

1 AN ACT in relation to civil liabilities.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Rail Carrier Crossing Delay Liability Act.

6 Section 5. Definition. In this Act, "rail carrier" means  
7 any person engaged in the transportation of property or  
8 passengers for hire by railroad, together with all employees  
9 or agents of that person or entity and all property used,  
10 controlled, or owned by that person or entity.

11 Section 10. Rail carrier's liability. If a rail  
12 carrier's train or other equipment owned, leased, or operated  
13 by the rail carrier blocks a public highway, road, or street  
14 at a location where the carrier's railroad track crosses the  
15 highway, road, or street, so that pedestrian or vehicular  
16 traffic on the highway, road, or street is unable to cross  
17 the track for more than 20 minutes, the rail carrier is  
18 liable in a civil action for all damages of any type  
19 proximately caused by the delay. This Section does not  
20 apply, however, and the rail carrier is not liable, if the  
21 blockage of the crossing or the delay of more than 20 minutes  
22 was due to circumstances beyond the rail carrier's control.

23 Section 15. Damages. In any case in which a rail carrier  
24 is determined to be liable under this Act for damages  
25 suffered by the plaintiff, the plaintiff is entitled, at a  
26 minimum, to liquidated damages in the amount of \$500. The  
27 plaintiff also may recover punitive damages as in other civil  
28 cases.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.