

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 518, 288,
418 & 635**
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation March 9, 2005 with recommendation that House Committee Substitute for House Bill Nos. 518, 288, 418 & 635 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1262L.05C

AN ACT

To repeal sections 210.104, 210.106, 210.107, 304.015, 304.016, 304.155, 304.580, 307.178, and 476.385, RSMo, and to enact in lieu thereof eleven new sections relating to highway safety, with penalty provisions and an effective date.

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

Section A. Sections 210.104, 210.106, 210.107, 304.015, 304.016, 304.155, 304.580,
2 307.178, and 476.385, RSMo, are repealed and eleven new sections enacted in lieu thereof, to
3 be known as sections 210.106, 304.015, 304.016, 304.155, 304.580, 304.582, 304.585, 304.590,
4 307.178, 307.179, and 476.385, to read as follows:

210.106. In no event shall failure to employ a child passenger restraint system required
2 by section [210.104] **307.179** provide the basis for a claim of civil liability or negligence or
3 contributory negligence of any person in any action for damages by reason of injury sustained
4 by a child; nor shall such failure to employ such child passenger restraint system be admissible
5 as evidence in the trial of any civil action.

304.015. 1. All vehicles not in motion shall be placed with their right side as near the
2 right-hand side of the highway as practicable, except on streets of municipalities where vehicles
3 are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon
5 the right half of the roadway, except as follows:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 (1) When overtaking and passing another vehicle proceeding in the same direction
7 pursuant to the rules governing such movement;

8 (2) When placing a vehicle in position for and when such vehicle is lawfully making a
9 left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations
10 thereunder or of municipalities;

11 (3) When the right half of a roadway is closed to traffic while under construction or
12 repair;

13 (4) Upon a roadway designated by local ordinance as a one-way street and marked or
14 signed for one-way traffic.

15 3. It is unlawful to drive any vehicle upon any highway or road which has been divided
16 into two or more roadways by means of a physical barrier or by means of a dividing section or
17 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier
18 or dividing section, or to make any left turn or semicircular or U-turn on any such divided
19 highway, except at an intersection or interchange or at any signed location designated by the state
20 highways and transportation commission or the department of transportation. The provisions
21 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles
22 owned by the commission or the department.

23 4. The authorities in charge of any highway or the state highway patrol may erect signs
24 temporarily designating lanes to be used by traffic moving in a particular direction, regardless
25 of the center line of the highway, and all members of the Missouri highway patrol and other
26 peace officers may direct traffic in conformance with such signs. When authorized signs have
27 been erected designating off-center traffic lanes, no person shall disobey the instructions given
28 by such signs.

29 5. Whenever any roadway has been divided into three or more clearly marked lanes for
30 traffic, the following rules in addition to all others consistent herewith shall apply:

31 (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and
32 shall not be moved from such lane until the driver has first ascertained that such movement can
33 be made with safety;

34 (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the
35 center lane, except when overtaking and passing another vehicle where the roadway ahead is
36 clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for
37 a left turn or where such center lane is at the time allocated exclusively to traffic moving in the
38 direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

39 (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

42 (4) Official signs may be erected by the highways and transportation commission or the
43 highway patrol may place temporary signs directing slow-moving traffic to use a designated lane
44 or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall
45 obey the directions of every such sign;

46 (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the
47 right, and except when a roadway has been divided into traffic lanes, each driver shall give to
48 the other at least one-half of the main traveled portion of the roadway whenever possible.

49 6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding
50 in the same direction shall be driven in the right-hand lane except when overtaking and passing
51 another vehicle or when preparing to make a proper left turn or when otherwise directed by
52 traffic markings, signs, or signals.

53 7. (1) **The department of transportation may erect signs on highways having three**
54 **or more lanes of traffic proceeding in the same direction to require trucks, as defined in**
55 **section 301.010, RSMo, to remain in the two right-hand lanes except when preparing to**
56 **make a proper left turn or when otherwise directed by traffic markings, signs, or signals;**

57 (2) **The department of transportation shall promulgate such rules as are necessary**
58 **to implement this subsection. Any rule or portion of a rule, as that term is defined in**
59 **section 536.010, RSMo, that is created under the authority delegated in this subsection**
60 **shall become effective only if it complies with and is subject to all of the provisions of**
61 **chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This subsection and**
62 **chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**
63 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**
64 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
65 **rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be**
66 **invalid and void.**

67 8. Violation of this section shall be deemed an infraction unless such violation causes
68 an immediate threat of an accident, in which case such violation shall be deemed a class C
69 misdemeanor, or unless an accident results from such violation, in which case such violation
70 shall be deemed a class A misdemeanor.

