state of West Vir-
2 ginia shall be exempt from the requirements of this
3 article.

§31-2B-5. Enforcement penalty.

1 The provisions of this article shall be enforced by the
2 public service commission. If any railroad company vio-
3 lates the provisions of this article, it shall be guilty of a
4 misdemeanor, and, upon conviction thereof, shall be fined
5 not more than five hundred dollars for each violation.

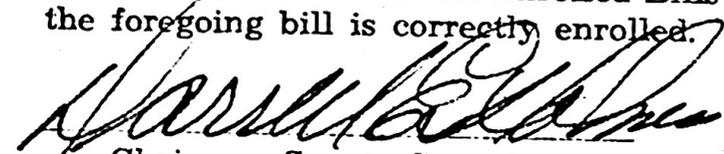
§31-2B-6. No individual responsibility.

1 With the exception of intentional misconduct or negli-
2 gence on the part of the employee, this article shall not

3 be construed to impose any individual responsibility
4 upon any railroad employee for damage to his employer
5 due to breakage or loss of use while the employee is
6 engaged in handling the lights as required by this article.

7 This article shall be construed as imposing upon the
8 employer responsibility for securing and maintaining the
9 lights required by this article.

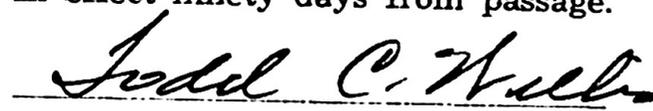
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

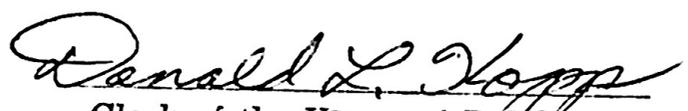

Chairman Senate Committee

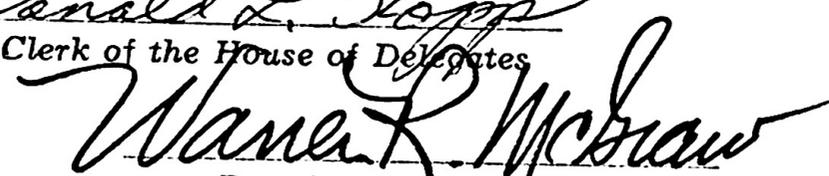

Chairman House Committee

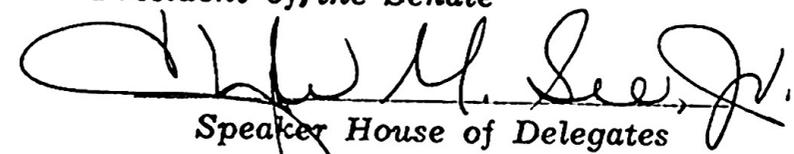
Originated in the Senate.

In effect ninety days from passage.

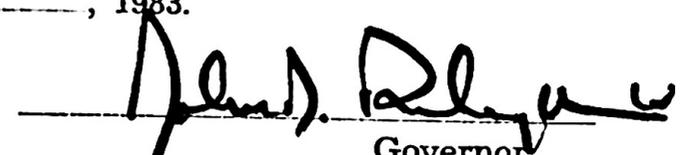

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 26
day of March, 1983.


Governor

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