

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 1378, 1379,
1391 & 1541**
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation March 13, 2006 with recommendation that House Committee Substitute for House Bill Nos. 1378, 1379, 1391 & 1541 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4232L.03C

AN ACT

To repeal sections 210.104, 210.106, 210.107, 302.130, 302.178, 302.302, 304.016, 304.580, and 307.178, RSMo, and to enact in lieu thereof eleven new sections relating to motor vehicle safety, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 210.104, 210.106, 210.107, 302.130, 302.178, 302.302, 304.016, 2 304.580, and 307.178, RSMo, are repealed and eleven new sections enacted in lieu thereof, to 3 be known as sections 210.106, 302.130, 302.178, 302.302, 304.016, 304.580, 304.582, 304.585, 4 304.590, 307.178, and 307.182, to read as follows:

210.106. In no event shall failure to employ a child passenger restraint system required 2 by section [210.104] **307.182, RSMo**, provide the basis for a claim of civil liability or negligence 3 or 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.

302.130. 1. Any person at least fifteen years of age who, except for age or lack of 2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license 3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary 4 instruction permit entitling the applicant, while having such permit in the applicant's immediate

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.

5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,
11 parent, guardian, a driver training instructor holding a valid driver education endorsement on a
12 teaching certificate issued by the department of elementary and secondary education or a
13 qualified instructor of a private drivers' education program who has a valid driver's license.
14 [Beginning January 1, 2001,] An applicant for a temporary instruction permit shall successfully
15 complete a vision test and a test of the applicant's ability to understand highway signs which
16 regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant
17 to section 302.173. In addition, beginning January 1, [2001] **2007**, no permit shall be granted
18 pursuant to this subsection unless a parent or legal guardian gives written permission by signing
19 the application and in so signing, state they, or their designee as set forth in subsection 2 of this
20 section, will provide a minimum of [twenty] **forty** hours of behind-the-wheel driving instruction,
21 **including a minimum of ten hours of behind-the-wheel driving instruction that occurs**
22 **during the nighttime hours falling between sunset and sunrise.** The [twenty] **forty** hours of
23 behind-the-wheel driving instruction that is completed pursuant to this subsection may include
24 any time that the holder of an instruction permit has spent operating a motor vehicle in a driver
25 training program taught by a driver training instructor holding a valid driver education
26 endorsement on a teaching certificate issued by the department of elementary and secondary
27 education or by a qualified instructor of a private drivers' education program. If the applicant for
28 a permit is enrolled in a federal residential job training program, the instructor, as [defined]
29 **referred to** in subsection 5 of this section, is authorized to sign the application stating that the
30 applicant will receive the behind-the-wheel driving instruction required by this section.

31 2. In the event the parent, grandparent or guardian of the person under sixteen years of
32 age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian
33 from being a qualified licensed operator pursuant to this section, said parent, grandparent or
34 guardian may designate a maximum of two individuals authorized to accompany the applicant
35 for the purpose of giving instruction in driving the motor vehicle. An authorized designee must
36 be a licensed operator for the type of motor vehicle being operated and have attained twenty-one
37 years of age. At least one of the designees must occupy the seat beside the applicant while
38 giving instruction in driving the motor vehicle. The name of the authorized designees must be
39 provided to the department of revenue by the parent, grandparent or guardian at the time of
40 application for the temporary instruction permit. The name of each authorized designee shall be

41 printed on the temporary instruction permit, however, the director may delay the time at which
42 permits are printed bearing such names until the inventories of blank permits and related forms
43 existing on August 28, 1998, are exhausted.

44 3. The director, upon proper application on a form prescribed by the director, in his or
45 her discretion, may issue a restricted instruction permit effective for a school year or more
46 restricted period to an applicant who is enrolled in a high school driver training program taught
47 by a driver training instructor holding a valid driver education endorsement on a teaching
48 certificate issued by the state department of elementary and secondary education even though the
49 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such
50 instruction permit shall entitle the applicant, when the applicant has such permit in his or her
51 immediate possession, to operate a motor vehicle on the highways, but only when a driver
52 training instructor holding a valid driver education endorsement on a teaching certificate issued
53 by the state department of elementary and secondary education is occupying a seat beside the
54 driver.

