

AN ACT

ENTITLED, An Act to revise certain provisions regarding the crossing of a railroad and to revise the penalty for certain railroad crossing violations by the driver of a commercial motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 32-29-4 be amended to read as follows:

32-29-4. If any person driving a vehicle approaches a railroad grade crossing and a law enforcement officer or a clearly visible or audible signal gives warning of the immediate approach of a railway train or car, the driver shall bring such vehicle to a complete stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and may not proceed until the driver can do so safely. A violation of this section is a Class 2 misdemeanor.

Section 2. That chapter 32-29 be amended by adding thereto a NEW SECTION to read as follows:

The driver of any commercial motor vehicle, as defined in subdivision 32-12A-1(5), when approaching a railroad grade crossing shall:

- (1) If not required to stop pursuant to § 32-29-5, slow down when approaching a crossing and check that the railroad tracks are clear of an approaching train before proceeding;
- (2) If not required to stop pursuant to § 32-29-5, stop before reaching a crossing if the railroad tracks are not clear;
- (3) Refrain from proceeding through a crossing if sufficient space is not available to drive completely through the crossing without stopping; and
- (4) Ensure there is sufficient undercarriage clearance before negotiating a crossing.

A violation of the provisions of this section is a Class 2 misdemeanor.

Section 3. That § 32-12A-59 be amended to read as follows:

32-12A-59. Any person is disqualified from driving a commercial motor vehicle for a period of

sixty days if convicted, while driving a commercial motor vehicle, of a first violation of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, 32-29-9, or section 2 of this Act.

Section 4. That § 32-12A-60 be amended to read as follows:

32-12A-60. Any person is disqualified from driving a commercial motor vehicle for a period of one hundred twenty days if convicted during any three-year period, while driving a commercial motor vehicle, of a second conviction or any combination of convictions of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, 32-29-9, or section 2 of this Act in separate incidents.

Section 5. That § 32-12A-61 be amended to read as follows:

32-12A-61. Any person is disqualified from driving a commercial motor vehicle for a period of one year if convicted during any three-year period, while driving a commercial motor vehicle, of a third or subsequent conviction or any combination of convictions of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, 32-29-9, or section 2 of this Act in separate incidents.

An Act to revise certain provisions regarding the crossing of a railroad and to revise the penalty for certain railroad crossing violations by the driver of a commercial motor vehicle.

=====

I certify that the attached Act originated in the

SENATE as Bill No. 43

\_\_\_\_\_  
Secretary of the Senate

=====

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 43  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State