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.

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I certify that the attached Act originated in the

SENATE as Bill No. 43

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Secretary of the Senate

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President of the Senate

Attest:

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Secretary of the Senate

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Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 43
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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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