

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 111

By Senator(s) Committee

6 **Amend by striking all after the enacting clause and inserting**
7 **in lieu thereof the following:**

8

9 SECTION 1. Section 77-9-249, Mississippi Code of 1972, is
10 amended as follows:

11 77-9-249. (1) Whenever any person driving a vehicle
12 approaches a railroad grade crossing under any of the
13 circumstances stated in this section, the driver of such vehicle
14 shall stop within fifty (50) feet but not less than fifteen (15)
15 feet from the nearest rail of such railroad, and shall not proceed
16 until he can do so safely. The foregoing requirements shall apply
17 when:

18 (a) A clearly visible electric or mechanical signal
19 device gives warning of the immediate approach of a railroad
20 train;

21 (b) A crossing gate is lowered or when a human flagman
22 gives or continues to give a signal of the approach or passage of
23 a railroad train;

24 (c) A railroad train approaching within approximately
25 nine hundred (900) feet of the highway crossing emits a signal in
26 accordance with Section 77-9-225, and such railroad train, by
27 reason of its speed or nearness to such crossing, is an immediate
28 hazard;

29 (d) An approaching railroad train is plainly visible
30 and is in hazardous proximity to such crossing.

31 (2) No person shall drive any vehicle through, around or
32 under any crossing gate or barrier at a railroad crossing while
33 such gate or barrier is closed or is being opened or closed.

34 (3) In the trial of all actions to recover personal injury
35 or property damages, sustained by any driver of such vehicles for
36 collision of said vehicle and train in which action it may appear
37 that the said driver may have violated any of the provisions
38 hereof, the question of whether or not the said violation was the
39 sole or approximate cause of the accident and injury shall be for
40 the jury to determine. The violation of this section shall not of
41 itself defeat recovery, and the question of negligence or the
42 violation aforesaid shall be left to the jury; and the comparative
43 negligence statutes and prima facie statute of this state shall
44 apply in these cases as in other cases of negligence.

45 (4) At any railroad grade crossing provided with visible
46 railroad crossbuck signs without automatic electric or mechanical
47 signal devices, crossing gates or a human flagman giving a signal
48 of the approach or passage of a train, the driver of a vehicle
49 shall, in obedience to such railroad crossbuck sign, yield the
50 right-of-way and slow to a speed reasonable for the existing
51 conditions, and shall stop if required for safety at a clearly
52 marked stop line, or if no stop line, within fifty (50) feet, but
53 not less than fifteen (15) feet, from the nearest rail of the
54 railroad, and shall not proceed until he can do so safely.

55 (5) Every person, company or corporation violating the
56 provisions of this section shall be guilty of a misdemeanor and,
57 upon conviction, shall be fined not more than Five Hundred Dollars
58 (\$500.00) * * *.

59 SECTION 2. This act shall take effect and be in force from
60 and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 77-9-249, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTY THAT MAY BE IMPOSED UPON A MOTOR VEHICLE
3 OPERATOR WHO FAILS TO BE OBEDIENT TO CERTAIN TRAFFIC REGULATIONS
4 AT RAILROAD GRADE CROSSINGS; AND FOR RELATED PURPOSES.