304.016. 1. The following rules shall govern the overtaking and passing of vehicles
2 proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

3 (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction
4 shall pass to the left thereof at a safe distance and shall not again drive to the right side of the
5 roadway until safely clear of the overtaken vehicle; and

6 (2) Except when overtaking and passing on the right is permitted, the driver of an
7 overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not
8 increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

9 2. The driver of a motor vehicle may overtake and pass to the right of another vehicle
10 only under the following conditions:

11 (1) When the vehicle overtaken is making or about to make a left turn;

12 (2) Upon a city street with unobstructed pavement of sufficient width for two or more
13 lines of vehicles in each direction;

14 (3) Upon a one-way street;

15 (4) Upon any highway outside of a city with unobstructed pavement of sufficient width
16 and clearly marked for four or more lines of traffic. The driver of a motor vehicle may overtake
17 and pass another vehicle upon the right only under the foregoing conditions when such
18 movement may be made in safety. In no event shall such movement be made by driving off the
19 paved or main traveled portion of the roadway. The provisions of this subsection shall not
20 relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the
21 right-hand edge of the roadway.

22 3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be
23 driven to the left side of the center line of a highway or public road in overtaking and passing
24 another vehicle proceeding in the same direction unless such left side is clearly visible and is free
25 of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be
26 completely made without interfering with the safe operation of any vehicle approaching from the
27 opposite direction or any vehicle overtaken.

28 4. No vehicle shall at any time [be driven to] **enter** the left side of the roadway under the
29 following conditions:

30 (1) When approaching the crest of a grade or upon a curve of the highway where the
31 driver's view is obstructed within such distance as to create a hazard in the event another vehicle
32 might approach from the opposite direction;

33 (2) When the view is obstructed upon approaching within one hundred feet of any
34 bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or
35 railroad grade crossing; **or**

36 **(3) When the roadway is clearly marked with a solid yellow center stripe indicating**
37 **a no passing zone or an unsafe location to overtake or drive to the left side of the roadway;**
38 **except that the provisions of this section shall not apply when:**

39 **(a) Executing a lawful turn; or**

40 **(b) Overtaking a vehicle, as defined in section 307.020, RSMo, that is traveling at**
41 **a speed of less than twenty-five miles per hour, or when avoiding debris in the roadway,**

42 **so long as such action does not create a hazard, as specified in subdivision (1) of subsection**
43 **4 of this section.**

44 5. Violation of this section shall be deemed a class [C] **B** misdemeanor.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer
2 of a government agency where that agency's real property is concerned, may authorize a towing
3 company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours,
6 or [after four hours] **immediately** if a law enforcement officer determines that the abandoned
7 property is a serious hazard to other motorists, provided that commercial motor vehicles not
8 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under
9 this subdivision to a place of safety until the owner or owner's representative has had a
10 reasonable opportunity to contact a towing company of choice;

11 (b) Any interstate highway or freeway outside of an urbanized area, left unattended for
12 forty-eight hours, or after four hours if a law enforcement officer determines that the abandoned
13 property is a serious hazard to other motorists, provided that commercial motor vehicles not
14 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under
15 this subdivision to a place of safety until the owner or owner's representative has had a
16 reasonable opportunity to contact a towing company of choice;

17 (c) Any state highway other than an interstate highway or freeway in an urbanized area,
18 left unattended for more than ten hours; or

19 (d) Any state highway other than an interstate highway or freeway outside of an
20 urbanized area, left unattended for more than forty-eight hours; provided that commercial motor
21 vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be
22 removed under this subdivision to a place of safety until the owner or owner's representative has
23 had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct
26 the normal movement of traffic where there is no reasonable indication that the person in control
27 of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080, RSMo;

29 (4) Any abandoned property which has been reported as stolen or taken without consent
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for
32 an alleged offense for which the officer is required to take the person into custody and where
33 such person is unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance
37 where signs have been posted giving notice of the law or where the violation causes a safety
38 hazard; or

39 (8) Any abandoned property illegally left standing on the waters of this state as defined
40 in section 306.010, RSMo, where the abandoned property is obstructing the normal movement
41 of traffic, or where the abandoned property has been unattended for more than ten hours or is
42 floating loose on the water.

