

SECOND REGULAR SESSION

# SENATE BILL NO. 687

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3944S.011

## AN ACT

To repeal sections 304.009, 304.010, 304.011, 304.013, 304.015, 304.016, 304.017, 304.019, 304.023, 304.031, 304.032, 304.035, 304.040, 304.044, 304.075, 304.110, 304.160, 304.271, 304.281, 304.301, 304.341, 304.351, 304.361, 304.373, 304.570, 304.678, and 304.892, RSMo, and to enact in lieu thereof twenty-seven new sections relating to traffic regulations, with penalty provisions.

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

Section A. Sections 304.009, 304.010, 304.011, 304.013, 304.015, 304.016, 2 304.017, 304.019, 304.023, 304.031, 304.032, 304.035, 304.040, 304.044, 304.075, 3 304.110, 304.160, 304.271, 304.281, 304.301, 304.341, 304.351, 304.361, 304.373, 4 304.570, 304.678, and 304.892, RSMo, are repealed and twenty-seven new 5 sections enacted in lieu thereof, to be known as sections 304.009, 304.010, 6 304.011, 304.013, 304.015, 304.016, 304.017, 304.019, 304.023, 304.031, 304.032, 7 304.035, 304.040, 304.044, 304.075, 304.110, 304.160, 304.271, 304.281, 304.301, 8 304.341, 304.351, 304.361, 304.373, 304.570, 304.678, and 304.892, to read as 9 follows:

304.009. 1. Notwithstanding the provisions of section 304.010, a speeding 2 violation of section 304.010 which is over the posted speed limit by five miles per 3 hour or less is an infraction. The court costs assessed for a violation of this 4 section shall be the same as the costs assessed pursuant to section 304.010.

5 2. No points shall be assessed pursuant to section 302.302 for any 6 speeding violation which is over the posted speed limit by five miles per hour or 7 less.

8 3. Notwithstanding any provisions of law to the contrary, [a court may]

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

9 **no court shall** issue a warrant for failure to appear for any violation which is  
10 classified as an infraction.

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

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

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

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

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

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

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

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

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

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

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

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

33 3. On any state road or highway where the speed limit is not set pursuant  
34 to a local ordinance, the highways and transportation commission may set a speed

35 limit higher or lower than the uniform maximum speed limit provided in  
36 subsection 2 of this section, if a higher or lower speed limit is recommended by  
37 the department of transportation. The department of public safety, where it  
38 believes for safety reasons, or to expedite the flow of traffic a higher or lower  
39 speed limit is warranted, may request the department of transportation to raise  
40 or lower such speed limit, except that no speed limit shall be set higher than  
41 seventy miles per hour.

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

- 50 (1) Not primarily designed to expedite traffic flow; and  
51 (2) Primarily designed to produce revenue for the city, town or village  
52 which enacted such ordinance.

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

56 5. The county commission of any county of the second, third or fourth  
57 classification may set the speed limit or the weight limit or both the speed limit  
58 and the weight limit on roads or bridges on any county, township or road district  
59 road in the county and, with the approval of the state highways and  
60 transportation commission, on any state road or highway not within the limits of  
61 any incorporated city, town or village, lower than the uniform maximum speed  
62 limit as provided in subsection 2 of this section where the condition of the road  
63 or the nature of the area requires a lower speed. The maximum speed limit set  
64 by the county commission of any county of the second, third, or fourth  
65 classification for any road under the commission's jurisdiction shall not exceed  
66 fifty-five miles per hour if such road is properly marked by signs indicating such  
67 speed limit. If the county commission does not mark the roads with signs  
68 indicating the speed limit, the speed limit shall be fifty miles per hour. The  
69 commission shall send copies of any order establishing a speed limit or weight  
70 limit on roads and bridges on a county, township or road district road in the

71 county to the chief engineer of the state department of transportation, the  
72 superintendent of the state highway patrol and to any township or road district  
73 maintaining roads in the county. After the roads have been properly marked by  
74 signs indicating the speed limits and weight limits set by the county commission,  
75 the speed limits and weight limits shall be of the same effect as the speed limits  
76 provided for in subsection 1 of this section and shall be enforced by the state  
77 highway patrol and the county sheriff as if such speed limits and weight limits  
78 were established by state law.

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

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

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

106           9. The speed limits established pursuant to this section shall not apply

107 to the operation of any emergency vehicle as defined in section 304.022.

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

112           11. Any person violating the provisions of this section is guilty of [a class  
113 C misdemeanor] **an infraction**, unless such person was exceeding the posted  
114 speed limit by twenty miles per hour or more then it is a class [B] C  
115 misdemeanor.

304.011. 1. No person shall drive a motor vehicle at such a slow speed as  
2 to impede or block the normal and reasonable movement of traffic, except when  
3 reduced speed is necessary for safe operation or in compliance with law. Peace  
4 officers may enforce the provisions of this section by directions to drivers, and in  
5 the event of apparent willful disobedience to this provision and refusal to comply  
6 with direction of an officer in accordance herewith, the continued slow operation  
7 by a driver is [a misdemeanor] **an infraction**.

