

SENATE BILL NO. 1104

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

4512S.011

KRISTINA MARTIN, Secretary

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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 300.295 and 304.035, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

28 4. No person shall drive a vehicle through a railroad
29 crossing unless such vehicle has sufficient undercarriage
30 clearance necessary to prevent the undercarriage of the
31 vehicle from contacting the railroad crossing.

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

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

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