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HOUSE BILL 782

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO RAILROADS; DECREASING THE DISTANCE BEFORE CERTAIN
CROSSINGS THAT WHISTLES OR HORNS ARE REQUIRED TO BE BLOWN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 63-3-34 NMSA 1978 (being Laws 1878,
Chapter 1, Section 8-1, as amended) is amended to read:

"63-3-34. BELL TO BE RUNG AT HIGHWAY CROSSINGS.--[~~SEC-~~
~~53.~~]

A. Every railroad corporation shall cause a bell,
[~~of at least twenty pounds weight to be attached to each of its~~
~~locomotives and shall cause the same to be rung]~~ whistle or
horn to be rung or blown at a distance of not less than [~~eighty~~
~~rod~~]s one thousand three hundred twenty feet from the crossing
of any public street, road or highway, [~~under~~] except that, if
the crossing is within a designated quiet zone pursuant to

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 federal railroad administration rules and the maximum allowed
2 speed for a train using the crossing is equal to or less than
3 forty miles per hour, the bell, whistle or horn shall be rung
4 or blown not less than three hundred feet from the crossing.

5 B. A railroad corporation violating a provision of
6 Subsection A of this section shall be subject to a penalty of
7 one hundred dollars (\$100) to be recovered by action in the
8 name of the state in any court of competent jurisdiction, one-
9 half of which shall go to the informer and the other half of
10 which shall go to the state [~~and such~~]. The corporation shall
11 also be liable for all damages [~~which~~] that may be sustained by
12 any person by reason of noncompliance with the provisions of
13 this section."

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