

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 782

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

AN ACT

RELATING TO RAILROADS; DECREASING THE DISTANCE BEFORE CERTAIN  
CROSSINGS THAT BELLS ON CERTAIN RAILROADS ARE REQUIRED TO BE  
RUNG.

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. Except as provided in Subsection B of this  
section, 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~~] bell to be rung at a  
distance of not less than eighty rods from the crossing of any  
public street, road or highway [~~under~~].

.177914.1

underscoring material = new  
[bracketed material] = delete

1                   B. For a railroad, owned by the state or one of its  
2 political subdivisions, if the crossing is within a designated  
3 quiet zone pursuant to federal railroad administration rules  
4 and the maximum allowed speed for a train using the crossing is  
5 equal to or less than forty miles per hour, the bell shall be  
6 rung not less than three hundred feet from the crossing.

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

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