

FEB 17 2004
TRANSPORTATION

HOUSE FILE 2289
BY MADDOX

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to inhibiting a railroad employee's access to
2 first aid or medical treatment and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2289

1 Section 1. NEW SECTION. 327F.37 INHIBITING EMPLOYEE
2 ACCESS TO FIRST AID OR MEDICAL TREATMENT -- PENALTIES.

3 1. A railroad corporation shall not, by policy or
4 otherwise, deny, delay, or interfere with an injured
5 employee's access to first aid or medical treatment for an
6 injury sustained in the course of employment or allow an
7 injured employee to be disciplined or threatened with
8 discipline for requesting medical treatment or first aid.

9 2. An employee or agent of a railroad corporation shall
10 not deny, delay, or interfere with an injured employee's
11 access to first aid or medical treatment for an injury
12 sustained in the course of employment or discipline or
13 threaten to discipline the injured employee for requesting
14 first aid or medical treatment.

15 3. Notwithstanding any provisions of chapter 88 to the
16 contrary, a railroad corporation convicted of a violation of
17 subsection 1 is subject to a schedule "five" penalty. An
18 employee or agent of a railroad corporation convicted of a
19 violation of subsection 2 is subject to a schedule "five"
20 penalty. However, if a violation committed by an employee or
21 agent caused the death of an employee, the violation is an
22 aggravated misdemeanor punishable by a fine not to exceed ten
23 thousand dollars and imprisonment for up to two years.

24 EXPLANATION

25 This bill makes it a crime for a railroad corporation, or
26 an employee or agent of a railroad corporation, to deny,
27 delay, or interfere with an injured employee's access to first
28 aid or medical treatment for an injury sustained in the course
29 of employment, or to discipline or threaten to discipline an
30 injured employee who requests first aid or medical treatment
31 for such an injury.

32 A violation by a railroad corporation, or an employee or
33 agent of a railroad corporation, is punishable by a schedule
34 "five" penalty under the schedule of violations applicable to
35 carriers. A schedule "five" penalty means a fine of not less

1 than \$500 and not more than \$5,000 for the first violation,
2 and a fine of not less than \$5,000 and not more than \$10,000
3 for each subsequent violation. However, if an employee or
4 agent of a railroad corporation is convicted of a violation
5 that caused the death of an employee, the violation is an
6 aggravated misdemeanor punishable by a fine not to exceed
7 \$10,000 and imprisonment for up to two years.

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