55 4. The director, in his or her discretion, may issue a temporary driver's permit to an
56 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
57 vehicle while the director is completing the director's investigation and determination of all facts
58 relative to such applicant's rights to receive a license. Such permit must be in the applicant's
59 immediate possession while operating a motor vehicle, and it shall be invalid when the
60 applicant's license has been issued or for good cause has been refused.

61 5. In the event that the applicant for a temporary instruction permit described in
62 subsection 1 of this section is a participant in a federal residential job training program, the
63 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a
64 valid driver education endorsement issued by the department of elementary and secondary
65 education and a valid driver's license.

66 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver
67 training program taught by a driver training instructor holding a valid driver education
68 endorsement on a teaching certificate issued by the department of elementary and secondary
69 education or a qualified instructor of a private drivers' education program.

70 7. Beginning January 1, 2003, the director shall issue with every temporary instruction
71 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words
72 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the
73 director by regulation. Every applicant issued a temporary instruction permit and sticker on or
74 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor
75 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle

76 whenever the holder of the instruction permit operates a motor vehicle during his or her
77 temporary permit licensure period.

78 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
79 permit issued under this section is lawfully present in the United States before accepting the
80 application. The director shall not issue an instruction permit for a period that exceeds an
81 applicant's lawful presence in the United States. The director may establish procedures to verify
82 the lawful presence of the applicant and establish the duration of any permit issued under this
83 section.

84 9. The director may adopt rules and regulations necessary to carry out the provisions of
85 this section.

302.178. 1. [Beginning January 1, 2001,] Any person between the ages of sixteen and
2 eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may
3 apply for, and the director shall issue, an intermediate driver's license entitling the applicant,
4 while having such license in his or her possession, to operate a motor vehicle of the appropriate
5 class upon the highways of this state in conjunction with the requirements of this section. An
6 intermediate driver's license shall be readily distinguishable from a license issued to those over
7 the age of eighteen. All applicants for an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 3 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section
11 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 [twenty] **forty** hours of supervised driving experience under a temporary instruction permit
16 issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor,
17 the person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:
 - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080, RSMo;
 - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 23 (c) Enters active duty in the armed forces;
 - 24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;
 - 25 or

26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
34 person shall operate a motor vehicle on the highways of this state under such an intermediate
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
37 without being accompanied if the travel is to or from a school or educational program or activity,
38 a regular place of employment or in emergency situations as defined by the director by
39 regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver and
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
42 shall not apply to a person operating a motorcycle. **For the first six months after issuance of**
43 **the intermediate driver's license, the holder of the license shall not operate a motor vehicle**
44 **with more than one passenger who is under the age of nineteen who is not a member of the**
45 **holder's immediate family. As used in this subsection, an intermediate driver's license**
46 **holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the**
47 **driver, including adopted or foster children residing in the same household of the**
48 **intermediate driver's license holder. After the expiration of the first six months, the holder**
49 **of an intermediate driver's license shall not operate a motor vehicle with more than three**
50 **passengers who are under nineteen years of age and who are not members of the holder's**
51 **immediate family.**

52 [3.] 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
53 intermediate driver's license shall be five dollars and such license shall be valid for a period of
54 two years.

55 [4.] 5. Any intermediate driver's licensee accumulating six or more points in a
56 twelve-month period may be required to participate in and successfully complete a
57 driver-improvement program approved by the director of the department of public safety. The
58 driver-improvement program ordered by the director of revenue shall not be used in lieu of point
59 assessment.

60 [5.] 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
61 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic

62 convictions for which points are assessed, upon reaching the age of eighteen years may apply for
63 and receive without further examination, other than a vision test as prescribed by section
64 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person
65 shall pay the required fee for such license as prescribed in section 302.177.

66 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
67 such license shall remain valid for the five business days immediately following the expiration
68 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,
69 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's
70 license if such offense occurred within five business days immediately following an expiration
71 date that occurs on a Saturday, Sunday, or legal holiday.

