

26 **Other Special Clauses:**

27 **§→ This bill provides a special effective date. ←§**

27a This bill provides a coordination clause.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 72-1-203, as last amended by Laws of Utah 2019, Chapter 479

31 ENACTS:

32 72-17-101, Utah Code Annotated 1953

33 72-17-102, Utah Code Annotated 1953

34 72-17-103, Utah Code Annotated 1953

35 72-17-104, Utah Code Annotated 1953

36 72-17-105, Utah Code Annotated 1953

37 72-17-106, Utah Code Annotated 1953

38 72-17-107, Utah Code Annotated 1953

39 72-17-108, Utah Code Annotated 1953

40 **Utah Code Sections Affected by Coordination Clause:**

41 72-7-102, Utah Code Annotated 1953

42 72-7-601, Utah Code Annotated 1953

43 72-7-602, Utah Code Annotated 1953

44 72-17-201, Utah Code Annotated 1953

45 72-17-202, Utah Code Annotated 1953



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section 72-1-203 is amended to read:

49 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
50 **and advisers -- Salaries.**

51 (1) The executive director shall appoint two deputy directors, who shall serve at the
52 discretion of the executive director.

53 (2) (a) The deputy director of engineering and operations shall be a registered
54 professional engineer in the state and is the chief engineer of the department.

55 (b) The deputy director of engineering and operations shall assist the executive director
56 with areas of responsibility that may include:

274 department shall make rules to establish safety standards related to:

- 275 (1) walkways adjacent to railroad track;
- 276 (2) clearances of structures and other obstructions near railroad track;
- 277 (3) the safety of office personnel conducting inspections in accordance with this part;
- 278 (4) railroad infrastructure and work spaces for railroad workers;
- 279 (5) signage related to railroad worker safety; and
- 280 (6) other safety standards as the department finds necessary.

281 Section 9. Section **72-17-108** is enacted to read:

282 **72-17-108. Agreements to indemnify in a railroad contract.**

283 (1) As used in this section:

284 (a) "Railroad contract" means a contract or agreement between:

285 (i) a railroad; and

286 (ii) another person that could be subject to a civil penalty or fine issued pursuant to this
287 chapter.

288 (b) "Indemnification provision" means a covenant, promise, agreement, or
289 understanding in, in connection with, or collateral to a railroad contract that requires the person
290 to insure, hold harmless, indemnify, or defend the railroad against liability, if:

291 (i) the damages arise out of a civil penalty issued pursuant to this chapter; and

292 (ii) the damages are caused by or resulting from the fault of the railroad or the
293 railroad's agents or employees.

294 (2) Except as provided in Subsection (3), an indemnification provision in a railroad
295 contract is against public policy and is void and unenforceable.

296 (3) If an indemnification provision is included in a railroad contract, in any action for
297 damages described in Subsection (1)(b)(i), the railroad may seek indemnification from another
298 party to a railroad contract pro rata based on the proportional share of fault of each party, if:

299 (a) the damages are caused in part by the party other than the railroad;

300 (b) the cause of the damages arose at a time when the party other than the railroad was
301 operating pursuant to the railroad contract.

302 (4) This section may not be construed to impair a contract in existence before May 3,
303 2023.

303a **§→ Section 10. Effective date.**

303b **This bill takes effect on March 31, 2024. ←§**

304 Section **§→ [10] 11 ←§** . **Coordinating H.B. 63 with H.B. 232 -- Substantive and**
304a **technical**