8           2. No vehicle shall be operated at a speed of less than forty miles per hour  
9 on any highway which is part of the interstate system of highways, unless:

10           (1) A slower speed is required for the safe operation of the vehicle because  
11 of weather or other special conditions; or

12           (2) Agricultural implements, self-propelled hay-hauling equipment,  
13 implements of husbandry and vehicles transporting such vehicles or equipment  
14 may be operated occasionally on interstate highways for short distances at a  
15 speed of less than forty miles per hour if such vehicle or equipment is operated  
16 pursuant to a special permit issued by the chief engineer of the state department  
17 of transportation pursuant to section 304.200 and the regulations established  
18 pursuant to such section.

19           3. Any person who violates subsection 2 of this section is guilty of [a class  
20 C misdemeanor] **an infraction**.

304.013. 1. No person shall operate an all-terrain vehicle, as defined in  
2 section 301.010, upon the highways of this state, except as follows:

3           (1) All-terrain vehicles owned and operated by a governmental entity for  
4 official use;

5           (2) All-terrain vehicles operated for agricultural purposes or industrial  
6 on-premises purposes between the official sunrise and sunset on the day of  
7 operation;

8           (3) All-terrain vehicles operated by handicapped persons for short  
9 distances occasionally only on the state's secondary roads when operated between  
10 the hours of sunrise and sunset;

11           (4) Governing bodies of cities may issue special permits to licensed drivers  
12 for special uses of all-terrain vehicles on highways within the city limits. Fees  
13 of fifteen dollars may be collected and retained by cities for such permits;

14           (5) Governing bodies of counties may issue special permits to licensed  
15 drivers for special uses of all-terrain vehicles on county roads within the  
16 county. Fees of fifteen dollars may be collected and retained by the counties for  
17 such permits;

18           (6) Municipalities may by resolution or ordinance allow all-terrain vehicle  
19 operation on streets or highways under the governing body's jurisdiction. Any  
20 person operating an all-terrain vehicle pursuant to a municipal resolution or  
21 ordinance shall maintain proof of financial responsibility in accordance with  
22 section 303.160 or maintain any other insurance policy providing equivalent  
23 liability coverage for an all-terrain vehicle.

24           2. No person shall operate an off-road vehicle within any stream or river  
25 in this state, except that off-road vehicles may be operated within waterways  
26 which flow within the boundaries of land which an off-road vehicle operator owns,  
27 or for agricultural purposes within the boundaries of land which an off-road  
28 vehicle operator owns or has permission to be upon, or for the purpose of fording  
29 such stream or river of this state at such road crossings as are customary or part  
30 of the highway system. All law enforcement officials or peace officers of this state  
31 and its political subdivisions or department of conservation agents or department  
32 of natural resources park rangers shall enforce the provisions of this subsection  
33 within the geographic area of their jurisdiction.

34           3. A person operating an all-terrain vehicle on a highway pursuant to an  
35 exception covered in this section shall have a valid operator's or chauffeur's  
36 license, except that a handicapped person operating such vehicle pursuant to  
37 subdivision (3) of subsection 1 of this section, but shall not be required to have  
38 passed an examination for the operation of a motorcycle, and the vehicle shall be  
39 operated at speeds of less than thirty miles per hour. When operated on a  
40 highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not  
41 less than seven feet above the ground, attached to the rear of the vehicle. The  
42 bicycle safety flag shall be triangular in shape with an area of not less than thirty  
43 square inches and shall be day-glow in color.

44 4. No persons shall operate an all-terrain vehicle:

45 (1) In any careless way so as to endanger the person or property of  
46 another;

47 (2) While under the influence of alcohol or any controlled substance;

48 (3) Without a securely fastened safety helmet on the head of an individual  
49 who operates an all-terrain vehicle or who is being towed or otherwise propelled  
50 by an all-terrain vehicle, unless the individual is at least eighteen years of age.

51 5. No operator of an all-terrain vehicle shall carry a passenger, except for  
52 agricultural purposes. The provisions of this subsection shall not apply to any  
53 all-terrain vehicle in which the seat of such vehicle is designed to carry more than  
54 one person.

55 6. A violation of this section shall be [a class C misdemeanor] **an**  
56 **infraction**. In addition to other legal remedies, the attorney general or county  
57 prosecuting attorney may institute a civil action in a court of competent  
58 jurisdiction for injunctive relief to prevent such violation or future violations and  
59 for the assessment of a civil penalty not to exceed one thousand dollars per day  
60 of violation.

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

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

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

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

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

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

16 3. It is unlawful to drive any vehicle upon any highway or road which has  
17 been divided into two or more roadways by means of a physical barrier or by  
18 means of a dividing section or delineated by curbs, lines or other markings on the  
19 roadway, except to the right of such barrier or dividing section, or to make any

20 left turn or semicircular or U-turn on any such divided highway, except at an  
21 intersection or interchange or at any signed location designated by the state  
22 highways and transportation commission or the department of  
23 transportation. The provisions of this subsection shall not apply to emergency  
24 vehicles, law enforcement vehicles or to vehicles owned by the commission or the  
25 department.

