

Senate Study Bill 1235

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CO=CHAIRPERSON McCOY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to traffic citations issued for railroad crossing
2 violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1927SC 81
5 dea/cf/24

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1 1 Section 1. Section 321.344A, Code 2005, is amended to read
1 2 as follows:
1 3 321.344A REPORTED VIOLATIONS FOR FAILURE TO STOP AT A
1 4 RAILROAD CROSSING.

1 5 1. The employee of a railroad who observes a violation of
1 6 section 321.341, 321.342, 321.343, or 321.344 may prepare a
1 7 written report on a form provided by the department of public
1 8 safety indicating that a violation has occurred. The railroad
1 9 employee may deliver the report not more than seventy-two
1 10 hours after the violation occurred to a peace officer of the
1 11 state or a peace officer of the county or municipality in
1 12 which the violation occurred. The report shall state the time
1 13 and the location at which the violation occurred and shall
1 14 include the registration plate number and a description of the
1 15 vehicle involved in the violation.

1 16 2. A peace officer may initiate an investigation not more
1 17 than seven calendar days after receiving a report of a
1 18 violation pursuant to this section. The peace officer may
1 19 request that the owner of the vehicle supply information
1 20 identifying the driver of the vehicle in accordance with
1 21 section 321.484.

1 22 a. If from the investigation, the peace officer is able to
1 23 identify the driver of the vehicle and has reasonable cause to
1 24 believe a violation has occurred, the peace officer shall
1 25 prepare a uniform traffic citation for the violation and shall
1 26 serve it personally or by certified mail on the driver of the
1 27 vehicle.

1 28 b. If, from the investigation, the peace officer has
1 29 reasonable cause to believe that a violation occurred but is
1 30 unable to identify the driver, the peace officer shall serve a
1 31 uniform traffic citation for the violation on the owner of the
1 32 motor vehicle. Notwithstanding section 321.484, in a
1 33 proceeding where the peace officer who conducted the
1 34 investigation was not able to identify the driver of the motor
1 35 vehicle, proof that the motor vehicle described in the uniform
2 1 traffic citation was used to commit the violation of section
2 2 321.341, 321.342, 321.343, or 321.344, together with proof
2 3 that the defendant named in the citation was the registered
2 4 owner of the motor vehicle at the time the violation occurred,
2 5 constitutes a permissible inference that the registered owner
2 6 was the driver who committed the violation.

2 7 EXPLANATION

2 8 This bill provides that a peace officer who is
2 9 investigating a report by a railroad employee of a motor
2 10 vehicle that failed to stop or to take the proper precautions
2 11 at a railroad crossing as required by law may issue a citation
2 12 to the owner of the vehicle if the identity of the driver
2 13 cannot be determined. In a proceeding where the peace officer
2 14 was not able to identify the driver of the vehicle, proof that
2 15 the motor vehicle described in the citation was used to commit
2 16 the violation, together with proof that the person named in

2 17 the citation was the registered owner of the vehicle at the
2 18 time the violation occurred, constitutes a permissible
2 19 inference that the registered owner was the driver who
2 20 committed the violation.

2 21 Current law requires the driver of a motor vehicle to stop
2 22 at a railroad crossing when signaled that a train is
2 23 approaching or when the crossing gate is lowered. At some
2 24 railroad crossings, a stop sign or other signal requires a
2 25 vehicle to stop before proceeding across the tracks. Certain
2 26 vehicles such as school buses and vehicles carrying hazardous
2 27 material are required to stop before crossing any railroad
2 28 track. Additional requirements apply to commercial vehicles
2 29 and heavy equipment haulers. A violation of any of the safety
2 30 provisions relating to railroad crossings is punishable as a
2 31 scheduled violation subject to a fine of \$100, or if the
2 32 violation creates an immediate threat to safety of a person or
2 33 property, the fine is \$200.

2 34 LSB 1927SC 81

2 35 dea:nh/cf/24