

See Trans. 3/17, No Pass 3/27

MAR 6 1992

Place On Calendar

HOUSE FILE 2380

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2227)

Passed House, Date 3/12/92 (p. 573) Passed Senate, Date 4/12/92 (p. 1156)

Vote: Ayes 71 Nays 21 Vote: Ayes 48 Nays 1

Approved April 27, 1992 (p. 1834)

A BILL FOR

1 An Act relating to railroad crossing violations.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2380

H-5245

1 Amend House File 2380 as follows:

2 1. Page 1, line 14, by striking the word "shall"
3 and inserting the following: "may".

4 2. Page 1, line 16, by striking the word "shall"
5 and inserting the following: "may".

By PAVICH by Pottawattamie

H-5245 FILED MARCH 11, 1992

adapted 3/12 (p. 573)

HF 2380

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1 Section 1. NEW SECTION. 321.344A REPORTED VIOLATIONS FOR
2 FAILURE TO STOP AT A RAILROAD CROSSING.

3 The employee of a railroad who observes a violation of
4 section 321.341, 321.342, 321.343, or 321.344, may prepare a
5 written report on a form provided by the department of public
6 safety indicating that a violation has occurred. The railroad
7 employee may deliver the report not more than seventy-two
8 hours after the violation occurred to a peace officer of the
9 state or a peace officer of the county or municipality in
10 which the violation occurred. The report shall state the time
11 and the location at which the violation occurred and shall
12 include the registration plate number and a description of the
13 vehicle involved in the violation.

14 A peace officer shall initiate an investigation not more
15 than seven calendar days after receiving a report of a
16 violation pursuant to this section. The peace officer shall
17 request that the owner of the vehicle supply information
18 identifying the driver of the vehicle in accordance with
19 section 321.484. If from the investigation, the peace officer
20 is able to identify the driver of the vehicle and has
21 reasonable cause to believe a violation has occurred, the
22 peace officer shall prepare a uniform traffic citation for the
23 violation and shall serve it personally or by certified mail
24 on the driver of the vehicle.

25 Sec. 2. Section 321.484, unnumbered paragraph 3, Code
26 1991, is amended to read as follows:

27 If a peace officer as defined in section 801.4 has
28 reasonable cause to believe the driver of a motor vehicle has
29 violated sections 321.261, 321.262, 321.264, 321.341, 321.342,
30 321.343, 321.344, or 321.372, the officer may request any
31 owner of the motor vehicle to supply information identifying
32 the driver. When requested, the owner of the vehicle shall
33 identify the driver to the best of the owner's ability.
34 However, the owner of the vehicle is not required to supply
35 identification information to the officer if the owner

1 believes the information is self-incriminating.

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EXPLANATION

3 This bill allows an employee of a railroad who observes the
4 driver of a vehicle failing to stop at a railroad grade
5 crossing to report the violation to a peace officer not more
6 than 72 hours after the violation occurred. The bill lists
7 the following violations which may be reported by a railroad
8 employee: a violation under section 321.341 which applies to
9 drivers approaching a railroad grade crossing when warning is
10 given by an automatic signal, a crossing gate, a flag person,
11 or otherwise and requires stopping within 50 feet but not less
12 than 15 feet from the nearest rail; a violation under section
13 321.342 which applies to drivers approaching a railroad
14 crossing where traffic is regulated by a stop sign, a railroad
15 sign directing traffic to stop, or an official traffic control
16 signal and requires that the driver stop at the clearly marked
17 stop line or at a point near the crossing where the driver has
18 a clear view of the approaching train; a violation under
19 section 321.343 which requires that vehicles carrying
20 passengers for hire, school buses, or vehicles carrying
21 hazardous substances stop within 50 feet but not less than 15
22 feet from the nearest rail and must listen and look for an
23 approaching train before proceeding; and a violation under
24 section 321.344 which regulates the movement of heavy
25 equipment across the railroad crossing.

26 The report of the violation must state the time and
27 location at which the violation occurred and include the
28 registration plate number and a description of the vehicle. A
29 peace officer has seven days to initiate the investigation of
30 the reported violation and may request the owner of the
31 vehicle to supply information identifying the driver. If the
32 peace officer is able to identify the driver and has
33 reasonable cause to believe a violation occurred, the peace
34 officer must prepare a uniform traffic citation and serve it
35 personally or by certified mail on the driver of the vehicle.

1 The bill also requires that the owner of a vehicle comply with
2 a peace officer's request to furnish information regarding the
3 driver of the vehicle.

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HOUSE FILE 2380

AN ACT
RELATING TO RAILROAD CROSSING VIOLATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 321.344A REPORTED VIOLATIONS FOR FAILURE TO STOP AT A RAILROAD CROSSING.

The employee of a railroad who observes a violation of section 321.341, 321.342, 321.343, or 321.344, may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The railroad employee may deliver the report not more than seventy-two hours after the violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the violation occurred. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation.

A peace officer may initiate an investigation not more than seven calendar days after receiving a report of a violation pursuant to this section. The peace officer may request that the owner of the vehicle supply information identifying the driver of the vehicle in accordance with section 321.484. If from the investigation, the peace officer is able to identify the driver of the vehicle and has reasonable cause to believe a violation has occurred, the peace officer shall prepare a uniform traffic citation for the violation and shall serve it personally or by certified mail on the driver of the vehicle.

Sec. 2. Section 321.484, unnumbered paragraph 3, Code 1991, is amended to read as follows:


If a peace officer as defined in section 801.4 has reasonable cause to believe the driver of a motor vehicle has violated sections 321.261, 321.262, 321.264, 321.341, 321.342,

321.343, 321.344, or 321.372, the officer may request any owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner's ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2380, Seventy-fourth General Assembly.

Approved  1992
JOSEPH O'HERN
Chief Clerk of the House

TERRY L. BRANSTAD
Governor