72 (3) The director of revenue shall deny an application for a full driver's license until the
73 person has had no traffic convictions for which points are assessed for a period of twelve months
74 prior to the date of application for license or until the person is eligible to apply for a six-year
75 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible
76 for full driving privileges. An intermediate driver's license shall expire when the licensee is
77 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

78 [6.] 7. No person upon reaching the age of eighteen years whose intermediate driver's
79 license and driving privilege is denied, suspended, canceled or revoked in this state or any other
80 state, for any reason may apply for a full driver's license until such license or driving privilege
81 is fully reinstated. Any such person whose intermediate driver's license has been revoked
82 pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of
83 the revocation from the director, pass the complete driver examination, apply for a new license,
84 and pay the proper fee before again operating a motor vehicle upon the highways of this state.

85 [7.] 8. A person shall be exempt from the intermediate licensing requirements if the
86 person has reached the age of eighteen years and meets all other licensing requirements.

87 [8.] 9. **Any person who violates any of the provisions of this section relating to**
88 **intermediate drivers licenses or the provisions of section 302.130, RSMo, relating to**
89 **temporary instruction permits is guilty of an infraction and no points shall be assessed to**
90 **their driving record for any such violation.**

91 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
92 is created under the authority delegated in this section shall become effective only if it complies
93 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
94 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
95 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
96 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the

97 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
 98 invalid and void.

302.302. 1. The director of revenue shall put into effect a point system for the
 2 suspension and revocation of licenses. Points shall be assessed only after a conviction or
 3 forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state law
 5 or county or municipal or federal traffic ordinance or regulation not listed in this section,
 6 other than a violation of vehicle equipment provisions or a court-ordered supervision
 7 as provided in section 302.303 2 points
 8 (except any violation of municipal stop sign ordinance where
 9 no accident is involved 1 point)

10 (2) Speeding
 11 In violation of a state law 3 points
 12 In violation of a county or municipal ordinance 2 points

13 (3) Leaving the scene of an accident in violation of section
 14 577.060, RSMo 12 points
 15 In violation of any county or municipal ordinance 6 points

16 (4) Careless and imprudent driving in violation of subsection 4
 17 of section 304.016, RSMo 4 points
 18 In violation of a county or municipal ordinance 2 points

19 (5) Operating without a valid license in violation of
 20 subdivision (1) or (2) of subsection 1 of section 302.020:

21 (a) For the first conviction 2 points
 22 (b) For the second conviction 4 points
 23 (c) For the third conviction 6 points

24 (6) Operating with a suspended or revoked license prior to restoration of
 25 operating privileges 12 points

26 (7) Obtaining a license by misrepresentation 12 points

27 (8) For the first conviction of driving while in an intoxicated condition
 28 or under the influence of controlled substances or drugs 8 points

29 (9) For the second or subsequent conviction of any of the following offenses
 30 however combined: driving while in an intoxicated condition,
 31 driving under the influence of controlled substances or drugs or
 32 driving with a blood alcohol content of eight-hundredths of one percent
 33 or more by weight 12 points

- 34 (10) For the first conviction for driving with blood alcohol content
35 eight-hundredths of one percent or more by weight
36 In violation of state law 8 points
37 In violation of a county or municipal ordinance or federal law or regulation 8 points
38 (11) Any felony involving the use of a motor vehicle 12 points
39 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points
40 (13) For a conviction for failure to maintain financial responsibility
41 pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . 4 points
42 **(14) Endangerment of a highway worker in violation of**
43 **section 304.585, RSMo 8 points**
44 **(15) Aggravated endangerment of a highway worker in violation**
45 **of section 304.585, RSMo 12 points**
46 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
47 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
48 302.020, when the director issues such operator a license or permit pursuant to the provisions
49 of sections 302.010 to 302.340.
50 3. An additional two points shall be assessed when personal injury or property damage
51 results from any violation listed in **subdivisions (1) to (13) of** subsection 1 of this section and
52 if found to be warranted and certified by the reporting court.
53 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
54 section constitutes both a violation of a state law and a violation of a county or municipal
55 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
56 offense arising out of the same occurrence could be construed to be a violation of subdivisions
57 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
58 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
59 offenses arising out of the same occurrence.
60 5. The director of revenue shall put into effect a system for staying the assessment of
61 points against an operator. The system shall provide that the satisfactory completion of a
62 driver-improvement program or, in the case of violations committed while operating a
63 motorcycle, a motorcycle-rider training course approved by the [director of the department of
64 public safety] **state highways and transportation commission**, by an operator, when so ordered
65 and verified by any court having jurisdiction over any law of this state or county or municipal
66 ordinance, regulating motor vehicles, other than a violation committed in a commercial motor
67 vehicle as defined in section 302.700 or a violation committed by an individual who has been
68 issued a commercial driver's license or is required to obtain a commercial driver's license in this
69 state or any other state, shall be accepted by the director in lieu of the assessment of points for

70 a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to
71 subsection 3 of this section. For the purposes of this subsection, the driver-improvement
72 program shall meet or exceed the standards of the National Safety Council's eight-hour
73 "Defensive Driving Course" or, in the case of a violation which occurred during the operation
74 of a motorcycle, the program shall meet the standards established by the [director of the
75 department of public safety] **state highways and transportation commission** pursuant to
76 sections 302.133 to 302.138. The completion of a driver-improvement program or a
77 motorcycle-rider training course shall not be accepted in lieu of points more than one time in any
78 thirty-six-month period and shall be completed within sixty days of the date of conviction in
79 order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant
80 to the provisions of this subsection shall, within fifteen days after completion of the
81 driver-improvement program or motorcycle-rider training course by an operator, forward a
82 record of the completion to the director, all other provisions of the law to the contrary
83 notwithstanding. The director shall establish procedures for record keeping and the
84 administration of this subsection.

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 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;

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 subdivision 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 this**
43 **subsection.**

44 5. Violation of this section shall be deemed a class C misdemeanor.

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 **or traffic control devices** are posted **or placed**. **The terms "worker" or "highway worker"**
10 **as used in sections 304.582 and 304.585 shall mean any person that is working in a**
11 **construction zone or work zone, or any employee of the department of transportation that**
12 **is performing duties under the department's motorist assist program on a state highway**
13 **or the right-of-way of a state highway.**

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

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

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

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

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

49 7. This section shall not be construed to enhance the assessment of court costs or the
50 assessment of points pursuant to section 302.302, RSMo.]

**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.**

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

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

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

**(2) This subsection applies to a construction zone or work zone located upon a
28 highway divided into two or more marked lanes for traffic moving in the same direction
29 and for which motor vehicles are instructed to merge from one lane into another lane and
30 not pass by appropriate signs or traffic control devices erected by the department of
31 transportation or a contractor or subcontractor performing work for the department of
32 transportation.**
33

34 **(3) This subsection also prohibits the operator of a motor vehicle from passing or**
35 **attempting to pass another motor vehicle in a work zone or construction zone located upon**
36 **a two-lane highway when highway workers or equipment are working and when**
37 **appropriate signs or traffic control devices have been erected by the department of**
38 **transportation or a contractor or subcontractor performing work for the department of**
39 **transportation.**

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

304.585. 1. A person commits the offense of endangerment of a highway worker
2 **upon conviction or plea of guilty for any of the following offenses when such offense occurs**
3 **within 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) Passing in violation of subsection 4 of section 304.582;**

6 **(3) Failure to stop for a work zone flagman or failure to obey traffic control devices**
7 **erected in the construction zone or work zone for purposes of controlling the flow of motor**
8 **vehicles through the zone;**

9 **(4) Driving through or around a work zone by any lane not clearly designated to**
10 **motorists for the flow of traffic through the work zone;**

11 **(5) Physically assaulting, attempting to assault, or threatening to assault a highway**
12 **worker in a construction zone or work zone with a motor vehicle or other instrument;**