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

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

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

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

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

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

54 (5) Drivers of vehicles proceeding in opposite directions shall pass each  
55 other to the right, and except when a roadway has been divided into traffic lanes,



56 each driver shall give to the other at least one-half of the main traveled portion  
57 of the roadway whenever possible.

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

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

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

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

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

77         9. Violation of this section shall be deemed **[a class C misdemeanor] an**  
78 **infraction** unless such violation causes an immediate threat of an accident, in  
79 which case such violation shall be deemed a class **[B] C** misdemeanor, or unless  
80 an accident results from such violation, in which case such violation shall be  
81 deemed a class **[A] B** misdemeanor.

304.016. 1. The following rules shall govern the overtaking and passing  
2 of vehicles proceeding in the same direction, subject to the limitations and  
3 exceptions hereinafter stated:

4             (1) The driver of a vehicle overtaking another vehicle proceeding in the  
5 same direction shall pass to the left thereof at a safe distance and shall not again  
6 drive to the right side of the roadway until safely clear of the overtaken vehicle;  
7 and

8             (2) Except when overtaking and passing on the right is permitted, the  
9 driver of an overtaken vehicle shall give way to the right in favor of the  
10 overtaking vehicle and shall not increase the speed of such driver's vehicle until

11 completely passed by the overtaking vehicle.

12           2. The driver of a motor vehicle may overtake and pass to the right of  
13 another vehicle only under the following conditions:

14           (1) When the vehicle overtaken is making or about to make a left turn;

15           (2) Upon a city street with unobstructed pavement of sufficient width for  
16 two or more lines of vehicles in each direction;

17           (3) Upon a one-way street;

18           (4) Upon any highway outside of a city with unobstructed pavement of  
19 sufficient width and clearly marked for four or more lines of traffic. The driver  
20 of a motor vehicle may overtake and pass another vehicle upon the right only  
21 under the foregoing conditions when such movement may be made in safety. In  
22 no event shall such movement be made by driving off the paved or main traveled  
23 portion of the roadway. The provisions of this subsection shall not relieve the  
24 driver of a slow-moving vehicle from the duty to drive as closely as practicable to  
25 the right-hand edge of the roadway.

26           3. Except when a roadway has been divided into three traffic lanes, no  
27 vehicle shall be driven to the left side of the center line of a highway or public  
28 road in overtaking and passing another vehicle proceeding in the same direction  
29 unless such left side is clearly visible and is free of oncoming traffic for a  
30 sufficient distance ahead to permit such overtaking and passing to be completely  
31 made without interfering with the safe operation of any vehicle approaching from  
32 the opposite direction or any vehicle overtaken.

33           4. No vehicle shall at any time be driven to the left side of the roadway  
34 under the following conditions:

35           (1) When approaching the crest of a grade or upon a curve of the highway  
36 where the driver's view is obstructed within such distance as to create a hazard  
37 in the event another vehicle might approach from the opposite direction;

38           (2) When the view is obstructed upon approaching within one hundred  
39 feet of any bridge, viaduct, tunnel or when approaching within one hundred feet  
40 of or at any intersection or railroad grade crossing.

41           5. Violation of this section shall be deemed [a class C misdemeanor] **an**  
42 **infraction.**

304.017. 1. The driver of a vehicle shall not follow another vehicle more  
2 closely than is reasonably safe and prudent, having due regard for the speed of  
3 such vehicle and the traffic upon and the condition of the roadway. Vehicles  
4 being driven upon any roadway outside of a business or residence district in a

5 caravan or motorcade, whether or not towing other vehicles, shall be so operated,  
6 except in a funeral procession or in a duly authorized parade, so as to allow  
7 sufficient space between each such vehicle or combination of vehicles as to enable  
8 any other vehicle to overtake or pass such vehicles in safety. This section shall  
9 in no manner affect section 304.044 relating to distance between trucks traveling  
10 on the highway.

11 2. Violation of this section shall be deemed [a class C misdemeanor] **an**  
12 **infraction.**

304.019. 1. No person shall stop or suddenly decrease the speed of or turn  
2 a vehicle from a direct course or move right or left upon a roadway unless and  
3 until such movement can be made with reasonable safety and then only after the  
4 giving of an appropriate signal in the manner provided herein.

5 (1) An operator or driver when stopping, or when checking the speed of  
6 the operator's vehicle, if the movement of other vehicles may reasonably be  
7 affected by such checking of speed, shall extend such operator's arm at an angle  
8 below horizontal so that the same may be seen in the rear of the vehicle;

9 (2) An operator or driver intending to turn the operator's vehicle to the  
10 right shall extend such operator's arm at an angle above horizontal so that the  
11 same may be seen in front of and in the rear of the vehicle, and shall slow down  
12 and approach the intersecting highway as near as practicable to the right side of  
13 the highway along which such operator is proceeding before turning;

14 (3) An operator or driver intending to turn the operator's vehicle to the  
15 left shall extend such operator's arm in a horizontal position so that the same  
16 may be seen in the rear of the vehicle, and shall slow down and approach the  
17 intersecting highway so that the left side of the vehicle shall be as near as  
18 practicable to the center line of the highway along which the operator is  
19 proceeding before turning;

20 (4) The signals herein required shall be given either by means of the hand  
21 and arm or by a signal light or signal device in good mechanical condition of a  
22 type approved by the state highway patrol; however, when a vehicle is so  
23 constructed or loaded that a hand and arm signal would not be visible both to the  
24 front and rear of such vehicle then such signals shall be given by such light or  
25 device. A vehicle shall be considered as so constructed or loaded that a hand and  
26 arm signal would not be visible both to the front and rear when the distance from  
27 the center of the top of the steering post to the left outside limit of the body, cab  
28 or load exceeds twenty-four inches, or when the distance from the center of the

29 top of the steering post to the rear limit of the body or load thereon exceeds  
30 fourteen feet, which limit of fourteen feet shall apply to single vehicles or  
31 combinations of vehicles. The provisions of this subdivision shall not apply to any  
32 trailer which does not interfere with a clear view of the hand signals of the  
33 operator or of the signaling device upon the vehicle pulling such trailer; provided  
34 further that the provisions of this section as far as mechanical devices on vehicles  
35 so constructed that a hand and arm signal would not be visible both to the front  
36 and rear of such vehicle as above provided shall only be applicable to new  
37 vehicles registered within this state after the first day of January, 1954.

38 2. Violation of this section shall be deemed **[a class C misdemeanor] an**  
39 **infraction.**

304.023. 1. An operator or driver of a motor vehicle shall stop same not  
2 less than eight feet from the rear of any streetcar going in the same direction  
3 which has stopped for the purpose of taking on or discharging passengers, and  
4 shall remain standing until such car has taken on or discharged such passengers;  
5 provided, however, said driver or operator may pass such car where a safety zone  
6 is established by the proper authorities, providing, however, that in passing such  
7 streetcar the operator shall proceed at a speed not faster than is reasonable and  
8 with due caution for the safety of pedestrians under the circumstances then and  
9 there existing.

10 2. Violation of this section is **[a class C misdemeanor] an infraction.**

304.031. 1. As used in this section, "Traffic Signal Preemption System  
2 (TSPTS)" shall mean a traffic-control system designated for use by emergency  
3 vehicles, as defined in this section, to improve traffic movement by temporarily  
4 controlling signalized intersections.

5 2. The owner of a traffic control signal may authorize use of a TSPTS by  
6 the following persons for the following purposes:

7 (1) An authorized operator in an authorized emergency vehicle, or an  
8 authorized person who is an employee or member of an agency or entity which  
9 operates emergency vehicles, who may activate a TSPTS from a station where the  
10 entity's emergency vehicles are based to control a traffic signal near that station,  
11 in order to improve the safety and efficiency of emergency response operations;

12 (2) An authorized operator in a bus, in order to interrupt the cycle of the  
13 traffic control signal in such a way as to keep the green light showing for longer  
14 than it otherwise would;

15 (3) An authorized operator in a traffic signal maintenance vehicle, in

16 order to facilitate traffic signal maintenance activities.

17 3. A TSPS used by an authorized person in an emergency vehicle or at a  
18 station where emergency vehicles are stationed shall preempt and override a  
19 device operated by any other person.

20 4. A traffic control signal operating device used as authorized under this  
21 section must operate in such a way that the device does not continue to control  
22 the signal once the vehicle containing the device has arrived at the intersection,  
23 regardless of whether the vehicle remains at the intersection. No motor vehicle  
24 driver shall be convicted of any traffic violation if there is evidence that TSPS has  
25 been used by a government official to improperly change the sequence of the  
26 traffic signals.

27 5. It shall be unlawful for any person not approved herein to use a TSPS  
28 to control traffic.

29 6. Violation of this section shall be deemed [a class B misdemeanor] **an**  
30 **infraction**.

304.032. 1. No person shall operate a utility vehicle, as defined in section  
2 301.010, upon the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for  
4 official use;

5 (2) Utility vehicles operated for agricultural purposes or industrial  
6 on-premises purposes between the official sunrise and sunset on the day of  
7 operation, unless equipped with proper lighting;

8 (3) Utility vehicles operated by handicapped persons for short distances  
9 occasionally only on the state's secondary roads when operated between the hours  
10 of sunrise and sunset;

11 (4) Governing bodies of cities may issue special permits for utility vehicles  
12 to be used on highways within the city limits by licensed drivers. Fees of fifteen  
13 dollars may be collected and retained by cities for such permits;

14 (5) Governing bodies of counties may issue special permits for utility  
15 vehicles to be used on county roads within the county by licensed drivers. Fees  
16 of fifteen dollars may be collected and retained by the counties for such permits;

17 (6) Municipalities may by resolution or ordinance allow utility vehicle  
18 operation on streets or highways under the governing body's jurisdiction. Any  
19 person operating a utility vehicle pursuant to a municipal resolution or ordinance  
20 shall maintain proof of financial responsibility in accordance with section 303.160  
21 or maintain any other insurance policy providing equivalent liability coverage for

22 a utility vehicle.

