

9-104. AGREEMENTS.

(A) EXEMPTION FROM DUTY; WAIVER OF RIGHT.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A COVERED EMPLOYEE OR AN EMPLOYER OF A COVERED EMPLOYEE MAY NOT BY AGREEMENT, RULE, OR REGULATION:

(I) EXEMPT THE COVERED EMPLOYEE OR THE EMPLOYER FROM A DUTY OF THE COVERED EMPLOYEE OR THE EMPLOYER UNDER THIS TITLE; OR

(II) WAIVE A RIGHT OF THE COVERED EMPLOYEE OR THE EMPLOYER UNDER THIS TITLE.

(2) AN AGREEMENT, RULE, OR REGULATION THAT VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS VOID.

(B) RAILROADS.

(1) IF FEDERAL LAW PROVIDES AN EXCLUSIVE REMEDY AND COMPENSATION TO AN EMPLOYEE OF A COMMON CARRIER BY RAILROAD IN THIS STATE OR A DEPENDENT OF THE EMPLOYEE FOR DISABILITY OR DEATH CAUSED BY AN ACCIDENTAL INJURY SUSTAINED IN INTERSTATE OR FOREIGN COMMERCE, THE CARRIER AND THE EMPLOYEE MAY ENTER INTO AN AGREEMENT THAT PROVIDES:

(I) FOR THE PAYMENT BY THE CARRIER OF COMPENSATION, IN ACCORDANCE WITH THE FEDERAL LAW, TO THE EMPLOYEE OR A DEPENDENT OF THE EMPLOYEE FOR DISABILITY OR DEATH CAUSED BY AN ACCIDENTAL INJURY SUSTAINED IN INTRASTATE COMMERCE; AND

(II) EXCEPT AS OTHERWISE PROVIDED IN THE AGREEMENT, THAT THE CARRIER MAY NOT BE CIVILLY LIABLE FOR THE DISABILITY OR DEATH OF THE EMPLOYEE CAUSED BY THE ACCIDENTAL INJURY.

(2) TO ENTER INTO AN AGREEMENT WITH ANY EMPLOYEES OF A COMMON CARRIER BY RAILROAD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CARRIER SHALL:

(I) SUBMIT, UNDER SEAL, TO THE COMMISSION A DOCUMENT THAT:

1. OFFERS TO ENTER INTO AN AGREEMENT WITH EACH OF ITS EMPLOYEES IN THE STATE UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

2. REFERS TO THE APPLICABLE FEDERAL LAW; AND