43 2. The state transportation department may immediately remove any abandoned,
44 unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal
45 property from the roadway of any state highway if the abandoned property, cargo or personal
46 property is creating a traffic hazard because of its position in relation to the state highway. In
47 the event the property creating a traffic hazard is a commercial motor vehicle, as defined in
48 section 302.700, RSMo, the department's authority under this subsection shall be limited to
49 authorizing a towing company to remove the commercial motor vehicle to a place of safety,
50 except that the owner of the commercial motor vehicle or the owner's designated representative
51 shall have a reasonable opportunity to contact a towing company of choice. The provisions of
52 this subsection shall not apply to vehicles transporting any material which has been designated
53 as hazardous under Section 5103(a) of Title 49, U.S.C.

54 3. Any law enforcement agency authorizing a tow pursuant to this section in which the
55 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and
56 inspection report. Any state or federal government agency other than a law enforcement agency
57 authorizing a tow pursuant to this section in which the abandoned property is moved away from
58 the immediate vicinity in which it was abandoned shall report the towing to the state highway
59 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection
60 report as required in this section. Any local government agency, other than a law enforcement
61 agency, authorizing a tow pursuant to this section where property is towed away from the
62 immediate vicinity shall report the tow to the local law enforcement agency within two hours
63 along with a crime inquiry and inspection report.

64 4. Neither the law enforcement officer, government agency official nor anyone having
65 custody of abandoned property under his direction shall be liable for any damage to such
66 abandoned property occasioned by a removal authorized by this section or by ordinance of a
67 county or municipality licensing and regulating the sale of abandoned property by the
68 municipality, other than damages occasioned by negligence or by willful or wanton acts or
69 omissions.

70 5. The owner of abandoned property removed as provided in this section or in section
71 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
72 such abandoned property as provided in section 304.158.

73 6. Upon the towing of any abandoned property pursuant to this section or under authority
74 of a law enforcement officer or local government agency pursuant to section 304.157, the law
75 enforcement agency that authorized such towing or was properly notified by another government
76 agency of such towing shall promptly make an inquiry with the national crime information center
77 and any statewide Missouri law enforcement computer system to determine if the abandoned
78 property has been reported as stolen and shall enter the information pertaining to the towed
79 property into the statewide law enforcement computer system. If the abandoned property is not
80 claimed within ten working days of the towing, the tower who has online access to the
81 department of revenue's records shall make an inquiry to determine the abandoned property
82 owner and lienholder, if any, of record. In the event that the records of the department of
83 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply
84 with the requirements of subsection 3 of section 304.156. If the tower does not have online
85 access, the law enforcement agency shall submit a crime inquiry and inspection report to the
86 director of revenue. A towing company that does not have online access to the department's
87 records and that is in possession of abandoned property after ten working days shall report such
88 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.
89 The crime inquiry and inspection report shall be designed by the director of revenue and shall
90 include the following:

91 (1) The year, model, make and property identification number of the property and the
92 owner and any lienholders, if known;

93 (2) A description of any damage to the property noted by the officer authorizing the tow;

94 (3) The license plate or registration number and the state of issuance, if available;

95 (4) The storage location of the towed property;

96 (5) The name, telephone number and address of the towing company;

97 (6) The date, place and reason for the towing of the abandoned property;

98 (7) The date of the inquiry of the national crime information center, any statewide
99 Missouri law enforcement computer system and any other similar system which has titling and
100 registration information to determine if the abandoned property had been stolen. This
101 information shall be entered only by the law enforcement agency making the inquiry;

102 (8) The signature and printed name of the officer authorizing the tow; and

103 (9) The name of the towing company, the signature and printed name of the towing
104 operator, and an indicator disclosing whether the tower has online access to the department's
105 records;

106 (10) Any additional information the director of revenue deems appropriate.

107 7. One copy of the crime inquiry and inspection report shall remain with the agency
108 which authorized the tow. One copy shall be provided to and retained by the storage facility and
109 one copy shall be retained by the towing facility in an accessible format in the business records
110 for a period of three years from the date of the tow or removal.

111 8. The owner of such abandoned property, or the holder of a valid security interest of
112 record, may reclaim it from the towing company upon proof of ownership or valid security
113 interest of record and payment of all reasonable charges for the towing and storage of the
114 abandoned property.

