

SECOND REGULAR SESSION

HOUSE BILL NO. 1149

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HICKS (Sponsor), MAYFIELD, WILSON, BAHR, SCHIEFFER,
WALKER, MIMS, ENGLISH AND SWAN (Co-sponsors).

4676L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to fines for failing to yield the right-of-way, with penalty provisions.

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

Section A. Section 304.351, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.351, to read as follows:

304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. (1) The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such 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.

17 (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield
18 signs as authorized in this section:

19 (a) Except when directed to proceed by a police officer or traffic-control signal, every
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic in the intersecting roadway before entering the intersection. After having
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection
25 from another highway or which is approaching so closely on the highway as to constitute an
26 immediate hazard during the time when such driver is moving across or within the intersection.

27 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching
32 on another highway so closely as to constitute an immediate hazard during the time such traffic
33 is moving across or within the intersection.

34 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any
35 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway
36 to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor.

48 9. In addition to the penalty specified in subsection 8 of this section, any person who
49 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
50 have caused physical injury, there shall be assessed a penalty of up to [two hundred] **one**
51 **thousand** dollars, **but not less than five hundred dollars**. The court may issue an order of
52 suspension of such person's driving privilege for a period of thirty days.

53 10. In addition to the penalty specified in subsection 8 of this section, any person who
54 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
55 have caused serious physical injury, there shall be assessed a penalty of up to [five hundred]
56 **three thousand dollars, but not less than one thousand dollars**. The court [may] **shall** issue
57 an order of suspension of such person's driving privilege for a period of ninety days.

58 11. In addition to the penalty specified in subsection 8 of this section, any person who
59 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
60 have caused a fatality, there shall be assessed a penalty of up to [one] **ten thousand dollars, but**
61 **not less than five thousand dollars**. The court [may] **shall** issue an order of suspension of such
62 person's driving privilege for a period of **up to one year, but not less than** six months. **Such**
63 **person shall also be required to participate in and successfully complete a driver-**
64 **improvement program approved by the director of the department of revenue.**

65 12. As used in subsections 9 and 10 of this section, the terms "physical injury" and
66 "serious physical injury" shall have the meanings ascribed to them in section 556.061.

67 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the
68 director of the department shall impose such suspension as set forth in the court order. The order
69 of suspension shall include the name of the offender, the offender's driver's license number,
70 Social Security number, and the effective date of the suspension. Any appeal of a suspension
71 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
72 and subject to review by the presiding judge of the circuit court or another judge within the
73 circuit other than the judge who issued the original order to suspend the driver's license. The
74 director of revenue's entry of the court-ordered suspension on the driving record is not a decision
75 subject to review under section 302.311. Any suspension of the driver's license ordered by the
76 court under this section shall be in addition to any other suspension that may occur as a result
77 of the conviction under other provisions of law.

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