

## CHAPTER 2019-69

### Committee Substitute for House Bill No. 341

An act relating to motor vehicles and railroad trains; amending s. 316.003, F.S.; revising the definition of the term “railroad train”; amending s. 316.068, F.S.; requiring that, in the event of a crash involving a railroad train, the collection of certain information be at the discretion of the law enforcement officer having jurisdiction to investigate the crash; revising information required to be contained in a crash report; specifying that certain persons are not considered passengers for the purpose of making crash reports; requiring a member of a railroad train crew to furnish certain information under certain circumstances; providing an effective date.

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

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

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

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

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

316.068 Crash report forms.—

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

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

(b) A description of the vehicles involved;

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

(d) The names and addresses of all drivers and passengers in the motor vehicles involved; however, in the event of a crash involving a railroad train, including crashes covered by s. 316.027, s. 316.061, s. 316.065, or s. 316.066,

the collection of the information specified in this paragraph shall be at the discretion of the law enforcement officer having jurisdiction to investigate the crash;

(e) The names and addresses of witnesses;

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

(g) The names of the insurance companies ~~of~~ for the motor vehicles ~~respective parties~~ involved in the crash,

unless not available. A member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of this section. In the event of a crash involving a railroad train, a member of the railroad train crew must furnish the information in paragraphs (a), (b), (c), and (e) and, upon request of the law enforcement officer having jurisdiction to investigate the crash, the railroad train engineer’s or conductor’s federal certification pursuant to 49 C.F.R. part 240 or part 242. The absence of information in such written crash reports regarding the existence of passengers in the motor vehicles involved in the crash constitutes a rebuttable presumption that no such passengers were involved in the reported crash. Notwithstanding any other provisions of this section, a crash report produced electronically by a law enforcement officer must, at a minimum, contain the same information as is called for on those forms approved by the department.

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

Approved by the Governor June 7, 2019.

Filed in Office Secretary of State June 7, 2019.