

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 3029**

**By Senator(s) Dearing, Turner**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

5        SECTION 1. (1) Except as otherwise provided in subsection  
6 (2) of this section, it shall be unlawful for any person to do any  
7 of the following acts without first having obtained written  
8 permission from the owner or operator of the railroad line:

9            (a) To attempt to board or disembark from a moving  
10 freight train;

11           (b) To damage or deface, or attempt to damage or  
12 deface, railroad track, signals, switches, buildings, structures,  
13 bridges, right-of-way, wire lines, motive power, rolling stock or  
14 other property; or

15           (c) To dump, or cause to be dumped, upon railroad  
16 right-of-way any paper, ashes, sweepings, household wastes, glass,  
17 metal, tires, mattresses, furniture, dangerous substances or any  
18 other refuse or substance of any kind.

19        (2) Subsection (1) of this section shall not apply to:

20           (a) Railroad employees engaged in the performance of  
21 their duties; or

22           (b) Representatives of utilities or other agencies with  
23 easements across or along the railroad in the performance of their  
24 duties.

25           (3) Any person who violates the provisions of this section  
26 shall be guilty of a misdemeanor and, upon conviction thereof, be  
27 punished by imprisonment for not more than thirty (30) days or by  
28 a fine of not less than Fifty Dollars (\$50.00) but not more than  
29 Two Hundred Fifty Dollars (\$250.00), or both, and may be required  
30 to pay any clean-up costs.

31           (4) The penalties provided for in this section shall be in  
32 addition to any other penalties provided by law for the same or  
33 similar acts.

34           (5) As used in this section the term "right-of-way" means  
35 track, roadbed and adjacent property which would be readily  
36 recognizable to a reasonable person as railroad property.

37           SECTION 2. This act shall take effect and be in force from  
38 and after July 1, 2001.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO MAKE UNLAWFUL CERTAIN ACTS COMMITTED ON A RAILROAD  
2 RIGHT-OF-WAY AND TO PROVIDE PENALTIES THEREFOR; AND FOR RELATED  
3 PURPOSES.