

House File 462 - Introduced

HOUSE FILE 462

BY MAXWELL, THORUP, and JAMES

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 be
4 operated by a crew consisting of at least two qualified
5 railroad employees. This section does not apply to the
6 operation of a locomotive or railroad train in connection with
7 a hostler service or utility service.

8 2. a. A railroad company found guilty of violating
9 subsection 1 shall, upon conviction, be subject to one of the
10 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 qualified
29 railroad employees. This requirement does not apply to the
30 operation of a locomotive or railroad train in connection with
31 a hostler service or utility service.

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

1 and not less than \$5,000 and not more than \$10,000 for a third
2 or subsequent offense. For purposes of determining whether a
3 conviction is a first, second, or subsequent offense, the bill
4 provides that only offenses committed within the three-year
5 period prior to the most recent offense shall be considered.
6 The bill takes effect 30 days after enactment.