

FIRST REGULAR SESSION

HOUSE BILL NO. 177

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McNEIL (Sponsor), ELLINGER, PACE, CARTER, WEBB,
SCHUPP AND ATKINS (Co-sponsors).

0453L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.341 and 304.010, RSMo, and to enact in lieu thereof two new sections relating to automated speed enforcement systems, with an existing penalty provision.

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

Section A. Sections 302.341 and 304.010, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.341 and 304.010, to read as follows:

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which the resident
3 is accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting

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 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall return the license and remove the suspension from the individual's driving
22 record. The filing of financial responsibility with the bureau of safety responsibility, department
23 of revenue, shall not be required as a condition of reinstatement of a driver's license suspended
24 solely under the provisions of this section.

25 2. If any city, town, or village receives more than thirty-five percent of its annual general
26 operating revenue from fines and court costs for traffic violations occurring on state highways
27 **and from speed violations detected by automated speed enforcement systems as defined in**
28 **subsection 11 of section 304.010**, all revenues from such violations in excess of thirty-five
29 percent of the annual general operating revenue of the city, town or village shall be sent to the
30 director of the department of revenue and shall be distributed annually to the schools of the
31 county in the same manner that proceeds of all penalties, forfeitures and fines collected for any
32 breach of the penal laws of the state are distributed. For the purpose of this section the words
33 "state highways" shall mean any state or federal highway, including any such highway continuing
34 through the boundaries of a city, town or village with a designated street name other than the
35 state highway number. The director of the department of revenue shall set forth by rule a
36 procedure whereby excess revenues as set forth above shall be sent to the department of revenue.
37 If any city, town, or village disputes a determination that it has received excess revenues required
38 to be sent to the department of revenue, such city, town, or village may submit to an annual audit
39 by the state auditor under the authority of article IV, section 13 of the Missouri Constitution.
40 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
41 authority delegated in this section shall become effective only if it complies with and is subject
42 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
43 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
44 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
45 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
46 or adopted after August 28, 2009, shall be invalid and void.

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

7 any crossovers or accesses from streets, roads or other highways at the same grade level as such
8 divided highway within such ten miles of divided highway;

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

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

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

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

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

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

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

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

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

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

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

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

42 (2) Primarily designed to produce revenue for the city, town or village which enacted
43 such ordinance. If an ordinance is declared void, the city, town or village shall have any future
44 proposed ordinance approved by the highways and transportation commission before such
45 ordinance may take effect.

46 5. The county commission of any county of the second, third or fourth classification may
47 set the speed limit or the weight limit or both the speed limit and the weight limit on roads or
48 bridges on any county, township or road district road in the county and, with the approval of the
49 state highways and transportation commission, on any state road or highway not within the limits
50 of any incorporated city, town or village, lower than the uniform maximum speed limit as
51 provided in subsection 2 of this section where the condition of the road or the nature of the area
52 requires a lower speed. The maximum speed limit set by the county commission of any county
53 of the second, third, or fourth classification for any road under the commission's jurisdiction shall
54 not exceed fifty-five miles per hour if such road is properly marked by signs indicating such
55 speed limit. If the county commission does not mark the roads with signs indicating the speed
56 limit, the speed limit shall be fifty miles per hour. The commission shall send copies of any
57 order establishing a speed limit or weight limit on roads and bridges on a county, township or
58 road district road in the county to the chief engineer of the state department of transportation, the
59 superintendent of the state highway patrol and to any township or road district maintaining roads
60 in the county. After the roads have been properly marked by signs indicating the speed limits
61 and weight limits set by the county commission, the speed limits and weight limits shall be of
62 the same effect as the speed limits provided for in subsection 1 of this section and shall be
63 enforced by the state highway patrol and the county sheriff as if such speed limits and weight
64 limits were established by state law.

65 6. The county commission of any county of the second, third, or fourth classification may
66 by ordinance set a countywide speed limit on roads within unincorporated areas of any county,
67 township, or road district in the county and may establish reasonable speed regulations for motor
68 vehicles within the limit of such county. No person who is not a resident of such county and who
69 has not been within the limits thereof for a continuous period of more than forty-eight hours shall
70 be convicted of a violation of such ordinances, unless it is shown by competent evidence that
71 there was posted at the place where the boundary of such county road enters the county a sign
72 displaying in black letters not less than four inches high and one inch wide on a white
73 background the speed fixed by such county so that such signs may be clearly seen by operators
74 and drivers from their vehicles upon entering such county. The commission shall send copies
75 of any order establishing a countywide speed limit on a county, township, or road district road
76 in the county to the chief engineer of the Missouri department of transportation, the
77 superintendent of the state highway patrol, and to any township or road district maintaining roads

78 in the county. After the boundaries of the county roads entering the county have been properly
79 marked by signs indicating the speed limits set by the county commission, the speed limits shall
80 be of the same effect as the speed limits provided for in subsection 1 of this section and shall be
81 enforced by the state highway patrol and the county sheriff as if such speed limits were
82 established by state law.

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

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

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

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

95 11. **No county, city, town, village, municipality, state agency, or other political**
96 **subdivision shall employ the use of automated speed enforcement systems to enforce**
97 **speeding violations within five hundred feet of any speed limit sign which reduces the speed**
98 **limit in the direction of travel, except such systems may be used within five hundred feet**
99 **of such a sign in a special school zone, provided the school zone is designated with signs**
100 **indicating such zone. Evidence obtained in violation of this subsection shall be**
101 **inadmissible in any prosecution for speeding. The term "automated speed enforcement**
102 **system" means a device with one or more motor vehicle sensors, including, but not limited**
103 **to, photographic devices, radar devices, laser devices, or other electrical or mechanical**
104 **devices, designed to record the speed of a motor vehicle and to obtain a clear photograph**
105 **or other recorded image of the motor vehicle, the motor vehicle's operator, and the motor**
106 **vehicle's license plate, which automatically produces one or more photographs, one or**
107 **more microphotographs, a videotape, or other recorded image of a motor vehicle at the**
108 **time it is used or operated in violation of the posted speed limit.**

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