

FIRST REGULAR SESSION

SENATE BILL NO. 102

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0217S.011

AN ACT

To repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of certain motor vehicles on the shoulder of the roadway, with existing penalty provisions.

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

Section A. Section 304.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.015, to read as follows:

304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

(2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.025 or traffic regulations thereunder or of municipalities;

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic; and

(5) Motorcycles and motortricycles may operate on the shoulder of state limited access highways and interstate highways when traffic has slowed to below thirty miles per hour. Motorcycles and motortricycles operated on a shoulder shall not exceed the lesser of

20 **thirty-five miles per hour or ten miles per hour in excess of the flow of**
21 **traffic. This subdivision shall not be construed to permit operation of**
22 **a motor vehicle in excess of a posted speed limit.**

23 3. It is unlawful to drive any vehicle upon any highway or road which has
24 been divided into two or more roadways by means of a physical barrier or by
25 means of a dividing section or delineated by curbs, lines or other markings on the
26 roadway, except to the right of such barrier or dividing section, or to make any
27 left turn or semicircular or U-turn on any such divided highway, except at an
28 intersection or interchange or at any signed location designated by the state
29 highways and transportation commission or the department of
30 transportation. The provisions of this subsection shall not apply to emergency
31 vehicles, law enforcement vehicles or to vehicles owned by the commission or the
32 department.

33 4. The authorities in charge of any highway or the state highway patrol
34 may erect signs temporarily designating lanes to be used by traffic moving in a
35 particular direction, regardless of the center line of the highway, and all members
36 of the Missouri highway patrol and other peace officers may direct traffic in
37 conformance with such signs. When authorized signs have been erected
38 designating off-center traffic lanes, no person shall disobey the instructions given
39 by such signs.

40 5. Whenever any roadway has been divided into three or more clearly
41 marked lanes for traffic, the following rules in addition to all others consistent
42 herewith shall apply:

43 (1) A vehicle shall be driven as nearly as practicable entirely within a
44 single lane and shall not be moved from such lane until the driver has first
45 ascertained that such movement can be made with safety;

46 (2) Upon a roadway which is divided into three lanes a vehicle shall not
47 be driven in the center lane, except when overtaking and passing another vehicle
48 where the roadway ahead is clearly visible and such center lane is clear of traffic
49 within a safe distance, or in preparation for a left turn or where such center lane
50 is at the time allocated exclusively to traffic moving in the direction the vehicle
51 is proceeding and is sign-posted to give notice of such allocation;

52 (3) Upon all highways any vehicle proceeding at less than the normal
53 speed of traffic thereon shall be driven in the right-hand lane for traffic or as
54 close as practicable to the right-hand edge or curb, except as otherwise provided
55 in sections 304.014 to 304.025;

56 (4) Official signs may be erected by the highways and transportation
57 commission or the highway patrol may place temporary signs directing
58 slow-moving traffic to use a designated lane or allocating specified lanes to traffic
59 moving in the same direction and drivers of vehicles shall obey the directions of
60 every such sign;

61 (5) Drivers of vehicles proceeding in opposite directions shall pass each
62 other to the right, and except when a roadway has been divided into traffic lanes,
63 each driver shall give to the other at least one-half of the main traveled portion
64 of the roadway whenever possible.

65 6. All vehicles in motion upon a highway having two or more lanes of
66 traffic proceeding in the same direction shall be driven in the right-hand lane
67 except when overtaking and passing another vehicle or when preparing to make
68 a proper left turn or when otherwise directed by traffic markings, signs or
69 signals.

70 7. All trucks registered for a gross weight of more than forty-eight
71 thousand pounds shall not be driven in the far left-hand lane upon all interstate
72 highways, freeways, or expressways within urbanized areas of the state having
73 three or more lanes of traffic proceeding in the same direction. This restriction
74 shall not apply when:

75 (1) It is necessary for the operator of the truck to follow traffic control
76 devices that direct use of a lane other than the right lane; or

77 (2) The right half of a roadway is closed to traffic while under construction
78 or repair.

79 8. As used in subsection 7 of this section, "truck" means any vehicle,
80 machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or
81 drawn by mechanical power and designed for or used in the transportation of
82 property upon the highways. The term "truck" also includes a commercial motor
83 vehicle as defined in section 301.010.

84 9. Violation of this section shall be deemed a class C misdemeanor unless
85 such violation causes an immediate threat of an accident, in which case such
86 violation shall be deemed a class B misdemeanor, or unless an accident results
87 from such violation, in which case such violation shall be deemed a class A
88 misdemeanor.