

SECOND REGULAR SESSION

HOUSE BILL NO. 2636

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

5484H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 300.295 and 304.035, RSMo, and to enact in lieu thereof two new sections relating to railroad crossings, with penalty provisions.

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

Section A. Sections 300.295 and 304.035, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 300.295 and 304.035, to read as follows:

300.295. 1. Whenever any person driving a vehicle approaches a railroad grade
2 crossing under any of the circumstances stated in this section, the driver of such vehicle shall
3 stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and
4 shall not proceed until he can do so safely. The foregoing requirements shall apply when:

5 (1) A clearly visible electric or mechanical signal device gives warning of the
6 immediate approach of a railroad train **or any on-track equipment**;

7 (2) A crossing gate is lowered or when a human flagman gives or continues to give a
8 signal of the approach or passage of a railroad train **or any on-track equipment**;

9 (3) An approaching railroad train **or any on-track equipment** is plainly visible and is
10 in hazardous proximity to such crossing.

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 (1) A clearly visible electric or mechanical signal device warns of the approach of a
6 railroad train **or any on-track equipment**; or

7 (2) A crossing gate is lowered or when a human flagman gives or continues to give a
8 signal or warning of the approach or passage of a railroad train **or any on-track equipment**;
9 or

10 (3) An approaching railroad train **or any on-track equipment** is visible and is in
11 hazardous proximity to such crossing; or

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

14 2. No person shall drive any vehicle through, around or under any crossing gate or
15 barrier at a railroad crossing when a train **or any on-track equipment** is approaching while
16 such gate or barrier is closed or is being opened or closed.

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

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

22 5. Every commercial motor vehicle as defined in section 302.700 shall, upon
23 approaching a railroad grade crossing, be driven at a rate of speed which will permit said
24 commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and
25 shall not be driven upon or over such crossing until due caution has been taken to ascertain
26 that the course is clear. This section does not apply to vehicles which are required to stop at
27 railroad crossings pursuant to section 304.030.

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

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