

SECOND REGULAR SESSION

HOUSE BILL NO. 1048

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KUESSNER (Sponsor),
HENKE AND WILDBERGER (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3419L.01I

AN ACT

To repeal section 300.010, RSMo, and to enact in lieu thereof one new section relating to all-terrain vehicles.

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

Section A. Section 300.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 300.010, to read as follows:

300.010. The following words and phrases when used in this ordinance mean:

(1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control. **"All-terrain vehicle" shall also mean any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, commonly referred to as a utility vehicle, and to be used primarily for landscaping, lawn care, or maintenance purposes;**

(3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire

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.

14 department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle
15 operated as an ambulance when responding to emergency calls;

16 (4) "Business district", the territory contiguous to and including a highway when within
17 any six hundred feet along the highway there are buildings in use for business or industrial
18 purposes, including but not limited to hotels, banks, or office buildings, railroad stations and
19 public buildings which occupy at least three hundred feet of frontage on one side or three
20 hundred feet collectively on both sides of the highway;

21 (5) "Central business (or traffic) district", all streets and portions of streets within the
22 area described by city ordinance as such;

23 (6) "Commercial vehicle", every vehicle designed, maintained, or used primarily for the
24 transportation of property;

25 (7) "Controlled access highway", every highway, street or roadway in respect to which
26 owners or occupants of abutting lands and other persons have no legal right of access to or from
27 the same except at such points only and in such manner as may be determined by the public
28 authority having jurisdiction over the highway, street or roadway;

29 (8) "Crosswalk",

30 (a) That part of a roadway at an intersection included within the connections of the
31 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the
32 absence of curbs from the edges of the traversable roadway;

33 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for
34 pedestrian crossing by lines or other markings on the surface;

35 (9) "Curb loading zone", a space adjacent to a curb reserved for the exclusive use of
36 vehicles during the loading or unloading of passengers or materials;

37 (10) "Driver", every person who drives or is in actual physical control of a vehicle;

38 (11) "Freight curb loading zone", a space adjacent to a curb for the exclusive use of
39 vehicles during the loading or unloading of freight (or passengers);

40 (12) "Highway", the entire width between the boundary lines of every way publicly
41 maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

42 (13) "Intersection",

43 (a) The area embraced within the prolongation or connection of the lateral curb lines, or,
44 if none, then the lateral boundary lines of the roadways of two highways which join one another
45 at, or approximately at, right angles, or the area within which vehicles traveling upon different
46 highways joining at any other angle may come in conflict;

47 (b) Where a highway includes two roadways thirty feet or more apart, then every
48 crossing of each roadway of such divided highway by an intersecting highway shall be regarded
49 as a separate intersection. In the event such intersecting highway also includes two roadways

50 thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded
51 as a separate intersection;

52 (14) "Laned roadway", a roadway which is divided into two or more clearly marked lanes
53 for vehicular traffic;

54 (15) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
55 except farm tractors and motorized bicycles;

56 (16) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider
57 and designed to travel on not more than three wheels in contact with the ground, but excluding
58 a tractor;

59 (17) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
60 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
61 produces less than three gross brake horsepower, and is capable of propelling the device at a
62 maximum speed of not more than thirty miles per hour on level ground;

63 (18) "Official time standard", whenever certain hours are named herein they shall mean
64 standard time or daylight-saving time as may be in current use in the city;

65 (19) "Official traffic control devices", all signs, signals, markings and devices not
66 inconsistent with this ordinance placed or erected by authority of a public body or official having
67 jurisdiction, for the purpose of regulating, warning or guiding traffic;

68 (20) "Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise
69 than temporarily for the purpose of and while actually engaged in loading or unloading
70 merchandise or passengers;

71 (21) "Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive
72 use of vehicles during the loading or unloading of passengers;

73 (22) "Pedestrian", any person afoot;

74 (23) "Person", every natural person, firm, copartnership, association or corporation;

75 (24) "Police officer", every officer of the municipal police department or any officer
76 authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

77 (25) "Private road" or "driveway", every way or place in private ownership and used for
78 vehicular travel by the owner and those having express or implied permission from the owner,
79 but not by other persons;

80 (26) "Railroad", a carrier of persons or property upon cars, other than streetcars, operated
81 upon stationary rails;

82 (27) "Railroad train", a steam engine, electric or other motor, with or without cars
83 coupled thereto, operated upon rails, except streetcars;

84 (28) "Residence district", the territory contiguous to and including a highway not
85 comprising a business district when the property on such highway for a distance of three hundred

86 feet or more is in the main improved with residences or residences and buildings in use for
87 business;

88 (29) "Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner
89 in preference to another vehicle or pedestrian approaching under such circumstances of direction,
90 speed and proximity as to give rise to danger of collision unless one grants precedence to the
91 other;

92 (30) "Roadway", that portion of a highway improved, designed or ordinarily used for
93 vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more
94 separate roadways the term "roadway" as used herein shall refer to any such roadway separately
95 but not to all such roadways collectively;

96 (31) "Safety zone", the area or space officially set apart within a roadway for the
97 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate
98 signs as to be plainly visible at all times while set apart as a safety zone;

99 (32) "Sidewalk", that portion of a street between the curb lines, or the lateral lines of a
100 roadway, and the adjacent property lines, intended for use of pedestrians;

101 (33) "Stand" or "standing", the halting of a vehicle, whether occupied or not, otherwise
102 than for the purpose of and while actually engaged in receiving or discharging passengers;

103 (34) "Stop", when required, complete cessation from movement;

104 (35) "Stop" or "stopping", when prohibited, any halting even momentarily of a vehicle,
105 whether occupied or not, except when necessary to avoid conflict with other traffic or in
106 compliance with the directions of a police officer or traffic control sign or signal;

107 (36) "Street" or "highway", the entire width between the lines of every way publicly
108 maintained when any part thereof is open to the uses of the public for purposes of vehicular
109 travel. "State highway", a highway maintained by the state of Missouri as a part of the state
110 highway system;

111 (37) "Through highway", every highway or portion thereof on which vehicular traffic is
112 given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting
113 highways is required by law to yield rights-of-way to vehicles on such through highway in
114 obedience to either a stop sign or a yield sign, when such signs are erected as provided in this
115 ordinance;

116 (38) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other
117 conveyances either singly or together while using any highway for purposes of travel;

118 (39) "Traffic control signal", any device, whether manually, electrically or mechanically
119 operated, by which traffic is alternately directed to stop and to proceed;

120 (40) "Traffic division", the traffic division of the police department of the city, or in the
121 event a traffic division is not established, then said term whenever used herein shall be deemed
122 to refer to the police department of the city;

123 (41) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
124 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
125 or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs
126 operated by handicapped persons.

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