

ENROLLED

CS/HB 341

2019 Legislature

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 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 information required to be contained in a crash
 10 report; specifying that certain persons are not
 11 considered passengers for the purpose of making crash
 12 reports; requiring a member of a railroad train crew
 13 to furnish certain information under certain
 14 circumstances; providing an effective date.

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

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

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

24 (63) RAILROAD TRAIN.—A steam engine, electric or other
 25 motor, with or without cars coupled thereto, operated upon

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26 | rails, except a streetcar. A railroad train is not a motor
 27 | vehicle for purposes of this chapter.

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

30 | 316.068 Crash report forms.—

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

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

35 | (b) A description of the vehicles involved;

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

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

49 | (e) The names and addresses of witnesses;

50 | (f) The name, badge number, and law enforcement agency of

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51 | the officer investigating the crash; and

52 | (g) The names of the insurance companies of ~~for~~ the motor

53 | vehicles ~~respective parties~~ involved in the crash,

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55 | unless not available. A member of a railroad train crew or a

56 | passenger on a railroad train is not a passenger for purposes of

57 | this section. In the event of a crash involving a railroad

58 | train, a member of the railroad train crew must furnish the

59 | information in paragraphs (a), (b), (c), and (e) and, upon

60 | request of the law enforcement officer having jurisdiction to

61 | investigate the crash, the railroad train engineer's or

62 | conductor's federal certification pursuant to 49 C.F.R. part 240

63 | or part 242. The absence of information in such written crash

64 | reports regarding the existence of passengers in the motor

65 | vehicles involved in the crash constitutes a rebuttable

66 | presumption that no such passengers were involved in the

67 | reported crash. Notwithstanding any other provisions of this

68 | section, a crash report produced electronically by a law

69 | enforcement officer must, at a minimum, contain the same

70 | information as is called for on those forms approved by the

71 | department.

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