

112TH CONGRESS
1ST SESSION

H. R. 304

To amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2011

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACCIDENT LIABILITY.**

4 (a) AMENDMENTS.—Section 28103 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a)(2), by striking “The ag-
7 gregate” and inserting “Except as provided in para-
8 graph (3), the aggregate”; and

1 (2) by adding at the end of subsection (a) the
2 following new paragraphs:

3 “(3) With the exception of defendants that are gov-
4 ernmental entities, the liability cap under paragraph (2)
5 shall be \$275,000,000 if the accident or incident was
6 proximately caused by gross negligence or willful mis-
7 conduct of the defendant.

8 “(4) For purposes of paragraph (3), the term ‘gov-
9 ernmental entities’ includes Amtrak and any other entity
10 which is wholly owned or operated by a governmental body
11 or bodies.”.

12 (b) **EFFECTIVE DATE.**—The amendments made by
13 subsection (a) shall be effective for any passenger rail acci-
14 dent or incident occurring on or after September 12, 2008.

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