

HCS SCS SB 221, 250 & 256 -- OPERATION OF MOTOR VEHICLES

SPONSOR: Dolan (St. Onge)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 11 to 4.

This substitute changes the laws regarding the operation of motor vehicles.

PRIMARY SEAT BELT ENFORCEMENT

Law enforcement officers are allowed to enforce the seat belt law if the violation is clearly visible to the officer without stopping the vehicle. Noncompliance with the seat belt law will not constitute probable cause for a search of the driver, passenger, or vehicle.

BOOSTER SEATS

The substitute requires children less than four years old to use an appropriate child passenger restraint system, children four years of age through five years of age to be secured in a child booster seat, and children six years of age or older to use a safety belt. The fine for violating these provisions is \$25. No court costs can be charged, and no points will be assessed against a person's driver's license. A person may avoid the \$25 penalty by demonstrating that a child safety seat has been obtained prior to or at the hearing which is satisfactory to the court or the party responsible for prosecuting the violator's citation.

AIRBAGS

A person who installs airbags that do not meet federal safety standards or installs airbags that have been installed in another motor vehicle without disclosing the fact will be guilty of a class D felony.

AFFIRMATIVE DEFENSE FOR PROCEEDING THROUGH A RED LIGHT WITH A MOTORCYCLE

A person operating a motorcycle who enters or crosses an intersection controlled by a traffic-control signal against a red light will have an affirmative defense to that charge if the person establishes all of the following conditions:

- (1) The motorcycle has been brought to a complete stop;
- (2) The traffic-control signal continues to show a red light for an unreasonable time;
- (3) The traffic-control signal is apparently malfunctioning or,

if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and

(4) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an imminent hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action.

FAILURE TO YIELD RIGHT-OF-WAY (CLUTCH'S LAW)

The substitute increases the penalties and imposes driver's license points on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. The penalties and the points assessed against a person's driver's license are as follows: (1) For a violation resulting in a physical injury, a fine of not less than \$200 and 8 points assessed; (2) For a violation resulting in a serious physical injury, a fine of not less than \$500, a class B misdemeanor, and 8 points assessed; and (3) For a violation resulting in death, a fine of not less than \$1,000, a class A misdemeanor, and 12 points assessed.

LANE RESTRICTIONS FOR LARGE TRUCKS

Trucks in excess of 48,000 pounds are prohibited from being driven in the far left-hand lane on interstate highways, freeways, or expressways in the urban areas of this state. This prohibition will not apply in certain circumstances.

NO PASSING WHEN MARKED WITH SOLID YELLOW STRIPE

The substitute prohibits driving to the left-hand side of the a roadway when it is clearly marked with a solid yellow center stripe indicating a no passing zone or an unsafe location to overtake or drive to the left side of the roadway.

TREATMENT OF PRIOR AND PERSISTENT OFFENDERS INVOLVING MUNICIPAL INTOXICATED-RELATED TRAFFIC OFFENSES

The substitute clarifies that the penalty enhancement provisions relating to prior or persistent offenders should be applied consistently in municipal, county, and state courts. The substitute also clarifies that when an individual is charged under a municipal ordinance the individual is not entitled to a suspended imposition of sentence if he or she meets the definition and classification of a prior or persistent offender.

CERTIFICATION OF ALCOHOL-RELATED REPORTS

Alcohol-related reports must be submitted to the Department of Revenue by law enforcement officers to be certified rather than verified. Law enforcement officers are required to certify the alcohol arrest reports under penalties of perjury prior to filing the reports with the department. The reports will be admissible as prima facie evidence at administrative hearings. The substitute repeals the requirement for a license surrender in order to obtain a hearing on an administrative alcohol arrest.

MOTORCYCLE HELMETS

Only persons under 21 years of age will be required to wear protective headgear when operating or riding as a passenger on any motorcycle or motortricycle. Currently, all motorcyclists are required to wear protective headgear.

HIGHWAY WORK ZONES

Any person guilty of a moving violation within a construction or work zone for the first offense will be subject to a \$35 fine and \$75 for a second or subsequent violation. A fine for speeding in a construction or work zone will be \$250 for the first offense and \$350 for a second or subsequent violation. Passing in a zone will be a class C misdemeanor. The substitute creates the crime of endangerment of a highway worker and specifies the circumstances.

A surcharge will be assessed on all traffic violations in the state. The Work Zone Safety Trust Fund is created for the deposit of the surcharges and other revenues to be used for funding enforcement of all traffic laws in construction or work zones.

ABANDONED VEHICLES

Law enforcement officers may authorize towing companies to immediately move any vehicle left unattended on any interstate highway or freeway in an urbanized area that is a serious hazard to other motorists.

LOCAL LOG TRUCKS

Harvesting equipment that may be transported on a local log truck must be used specifically for cutting, felling, trimming, de-limbing, de-barking, chipping, skidding, loading, unloading, and stacking.

ACCIDENTS REPORTS

The substitute requires law enforcement officers who investigate vehicle accidents involving property damage equaling or exceeding \$2,000 to report the accident to the State Highway Patrol. Currently, the amount is \$500.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a Cost of Unknown to an Income of Unknown in FY 2006, FY 2007, and FY 2008. Estimated Income on Other State Funds of \$956,182 to \$3,079,895 in FY 2006, \$1,326,334 to \$3,697,734 in FY 2007, and \$1,326,334 to \$3,697,734 in FY 2008.

PROPOSERS: Supporters say that data shows being unrestrained is the main factor in losing a life in a motor vehicle crash. Not wearing a seat belt also costs our state momentarily, and a primary safety belt law will help more Missourians to buckle up.

Testifying for the bill were Senator Dolan; Department of Transportation; Truman Medical Center, Children's Mercy Hospital; Missouri Hospital Association; Missouri Safety Council; Missouri Advocates for Traffic Safety; Missouri Coalition for Roadway Safety; Cape Girardeau Police Department; Alliance of Automobile Manufacturers; General Motors; DaimlerChrysler Corporation; Mothers Against Drunk Driving; American Insurance Association; State Farm Mutual Automobile Insurance Company; and Missouri State Medical Association.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst