

RECEIVED

96 MAR 14 PM 3:58

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 249

(By Senator Anderson, et al)

PASSED March 5, 1996
In Effect ninety days from Passage

SB 249

RECEIVED

96 MAR 14 PM 3:58

OFFICE OF LEGAL SERVICES
SECRETARY OF STATE

ENROLLED

Senate Bill No. 249

(BY SENATORS ANDERSON, WAGNER, SHARPE,
YODER, DITTMAR, DEEM, LOVE, DUGAN, MANCHIN, WHITLOW,
MILLER, HELMICK, BUCKALEW, ROSS, SCHOONOVER,
BAILEY AND OLIVERIO)

[Passed March 5, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article twelve, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the stopping of certain vehicles at all railroad grade crossings; and removing exceptions.

Be it enacted by the Legislature of West Virginia:

That section three, article twelve, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 12. SPECIAL STOPS REQUIRED.

§17C-12-3. Certain vehicles must stop at all railroad grade crossings.

- 1 (a) The driver of any motor vehicle carrying passengers
- 2 for hire, or of any bus, or of any vehicle required to be
- 3 placarded under 49 CFR part 172 carrying explosive

4 substances, flammable liquids or hazardous materials as
5 a cargo or part of a cargo, or of any vehicle owned by an
6 employer which, in carrying on such employer's business
7 or in carrying employees to and from work, is carrying
8 more than six employees of such employer, before
9 crossing at grade any track or tracks of a railroad, shall
10 stop such vehicle within fifty feet but not less than
11 fifteen feet from the nearest rail of such railroad and
12 while so stopped shall listen and look in both directions
13 along such track for any approaching train and for
14 signals indicating the approach of a train, except as
15 hereinafter provided, and shall not proceed until he can
16 do so safely. After stopping as required herein and upon
17 proceeding when it is safe to do so the driver of any said
18 vehicle shall cross only in such gear of the vehicle that
19 there will be no necessity for changing gears while
20 traversing such crossing and the driver shall not shift
21 gears while crossing the track or tracks.

22 (b) No stop need be made at any such crossing where a
23 police officer or a traffic-control signal directs traffic to
24 proceed.

25 (c) Any person driving a vehicle that requires a
26 commercial driver's license who fails to comply with the
27 requirements of this section is guilty of a misdemeanor,
28 and, upon conviction thereof, shall be fined one hundred
29 dollars or imprisoned for not more than ten days. The
30 commissioner shall promulgate rules to further penalize
31 those convicted of violating this section by levying three
32 points against the violator's driver's license record:
33 *Provided*, That if the electric or mechanical signal device
34 is malfunctioning, this subsection shall not apply.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schornover
.....
Chairman Senate Committee

Rudy Deacon
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell E. Adams
.....
Clerk of the Senate

Gregory M. Gray
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Carl Adams
.....
Speaker House of Delegates

The within is approved this the 14th
day of March, 1996.

Gaston Caputo
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/96

Time 4:39 pm