

FIRST REGULAR SESSION

HOUSE BILL NO. 545

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ZWEIFEL (Sponsor) AND DARROUGH (Co-sponsor).

Read 1st time February 15, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1457L.011

AN ACT

To repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to right-of-way at intersections, with penalty provisions.

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

Section A. Section 304.351, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.351, to read as follows:

304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. **(1)** The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

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.

17 [(1)] (2) Preferential right-of-way at an intersection may be indicated by stop signs or
18 yield signs as authorized in this section:

19 (a) Except when directed to proceed by a police officer or traffic-control signal, every
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic in the intersecting roadway before entering the intersection. After having
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection
25 from another highway or which is approaching so closely on the highway as to constitute an
26 immediate hazard during the time when such driver is moving across or within the intersection.

27 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching
32 on another highway so closely as to constitute an immediate hazard during the time such traffic
33 is moving across or within the intersection.

34 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any
35 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway
36 to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor.

48 **9. In addition to the penalty specified in subsection 8 of this section, any person who**
49 **pleads guilty to or is found guilty of a violation of this section in which the offender is**
50 **found to have caused physical injury, the court may assess at its discretion a surcharge of**
51 **up to two hundred dollars. The court may issue an order of suspension of such person's**
52 **driving privilege for a period of thirty days.**

53 **10. In addition to the penalty specified in subsection 8 of this section, any person**
54 **who pleads guilty to or is found guilty of a violation of this section in which the offender**
55 **is found to have caused serious physical injury, the court may assess at its discretion a**
56 **surcharge of up to five hundred dollars. The court may issue an order of suspension of**
57 **such person's driving privilege for a period of ninety days.**

58 **11. In addition to the penalty specified in subsection 8 of this section, any person**
59 **who pleads guilty to or is found guilty of a violation of this section in which the offender**
60 **is found to have caused a fatality, the court may assess at its discretion a surcharge of up**
61 **to one thousand dollars. The court may issue an order of suspension of such person's**
62 **driving privilege for a period of six months.**

63 **12. The surcharges imposed under subsections 9, 10, and 11 of this subsection shall**
64 **be collected and distributed by the clerk of the court as provided in sections 488.010 to**
65 **488.020, RSMo. The surcharges collected under subsections 9, 10, and 11 of this section**
66 **shall be credited to the motorcycle safety trust fund established under section 302.137,**
67 **RSMo.**