

By Senator Hutson

7-01480-19

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1 A bill to be entitled
2 An act relating to motor vehicles and railroad trains;
3 amending s. 316.003, F.S.; revising the definition of
4 the term "railroad train"; amending s. 316.068, F.S.;
5 requiring that, in the event of a crash involving a
6 railroad train, the collection of certain information
7 be at the discretion of the law enforcement officer
8 having jurisdiction to investigate the crash;
9 specifying that certain persons are not considered
10 passengers for the purpose of making crash reports;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (63) of section 316.003, Florida
16 Statutes, is amended to read:

17 316.003 Definitions.—The following words and phrases, when
18 used in this chapter, shall have the meanings respectively
19 ascribed to them in this section, except where the context
20 otherwise requires:

21 (63) RAILROAD TRAIN.—A steam engine, electric or other
22 motor, with or without cars coupled thereto, operated upon
23 rails, except a streetcar. A railroad train is not a motor
24 vehicle for purposes of this chapter.

25 Section 2. Subsection (2) of section 316.068, Florida
26 Statutes, is amended to read:

27 316.068 Crash report forms.—

28 (2) Every crash report required to be made in writing must
29 be made on the appropriate form approved by the department and

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30 must contain all the information required therein, including:

31 (a) The date, time, and location of the crash;

32 (b) A description of the vehicles involved;

33 (c) The names and addresses of the parties involved;

34 however, in the event of a crash involving a railroad train,
35 including crashes covered by s. 316.027, s. 316.061, s. 316.065,
36 or s. 316.066, the collection of the information specified in
37 this paragraph shall be at the discretion of the law enforcement
38 officer having jurisdiction to investigate the crash;

39 (d) The names and addresses of all drivers and passengers
40 in the vehicles involved; however, in the event of a crash
41 involving a railroad train, including crashes covered by s.
42 316.027, s. 316.061, s. 316.065, or s. 316.066, the collection
43 of the information specified in this paragraph shall be at the
44 discretion of the law enforcement officer having jurisdiction to
45 investigate the crash;

46 (e) The names and addresses of witnesses;

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

49 (g) The names of the insurance companies for the respective
50 parties involved in the crash, unless not available. A member of
51 a railroad train crew or a passenger on a railroad train is not
52 a passenger for purposes of this section. The absence of
53 information in such written crash reports regarding the
54 existence of passengers in the vehicles involved in the crash
55 constitutes a rebuttable presumption that no such passengers
56 were involved in the reported crash. Notwithstanding any other
57 provisions of this section, a crash report produced
58 electronically by a law enforcement officer must, at a minimum,

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59 contain the same information as is called for on those forms
60 approved by the department.

61 Section 3. This act shall take effect July 1, 2019.