

## HCS HB 1378, 1379, 1391 & 1541 -- MOTOR VEHICLE SAFETY

SPONSOR: St. Onge

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 12 to 3.

This substitute changes the laws regarding motor vehicle safety.

### INTERMEDIATE DRIVER'S LICENSES

The substitute requires parents or legal guardians of applicants for a temporary instruction permit to provide 40 hours of behind-the-wheel driving instruction. A minimum of 10 hours must occur during the nighttime hours. Currently, only 20 hours of behind-the-wheel driving instruction is required.

For the first six months after issuance of an intermediate driver's license, the driver cannot operate a vehicle with more than one passenger younger than 19 years of age who is not a member of the driver's immediate family. After the first six-month time period has passed, the driver must not operate a vehicle with more than three passengers younger than 19 years of age who are not members of the driver's immediate family until he or she receives a full driver's license.

### TRAVEL SAFE ZONES

The fine imposed for a moving or speeding violation when committed in a designated travel safe zone is doubled. A "travel safe zone" is defined as any area upon or around any highway, visibly marked by the Department of Transportation, where a highway safety analysis shows the number of fatal or disabling vehicle crashes exceeds a predicted safety performance level for comparable roadways as determined by the department.

### WORK ZONE SAFETY

The substitute changes the laws regarding offenses occurring within highway work zones or construction zones. Any person convicted of a second or subsequent moving violation within a work zone will be assessed a fine of \$75. A person who is convicted of speeding or passing a vehicle within a work zone when a highway worker is present for a second or subsequent occurrence will be assessed \$300 in addition to any other fine authorized by law.

The crime of endangerment of a highway worker is created when a motorist driving in a construction or work zone:

- (1) Exceeds the posted speed limit by 10 miles per hour or more;
- (2) Passes another vehicle which results in the death or injury of a highway worker;
- (3) Fails to stop for a work zone flagman or fails to obey traffic control signals;
- (4) Physically assaults or attempts to assault a highway worker with a motor vehicle or other instrument;
- (5) Intentionally strikes or moves barrels, barriers, signs, or other devices erected to control the flow of traffic for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of another person; or
- (6) Commits various offenses in which points may be assessed.

A person who is convicted of the offense of endangerment of a highway worker in which no injury or death results will be subject to a fine of not more than \$1,000 and will have eight points assessed against his or her driver's license.

If a highway worker is injured or killed in a work zone, the offender will be guilty of aggravated endangerment of a highway worker and subject to a fine of not more than \$5,000 for an injury, not more than \$10,000 if a death resulted, and will have 12 points assessed against his or her license.

#### PASSING ZONES

The substitute prohibits a person from driving a vehicle across a clearly marked solid yellow center stripe of a roadway, indicating a no passing zone, except when executing a lawful turn, overtaking a vehicle traveling at a speed of less than 25 miles per hour, or when avoiding debris in the roadway.

#### CHILD PASSENGER RESTRAINTS

The substitute also changes the laws regarding child passenger restraints and safety belts. The substitute:

- (1) Requires children younger than four years of age, regardless of weight, or who weigh less than 40 pounds, regardless of age, to be secured in a child passenger restraint system;
- (2) Requires children four to eight years of age or weighing 40 to 80 pounds or less than four feet nine inches in height to be secured in a child passenger restraint system or booster seat;

(3) Requires children at least 80 pounds or more than four feet nine inches in height or eight years of age or older to be secured by a vehicle safety belt or booster seat;

(4) Allows children who otherwise would be required to be secured in a booster seat to be transported in the back seat while wearing only a lap belt if the back seat is equipped with a combination lap and shoulder belt for booster seat installation;

(5) Exempts public carriers for hire and school buses; and

(6) Requires the Highways and Transportation Commission to develop a public information program to ensure compliance with child passenger restraint laws.

The exemption on belt usage of drivers and passengers if there are more persons than safety belts is removed.

The child restraint provisions become effective January 1, 2007.

FISCAL NOTE: Estimated Income on General Revenue Fund of \$0 in FY 2007, Unknown in FY 2008, and Unknown in FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters of HB 1378 and HB 1379 say the bills will provide greater safety for highway workers as well as motorists in work zone areas. Supporters of HB 1391 say motor vehicle crashes remain the leading cause of death and disability for children between the ages of four and eight years old. Highway safety studies predict that many more children will be victims if the law is not upgraded and parents fail to secure their children appropriately. Supporters of HB 1541 say motor vehicle crashes are the number one killer of teens in Missouri. This is attributed to inexperience and inadequate driving skills, operation primarily during high-risk hours, risk-taking, poor judgment, poor decision making, and the inability of teens to adequately multi-task. Distractions pose a great risk to all drivers, but especially for new drivers. Passengers can be a huge distraction for teen drivers. Crash risks increase incrementally with one, two, three, or more passengers. Studies indicate that passenger restrictions can reduce this problem.

Testifying for HB 1378 were Representative St. Onge; Missouri Safety Council; Missouri Coalition for Roadway Safety; and Highway Safety Division, Department of Transportation.

Testifying for HB 1379 were Representative St. Onge; Department of Transportation; Robert Crawshaw, Pace Construction Company; Mark O'Dowd, Transportation Employees Association; International Union of Operating Engineers, Local 2; State Highway Patrol; Heavy Constructors Association of Greater Kansas City; Missouri

Laborers' Legislative Committee; SITE Improvement Association; Associated General Contractors of St. Louis; Associated General Contractors of Missouri; Missouri Safety Council; Missouri Advocates for Traffic Safety; Construction Employers Coalition; and Missouri Chamber of Commerce and Industry. Testifying for HB 1391 were Representative Denison; Missouri Safety Council; Children's Mercy Hospitals and Clinics; DaimlerChrysler; Missouri State Council of Firefighters; Missouri Police Chiefs Association; State Farm Insurance Companies; Missouri Insurance Coalition; General Motors Corporation; State Highway Patrol; SSM Cardinal Glennon Children's Medical Center; St. John's Hospital, Springfield; National Child Passenger Safety Board; Missouri Hospital Association; and Karen Underwood. Testifying for HB 1591 were Representative St. Onge; Highway Safety Division, Department of Transportation; and Missouri Safety Council.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst