

56-1-21.5 Railroad special agents.

- (1)
 - (a) A railroad company may appoint one or more persons to be designated by the railroad company as a railroad special agent for the protection of railroad property and the protection of the persons and property of railroad passengers and employees.
 - (b) While engaged in the conduct of employment, each appointed railroad special agent may possess and exercise the powers of a special function officer.
 - (c) The special function officer authority may be exercised only:
 - (i) in the protection of passengers and employees on or about railroad premises and in the protection of property belonging to passengers, or belonging to or under the control of the railroad employing the special agents; and
 - (ii) in preventing and making arrest for a violation of law upon the premises or in connection with the property.
- (2)
 - (a) A person appointed by a railroad company to act as a railroad special agent shall, prior to appointment, meet the qualifications established for special function officers, pursuant to Section 53-13-105, or as otherwise provided by law.
 - (b)
 - (i) Before the appointee performs any duties as a special agent, the railroad company shall file the name of the appointee with the commissioner of the Department of Public Safety.
 - (ii) If the appointee meets qualifications for a special function officer, the commissioner of the Department of Public Safety shall issue to the special agent a certificate of authority to act as a peace officer, to continue in effect during his employment by the railroad unless revoked by the commissioner for cause.
- (3)
 - (a) A railroad company appointing a special agent is responsible for any liability arising from the acts or omissions of the special agent within the scope of railroad employment, but is entitled to any defense to liability that may be available to other peace officers.
 - (b) Neither the state nor any of its political subdivisions is liable for any act or omission of a railroad special agent.

Amended by Chapter 282, 1998 General Session