

FIRST REGULAR SESSION

HOUSE BILL NO. 265

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (120).

Read 1st time January 23, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0946L.011

AN ACT

To repeal section 304.010, RSMo, and to enact in lieu thereof one new section relating to speed regulations for motor vehicles within certain counties, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 304.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.010, to read as follows:

304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour;

(2) Upon the rural expressways of this state, sixty-five miles per hour;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

17 (3) Upon the interstate highways, freeways or expressways within the urbanized areas
18 of this state, sixty miles per hour;

19 (4) All other roads and highways in this state not located in an urbanized area and not
20 provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

21 (5) All other roads provided for in subdivision (4) of this subsection shall not include
22 any state two-lane road which is identified by letter. Such lettered roads shall not exceed
23 fifty-five miles per hour unless set at a higher speed as established by the department of
24 transportation, except that no speed limit shall be set higher than sixty miles per hour;

25 (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable
26 presumption that the posted speed limit is the legal speed limit.

27 3. On any state road or highway where the speed limit is not set pursuant to a local
28 ordinance, the highways and transportation commission may set a speed limit higher or lower
29 than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or
30 lower speed limit is recommended by the department of transportation. The department of public
31 safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower
32 speed limit is warranted, may request the department of transportation to raise or lower such
33 speed limit, except that no speed limit shall be set higher than seventy miles per hour.

34 4. Notwithstanding the provisions of section 304.120 or any other provision of law to
35 the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and
36 highways within such cities', towns' or villages' corporate limits by ordinance with the approval
37 of the state highways and transportation commission. Any reduction of speed in cities, towns
38 or villages shall be designed to expedite the flow of traffic on such state roads and highways to
39 the extent consistent with public safety. The commission may declare any ordinance void if it
40 finds that such ordinance is:

41 (1) Not primarily designed to expedite traffic flow; and

42 (2) Primarily designed to produce revenue for the city, town or village which enacted
43 such ordinance.

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45 If an ordinance is declared void, the city, town or village shall have any future proposed
46 ordinance approved by the highways and transportation commission before such ordinance may
47 take effect.

48 5. The county commission of any county of the second, third or fourth classification may
49 set the speed limit or the weight limit or both the speed limit and the weight limit on roads or
50 bridges on any county, township or road district road in the county and, with the approval of the
51 state highways and transportation commission, on any state road or highway not within the limits
52 of any incorporated city, town or village, lower than the uniform maximum speed limit as

53 provided in subsection 2 of this section where the condition of the road or the nature of the area
54 requires a lower speed. The commission shall send copies of any order establishing a speed limit
55 or weight limit on roads and bridges on a county, township or road district road in the county to
56 the chief engineer of the state department of transportation, the superintendent of the state
57 highway patrol and to any township or road district maintaining roads in the county. After the
58 roads have been properly marked by signs indicating the speed limits and weight limits set by
59 the county commission, the speed limits and weight limits shall be of the same effect as the
60 speed limits provided for in subsection 1 of this section and shall be enforced by the state
61 highway patrol and the county sheriff as if such speed limits and weight limits were established
62 by state law.

63 **6. The county commission of any county of the second, third, or fourth**
64 **classification may by ordinance set a countywide speed limit on roads within any county,**
65 **township, or road district in the county and may establish reasonable speed regulations for**
66 **motor vehicles within the limit of such county. No person who is not a resident of such**
67 **county and who has not been within the limits thereof for a continuous period of more than**
68 **forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by**
69 **competent evidence that there was posted at the place where the boundary of such county**
70 **road enters the county a sign displaying in black letters not less than four inches high and**
71 **one inch wide on a white background the speed fixed by such county so that such signs may**
72 **be clearly seen by operators and drivers from their vehicles upon entering such county.**
73 **The commission shall send copies of any order establishing a countywide speed limit on a**
74 **county, township, or road district road in the county to the chief engineer of the Missouri**
75 **department of transportation, the superintendent of the state highway patrol, and to any**
76 **township or road district maintaining roads in the county. After the boundaries of the**
77 **county roads entering the county have been properly marked by signs indicating the speed**
78 **limits set by the county commission, the speed limits shall be of the same effect as the speed**
79 **limits provided for in subsection 1 of this section and shall be enforced by the state**
80 **highway patrol and the county sheriff as if such speed limits were established by state law.**

81 [6.] 7. All road signs indicating speed limits or weight limits shall be uniform in size,
82 shape, lettering and coloring and shall conform to standards established by the department of
83 transportation.

84 [7.] 8. The provisions of this section shall not be construed to alter any speed limit set
85 below fifty-five miles per hour by any ordinance of any county, city, town or village of the state
86 adopted before March 13, 1996.

87 [8.] 9. The speed limits established pursuant to this section shall not apply to the
88 operation of any emergency vehicle as defined in section 304.022.

89 [9.] **10.** A violation of the provisions of this section shall not be construed to relieve the
90 parties in any civil action on any claim or counterclaim from the burden of proving negligence
91 or contributory negligence as the proximate cause of any accident or as the defense to a
92 negligence action.

93 [10.] **11.** Any person violating the provisions of this section is guilty of a class C
94 misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour
95 or more then it is a class B misdemeanor.