

FIRST REGULAR SESSION

HOUSE BILL NO. 635

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time February 23, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1791L.01I

AN ACT

To repeal section 304.016, RSMo, and to enact in lieu thereof one new section relating to passing zones, with a penalty provision.

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

Section A. Section 304.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.016, to read as follows:

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

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

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

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

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

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

(3) Upon a one-way street;

(4) Upon any highway outside of a city with unobstructed pavement of sufficient width and clearly marked for four or more lines of traffic. The driver of a motor vehicle may overtake

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 and pass another vehicle upon the right only under the foregoing conditions when such
18 movement may be made in safety. In no event shall such movement be made by driving off the
19 paved or main traveled portion of the roadway. The provisions of this subsection shall not
20 relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the
21 right-hand edge of the roadway.

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

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

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

33 (2) When the view is obstructed upon approaching within one hundred feet of any
34 bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or
35 railroad grade crossing; **or**

36 **(3) When the roadway is clearly marked with a solid yellow center stripe indicating**
37 **a no passing zone or an unsafe location to overtake or drive to the left side of the roadway,**
38 **except that the provisions of this subsection shall not apply when executing a lawful turn.**

39 5. Violation of this section shall be deemed a class [C] **B** misdemeanor.