13 **(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other**
14 **devices erected to control the flow of traffic to protect workers and motorists in the work**
15 **zone for a reason other than avoidance of an obstacle, an emergency, or to protect the**
16 **health and safety of an occupant of the motor vehicle or of another person; or**

17 **(7) Committing any of the following offenses for which points may be assessed**
18 **under section 302.302, RSMo:**

19 **(a) Leaving the scene of an accident in violation of section 577.060, RSMo;**

20 **(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**

21 **(c) Operating without a valid license in violation of subdivision (1) or (2) of**
22 **subsection 1 of section 302.020, RSMo;**

23 **(d) Operating with a suspended or revoked license;**

24 **(e) Obtaining a license by misrepresentation;**

25 **(f) Driving while in an intoxicated condition or under the influence of controlled**
26 **substances or drugs or driving with an excessive blood alcohol content;**

27 **(g) Any felony involving the use of a motor vehicle; or**

28 **(h) Knowingly permitting an unlicensed operator to operate a motor vehicle.**

29 **2. Upon conviction or a plea of guilty for committing the offense of endangerment**
30 **of a highway worker under subsection 1 of this section if no injury or death to a highway**
31 **worker resulted from the offense, in addition to any other penalty authorized by law, the**
32 **person shall be subject to a fine of not more than one thousand dollars and shall have eight**
33 **points assessed to his or her driver's license under section 302.302, RSMo, and shall be**
34 **subject to the provisions of section 302.304, RSMo, regarding the suspension of the**
35 **person's license and driving privileges.**

36 **3. A person commits the offense of aggravated endangerment of a highway worker**
37 **upon conviction or a plea of guilty for any offense under subsection 1 of this section when**
38 **such offense occurs in a construction zone or work zone as defined in section 304.580 and**
39 **results in the injury or death of a highway worker. Upon conviction or a plea of guilty for**
40 **committing the offense of aggravated endangerment of a highway worker, in addition to**
41 **any other penalty authorized by law, the person shall be subject to a fine of not more than**
42 **five thousand dollars if the offense resulted in injury to a highway worker and ten**
43 **thousand dollars if the offense resulted in death to a highway worker. In addition, such**
44 **person shall have twelve points assessed to their driver's license under section 302.302,**
45 **RSMo, and shall be subject to the provisions of section 302.304, RSMo, regarding the**
46 **revocation of the person's license and driving privileges.**

47 **4. Except for the offense established under subdivision (6) of subsection 1 of this**
48 **section, no person shall be deemed to commit the offense of endangerment of a highway**
49 **worker except when the act or omission constituting the offense occurred when one or**
50 **more highway workers were in the construction zone or work zone.**

51 **5. No person shall be cited or convicted for endangerment of a highway worker or**
52 **aggravated endangerment of a highway worker for any act or omission otherwise**
53 **constituting an offense under subsection 1 of this section if such act or omission resulted**
54 **in whole or in part from mechanical failure of the person's vehicle or from the negligence**
55 **of another person or a highway worker.**

304.590. 1. As used in this section, "travel safe zone" means any area upon or
2 **around any highway, as defined in section 302.010, RSMo, which is visibly marked by the**
3 **department of transportation, and when a highway safety analysis demonstrates fatal or**
4 **disabling motor vehicle crashes exceeds a predicted safety performance level for**
5 **comparable roadways as determined by the department of transportation.**

6 **2. Upon a conviction or plea of guilty by any person for a moving violation, as**
7 **defined in section 302.010, RSMo, any offense listed in section 302.302, RSMo, or any**
8 **speeding violation under section 304.009 or 304.010, the court shall double the amount of**

9 fine authorized to be imposed by law if the moving violation, offense, or speeding violation
10 occurred within a travel safe zone.

11 3. The penalty authorized under subsection 2 of this section shall only be assessed
12 by the court if the department of transportation has erected signs upon or around a travel
13 safe zone which are clearly visible from the highway and which state substantially the
14 following message: "Travel Safe Zone - Fines Doubled".

15 4. Nothing in this section shall be construed to enhance the assessment of court
16 costs or points under section 302.302, RSMo.

