

1 A bill to be entitled
2 An act relating to motor vehicles and railroad trains;
3 amending s. 316.003, F.S.; revising definitions;
4 amending s. 316.068, F.S.; specifying that certain
5 persons are not considered passengers for the purpose
6 of making crash reports; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsections (19), (40), (46), (61), and (97) of
11 section 316.003, Florida Statutes, are amended to read:

12 316.003 Definitions.—The following words and phrases, when
13 used in this chapter, shall have the meanings respectively
14 ascribed to them in this section, except where the context
15 otherwise requires:

16 (19) DRIVER.—Any person who drives or is in actual
17 physical control of a vehicle on a highway or who is exercising
18 control of a vehicle or steering a vehicle being towed by a
19 motor vehicle. A railroad train engineer operating a railroad
20 train is not a driver for purposes of this chapter.

21 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
22 self-propelled vehicle not operated upon rails or guideway, but
23 not including any bicycle, motorized scooter, electric personal
24 assistive mobility device, personal delivery device, swamp
25 buggy, or moped. For purposes of s. 316.1001, "motor vehicle"

26 | has the same meaning as provided in s. 320.01(1)(a). A railroad
 27 | train is not a motor vehicle for purposes of this chapter.

28 | (46) OPERATOR.—Any person who is in actual physical
 29 | control of a motor vehicle upon the highway or who is exercising
 30 | control over or steering a vehicle being towed by a motor
 31 | vehicle. A railroad train engineer operating a railroad train is
 32 | not an operator for purposes of this chapter.

33 | (61) RAILROAD TRAIN.—A steam engine, electric or other
 34 | motor, with or without cars coupled thereto, operated upon
 35 | rails, except a streetcar. A railroad train is not a motor
 36 | vehicle for purposes of this chapter.

37 | (97) VEHICLE.—Every device in, upon, or by which any
 38 | person or property is or may be transported or drawn upon a
 39 | highway, except personal delivery devices and devices used
 40 | exclusively upon stationary rails or tracks. A railroad train is
 41 | not a vehicle for purposes of this chapter.

42 | Section 2. Subsection (2) of section 316.068, Florida
 43 | Statutes, is amended to read:

44 | 316.068 Crash report forms.—

45 | (2) Every crash report required to be made in writing must
 46 | be made on the appropriate form approved by the department and
 47 | must contain all the information required therein, including:

- 48 | (a) The date, time, and location of the crash;
- 49 | (b) A description of the vehicles involved;
- 50 | (c) The names and addresses of the parties involved;

51 (d) The names and addresses of all drivers and passengers
52 in the vehicles involved;

53 (e) The names and addresses of witnesses;

54 (f) The name, badge number, and law enforcement agency of
55 the officer investigating the crash; and

56 (g) The names of the insurance companies for the
57 respective parties involved in the crash,

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59 unless not available. A member of a railroad train crew or a
60 passenger on a railroad train is not a passenger for purposes of
61 this section. The absence of information in such written crash
62 reports regarding the existence of passengers in the vehicles
63 involved in the crash constitutes a rebuttable presumption that
64 no such passengers were involved in the reported crash.

65 Notwithstanding any other provisions of this section, a crash
66 report produced electronically by a law enforcement officer
67 must, at a minimum, contain the same information as is called
68 for on those forms approved by the department.

69 Section 3. This act shall take effect July 1, 2018.