

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 216 of 2001  
HOUSE BILL 1437

5 By: Representative Jones  
6  
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## For An Act To Be Entitled

9 AN ACT TO COMPLY WITH FEDERAL REGULATIONS REQUIRING  
10 THE DISQUALIFICATION OF COMMERCIAL MOTOR VEHICLE  
11 DRIVERS FOR VIOLATING RAILROAD CROSSING LAWS; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14 TO COMPLY WITH FEDERAL REGULATIONS  
15 REQUIRING THE DISQUALIFICATION OF  
16 COMMERCIAL MOTOR VEHICLE DRIVERS FOR  
17 VIOLATING RAILROAD CROSSING LAWS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code 27-23-112, pertaining to the disqualification  
24 of commercial drivers, is amended by adding an additional subsection to read  
25 as follows:

26 (h) Disqualification for railroad-highway grade crossing violation.

27 (1) A driver who pleads guilty, nolo contendere, or is found  
28 guilty of operating a commercial motor vehicle in violation of federal, state,  
29 or local law or regulation pertaining to one (1) of the following offenses at  
30 a railroad-highway grade crossing shall be disqualified in accordance with  
31 subdivision (h)(2):

32 (A) For drivers who are not required to always stop,  
33 failing to slow down and check that the tracks are clear of an approaching  
34 train;

35 (B) For drivers who are not required to always stop,  
36 failing to stop before reaching the crossing, if the tracks are not clear;

1                    (C) For drivers who are always required to stop, failing to  
2 stop before driving onto the crossing;

3                    (D) For all drivers, failing to have sufficient space to  
4 drive completely through the crossing without stopping;

5                    (E) For all drivers, failing to obey a traffic control  
6 device or the directions of the enforcement official at the crossing; and

7                    (F) For all drivers, failing to negotiate a crossing  
8 because of insufficient undercarriage clearance.

9                    (2) Duration of disqualification for railroad-highway grade  
10 crossing violation.

11                    (A) First violation. A driver shall be disqualified for at  
12 least sixty (60) calendar days pleads guilty or nolo contendere to, or is  
13 found guilty of, a first violation.

14                    (B) Second violation. A driver shall be disqualified for  
15 at least one hundred and twenty (120) calendar days if the driver pleads  
16 guilty or nolo contendere to, or is found guilty of, a second violation within  
17 any three-year period.

18                    (C) Third or subsequent violation. A driver shall be  
19 disqualified for at least one (1) year if the driver pleads guilty or nolo  
20 contendere to, or is found guilty of, a third or subsequent violation within  
21 any three-year period.

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24                    **APPROVED: 2/12/2001**  
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