

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808,
Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“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.

3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or a contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction zone or work zone

1 which are clearly visible from the highway and which state substantially the following message:
2 "Warning: Minimum \$250 fine for speeding or passing in this work zone when workers are
3 present."

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

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

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

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

19 6. Notwithstanding any provision of this section to the contrary, no person shall be cited
20 for a violation of this section when no highway workers are located or working within the
21 construction zone or work zone at the time the alleged violation occurred.”; and
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23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.
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