23           2. No person shall operate a utility vehicle within any stream or river in  
24 this state, except that utility vehicles may be operated within waterways which  
25 flow within the boundaries of land which a utility vehicle operator owns, or for  
26 agricultural purposes within the boundaries of land which a utility vehicle  
27 operator owns or has permission to be upon, or for the purpose of fording such  
28 stream or river of this state at such road crossings as are customary or part of the  
29 highway system. All law enforcement officials or peace officers of this state and  
30 its political subdivisions or department of conservation agents or department of  
31 natural resources park rangers shall enforce the provisions of this subsection  
32 within the geographic area of their jurisdiction.

33           3. A person operating a utility vehicle on a highway pursuant to an  
34 exception covered in this section shall have a valid operator's or chauffeur's  
35 license, except that a handicapped person operating such vehicle under  
36 subdivision (3) of subsection 1 of this section, but shall not be required to have  
37 passed an examination for the operation of a motorcycle, and the vehicle shall be  
38 operated at speeds of less than forty-five miles per hour.

39           4. No persons shall operate a utility vehicle:

40           (1) In any careless way so as to endanger the person or property of  
41 another; or

42           (2) While under the influence of alcohol or any controlled substance.

43           5. No operator of a utility vehicle shall carry a passenger, except for  
44 agricultural purposes. The provisions of this subsection shall not apply to any  
45 utility vehicle in which the seat of such vehicle is designed to carry more than one  
46 person.

47           6. A violation of this section shall be **[a class C misdemeanor] an**  
48 **infraction**. In addition to other legal remedies, the attorney general or county  
49 prosecuting attorney may institute a civil action in a court of competent  
50 jurisdiction for injunctive relief to prevent such violation or future violations and  
51 for the assessment of a civil penalty not to exceed one thousand dollars per day  
52 of violation.

304.035. 1. When any person driving a vehicle approaches a railroad  
2 grade crossing, the driver of the vehicle shall operate the vehicle in a manner so  
3 he will be able to stop, and he shall stop the vehicle not less than fifteen feet and  
4 not more than fifty feet from the nearest rail of the railroad track and shall not  
5 proceed until he can safely do so if:

6 (1) A clearly visible electric or mechanical signal device warns of the  
7 approach of a railroad train; or

8 (2) A crossing gate is lowered or when a human flagman gives or  
9 continues to give a signal or warning of the approach or passage of a railroad  
10 train; or

11 (3) An approaching railroad train is visible and is in hazardous proximity  
12 to such crossing; or

13 (4) Any other traffic sign, device or any other act, rule, regulation or  
14 statute requires a vehicle to stop at a railroad grade crossing.

15 2. No person shall drive any vehicle through, around or under any  
16 crossing gate or barrier at a railroad crossing when a train is approaching while  
17 such gate or barrier is closed or is being opened or closed.

18 3. No person shall drive a vehicle through a railroad crossing when there  
19 is not sufficient space to drive completely through the crossing.

20 4. No person shall drive a vehicle through a railroad crossing unless such  
21 vehicle has sufficient undercarriage clearance necessary to prevent the  
22 undercarriage of the vehicle from contacting the railroad crossing.

23 5. Every commercial motor vehicle as defined in section 302.700 shall,  
24 upon approaching a railroad grade crossing, be driven at a rate of speed which  
25 will permit said commercial motor vehicle to be stopped before reaching the  
26 nearest rail of such crossing and shall not be driven upon or over such crossing  
27 until due caution has been taken to ascertain that the course is clear. This  
28 section does not apply to vehicles which are required to stop at railroad crossings  
29 pursuant to section 304.030.

30 6. Any person violating the provisions of this section is guilty of [a class  
31 C misdemeanor] **an infraction**.

304.040. Any person violating the provisions of section 304.030 shall be  
2 deemed guilty of [a misdemeanor] **an infraction**.

304.044. 1. The following terms as used in this section shall mean:

2 (1) "Bus", any vehicle or motor car designed and used for the purpose of  
3 carrying more than seven persons;

4 (2) "Truck", any vehicle, machine, tractor, trailer or semitrailer, or any  
5 combination thereof, propelled or drawn by mechanical power and designed or  
6 used in the transportation of property upon the highways.

7 2. The driver of any truck or bus, when traveling upon a public highway  
8 of this state outside of a business or residential district, shall not follow within

9 three hundred feet of another such vehicle; provided, the provisions of this section  
10 shall not be construed to prevent the overtaking and passing, by any such truck  
11 or bus, of another similar vehicle.

12 3. Any person who shall violate the provisions of this section shall be  
13 deemed guilty of [a class C misdemeanor, and upon conviction thereof shall be  
14 punished accordingly] **an infraction.**

304.075. 1. Any motor vehicle which is not regularly being operated by  
2 a school district or under contract with a school district or by private schools for  
3 the transportation of school children shall not bear signs indicating that it is a  
4 school bus. When any person operating a school bus under contract with a school  
5 district uses it for purposes other than for the transportation of school children,  
6 the person shall cover the signs thereon in such manner that it will not appear  
7 on the highways as a school bus.

