

SENATE BILL NO. 2359

Introduced by

Senators Robinson, Cook, Lyson

Representatives Jensen, R. Kelsch, Mahoney

1 A BILL for an Act to provide counseling services and leave for railroad crew members following
2 an accident.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Railroad accident - Counseling.**

- 5 1. A railroad corporation shall provide counseling services or other critical incident
6 stress debriefing services to every member of an operating crew involved in an
7 accident on the corporation's railway or right of way which results in loss of life or
8 serious bodily injury within forty-eight hours after the accident. The corporation
9 shall relieve every member of the operating crew involved in the accident from duty
10 for a minimum of three days with compensation and applicable benefits. The leave
11 may be without compensation and benefits if the railroad corporation makes an
12 affirmative showing that the accident was due to negligence of the engineer or
13 other operating crew member; however, any crew member who is otherwise
14 eligible for compensation and benefits and who is not found to have acted
15 negligently may not be precluded from participation due to the negligence of a
16 fellow crew member.
- 17 2. Upon returning to duty, an engineer may request to be assigned an assistant
18 engineer or other qualified person to accompany the engineer for a reasonable
19 period of time. During the period of leave or upon returning to duty, the corporation
20 may subject an engineer or crew member to an examination by a qualified medical
21 practitioner to determine whether the engineer or crew member is suffering from
22 any mental or emotional impairment as a result of the accident.