

**277.315 Liability insurance requirement for special passenger excursion trains --  
Limitation of damages.**

- (1) As used in this section:
  - (a) "Nonprofit sponsor" means a corporation whose purpose includes the historic preservation of documents, memorabilia, and equipment associated with the railroad industry, and public education regarding the history, current functions, and future of railroad transportation and which is exclusive to religious, scientific, literary, or educational within the meaning of 26 U.S.C. sec. 501(c)(3) as amended; and
  - (b) "Special passenger excursion train" means a train offered by a nonprofit sponsor to the public for operation over a common carrier railroad or railroad authority.
- (2) Notwithstanding any other statute to the contrary, liability for all claims, whether for compensatory damages or punitive damages arising from a rail incident or accident occurring in the Commonwealth, and made against a nonprofit sponsor of a special passenger excursion train or owner or operator of an excursion train or against the railroad or rail authority over whose tracks the special passenger excursion train was operated when the accident or incident occurred, shall not exceed the valid and collectible liability insurance coverage maintained on the special passenger excursion train. The sponsor of a special passenger excursion train shall maintain or provide evidence of insurance coverage of not less than five million dollars (\$5,000,000) per occurrence or per claim. A nonprofit sponsor shall provide evidence of such coverage upon demand of the Transportation Cabinet.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 306, sec. 1, effective July 15, 1994.