115 9. Any person who removes abandoned property at the direction of a law enforcement
116 officer or an officer of a government agency where that agency's real property is concerned as
117 provided in this section shall have a lien for all reasonable charges for the towing and storage of
118 the abandoned property until possession of the abandoned property is voluntarily relinquished
119 to the owner of the abandoned property or to the holder of a valid security interest of record.
120 Any personal property within the abandoned property need not be released to the owner thereof
121 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been
122 paid or satisfactory arrangements for payment have been made, except that any medication
123 prescribed by a physician shall be released to the owner thereof upon request. The company
124 holding or storing the abandoned property shall either release the personal property to the owner
125 of the abandoned property or allow the owner to inspect the property and provide an itemized
126 receipt for the contents. The company holding or storing the property shall be strictly liable for
127 the condition and safe return of the personal property. Such lien shall be enforced in the manner
128 provided under section 304.156.

129 10. Towing companies shall keep a record for three years on any abandoned property
130 towed and not reclaimed by the owner of the abandoned property. Such record shall contain
131 information regarding the authorization to tow, copies of all correspondence with the department
132 of revenue concerning the abandoned property, including copies of any online records of the
133 towing company accessed and information concerning the final disposition of the possession of
134 the abandoned property.

135 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard
136 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall
137 notify the local law enforcement agency where the repossession occurred within two hours of
138 the repossession and shall further provide the local law enforcement agency with any additional
139 information the agency deems appropriate. The local law enforcement agency shall make an
140 inquiry with the national crime information center and the Missouri statewide law enforcement

141 computer system and shall enter the repossessed vehicle into the statewide law enforcement
142 computer system.

143 12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who
144 has complied with the notification provisions in section 304.156, including notice that any
145 property remaining unredeemed after thirty days may be sold as scrap property may then dispose
146 of such property as provided in this subsection. Such sale shall only occur if at least thirty days
147 has passed since the date of such notification, the abandoned property remains unredeemed with
148 no satisfactory arrangements made with the towing company for continued storage, and the
149 owner or holder of a security agreement has not requested a hearing as provided in section
150 304.156. The towing company may dispose of such abandoned property by selling the property
151 on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed
152 salvage dealer for destruction purposes only. The towing company shall forward a copy of the
153 bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of
154 revenue within two weeks of the date of such sale. The towing company shall keep a record of
155 each such vehicle sold for destruction for three years that shall be available for inspection by law
156 enforcement and authorized department of revenue officials. The record shall contain the year,
157 make, identification number of the property, date of sale, and name of the purchasing scrap metal
158 operator or licensed salvage dealer and copies of all notifications issued by the towing company
159 as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record
160 of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators
161 and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo,
162 on vehicles purchased on a bill of sale pursuant to this section.

 304.580. [1.] As used in [this section] **sections 304.582 and 304.585**, the term
2 "construction zone" or "work zone" means any area upon or around any highway as defined in
3 section 302.010, RSMo, which is visibly marked by the department of transportation or a
4 contractor **or subcontractor** performing work for the department of transportation as an area
5 where construction, maintenance, **incident removal**, or other work is temporarily occurring. The
6 term "work zone" or "construction zone" also includes the lanes of highway leading up to the
7 area upon which an activity described in this subsection is being performed, beginning at the
8 point where appropriate signs [directing motor vehicles to merge from one lane into another lane
9 are posted.

10 2. Upon a conviction or a plea of guilty by any person for a moving violation as defined
11 in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess
12 a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the
13 offense occurred within a construction zone or a work zone.

14 3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant
15 to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this
16 section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine
17 authorized by law, if the offense occurred within a construction zone or a work zone and at the
18 time the speeding or passing violation occurred there was any person in such zone who was there
19 to perform duties related to the reason for which the area was designated a construction zone or
20 work zone. However, no person assessed an additional fine pursuant to this subsection shall also
21 be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be
22 assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to
23 subsection 4 of this section.

24 4. The penalty authorized by subsection 3 of this section shall only be assessed by the
25 court if the department of transportation or contractor performing work for the department of
26 transportation has erected signs upon or around a construction or work zone which are clearly
27 visible from the highway and which state substantially the following message: "Warning: \$250
28 fine for speeding or passing in this work zone".

