

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 1235 & 1214, Page 1, Lines 2-3 in the
2 title, by deleting the words "weight limitation for vehicles hauling livestock and agricultural
3 products" and inserting in lieu thereof the word "transportation"; and
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5 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the
6 following:
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8 "304.010. 1. As used in this section, the following terms mean:

9 (1) "Expressway", a divided highway of at least ten miles in length with four or more lanes
10 which is not part of the federal interstate system of highways which has crossovers or accesses from
11 streets, roads or other highways at the same grade level as such divided highway;

12 (2) "Freeway", a limited access divided highway of at least ten miles in length with four or
13 more lanes which is not part of the federal interstate system of highways which does not have any
14 crossovers or accesses from streets, roads or other highways at the same grade level as such divided
15 highway within such ten miles of divided highway;

16 (3) "Rural interstate", that part of the federal interstate highway system that is not located in
17 an urban area;

18 (4) "Urbanized area", an area of fifty thousand population at a density at or greater than one
19 thousand persons per square mile.

20 2. Except as otherwise provided in this section, the uniform maximum speed limits are and
21 no vehicle shall be operated in excess of the speed limits established pursuant to this section:

22 (1) Upon the rural interstates and freeways of this state, [seventy] seventy-five miles per
23 hour;

24 (2) Upon the rural expressways of this state, sixty-five miles per hour;

25 (3) Upon the interstate highways, freeways or expressways within the urbanized areas of this
26 state, sixty miles per hour;

27 (4) All other roads and highways in this state not located in an urbanized area and not
28 provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

29 (5) All other roads provided for in subdivision (4) of this subsection shall not include any
30 state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles
31 per hour unless set at a higher speed as established by the department of transportation, except that

Action Taken _____ Date _____

1 no speed limit shall be set higher than sixty miles per hour;

2 (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable
3 presumption that the posted speed limit is the legal speed limit.

4 3. On any state road or highway where the speed limit is not set pursuant to a local
5 ordinance, the highways and transportation commission may set a speed limit higher or lower than
6 the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed
7 limit is recommended by the department of transportation. The department of public safety, where it
8 believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is
9 warranted, may request the department of transportation to raise or lower such speed limit, except
10 that no speed limit shall be set higher than [seventy] seventy-five miles per hour.

11 4. Notwithstanding the provisions of section 304.120 or any other provision of law to the
12 contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways
13 within such cities', towns' or villages' corporate limits by ordinance with the approval of the state
14 highways and transportation commission. Any reduction of speed in cities, towns or villages shall be
15 designed to expedite the flow of traffic on such state roads and highways to the extent consistent with
16 public safety. The commission may declare any ordinance void if it finds that such ordinance is:

17 (1) Not primarily designed to expedite traffic flow; and

18 (2) Primarily designed to produce revenue for the city, town or village which enacted such
19 ordinance.

20 If an ordinance is declared void, the city, town or village shall have any future proposed ordinance
21 approved by the highways and transportation commission before such ordinance may take effect.

22 5. The county commission of any county of the second, third or fourth classification may set
23 the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on
24 any county, township or road district road in the county and, with the approval of the state highways
25 and transportation commission, on any state road or highway not within the limits of any
26 incorporated city, town or village, lower than the uniform maximum speed limit as provided in
27 subsection 2 of this section where the condition of the road or the nature of the area requires a lower
28 speed. The maximum speed limit set by the county commission of any county of the second, third,
29 or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five
30 miles per hour if such road is properly marked by signs indicating such speed limit. If the county
31 commission does not mark the roads with signs indicating the speed limit, the speed limit shall be
32 fifty miles per hour. The commission shall send copies of any order establishing a speed limit or
33 weight limit on roads and bridges on a county, township or road district road in the county to the
34 chief engineer of the state department of transportation, the superintendent of the state highway
35 patrol and to any township or road district maintaining roads in the county. After the roads have
36 been properly marked by signs indicating the speed limits and weight limits set by the county
37 commission, the speed limits and weight limits shall be of the same effect as the speed limits
38 provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the
39 county sheriff as if such speed limits and weight limits were established by state law.

40 6. The county commission of any county of the second, third, or fourth classification may by
41 ordinance set a countywide speed limit on roads within unincorporated areas of any county,

1 township, or road district in the county and may establish reasonable speed regulations for motor
2 vehicles within the limit of such county. No person who is not a resident of such county and who has
3 not been within the limits thereof for a continuous period of more than forty-eight hours shall be
4 convicted of a violation of such ordinances, unless it is shown by competent evidence that there was
5 posted at the place where the boundary of such county road enters the county a sign displaying in
6 black letters not less than four inches high and one inch wide on a white background the speed fixed
7 by such county so that such signs may be clearly seen by operators and drivers from their vehicles
8 upon entering such county. The commission shall send copies of any order establishing a
9 countywide speed limit on a county, township, or road district road in the county to the chief
10 engineer of the Missouri department of transportation, the superintendent of the state highway patrol,
11 and to any township or road district maintaining roads in the county. After the boundaries of the
12 county roads entering the county have been properly marked by signs indicating the speed limits set
13 by the county commission, the speed limits shall be of the same effect as the speed limits provided
14 for in subsection 1 of this section and shall be enforced by the state highway patrol and the county
15 sheriff as if such speed limits were established by state law.

16 7. All road signs indicating speed limits or weight limits shall be uniform in size, shape,
17 lettering and coloring and shall conform to standards established by the department of transportation.

18 8. The provisions of this section shall not be construed to alter any speed limit set below
19 fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted
20 before March 13, 1996.

21 9. The speed limits established pursuant to this section shall not apply to the operation of any
22 emergency vehicle as defined in section 304.022.

23 10. A violation of the provisions of this section shall not be construed to relieve the parties in
24 any civil action on any claim or counterclaim from the burden of proving negligence or contributory
25 negligence as the proximate cause of any accident or as the defense to a negligence action.

26 11. Any person violating the provisions of this section is guilty of a class C misdemeanor,
27 unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a
28 class B misdemeanor."; and

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30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.
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