

By the Committee on Infrastructure and Security; and Senator  
Hutson

596-02961-19

20191002c1

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; revising  
9 the collection of information to include the names of  
10 insurance companies of the motor vehicles involved in  
11 the crash, rather than the names of insurance  
12 companies for all respective parties; specifying that  
13 certain persons are not considered passengers for the  
14 purpose of making crash reports; requiring a member of  
15 the railroad train crew to furnish specified  
16 information; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (63) of section 316.003, Florida  
21 Statutes, is amended to read:

22 316.003 Definitions.—The following words and phrases, when  
23 used in this chapter, shall have the meanings respectively  
24 ascribed to them in this section, except where the context  
25 otherwise requires:

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

596-02961-19

20191002c1

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

32 316.068 Crash report forms.—

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

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

37 (b) A description of the vehicles involved;

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

44 (d) The names and addresses of all drivers and passengers  
45 in the motor vehicles involved; however, in the event of a crash  
46 involving a railroad train, including crashes covered by s.  
47 316.027, s. 316.061, s. 316.065, or s. 316.066, the collection  
48 of the information specified in this paragraph shall be at the  
49 discretion of the law enforcement officer having jurisdiction to  
50 investigate the crash;

51 (e) The names and addresses of witnesses;

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

54 (g) The names of the insurance companies of the motor  
55 vehicles for the respective parties involved in the crash,  
56 unless not available. A member of a railroad train crew or a  
57 passenger on a railroad train is not a passenger for purposes of  
58 this section. A member of the railroad train crew shall furnish

596-02961-19

20191002c1

59 the information required under paragraphs (a), (b), (c), and (e)  
60 and, upon the request of the law enforcement officer with  
61 jurisdiction to investigate the crash, the train engineer's and  
62 conductor's federal certification pursuant to 49 C.F.R., parts  
63 240 and 242. The absence of information in such written crash  
64 reports regarding the existence of passengers in the vehicles  
65 involved in the crash constitutes a rebuttable presumption that  
66 no such passengers were involved in the reported crash.  
67 Notwithstanding any other provisions of this section, a crash  
68 report produced electronically by a law enforcement officer  
69 must, at a minimum, contain the same information as is called  
70 for on those forms approved by the department.

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