29 5. During any day in which no person is present in a construction zone or work zone
30 established pursuant to subsection 3 of this section to perform duties related to the purpose of
31 the zone, the sign warning of additional penalties shall not be visible to motorists. During any
32 period of two hours or more in which no person is present in such zone on a day in which
33 persons have been or will be present to perform duties related to the reason for which the area
34 was designated as a construction zone or work zone, the sign warning of additional penalties
35 shall not be visible to motorists. The department of transportation or contractor performing work
36 for the department of transportation shall be responsible for compliance with provisions of this
37 subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary
38 for public safety in the construction or work zone being visible to motorists at all times.

39 6. The driver of a motor vehicle may not overtake or pass another motor vehicle within
40 a work zone or construction zone. This subsection applies to a construction zone or work zone
41 located upon a highway divided into two or more marked lanes for traffic moving in the same
42 direction and for which motor vehicles are instructed to merge from one lane into another lane
43 by an appropriate sign erected by the department of transportation or a contractor performing
44 work for the department of transportation. Violation of this subsection is a class C misdemeanor.

45 7. This section shall not be construed to enhance the assessment of court costs or the
46 assessment of points pursuant to section 302.302, RSMo.] **or traffic control devices are posted**
47 **or placed. The term "worker" or "highway worker" as used in sections 304.582 and**
48 **304.585 shall mean any person who is working in a construction zone or work zone, or any**
49 **employee of the department of transportation who is performing duties under the**

50 department's motorist assist program on a state highway or the right-of-way of a state
51 highway.

304.582. 1. Upon the first conviction or plea of guilty by any person for a moving
2 violation as defined in section 302.010, RSMo, or any offense listed in section 302.302,
3 RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine
4 authorized to be imposed by law, if the offense occurred within a construction zone or a
5 work zone. A second or subsequent violation of this subsection shall result in the court
6 assessing a fine of seventy-five dollars in addition to any other fine authorized to be
7 imposed by law.

8 2. Upon the first conviction or plea of guilty by any person for a speeding violation
9 under section 304.009 or 304.010, or a passing violation under subsection 4 of this section,
10 the court shall assess a fine of two hundred fifty dollars in addition to any other fine
11 authorized by law, if the offense occurred within a construction zone or a work zone and
12 at the time the speeding or passing violation occurred there was any highway worker in
13 such work zone. A second or subsequent violation of this subsection shall result in the
14 court assessing a fine of three hundred dollars in addition to any other fine authorized by
15 law. However, no person assessed an additional fine under this subsection shall also be
16 assessed an additional fine under subsection 1 of this section, and no person shall be
17 assessed an additional fine under this subsection if no signs have been posted under
18 subsection 3 of this section.

19 3. The penalty authorized by subsection 2 of this section shall only be assessed by
20 the court if the department of transportation or contractor performing work for the
21 department of transportation has erected signs upon or around a construction or work
22 zone which are clearly visible from the highway and which state substantially the following
23 message: "Warning: Minimum \$250 fine for speeding or passing in this work zone when
24 workers are present."

25 4. The driver of a motor vehicle may not overtake or pass another motor vehicle
26 within a work zone or construction zone as provided in this subsection. Violation of this
27 subsection is a class C misdemeanor.

28 (1) This subsection applies to a construction zone or work zone located upon a
29 highway divided into two or more marked lanes for traffic moving in the same direction
30 and for which motor vehicles are instructed to merge from one lane into another lane and
31 not pass by appropriate signs erected by the department of transportation or a contractor
32 or subcontractor performing work for the department of transportation.

33 (2) This subsection also prohibits the operator of a motor vehicle from passing or
34 attempting to pass another motor vehicle in a work zone or construction zone located upon

35 a two-lane highway when highway workers or equipment are working and when
36 appropriate signs or traffic control devices have been erected by the department of
37 transportation or a contractor or subcontractor performing work for the department of
38 transportation.

39 5. The additional fines imposed by subsection 4 of this section shall not be
40 construed to enhance the assessment of court costs or the assessment of points under
41 section 302.302, RSMo.