8 2. Any person violating this section is guilty of [a class C misdemeanor]  
9 **an infraction.**

304.110. Any person who violates any provision of sections 304.080 to  
2 304.110, shall be guilty of [a misdemeanor] **an infraction** and upon conviction  
3 thereof be fined not exceeding twenty-five dollars and costs of prosecution[, and  
4 in default of payment thereof, shall undergo imprisonment not exceeding ten  
5 days].

304.160. 1. Any person who has purposely, accidentally, or by reason of  
2 an accident, dropped any tacks, nails, wire, scrap metal, glass, crockery, sharp  
3 stones, or other substances injurious to the feet of persons or animals, or to the  
4 tires or wheels of vehicles, including motor vehicles, upon any highway shall  
5 immediately make all reasonable efforts to clear the highway of the substances.

6 2. Violation of this section shall be deemed [a class C misdemeanor] **an**  
7 **infraction.**

304.271. 1. The driver of any vehicle shall obey the instructions of any  
2 official traffic-control device applicable thereto placed in accordance with the  
3 provisions of the law, unless otherwise directed by a traffic or police officer,  
4 subject to the exceptions granted the driver of an authorized emergency vehicle  
5 in the law.

6 2. No provision of the law for which official traffic-control devices are  
7 required shall be enforced against an alleged violator if at the time and place of  
8 the alleged violation an official device is not in proper position and sufficiently  
9 legible to be seen by an ordinarily observant person. Whenever a particular



10 section does not state that official traffic-control devices are required, such section  
11 shall be effective even though no devices are erected or in place.

12 3. Whenever official traffic-control devices are placed in position  
13 approximately conforming to the requirements of the law, such devices shall be  
14 presumed to have been so placed by the official act or direction of lawful  
15 authority, unless the contrary shall be established by competent evidence.

16 4. Any official traffic-control device placed pursuant to the provisions of  
17 the law and purporting to conform to the lawful requirements pertaining to such  
18 devices shall be presumed to comply with the requirements of this chapter, unless  
19 the contrary shall be established by competent evidence.

20 5. Notwithstanding the provisions of section 304.361, violation of this  
21 section is [a class C misdemeanor] **an infraction**.

304.281. 1. Whenever traffic is controlled by traffic control signals  
2 exhibiting different colored lights, or colored lighted arrows, successively one at  
3 a time or in combination, only the colors green, red and yellow shall be used,  
4 except for special pedestrian signals carrying a word legend, and said lights shall  
5 indicate and apply to drivers of vehicles and pedestrians as follows:

6 (1) Green indication:

7 (a) Vehicular traffic facing a circular green signal may proceed straight  
8 through or turn right or left unless a sign at such place prohibits either such  
9 turn. But vehicular traffic, including vehicles turning right or left, shall yield the  
10 right-of-way to other vehicles and to pedestrians lawfully within the intersection  
11 or an adjacent crosswalk at the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in  
13 combination with another indication, may cautiously enter the intersection only  
14 to make the movement indicated by such arrow, or such other movement as is  
15 permitted by other indications shown at the same time. Such vehicular traffic  
16 shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk  
17 and to other traffic lawfully using the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided  
19 in section 304.291, pedestrians facing any green signal, except when the sole  
20 green signal is a turn arrow, may proceed across the roadway within any marked  
21 or unmarked crosswalk.

22 (2) Steady yellow indication:

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that  
24 the related green movement is being terminated or that a red indication will be

25 exhibited immediately thereafter when vehicular traffic shall not enter the  
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed  
28 by a pedestrian control signal as provided in section 304.291, are thereby advised  
29 that there is insufficient time to cross the roadway before a red indication is  
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

32 (a) Vehicular traffic facing a steady red signal alone shall stop before  
33 entering the crosswalk on the near side of the intersection at a clearly marked  
34 stop line but, if none, then before entering the intersection and shall remain  
35 standing until an indication to proceed is shown except as provided in paragraph  
36 (b);

37 (b) The driver of a vehicle which is stopped as close as practicable at the  
38 entrance to the crosswalk on the near side of the intersection or, if none, then at  
39 the entrance to the intersection in obedience to a red signal, may cautiously enter  
40 the intersection to make a right turn but shall yield the right-of-way to  
41 pedestrians and other traffic proceeding as directed by the signal at the  
42 intersection, except that the state highways and transportation commission with  
43 reference to an intersection involving a state highway, and local authorities with  
44 reference to an intersection involving other highways under their jurisdiction,  
45 may prohibit any such right turn against a red signal at any intersection where  
46 safety conditions so require, said prohibition shall be effective when a sign is  
47 erected at such intersection giving notice thereof;

48 (c) Unless otherwise directed by a pedestrian control signal as provided  
49 in section 304.291, pedestrians facing a steady red signal alone shall not enter  
50 the roadway.

51 (4) In the event an official traffic control signal is erected and maintained  
52 at a place other than an intersection, the provision of this section shall be  
53 applicable except as to those provisions which by their nature can have no  
54 application. Any stop required shall be made at a sign or marking on the  
55 pavement indicating where the stop shall be made, but in the absence of any such  
56 sign or marking the stop shall be made at the signal.

