

Senate File 248 - Introduced

SENATE FILE 248

BY T. TAYLOR, DANIELSON,
KINNEY, J. SMITH, LYKAM,
and R. TAYLOR

A BILL FOR

1 An Act relating to the operation of railroad trains by a crew
2 of two or more persons, providing penalties, and including
3 effective date provisions.

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

1 Section 1. NEW SECTION. 327F.33 Crew size — penalties.

2 1. A locomotive or railroad train operating on a railroad
3 track in connection with the movement of freight shall
4 be operated by a crew consisting of at least two railroad
5 employees. This section does not apply to the operation of
6 a locomotive or railroad train in connection with a hostler
7 service or utility service.

8 2. a. A railroad company found guilty of willfully
9 violating subsection 1 shall, upon conviction, be subject to
10 one of the following penalties:

11 (1) For a first offense, a schedule "three" penalty as
12 provided in section 327C.5.

13 (2) For a second or subsequent offense, a schedule "five"
14 penalty as provided in section 327C.5. A second offense under
15 this section shall be a first violation for the purposes of
16 calculating the schedule "five" penalty.

17 b. For purposes of determining whether a conviction is a
18 first, second, or subsequent offense, only offenses committed
19 within the three-year period prior to the most recent offense
20 shall be considered.

21 Sec. 2. EFFECTIVE DATE. This Act takes effect thirty days
22 after enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill requires a locomotive or railroad train operating
27 on a railroad track in connection with the movement of freight
28 to be operated by a crew consisting of at least two railroad
29 employees. This requirement does not apply to the operation
30 of a locomotive or railroad train in connection with a hostler
31 service or utility service.

32 The bill provides that a railroad company found guilty of
33 willfully violating this requirement is subject to a penalty
34 of not less than \$500 and not more than \$1,000 for a first
35 offense, not less than \$500 and not more than \$5,000 for a

S.F. 248

1 second offense, and not less than \$5,000 and not more than
2 \$10,000 for a third or subsequent offense. For purposes
3 of determining whether a conviction is a first, second, or
4 subsequent offense, the bill provides that only offenses
5 committed within the three-year period prior to the most recent
6 offense shall be considered.

7 The bill takes effect 30 days after enactment.