304.585. 1. A person shall be deemed to commit the offense of endangerment of a
2 highway worker upon conviction for any of the following when the offense occurs within
3 a construction zone or work zone, as defined in section 304.580:

- 4 (1) Exceeding the posted speed limit by ten miles per hour or more;
- 5 (2) Failure to stop for a work zone flagman or failure to obey traffic control devices
6 erected in the construction zone or work zone for purposes of controlling the flow of motor
7 vehicles through the zone;
- 8 (3) Driving through or around a work zone by any lane not clearly designated to
9 motorists for the flow of traffic through the work zone;
- 10 (4) Physically assaulting, attempting to assault, or threatening to assault a highway
11 worker in a construction zone or work zone, with a motor vehicle or other deadly weapon
12 or dangerous instrument;
- 13 (5) Negligently striking, moving, or altering barrels, barriers, signs, or other devices
14 erected to control the flow of traffic to protect workers and motorists in the work zone; or
15 (6) Committing any of the following offenses for which points may be assessed
16 under section 302.302, RSMo, including:
 - 17 (a) Leaving the scene of an accident in violation of section 577.060, RSMo;
 - 18 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
 - 19 (c) Operating a vehicle without a valid license in violation of subdivision (1) or (2)
20 of subsection 1 of section 302.020, RSMo;
 - 21 (d) Operating a motor vehicle with a suspended or revoked license;
 - 22 (e) Obtaining a drivers license by misrepresentation;
 - 23 (f) Driving while in an intoxicated condition, or under the influence of controlled
24 substances or drugs, or driving with an excessive blood alcohol content;
 - 25 (g) Any felony involving the use of a motor vehicle; and
 - 26 (h) Knowingly permitting an unlicensed operator to operate a motor vehicle.

27 2. Upon conviction or a plea of guilty for committing the offense of endangerment
28 of a highway worker under subsection 1 of this section, in addition to any other penalty
29 authorized by law, the person shall be guilty of a class A misdemeanor if no injury or death

30 to a highway worker resulted from the offense. If a highway worker is injured as a result
31 of the person committing the offense of endangerment of a highway worker, the person
32 shall be guilty of a class D felony. If death of a highway worker results from the
33 commission of the offense of endangerment of a highway worker, the person shall be guilty
34 of a class C felony.

304.590. 1. There is hereby created in the state treasury for use by the highways
2 and transportation commission a fund to be known as the "Work Zone Safety Trust
3 Fund". All surcharges collected under this section, appropriations of the general assembly,
4 federal grants, private donations, and any other moneys designated for the work zone
5 safety trust fund established under this section shall be deposited in the fund. Moneys
6 deposited in the fund shall be expended under the direction of the commission for the
7 purpose of funding enforcement of all traffic laws of the state, including sections 304.582
8 and 304.585, by law enforcement personnel in construction zones or work zones on the
9 highway system. Any funds determined by the commission not to be needed for
10 enforcement in such construction zones or work zones may be expended for promotion of
11 safety in construction zones or work zones through education, advertising, and other
12 efforts to promote safety in construction zones or work zones to the general public. Such
13 funds shall not be expended for salaries or administrative expenses of the department of
14 transportation. Notwithstanding the provisions of section 33.080, RSMo, any unexpended
15 balance in the work zone safety trust fund at the end of any biennium shall not be
16 transferred to the general revenue fund. All interest earned from moneys in the work zone
17 safety trust fund shall be credited to such fund.

18 2. In all violations of the traffic laws of this state, including infractions, there shall
19 be assessed as court costs a surcharge in the amount of five dollars. No such surcharge
20 shall be collected in any proceeding involving a violation of an ordinance or state law when
21 the proceeding or defendant has been dismissed by the court except when the dismissal is
22 conditioned upon an agreement to pay costs. Such surcharge shall be collected and
23 distributed to the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The
24 surcharge collected under this section shall be paid to the state treasury to the credit of the
25 work zone safety trust fund established in this section.

307.178. 1. As used in this section, the term "passenger car" means every motor vehicle
2 designed for carrying ten persons or less and used for the transportation of persons; except that,
3 the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and
4 trucks with a licensed gross weight of twelve thousand pounds or more.