57 2. Notwithstanding the provisions of section 304.361, violation of this  
58 section is [a class C misdemeanor] **an infraction.**

304.301. 1. Whenever an illuminated flashing red or yellow signal is used  
2 in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

3 (1) Flashing red (stop signal). When a red lens is illuminated with rapid  
4 intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line,  
5 but if none, before entering the crosswalk on the near side of the intersection, or  
6 if none, then at the point nearest the intersecting roadway where the driver has  
7 a view of approaching traffic on the intersecting roadway before entering the  
8 intersection, and the right to proceed shall be subject to the rules applicable after  
9 making a stop at a stop sign;

10 (2) Flashing yellow (caution signal). When a yellow lens is illuminated  
11 with rapid intermittent flashes, drivers of vehicles may proceed through the  
12 intersection or pass such signal only with caution.

13 2. Notwithstanding the provisions of section 304.361, any person who  
14 violates [subdivision (1) of] subsection 1 of this section is guilty of [a class C  
15 misdemeanor and any person who violates subdivision (2) of subsection 1 of this  
16 section is guilty of] an infraction.

304.341. 1. The driver of a vehicle intending to turn at an intersection  
2 shall do so as follows:

3 (1) Right turns. — Both the approach for a right turn and a right turn  
4 shall be made as close as practicable to the right-hand curb or edge of the  
5 roadway.

6 (2) Left turns. — The driver of a vehicle intending to turn left at any  
7 intersection shall approach the intersection in the extreme left-hand lane lawfully  
8 available to the traffic moving in the direction of travel of such vehicle and, after  
9 entering the intersection, the left turn shall be made so as to leave the  
10 intersection in a lane lawfully available to traffic moving in such direction upon  
11 the roadway being entered.

12 (3) The highways and transportation commission or local authorities in  
13 their respective jurisdictions may cause official traffic-control devices to be placed  
14 within or adjacent to intersections and thereby require and direct that a different  
15 course from that specified in this section be traveled by vehicles turning at an  
16 intersection, and when such devices are so placed no driver of a vehicle shall turn  
17 a vehicle at any intersection other than as directed and required by such devices.

18 2. It shall be unlawful for the driver of any vehicle to turn such vehicle  
19 so as to proceed in the opposite direction at any intersection controlled by a  
20 traffic signal or police officer; nor shall such turn be made at any place unless the  
21 movement can be made in safety and without interfering with other traffic. The  
22 driver of a vehicle shall not turn such vehicle around so as to proceed in the

23 opposite direction upon any curve or upon the approach to or near the crest of a  
24 grade, or at any place upon a roadway where such vehicle cannot be seen by the  
25 driver of any other vehicle approaching from either direction along the roadway  
26 within a distance of three hundred feet, or where the same may create a traffic  
27 hazard.

28 3. No vehicle in a residence district shall be turned left across the  
29 roadway or so as to proceed in the opposite direction when any other vehicle is  
30 approaching from either direction where the same may create a traffic hazard.

31 4. Notwithstanding the provisions of section 304.361, violation of this  
32 section is [a class C misdemeanor] **an infraction**.

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

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

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

14 4. (1) The state highways and transportation commission with reference  
15 to state highways and local authorities with reference to other highways under  
16 their jurisdiction may designate through highways and erect stop signs or yield  
17 signs at specified entrances thereto, or may designate any intersection as a stop  
18 intersection or as a yield intersection and erect stop signs or yield signs at one  
19 or more entrances to such intersection.

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

22 (a) Except when directed to proceed by a police officer or traffic-control  
23 signal, every driver of a vehicle approaching a stop intersection, indicated by a  
24 stop sign, shall stop at a clearly marked stop line, but if none, before entering the  
25 crosswalk on the near side of the intersection, or if none, then at the point  
26 nearest the intersecting roadway where the driver has a view of approaching

27 traffic in the intersecting roadway before entering the intersection. After having  
28 stopped, the driver shall yield the right-of-way to any vehicle which has entered  
29 the intersection from another highway or which is approaching so closely on the  
30 highway as to constitute an immediate hazard during the time when such driver  
31 is moving across or within the intersection.

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

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

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

47 7. The state highways and transportation commission or local authorities  
48 with respect to roads under their respective jurisdictions, on any section where  
49 construction or major maintenance operations are being effected, may fix a speed  
50 limit in such areas by posting of appropriate signs, and the operation of a motor  
51 vehicle in excess of such speed limit in the area so posted shall be deemed prima  
52 facie evidence of careless and imprudent driving and a violation of section  
53 304.010.

54 8. Notwithstanding the provisions of section 304.361, violation of this  
55 section shall be deemed [a class C misdemeanor] **an infraction**.

56 9. In addition to the penalty specified in subsection 8 of this section, any  
57 person who pleads guilty to or is found guilty of a violation of this section in  
58 which the offender is found to have caused physical injury, there shall be  
59 assessed a penalty of up to two hundred dollars. The court may issue an order  
60 of suspension of such person's driving privilege for a period of thirty days.

