

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

905Y0412

## HOUSE BILL NO. 1088

Introduced by: Representatives Dennert, Ahlers, Beal, Brunner, Chase, Clark, Frye-Mueller, Glanzer, Greenfield (Lana), Hagggar, Haugaard, Jensen (Kevin), Kaiser, Kettwig, Lake, Lust, Marty, McPherson, Mickelson, Otten (Herman), Peterson (Kent), Pischke, Qualm, Reed, Rhoden, Ring, Schaefer, Schoenfish, Smith, Soli, Stevens, Tieszen, Turbiville, Willadsen, and York and Senators Greenfield (Brock), Frerichs, Langer, Maher, Nesiba, Novstrup, Rusch, Stalzer, and White

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding required stops at  
2 railroad crossings.

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

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

5 32-29-4. If any person driving a vehicle approaches a railroad grade crossing and a law  
6 enforcement officer or a clearly visible or audible signal gives warning of the immediate  
7 approach of a railway train or car or other on-track equipment, the driver shall bring ~~such~~ the  
8 vehicle to a complete stop within fifty feet but not less than fifteen feet from the nearest rail of  
9 ~~such~~ the railroad and may not proceed until the driver can do so safely. A violation of this  
10 section is a Class 2 misdemeanor.

11 Section 2. That § 32-29-9 be amended to read:

12 32-29-9. Before making any crossing the person operating or moving any vehicle or



1 equipment described in § 32-29-8 shall give reasonable notice to the station agent of the railroad  
2 owning the tracks of the intended crossing to allow the railroad to provide proper protection at  
3 the crossing. Before making any crossing the person operating or moving the vehicle or  
4 equipment shall first stop the vehicle or equipment not less than fifteen feet nor more than fifty  
5 feet from the nearest rail of the railroad and while so stopping shall listen and look in both  
6 directions along the track for any approaching railway train or car or other on-track equipment  
7 and for signals indicating the approach of a railway train or car or other on-track equipment, and  
8 may not proceed until the crossing can be made safely. No crossing may be made when warning  
9 is given by automatic signal or crossing gates or a flagman or otherwise of the immediate  
10 approach of a ~~railroad~~ railway train or car or other on-track equipment. If a flagman is provided  
11 by the railroad, movement over the crossing shall be under ~~his~~ the flagman's direction. A  
12 violation of this section is a Class 2 misdemeanor.