

**Senate File 622 - Introduced**

SENATE FILE 622

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 474)

(SUCCESSOR TO SF 295)

**A BILL FOR**

1 An Act relating to motor vehicles that traverse certain  
2 railroad grade crossings against a gate or signal, and  
3 providing penalties.

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

1 Section 1. Section 321.341, Code 2019, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. For violations of this section that  
4 occur at a railroad grade crossing that has a median barrier  
5 and that is established as a quiet zone in accordance with  
6 49 C.F.R. pt. 222, subpt. C, the person may attend and  
7 successfully complete, at the person's own expense, a driver  
8 improvement program approved by the department in lieu of the  
9 fine imposed under section 805.8A, subsection 14, paragraph  
10 "h". To be eligible, the person shall notify the clerk of  
11 court prior to the date of the person's court appearance as  
12 indicated on the citation that the person intends to attend and  
13 successfully complete a driver improvement program, and shall  
14 submit to the clerk of court written verification that the  
15 person completed the driver improvement program, signed by the  
16 instructor of the program, within ninety days of the violation.

17 Sec. 2. Section 805.8A, subsection 14, paragraph h, Code  
18 2019, is amended to read as follows:

19 *h. Railroad crossing violations.* For violations under  
20 sections 321.341, 321.342, 321.343, and 321.344, and 321.344B,  
21 the scheduled fine is two hundred dollars. However, for  
22 violations of section 321.341 that occur at a railroad grade  
23 crossing that has a median barrier and that is established as a  
24 quiet zone in accordance with 49 C.F.R. pt. 222, subpt. C, the  
25 scheduled fine is four hundred dollars.

26 EXPLANATION

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

29 Currently, Code section 321.341 provides that when a person  
30 driving a vehicle approaches a railroad grade crossing and  
31 a warning is given by automatic signal, crossing gate, or  
32 flag person of the immediate approach of a railroad train or  
33 railroad track equipment, the driver of the vehicle is required  
34 to stop the vehicle within 50 feet but not less than 15 feet  
35 from the nearest rail and is prohibited from proceeding until

1 the driver can do so safely. In addition, the driver of a  
2 vehicle is required to stop the vehicle and not traverse the  
3 railroad grade crossing when the crossing gate is lowered or  
4 when a human flagman gives or continues to give a signal of  
5 the approach or passage of a railroad train or railroad track  
6 equipment. A violation of this provision is punishable by a  
7 scheduled fine of \$200.

8 This bill provides that when a violation of Code section  
9 321.341 occurs at a railroad grade crossing that has a median  
10 barrier and that is established as a quiet zone in accordance  
11 with federal regulations, the violation is punishable by a  
12 scheduled fine of \$400. However, the bill allows the person to  
13 attend and successfully complete, at the person's own expense,  
14 a driver improvement program approved by the department of  
15 transportation in lieu of the fine. To be eligible, the  
16 person must notify the clerk of court prior to the date of  
17 the person's court appearance as indicated on the citation  
18 that the person intends to attend and successfully complete a  
19 driver improvement program, and must submit to the clerk of  
20 court written verification that the person completed the driver  
21 improvement program, signed by the instructor of the program,  
22 within 90 days of the violation.