61 10. In addition to the penalty specified in subsection 8 of this section, any  
62 person who pleads guilty to or is found guilty of a violation of this section in

63 which the offender is found to have caused serious physical injury, there shall be  
64 assessed a penalty of up to five hundred dollars. The court may issue an order  
65 of suspension of such person's driving privilege for a period of ninety days.

66 11. In addition to the penalty specified in subsection 8 of this section, any  
67 person who pleads guilty to or is found guilty of a violation of this section in  
68 which the offender is found to have caused a fatality, there shall be assessed a  
69 penalty of up to one thousand dollars. The court may issue an order of  
70 suspension of such person's driving privilege for a period of six months.

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

74 13. For any court-ordered suspension under subsection 9, 10, or 11 of this  
75 section, the director of the department shall impose such suspension as set forth  
76 in the court order. The order of suspension shall include the name of the  
77 offender, the offender's driver's license number, Social Security number, and the  
78 effective date of the suspension. Any appeal of a suspension imposed under  
79 subsection 9, 10, or 11 of this section shall be a direct appeal of the court order  
80 and subject to review by the presiding judge of the circuit court or another judge  
81 within the circuit other than the judge who issued the original order to suspend  
82 the driver's license. The director of revenue's entry of the court-ordered  
83 suspension on the driving record is not a decision subject to review under section  
84 302.311. Any suspension of the driver's license ordered by the court under this  
85 section shall be in addition to any other suspension that may occur as a result of  
86 the conviction under other provisions of law.

304.361. Any person who violates any of the provisions of sections 304.271  
2 to 304.351 is guilty of [a misdemeanor] **an infraction** and shall be punished by  
3 a fine of not less than five dollars nor more than five hundred dollars [or by  
4 imprisonment in the county jail not exceeding one year or by both such fine and  
5 imprisonment].

304.373. 1. For the purpose of this section, "hazardous materials" shall  
2 be as defined pursuant to Part 397, Title 49, Code of Federal Regulations, as  
3 adopted and amended.

4 2. No person shall transport hazardous materials in or through any  
5 highway tunnel in this state. For purposes of this section, a tunnel shall be  
6 defined as a horizontal subterranean passageway through or under an obstruction  
7 of a length of one hundred yards or more.

8           3. No person shall park a vehicle containing hazardous materials within  
9 three hundred feet of any highway tunnel in this state except as provided  
10 pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and as  
11 such regulations have been and may periodically be amended.

12           4. Any person who is found or pleads guilty to a violation of this section  
13 shall be guilty of **[a class B misdemeanor] an infraction**. Any person who is  
14 found or pleads guilty to a second or subsequent violation of this section shall be  
15 guilty of a class **[A] B** misdemeanor. Violations of this section shall be enforced  
16 pursuant to section 390.201.

304.570. Any person who violates any of the provisions of this chapter or  
2 of sections 307.020 to 307.295, for which no specific punishment is provided, upon  
3 conviction thereof, shall be punished by a fine of not less than five dollars nor  
4 more than five hundred dollars [or by imprisonment in the county jail for a term  
5 not exceeding one year, or by both such fine and imprisonment].

304.678. 1. The operator of a motor vehicle overtaking a bicycle  
2 proceeding in the same direction on the roadway, as defined in section 300.010,  
3 shall leave a safe distance, when passing the bicycle, and shall maintain  
4 clearance until safely past the overtaken bicycle.

5           2. Any person who violates the provisions of this section is guilty of an  
6 infraction [unless an accident is involved in which case it shall be a class C  
7 misdemeanor].

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by  
2 any person for a moving violation, as the term moving violation is defined in  
3 section 302.010, or any offense listed in section 302.302, other than a violation  
4 described in subsection 2 of this section, when the violation or offense occurs  
5 within an active emergency zone, the court shall assess a fine of thirty-five  
6 dollars in addition to any other fine authorized by law. Upon a second or  
7 subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a  
8 fine of seventy-five dollars in addition to any other fine authorized by law.

9           2. Upon the first conviction, finding of guilt, or plea of guilty by any  
10 person for a speeding violation under either section 304.009 or 304.010, or a  
11 passing violation under subsection 3 of this section, when the violation or offense  
12 occurs within an active emergency zone and emergency responders were present  
13 in such zone at the time of the offense or violation, the court shall assess a fine  
14 of two hundred fifty dollars in addition to any other fine authorized by law. Upon  
15 a second or subsequent conviction, finding of guilt, or plea of guilty, the court

16 shall assess a fine of three hundred dollars in addition to any other fine  
17 authorized by law. However, no person assessed an additional fine under this  
18 subsection shall also be assessed an additional fine under subsection 1 of this  
19 section.

20           3. The driver of a motor vehicle shall not overtake or pass another motor  
21 vehicle within an active emergency zone. Violation of this subsection is [a class  
22 C misdemeanor] **an infraction**.

23           4. The additional fines imposed by this section shall not be construed to  
24 enhance the assessment of court costs or the assessment of points under section  
25 302.302.

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