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 in
13 section 210.104, RSMo]. No person shall be stopped, inspected, or detained solely to determine
14 compliance with this subsection. The provisions of this section shall not be applicable to persons
15 who have a medical reason for failing to have a seat belt fastened about their body, nor shall the
16 provisions of this [section] **subsection** be applicable to persons while operating or riding a motor
17 vehicle being used in agricultural work-related activities. Noncompliance with this subsection
18 shall not constitute probable cause for violation of any other provision of law. **The provisions**
19 **of this subsection shall not apply to the transporting of children under sixteen years of age,**
20 **as provided in section 307.182.**

21 3. Each driver of a motor vehicle transporting a child [four years of age or more, but] less
22 than sixteen years of age[,] shall secure the child in a properly adjusted and fastened [safety belt]
23 **restraint under section 307.182.**

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

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

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

35 5. **Except as otherwise provided for in section 307.182**, each [driver] **person** who
36 violates the provisions of subsection 2 [or 3] of this section is guilty of an infraction for which
37 a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to
38 the contrary notwithstanding, no court costs shall be imposed on any person due to a violation
39 of this section. In no case shall points be assessed against any person, pursuant to section
40 302.302, RSMo, for a violation of this section.

41 6. The [department of public safety] **state highways and transportation commission**
42 shall initiate and develop a program of public information to develop understanding of, and
43 ensure compliance with, the provisions of this section. The [department of public safety]
44 **commission** shall evaluate the effectiveness of this section and shall include a report of its
45 findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and
46 FHWA pursuant to 23 U.S.C. 402.

47 [7. If there are more persons than there are seat belts in the enclosed area of a motor
48 vehicle, then the driver and passengers are not in violation of this section.]

307.182. 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 (3) **"Driver"**, a person who is in actual physical control of a motor vehicle.

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

13 (1) **Children less than four years of age, regardless of weight, shall be secured in**
14 **a child passenger restraint system appropriate for that child;**

15 **(2) Children weighing less than forty pounds, regardless of age, shall be secured in**
16 **a child passenger restraint system appropriate for that child;**

17 **(3) Children at least four years of age but less than eight years of age, and children**
18 **weighing at least forty pounds but less than eighty pounds, and children less than four feet,**
19 **nine inches tall, shall be secured in a child passenger restraint system or booster seat**
20 **appropriate for that child;**

21 **(4) Children at least eighty pounds or children more than four feet, nine inches in**
22 **height shall be secured by a vehicle safety belt or booster seat appropriate for that child;**

23 **(5) A child who otherwise would be required to be secured in a booster seat may**
24 **be transported in the back seat of a motor vehicle while wearing only a lap belt if the back**
25 **seat of the motor vehicle is not equipped with a combination lap and shoulder belt for**
26 **booster seat installation.**

27
28 **This subsection shall only apply to the use of a child passenger restraint system or vehicle**
29 **safety belt for children less than sixteen years of age being transported in a motor vehicle.**

30 **3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section**
31 **is guilty of an infraction and, upon conviction, may be punished by a fine of not more than**
32 **fifty dollars and court costs. If a driver receives a citation for violating subdivision (1), (2),**
33 **or (3) of subsection 2 of this section, the charges shall be dismissed or withdrawn if the**
34 **driver prior to or at his or her hearing provides evidence of acquisition of a child passenger**
35 **restraint system or child booster seat which is satisfactory to the court or the party**
36 **responsible for prosecuting the driver's citation.**

37 **4. The provisions of this section shall not apply to any public carrier for hire. The**
38 **provisions of this section shall not apply to students four years of age or older who are**
39 **passengers on a school bus as defined in section 301.010, RSMo.**

40 **5. No citation shall be issued for a violation of subdivision (3) of subsection 2 of this**
41 **section until after December 31, 2006.**

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

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

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

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

11

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
10 sections 210.104 to 210.107 shall become effective unless it has been
11 promulgated pursuant to the provisions of section 536.024, RSMo.]

2 Section B. The repeal and reenactment of sections 302.130 and 302.178 shall become
2 effective January 1, 2007.

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