

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           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:

17  
 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

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

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,  
54  
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.