

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2874

By: Perryman

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5  
6 AS INTRODUCED

7 An Act relating to railroads; requiring certain  
8 trains to have a two-person crew; providing for  
9 penalties; providing for certain civil action;  
10 directing deposit of penalties collected; making  
11 certain exclusion; providing for codification; and  
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 104 of Title 66, unless there is  
16 created a duplication in numbering, reads as follows:

17 A. A train or light engine used in connection with the movement  
18 of freight shall have a crew that consists of at least two  
19 individuals. No superintendent, trainmaster or other employee of a  
20 railroad shall order or otherwise require a train or light engine  
21 used in connection with the movement of freight to be operated  
22 unless it has a crew that consists of at least two individuals.

23 B. 1. The Oklahoma Corporation Commission may assess a civil  
24 penalty against a person or rail line that willfully has violated

1 subsection A of this section. If the Commission assesses a civil  
2 penalty, the Commission shall do so as follows:

3 a. if, within three (3) years of the violation, the  
4 Commission has not previously assessed a civil penalty  
5 against the person or rail line under this section, an  
6 amount not less than Two Hundred Fifty Dollars  
7 (\$250.00), but not more than One Thousand Dollars  
8 (\$1,000.00),

9 b. if, within three (3) years of the violation, the  
10 Commission has previously assessed one civil penalty  
11 against the person or rail line under this section, an  
12 amount not less than One Thousand Dollars (\$1,000.00),  
13 but not more than Five Thousand Dollars (\$5,000.00),  
14 or

15 c. if, within three (3) years of the violation, the  
16 Commission has previously assessed two or more civil  
17 penalties against the person or rail line under this  
18 section, an amount not less than Five Thousand Dollars  
19 (\$5,000.00), but not more than Ten Thousand Dollars  
20 (\$10,000.00).

21 2. The Attorney General, upon the request of the Commission,  
22 shall bring a civil action to collect the penalties described in  
23 this section. All penalties collected under this section shall be  
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1 deposited to the credit of the Corporation Commission Revolving Fund  
2 created in Section 180.7 of Title 17 of the Oklahoma Statutes.

3 C. As used in this section, "train or light engine used in  
4 connection with the movement of freight" does not include hostler  
5 services or utility employees.

6 SECTION 2. This act shall become effective November 1, 2020.

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8 57-2-10268 JBH 12/30/19

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