

FIRST REGULAR SESSION

# HOUSE BILL NO. 1017

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (14).

2396L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 304.582, RSMo, and to enact in lieu thereof one new section relating to construction zone and work zone violations, with penalty provisions.

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

Section A. Section 304.582, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.582, to read as follows:

304.582. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

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

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.

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

23           4. The driver of a motor vehicle may not overtake or pass another motor vehicle within  
24 a work zone or construction zone as provided in this subsection. Violation of this subsection is  
25 a class C misdemeanor.

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

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

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

38           **6. Notwithstanding any provision of this section to the contrary, no person shall be**  
39 **cited for a violation of this section when no highway workers are located or working within**  
40 **the construction zone or work zone at the time the alleged violation occurred.**

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