

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

# A Bill

HOUSE BILL 1467

4  
5 By: Representative Jones  
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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.  
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## Subtitle

14 AN ACT TO DISQUALIFY COMMERCIAL MOTOR  
15 VEHICLE DRIVERS FOR VIOLATING RAILROAD  
16 CROSSING LAWS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 27-23-112, pertaining to the disqualification  
23 of commercial drivers, is amended to add a new subsection (h) to read as  
24 follows:

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

26 (1) A driver who is convicted of operating a commercial motor  
27 vehicle in violation of a federal, state, or local law or regulation  
28 pertaining to one of the following six (6) offenses at a railroad-highway  
29 grade crossing shall be disqualified for the period of time specified in  
30 subdivision (e)(3) of this section:

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

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

36 (C) For drivers who are always required to stop, failing to

1 stop before driving onto the crossing;

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

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

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

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

10 (A) First violation. A driver shall be disqualified for  
11 not less than sixty (60) days if the driver is convicted of a first violation  
12 of a railroad-highway grade crossing violation.

13 (B) Second violation. A driver shall be disqualified for  
14 not less than one hundred twenty (120) days if, during any three-year period,  
15 the driver is convicted of a second railroad-highway grade crossing violation  
16 in separate incidents.

17 (C) Third or subsequent violation. A driver shall be  
18 disqualified for not less than one (1) year if, during any three-year period,  
19 the driver is convicted of a third or subsequent railroad-highway grade  
20 crossing violation in separate incidents.

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