

3/9/11 3:41pm

Chapter No. 327

11/SS26/R873

JN / AS/SG

***SENATE BILL NO. 2988***

Originated in Senate *Herold D. Guyre* Secretary

SENATE BILL NO. 2988

AN ACT TO AMEND SECTION 63-3-1011, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DRIVERS OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE OR CARRYING EXPLOSIVES SHALL STOP, LOOK AND LISTEN AT RAILROAD CROSSINGS FOR APPROACHING RAILROAD VEHICLES AND RAILROAD MAINTENANCE MACHINES AS WELL AS FOR APPROACHING TRAINS; TO DELETE THE PROVISION THAT EXEMPTS SUCH VEHICLES FROM HAVING TO STOP AT STREET RAILWAY GRADE CROSSINGS WITHIN A BUSINESS OR RESIDENCE DISTRICT; TO PROVIDE THAT THE DRIVER OF EVERY SCHOOL TRANSPORTATION VEHICLES USED TO TRANSPORT PUPILS, UPON APPROACHING ANY RAILROAD CROSSING, SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 37-41-55; TO AMEND SECTION 37-41-55, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN ADDITIONAL DUTIES FOR DRIVERS OF SCHOOL TRANSPORTATION VEHICLES USED TO TRANSPORT PUPILS UPON APPROACHING RAILROAD CROSSINGS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-3-1011, Mississippi Code of 1972, is amended as follows:

63-3-1011. (1) The driver of any motor vehicle carrying passengers for hire \* \* \* or of any vehicle carrying explosive substances of flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad. While \* \* \* stopped, the driver shall listen and look in both directions along the track for:

(a) Any approaching train or any other vehicle operated upon the rails for the purpose of maintenance of railroads, including, but not limited to, all hi-rail vehicles and on-tract maintenance machines; and \* \* \*

(b) Signals indicating the approach of a train or any other vehicle or machine operated upon the rails. The driver shall not proceed until he can do so safely.

(2) No stop need be made at any \* \* \* crossing where a police officer or a traffic control signal directs traffic to proceed.

(3) The driver of every school transportation vehicle used to transport pupils, upon approaching any railroad crossing, shall comply with the provisions of Section 37-41-55.

SECTION 2. Section 37-41-55, Mississippi Code of 1972, is amended as follows:

37-41-55. (1) The driver of every school transportation vehicle used to transport pupils, on approaching any railroad crossing, shall \* \* \* bring the vehicle to a complete stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad. While stopped, the driver shall \* \* \* open the service door and driver's window, and \* \* \* look and listen for:

(a) Approaching trains or any other vehicle operated upon the rails for the purpose of maintenance of railroads, including, but not limited to, all hi-rail vehicles and on-track maintenance machines; and

(b) Signals indicating the approach of a train or other vehicle or machine operated upon the rails. \* \* \*

The driver shall not proceed until the driver \* \* \* has determined that it is safe to proceed.

(2) The driver of every school transportation vehicle used to transport pupils, on approaching any highway intersection, shall bring the vehicle to a complete stop and shall not proceed until the driver \* \* \* has determined that it is safe to proceed.

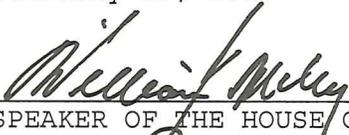
(3) Any driver who fails to bring his vehicle to a complete stop and follow the procedures \* \* \* as herein required is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each \* \* \* offense.

SECTION 3. This act shall take effect and be in force from  
and after July 1, 2011.

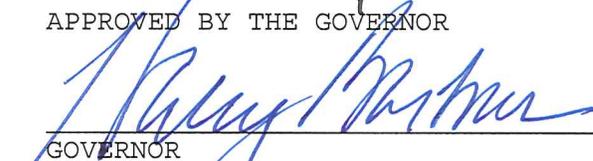
PASSED BY THE SENATE  
February 7, 2011

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
February 25, 2011

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

3/9/11

3:14 pm