

MAR 9 2005
Place On Calendar

HOUSE FILE 687
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 331)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of traffic citations for railroad
2 crossing violations.

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

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HF 687

1 Section 1. Section 321.344A, Code 2005, is amended to read
2 as follows:

3 321.344A REPORTED VIOLATIONS FOR FAILURE TO STOP AT A
4 RAILROAD CROSSING.

5 1. The employee of a railroad who observes a violation of
6 section 321.341, 321.342, 321.343, or 321.344 may prepare a
7 written report on a form provided by the department of public
8 safety indicating that a violation has occurred. The railroad
9 employee may deliver the report not more than seventy-two
10 hours after the violation occurred to a peace officer of the
11 state or a peace officer of the county or municipality in
12 which the violation occurred. The report shall state the time
13 and the location at which the violation occurred and shall
14 include the registration plate number and a description of the
15 vehicle involved in the violation.

16 2. A peace officer may initiate an investigation not more
17 than seven calendar days after receiving a report of a
18 violation pursuant to this section. The peace officer may
19 request that the owner of the vehicle supply information
20 identifying the driver of the vehicle in accordance with
21 section 321.484.

22 a. If from the investigation, the peace officer is able to
23 identify the driver of the vehicle and has reasonable cause to
24 believe a violation has occurred, the peace officer shall
25 prepare a uniform traffic citation for the violation and shall
26 serve it personally or by certified mail on the driver of the
27 vehicle.

28 b. If, from the investigation, the peace officer has
29 reasonable cause to believe that a violation occurred but is
30 unable to identify the driver, the peace officer shall serve a
31 uniform traffic citation for the violation on the owner of the
32 motor vehicle. Notwithstanding section 321.484, in a
33 proceeding where the peace officer who conducted the
34 investigation was not able to identify the driver of the motor
35 vehicle, proof that the motor vehicle described in the uniform

1 traffic citation was used to commit the violation of section
2 321.341, 321.342, 321.343, or 321.344, together with proof
3 that the defendant named in the citation was the registered
4 owner of the motor vehicle at the time the violation occurred,
5 constitutes a permissible inference that the registered owner
6 was the driver who committed the violation.

7 EXPLANATION

8 This bill provides that a peace officer who is
9 investigating a report by a railroad employee of a motor
10 vehicle that failed to stop or to take the proper precautions
11 at a railroad crossing as required by law may issue a citation
12 to the owner of the vehicle if the identity of the driver
13 cannot be determined. In a proceeding where the peace officer
14 was not able to identify the driver of the vehicle, proof that
15 the motor vehicle described in the citation was used to commit
16 the violation, together with proof that the person named in
17 the citation was the registered owner of the vehicle at the
18 time the violation occurred, constitutes a permissible
19 inference that the registered owner was the driver who
20 committed the violation.

21 Current law requires the driver of a motor vehicle to stop
22 at a railroad crossing when signaled that a train is
23 approaching or when the crossing gate is lowered. At some
24 railroad crossings, a stop sign or other signal requires a
25 vehicle to stop before proceeding across the tracks. Certain
26 vehicles such as school buses and vehicles carrying hazardous
27 material are required to stop before crossing any railroad
28 track. Additional requirements apply to commercial vehicles
29 and heavy equipment haulers. A violation of any of the safety
30 provisions relating to railroad crossings is punishable as a
31 scheduled violation subject to a fine of \$100, or if the
32 violation creates an immediate threat to safety of a person or
33 property, the fine is \$200.

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HOUSE FILE 687

H-1401

1 Amend House File 687 as follows:

2 1. Page 2, line 3, by striking the word

3 "registered".

4 2. Page 2, line 5, by striking the word

5 "registered".

6 3. Page 2, by inserting after line 6 the
7 following:

8 "c. For purposes of this subsection, "owner" means
9 a person who holds the legal title to a motor vehicle;
10 however, if the motor vehicle is the subject of a
11 security agreement with a right of possession in the
12 debtor, the debtor shall be deemed the owner for
13 purposes of this subsection, or if the motor vehicle
14 is leased as defined in section 321.493, the lessee
15 shall be deemed the owner for purposes of this
16 subsection.

17 Sec. _____. Section 321.372A, subsection 2,
18 paragraph b, Code 2005, is amended to read as follows:

19 b. If, from the investigation, the peace officer
20 has reasonable cause to believe that a violation of
21 section 321.372, subsection 3, occurred but is unable
22 to identify the driver, the peace officer shall serve
23 a uniform traffic citation for the violation to the
24 owner of the motor vehicle. Notwithstanding section
25 321.484, in a proceeding where the peace officer who
26 conducted the investigation was not able to identify
27 the driver of the motor vehicle, proof that the motor
28 vehicle described in the uniform traffic citation was
29 used to commit the violation of section 321.372,
30 subsection 3, together with proof that the defendant
31 named in the citation was the ~~registered~~ owner of the
32 motor vehicle at the time the violation occurred,
33 constitutes a permissible inference that the
34 ~~registered~~ owner was the driver who committed the
35 violation.

36 Sec. _____. Section 321.372A, subsection 2, Code
37 2005, is amended by adding the following new
38 paragraph:

39 NEW PARAGRAPH. c. For purposes of this
40 subsection, "owner" means a person who holds the legal
41 title to a motor vehicle; however, if the motor
42 vehicle is the subject of a security agreement with a
43 right of possession in the debtor, the debtor shall be
44 deemed the owner for purposes of this subsection, or
45 if the motor vehicle is leased as defined in section
46 321.493, the lessee shall be deemed the owner for
47 purposes of this subsection."

48 4. Title page, line 1, by inserting after the
49 word "for" the following: "school bus warning device
50 and".

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1 5. By renumbering as necessary.

By RAYHONS of Hancock
BUKTA of Clinton

H-1401 FILED APRIL 19, 2005