

Senate File 96 - Introduced

SENATE FILE 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.

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EXPLANATION

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

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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.