5 2. Each driver, except persons employed by the United States Postal Service while
6 performing duties for that federal agency which require the operator to service postal boxes from

7 their vehicles, or which require frequent entry into and exit from their vehicles, and front seat
8 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway
9 in this state, and persons less than eighteen years of age operating or riding in a truck, as defined
10 in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and
11 fastened safety belt that meets federal National Highway, Transportation and Safety Act
12 requirements[; except that, a child less than four years of age shall be protected as required] **or**
13 **as provided** in section [210.104, RSMo] **307.179**. No person shall be stopped, inspected, or
14 detained solely to determine compliance with this subsection. The provisions of this section
15 shall not be applicable to persons who have a medical reason for failing to have a seat belt
16 fastened about their body, nor shall the provisions of this section be applicable to persons while
17 operating or riding a motor vehicle being used in agricultural work-related activities.
18 Noncompliance with this subsection shall not constitute probable cause for violation of any other
19 provision of law.

20 3. Each driver of a motor vehicle transporting a child four years of age or more[, but less
21 than sixteen years of age,] shall secure the child in a properly adjusted and fastened [safety belt]
22 **restraint under section 307.179**.

23 4. In any action to recover damages arising out of the ownership, common maintenance
24 or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not
25 be considered evidence of comparative negligence. Failure to wear a safety belt in violation of
26 this section may be admitted to mitigate damages, but only under the following circumstances:

27 (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation
28 of this section must first introduce expert evidence proving that a failure to wear a safety belt
29 contributed to the injuries claimed by plaintiff;

30 (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's
31 failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed
32 injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one
33 percent of the damages awarded after any reductions for comparative negligence.

34 5. Each driver who violates the provisions of subsection 2 or [3] **7** of this section is guilty
35 of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions
36 of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any
37 person due to a violation of this section. In no case shall points be assessed against any person,
38 pursuant to section 302.302, RSMo, for a violation of this section.

39 6. The [department of public safety shall initiate and develop] **Missouri highways and**
40 **transportation commission shall develop and initiate** a program of public information to
41 develop understanding of, and ensure compliance with, the provisions of this section. [The
42 department of public safety shall evaluate the effectiveness of this section and shall include a

43 report of its findings in the annual evaluation report on its highway safety plan that it submits to
44 NHTSA and FHWA pursuant to 23 U.S.C. 402.]

45 7. If there are more persons than there are seat belts in the enclosed area of a motor
46 vehicle, then the [driver and] passengers [are not in violation of this section] **who are unable**
47 **to wear seat belts, shall sit in the area behind the front seat of the motor vehicle unless the**
48 **motor vehicle is designed only for a front-seated area. This subsection shall not apply to**
49 **passengers who are accompanying a driver of a motor vehicle who is licensed pursuant to**
50 **section 302.178, RSMo.**

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

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle
3 Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a
4 child to properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal
6 Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is
7 either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt
8 or a universal attachment system.

9 2. Every person transporting a child under the age of sixteen years shall be
10 responsible, when transporting such child in a motor vehicle operated by that person on
11 the streets or highways of this state, for providing for the protection of such child as
12 follows:

13 (1) Children less than four years of age shall be properly secured in a child
14 passenger restraint system appropriate for that child, according to the child safety
15 restraint system and the vehicle manufacturers' instructions;

16 (2) Children four through five years of age shall be properly secured in a child
17 passenger restraint system or booster seat appropriate for that child, according to the child
18 safety restraint system and the vehicle manufacturers' instructions;

19 (3) Children six years of age or older shall be properly secured by a vehicle safety
20 belt, child passenger restraint system, or booster seat, according to the child safety
21 restraint system and the vehicle manufacturers' instructions;

22 (4) A child weighing more than forty pounds, who would otherwise be required to
23 be secured in a booster seat, may be transported in the back seat of a motor vehicle while
24 wearing only a lap belt if the back seat of the motor vehicle is not equipped with a
25 combination lap and shoulder belt for booster seat installation.

26 3. Any person who violates this section is guilty of an infraction and, upon
27 conviction, may be punished by a fine of not more than twenty-five dollars and court costs.
28 In no case shall points be assessed against any person, pursuant to section 302.302, RSMo,

29 **for violation of this section. If a person receives a citation for violating this section, the**
30 **charges shall be dismissed or withdrawn if the person prior to or at his or her hearing**
31 **provides evidence of acquisition of a child passenger restraint system or child booster seat**
32 **which is satisfactory to the court or the party responsible for prosecuting the person's**
33 **citation.**

34 **4. The provisions of this section shall not apply to:**

35 **(1) Any public carrier for hire; or**

36 **(2) School buses as defined in section 301.010, RSMo, when transporting students**
37 **four years of age or older.**

