

1 **H. B. 2484**

2
3 (By Delegates Caputo, Fragale, Ellem, Azinger,
4 Longstreth and Manchin)

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6 [Introduced January 14, 2011; referred to the
7 Committee on the Judiciary.]

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10 A BILL to amend of the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §61-2-31, relating to
12 railroad employees; and establishing criminal penalties for
13 interfering with medical treatment of a railroad employee
14 injured during the course of employment.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §61-2-31, to read as
18 follows:

19 **ARTICLE 2. CRIMES AGAINST THE PERSON.**

20 **§61-2-31. Interference with treatment of injured railroad employee.**

21 (a) It is unlawful for a railroad company or person employed
22 by a railroad company to:

23 (1) Deny, delay or interfere with medical treatment or first
24 aid treatment to an employee of a railroad company who has been
25 injured during employment; or

1 (2) Discipline or threaten discipline to an employee of a
2 railroad company who has been injured during employment for
3 requesting medical treatment or first aid treatment for the injury.

4 (b) A railroad company who violates the provisions of this
5 section is guilty of a misdemeanor and, upon conviction thereof,
6 shall be fined not more than \$10,000 for each violation. A person
7 who violates the provisions of this section is guilty of a
8 misdemeanor and, upon conviction thereof, shall be fined not more
9 than \$10,000 or confined in jail for no more than one year, or both
10 fined and confined.

NOTE: The purpose of this bill is to create criminal penalties for a railroad company or employee who denies, delays or interferes with medical treatment or first aid to a railroad employee injured on the job, or who threatens discipline to an injured employee who requests medical treatment or first aid for a job injury.

This section is new; therefore, it has been completely underscored.