

111TH CONGRESS
2^D SESSION

S. 3982

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 SENATE OF THE UNITED STATES

NOVEMBER 29, 2010

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”;

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

3 “(3) The liability cap under paragraph (2) shall be
4 \$500,000,000 if the accident or incident was proximately
5 caused by gross negligence or willful misconduct of the
6 defendant. Such amount shall be adjusted annually by the
7 Secretary of Transportation to reflect changes in the Con-
8 sumer Price Index-All Urban Consumers.”; and

9 (3) in subsection (c), by striking
10 “\$200,000,000” and inserting “\$500,000,000”.

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

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