

SECOND REGULAR SESSION

HOUSE BILL NO. 1802

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COPELAND.

4115H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 304.010, RSMo, and to enact in lieu thereof one new section relating to speed limits.

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

Section A. Section 304.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.010, to read as follows:

304.010. 1. As used in this section, the following terms mean:

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

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

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

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

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

(1) Upon the rural interstates and freeways of this state, seventy miles per hour;

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.

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

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

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

23 (5) All other roads provided for in subdivision (4) of this subsection shall not include
24 any state two-lane road which is identified by letter. Such lettered roads shall not exceed
25 fifty-five miles per hour unless set at a higher speed as established by the department of
26 transportation, except that no speed limit shall be set higher than sixty miles per hour;

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

29 3. On any state road or highway where the speed limit is not set pursuant to a local
30 ordinance, the highways and transportation commission may set a speed limit higher or lower
31 than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or
32 lower speed limit is recommended by the department of transportation. The department of
33 public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or
34 lower speed limit is warranted, may request the department of transportation to raise or lower
35 such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

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

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

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

46

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

50 5. The county commission of any county of the second, third or fourth classification
51 may set the speed limit or the weight limit or both the speed limit and the weight limit on
52 roads or bridges on any county, township or road district road in the county and, with the
53 approval of the state highways and transportation commission, on any state road or highway
54 not within the limits of any incorporated city, town or village, lower than the uniform

55 maximum speed limit as provided in subsection 2 of this section where the condition of the
56 road or the nature of the area requires a lower speed. The maximum speed limit set by the
57 county commission of any county of the second, third, or fourth classification for any road
58 under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is
59 properly marked by signs indicating such speed limit. If the county commission does not
60 mark the roads with signs indicating the speed limit, the speed limit shall be ~~[fifty]~~ **forty**
61 miles per hour. The commission shall send copies of any order establishing a speed limit or
62 weight limit on roads and bridges on a county, township or road district road in the county to
63 the chief engineer of the state department of transportation, the superintendent of the state
64 highway patrol and to any township or road district maintaining roads in the county. After the
65 roads have been properly marked by signs indicating the speed limits and weight limits set by
66 the county commission, the speed limits and weight limits shall be of the same effect as the
67 speed limits provided for in subsection 1 of this section and shall be enforced by the state
68 highway patrol and the county sheriff as if such speed limits and weight limits were
69 established by state law.

70 6. The county commission of any county of the second, third, or fourth classification
71 may by ordinance set a countywide speed limit on roads within unincorporated areas of any
72 county, township, or road district in the county and may establish reasonable speed
73 regulations for motor vehicles within the limit of such county. No person who is not a
74 resident of such county and who has not been within the limits thereof for a continuous period
75 of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is
76 shown by competent evidence that there was posted at the place where the boundary of such
77 county road enters the county a sign displaying in black letters not less than four inches high
78 and one inch wide on a white background the speed fixed by such county so that such signs
79 may be clearly seen by operators and drivers from their vehicles upon entering such county.
80 The commission shall send copies of any order establishing a countywide speed limit on a
81 county, township, or road district road in the county to the chief engineer of the Missouri
82 department of transportation, the superintendent of the state highway patrol, and to any
83 township or road district maintaining roads in the county. After the boundaries of the county
84 roads entering the county have been properly marked by signs indicating the speed limits set
85 by the county commission, the speed limits shall be of the same effect as the speed limits
86 provided for in subsection 1 of this section and shall be enforced by the state highway patrol
87 and the county sheriff as if such speed limits were established by state law.

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

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

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

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

100 11. Any person violating the provisions of this section is guilty of a class C
101 misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per
102 hour or more then it is a class B misdemeanor.

✓