

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 435

92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles April 3, 2003, with recommendation that the House Committee Substitute for House Bill No. 435 Do Pass.

Taken up for Perfection April 14, 2003. House Committee Substitute for House Bill No. 435 ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

1616L.02P

AN ACT

To repeal section 304.035, RSMo, and to enact in lieu thereof one new section relating to required stops at railroad grade crossings, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 304.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.035, to read as follows:

304.035. 1. When any person driving a vehicle approaches a railroad grade crossing, the driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall stop the vehicle not less than fifteen feet and not more than fifty feet from the nearest rail of the railroad track and shall not proceed until he can safely do so if:

(1) A clearly visible electric or mechanical signal device warns of the approach of a railroad train; or

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal or warning of the approach or passage of a railroad train; or

(3) An approaching railroad train is visible and is in hazardous proximity to such crossing; or

(4) Any other traffic sign, device or any other act, rule, regulation or statute requires a vehicle to stop at a railroad grade crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing when a train is approaching while such gate or barrier is closed or is being opened or closed.

16 3. No person shall drive a vehicle through a railroad crossing when there is not sufficient
17 space to drive completely through the crossing.

18 4. No person shall drive a vehicle through a railroad crossing unless such vehicle has
19 sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from
20 contacting the railroad crossing.

21 **5. An operator of a commercial motor vehicle, as defined in section 302.700, RSMo,**
22 **other than those required to stop pursuant to section 304.030, shall approach a railroad**
23 **grade crossing at a rate of speed which will permit the vehicle to be stopped before**
24 **reaching the nearest rail of such crossing and shall not be driven upon or over such**
25 **crossing until due caution has been taken to ascertain that the course is clear.**

26 6. Any person violating the provisions of this section is guilty of a class C misdemeanor.