

**House File 204 - Introduced**

HOUSE FILE 204

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 84)

(COMPANION TO SF 96 BY GREEN)

**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 2023, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* For violations of this section  
4 that occur at a railroad grade crossing that has a median  
5 barrier and that is established as a quiet zone in accordance  
6 with 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", subparagraph (2). To be eligible, the person shall notify  
11 the clerk of court prior to the date of the person's court  
12 appearance as indicated on the citation that the person intends  
13 to attend and successfully complete a driver improvement  
14 program, and shall submit to the clerk of court written  
15 verification that the person completed the driver improvement  
16 program, signed by the instructor of the program, within ninety  
17 days of the violation.

18 *b.* A person who notifies the clerk of court that the person  
19 intends to successfully complete a driver improvement program  
20 pursuant to paragraph "a", but who does not submit the required  
21 written verification that the person successfully completed the  
22 driver improvement program to the clerk of court within ninety  
23 days of the violation, shall be assessed the fine described in  
24 paragraph "a" on the ninety-first day after the violation.

25 Sec. 2. Section 805.8A, subsection 14, paragraph h, Code  
26 2023, is amended to read as follows:

27 *h. Railroad crossing violations.*

28 (1) For violations under [sections 321.341, 321.342,](#)  
29 [321.343, 321.344,](#) and [321.344B,](#) the scheduled fine is two  
30 hundred sixty dollars.

31 (2) However, for violations of section 321.341 that occur at  
32 a railroad grade crossing that has a median barrier and that  
33 is established as a quiet zone in accordance with 49 C.F.R.  
34 pt. 222, subpt. C, the scheduled fine is five hundred twenty  
35 dollars.

1

EXPLANATION

2

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

3

4 Currently, Code section 321.341 provides that when a person  
5 driving a vehicle approaches a railroad grade crossing and  
6 a warning is given by automatic signal, crossing gate, or  
7 flag person of the immediate approach of a railroad train or  
8 railroad track equipment, the driver is required to stop within  
9 50 feet but not less than 15 feet from the nearest rail and is  
10 prohibited from proceeding until the driver can do so safely.  
11 In addition, the driver is required to stop the vehicle and  
12 not traverse the railroad grade crossing when the crossing  
13 gate is lowered or when a human flagman gives or continues to  
14 give a signal of the approach or passage of a railroad train  
15 or railroad track equipment. A violation of this provision is  
16 punishable by a scheduled fine of \$260.

17 This bill provides that when a violation of Code section  
18 321.341 occurs at a railroad grade crossing that has a median  
19 barrier and that is established as a quiet zone in accordance  
20 with federal regulations, the violation is punishable by a  
21 scheduled fine of \$520. However, the bill allows the person to  
22 attend and successfully complete, at the person's own expense,  
23 a driver improvement program approved by the department of  
24 transportation in lieu of the fine. To be eligible, the  
25 person must notify the clerk of court prior to the date of the  
26 person's court appearance that the person intends to attend  
27 and successfully complete a driver improvement program, and  
28 must submit to the clerk of court written verification that  
29 the person completed the program, signed by the instructor of  
30 the program, within 90 days of the violation. If a person  
31 notifies the clerk of court of the person's intent to complete  
32 the program but fails to submit the required verification of  
33 completion within 90 days, the person must be assessed the \$520  
34 fine.