

CHAPTER 33

S.B. No. 822

An Act relating to toilet facilities and the provision of sanitary drinking water on railroad trains; providing a civil penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITION. In this Act, "sanitary condition" means a condition of good order and cleanliness that precludes the reasonable probability of disease transmission.

SECTION 2. DUTIES OF RAILROAD CORPORATION. (a) A railroad corporation that operates a line of railway in this state shall:

(1) equip each engine and caboose that is used for the transportation and occupation of railroad crewmen with sanitary drinking water;

(2) retain a toilet facility on any engine or caboose that is equipped with a toilet facility; and

(3) ensure that any toilet facilities are in a working and sanitary condition.

(b) This Act does not require a railroad corporation to equip any engine or caboose with a toilet facility.

SECTION 3. PRIVACY. Each toilet facility must provide privacy to the person using the facility.

SECTION 4. REGULATION. The Texas Department of Health shall implement and enforce this Act and shall adopt rules necessary under this Act.

SECTION 5. CIVIL PENALTY. (a) A railroad corporation may not violate any rules adopted under this Act.

(b) Any railroad corporation or person who violates a rule adopted under this Act may be assessed a civil penalty to be paid to the State of Texas in an amount not to exceed \$200 for each violation. Each day a violation occurs is a separate violation. The attorney general or a county

or district attorney having jurisdiction in the area in which the violation occurred may bring suit for the violation.

SECTION 6. EFFECTIVE DATE. Section 3 of this Act takes effect September 1, 1986. The remainder of this Act takes effect September 1, 1985.

SECTION 7. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 25, 1985, by a viva-voce vote; passed the House on April 2, 1985, by a non-record vote.

Approved: April 11, 1985

Effective: September 1, 1985, except for Section 3 which is effective September 1, 1986.