38 **5. Every car rental agency doing business within Missouri shall inform its**
39 **customers of the requirements of this section and shall provide for rental of an appropriate**
40 **child passenger safety restraint system.**

41 **6. The Missouri highways and transportation commission shall develop and initiate**
42 **a program of public information to develop understanding of, and ensure compliance with**
43 **the provisions of this section.**

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of sections [210.104,] 577.070[,] and 577.073, RSMo,
4 and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in
5 proportion to the severity of the violation. The associate circuit judges of each county may meet
6 en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to
7 this section. Notice of such adoption and participation shall be given in the manner provided by
8 supreme court rule. Upon order of the supreme court, the associate circuit judges of each county
9 may meet en banc and establish and maintain a schedule of fines to be paid for violations of
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic
12 court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted
13 for violations of municipal ordinances may be modified from time to time as the associate circuit
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection
15 may exceed the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include
17 offenses involving the following:

18 (1) Any violation resulting in personal injury or property damage to another person;

19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
20 drugs;

21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
34 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding
35 any provision of law to the contrary, the prosecutor shall not be required to sign any information,
36 ticket or indictment if disposition is made pursuant to this subsection. In the event that any
37 payment is made pursuant to this section by credit card or similar method, the centralized bureau
38 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed
39 on the recipient of the credit card payment by the credit card company.

40 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
41 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
42 having original jurisdiction over the offense. Any trial shall be conducted at the location
43 designated by the court. The clerk of the court in which the case is to be heard shall notify in
44 writing such person of the date certain for the disposition of such charges. The prosecutor shall
45 not be required to sign any information, ticket or indictment until the commencement of any
46 proceeding by the prosecutor with respect to the notice of violation.

47 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
48 a notice of violation pursuant to this section shall also receive written notification of the
49 following:

50 (1) The fine and court costs established pursuant to this section for the violation or
51 information regarding how the person may obtain the amount of the fine and court costs for the
52 violation;

53 (2) That the person must respond to the notice of violation by paying the prescribed fine
54 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
55 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
56 court may modify the suggested forms for uniform complaint and summons for use in courts

57 adopting the procedures provided by this section, in order to accommodate such required written
58 notifications.

59 7. Any moneys received in payment of fines and court costs pursuant to this section shall
60 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
61 of those persons or entities entitled to receive such funds pursuant to this subsection. All
62 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
63 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
64 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
65 interest earned on such fund shall be payable to the director of the department of revenue for
66 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
67 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
68 appropriations, only to the judicial branch of state government for goods and services related to
69 the administration of the judicial system.

70 8. Any person who receives a notice of violation subject to this section who fails to
71 dispose of such violation as provided by this section shall be guilty of failure to appear provided
72 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner
73 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate
74 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
75 guilty and request a trial within the time allotted by this section, for purposes of application of
76 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of
77 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
78 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
79 by the court.

80 9. In addition to the remedies provided by subsection 8 of this section, the centralized
81 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,
82 for the collection of court costs payable to courts, in order to collect fines and court costs for
83 violations subject to this section.

2 [210.104. 1. Every person transporting a child under the age of four
3 years shall be responsible, when transporting such child in a motor vehicle
4 operated by that person on the streets or highways of this state, for providing for
5 the protection of such child. Such child shall be protected by a child passenger
6 restraint system approved by the department of public safety.

7 2. Any person who violates this section is guilty of an infraction and, upon
8 conviction, may be punished by a fine of not more than twenty-five dollars and
9 court costs.

10 3. The provisions of sections 210.104 to 210.107 shall not apply to any
11 public carrier for hire.]

2 [210.107. The department of public safety shall initiate and develop a
3 program of public information to develop understanding of, and ensure
4 compliance with the provisions of sections 210.104 to 210.107. The department
5 of public safety shall, within thirty days of September 28, 1983, promulgate
6 standards for the performance, design, and installation of passenger restraint
7 systems for children under four years of age in accordance with federal motor
8 vehicle safety standards and shall approve those systems which meet such
9 standards. No rule or portion of a rule promulgated under the authority of sections
10 210.104 to 210.107 shall become effective unless it has been promulgated
11 pursuant to the provisions of section 536.024, RSMo.]

Section B. The enactment of section 307.179, the repeal and reenactment of sections
2 210.106, 307.178, and 476.385, and the repeal of sections 210.104 and 210.107 of section A of
3 this act shall become effective January 1, 2006.