

FIRST REGULAR SESSION

HOUSE BILL NO. 893

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), DUSENBERG AND FISHER (Co-sponsors).

Read 1st time February 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2270L.01I

AN ACT

To repeal section 304.281, and to enact in lieu thereof one new section relating to traffic control signals, with a penalty provision.

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

Section A. Section 304.281, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.281, RSMo, to read as follows:

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the 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.

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 304.291, are thereby advised that there is insufficient time
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then
29 before entering the intersection and shall remain standing until an indication to proceed is shown
30 except as provided in paragraph (b);

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section
41 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

42 (4) In the event an official traffic control signal is erected and maintained at a place other
43 than an intersection, the provision of this section shall be applicable except as to those provisions
44 which by their nature can have no application. Any stop required shall be made at a sign or
45 marking on the pavement indicating where the stop shall be made, but in the absence of any such
46 sign or marking the stop shall be made at the signal.

47 2. Notwithstanding the provisions of section 304.361, violation of this section is a class
48 C misdemeanor.

49 **3. A person operating a motorcycle who violates this section or section 304.301 by**
50 **entering or crossing an intersection controlled by a traffic control signal against a red light**

51 shall have an affirmative defense to that charge if the person establishes all of the following
52 conditions:

53 (1) The motorcycle has been brought to a complete stop;

54 (2) The traffic control signal continues to show a red light for an unreasonable
55 time;

56 (3) The traffic control is apparently malfunctioning or, if programmed or
57 engineered to change to a green light only after detecting the approach of a motor vehicle,
58 the signal has apparently failed to detect the arrival of the motorcycle; and

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

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

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