

FIRST REGULAR SESSION

HOUSE BILL NO. 684

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES AND CRAWFORD (Co-sponsors).

Read 1st time March 17, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1848L.021

AN ACT

To repeal sections 300.330, 300.410, and 302.302, RSMo, and to enact in lieu thereof six new sections relating to the operation of motor vehicles.

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

Section A. Sections 300.330, 300.410, and 302.302 RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 300.330, 300.410, 302.302, 304.675, 304.677, and 537.038 to read as follows:

300.330. The driver of a **motor** vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. **A bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe travel. Where a bicycle lane is present, a driver making a lawful maneuver must first merge into the bicycle lane after yielding to any traffic that may be present.**

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian [upon any roadway and shall give warning by sounding the horn when necessary], **any person propelling a human powered vehicle, or any person operating a motorcycle**, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. **Except as set forth in subdivision (14) of this subsection**, points shall be assessed only after a conviction or forfeiture of collateral. The initial

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 proposed language.

4 point value is as follows:

- 5 (1) Any moving violation of a state law or county or municipal or federal traffic
- 6 ordinance or regulation not listed in this section, other than a violation of vehicle equipment
- 7 provisions or a court-ordered supervision as provided in section 302.303 2 points
- 8 (except any violation of municipal stop sign ordinance where no accident
- 9 is involved 1 point)
- 10 (2) Speeding In violation of a state law 3 points
- 11 In violation of a county or municipal ordinance 2 points
- 12 (3) Leaving the scene of an accident in violation of section
- 13 577.060, RSMo 12 points
- 14 In violation of any county or municipal ordinance 6 points
- 15 (4) Careless and imprudent driving in violation of subsection 4
- 16 of section 304.016, RSMo 4 points
- 17 In violation of a county or municipal ordinance 2 points
- 18 (5) Operating without a valid license in violation of subdivision (1) or
- 19 (2) of subsection 1 of section 302.020:
- 20 (a) For the first conviction 2 points
- 21 (b) For the second conviction 4 points
- 22 (c) For the third conviction 6 points
- 23 (6) Operating with a suspended or revoked license prior to restoration
- 24 of operating privileges 12 points
- 25 (7) Obtaining a license by misrepresentation 12 points
- 26 (8) For the first conviction of driving while in an intoxicated
- 27 condition or under the influence of controlled substances or drugs 8 points
- 28 (9) For the second or subsequent conviction of any of the following
- 29 offenses however combined: driving while in an intoxicated condition,
- 30 driving under the influence of controlled substances or drugs or driving
- 31 with a blood alcohol content of eight-hundredths of one percent or more
- 32 by weight 12 points
- 33 (10) For the first conviction for driving with blood alcohol content
- 34 eight-hundredths of one percent or more by weight
- 35 In violation of state law 8 points
- 36 In violation of a county or municipal ordinance or federal law or regulation 8 points
- 37 (11) Any felony involving the use of a motor vehicle 12 points
- 38 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . . 4 points
- 39 (13) For a conviction for failure to maintain financial responsibility

40 pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . 4 points

41 **(14) Determination by a court in a civil proceeding to which the operator is a party**
42 **that he or she has intentionally, recklessly, or negligently collided with a pedestrian,**
43 **bicyclist, or motorcyclist thereby causing personal injury to the pedestrian, bicyclist, or**
44 **motorcyclist if one of the following is also true:**

45 **(a) The operator has six or more points on his or her driver's license;**

46 **(b) The operator has a prior conviction for an intoxication-related offense, as**
47 **defined in section 577.023, RSMo; or**

48 **(c) The operator has previously caused an injury to a bicyclist, pedestrian, or**
49 **motorcyclist requiring hospitalization 12 points**

50 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
51 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
52 302.020, when the director issues such operator a license or permit pursuant to the provisions
53 of sections 302.010 to 302.340.

54 3. An additional two points shall be assessed when personal injury or property damage
55 results from any violation listed in subsection 1 of this section and if found to be warranted and
56 certified by the reporting court.

57 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
58 section constitutes both a violation of a state law and a violation of a county or municipal
59 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
60 offense arising out of the same occurrence could be construed to be a violation of subdivisions
61 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
62 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
63 offenses arising out of the same occurrence.

64 5. The director of revenue shall put into effect a system for staying the assessment of
65 points against an operator. The system shall provide that the satisfactory completion of a
66 driver-improvement program or, in the case of violations committed while operating a
67 motorcycle, a motorcycle-rider training course approved by the director of the department of
68 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
69 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
70 violation committed in a commercial motor vehicle as defined in section 302.700, shall be
71 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision
72 (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the
73 purposes of this subsection, the driver-improvement program shall meet or exceed the standards
74 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a
75 violation which occurred during the operation of a motorcycle, the program shall meet the

76 standards established by the director of the department of public safety pursuant to sections
77 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider
78 training course shall not be accepted in lieu of points more than one time in any thirty-six-month
79 period and shall be completed within sixty days of the date of conviction in order to be accepted
80 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions
81 of this subsection shall, within fifteen days after completion of the driver-improvement program
82 or motorcycle-rider training course by an operator, forward a record of the completion to the
83 director, all other provisions of the law to the contrary notwithstanding. The director shall
84 establish procedures for record keeping and the administration of this subsection.

**304.675. 1. The maximum speed limit within a school zone shall not exceed twenty
2 miles per hour. Such speed limit shall be in force only during those times thirty minutes
3 before, during, and thirty minutes after the periods of time when students are arriving at
4 a regularly scheduled school session and leaving a regularly scheduled school session. As
5 used in this section, the term "school zone" means school property on which a school
6 building is located and the area adjacent to the school property that is designated by signs
7 showing the posted limit.**

8 **2. Notwithstanding the provisions of sections 304.010, 304.120, and 304.130, and**
9 **any other provision of law to the contrary, the governing body of a county or municipality**
10 **may establish a speed limit within a school zone lower than twenty miles per hour if it**
11 **finds, in conjunction with the school board, that a lower limit is needed to promote public**
12 **safety, and the governing body of a county or municipality may extend the hours which the**
13 **school zone speed limit is in force, if it finds, in conjunction with the school board, that**
14 **extended hours for the school zone speed limit are needed to promote public safety.**

**304.677. Notwithstanding any other provisions of the law to the contrary, every
2 driver of a motor vehicle shall exercise due care to avoid colliding with any pedestrian, any
3 person propelling a human powered vehicle, or any person operating a motorcycle, and
4 shall give an audible signal when necessary, and shall exercise proper precaution upon
5 observing any child or any obviously confused, incapacitated, or intoxicated person.**

**537.038. Any person operating a motor vehicle who intentionally, recklessly, or
2 negligently collides with a pedestrian, cyclist, or motorcyclist and thereby causes personal
3 injury to the pedestrian or cyclist shall be liable for liquidated compensatory damages of
4 five hundred dollars or actual damages, whichever is greater, plus reasonable attorney's
5 fees and court costs, unless the court determines that the motorist was not at fault. In cases
6 where a motorist has been shown to intentionally, recklessly, or negligently collide with a
7 bicyclist or pedestrian causing injury, and the motorist is shown to have six or more points
8 on their driver's license, or have a prior conviction for an intoxication-related offense, as**

9 **defined in section 577.023, RSMo, or have caused a prior injury to a bicyclist or pedestrian**
10 **requiring hospitalization, that person's driver's license shall be revoked for a period of one**
11 **year and the person shall be liable for liquidated compensatory damages of one thousand**
12 **dollars or actual damages, whichever is greater, plus reasonable attorney's fees and court**
13 **costs, unless the court determines that the motorist was not at fault.**