

FIRST REGULAR SESSION

# HOUSE BILL NO. 183

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JACKSON.

Read 1<sup>st</sup> time January 6, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0734L.011

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### AN ACT

To repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to highway lane usage, with a penalty provision.

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*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Section A. Section 304.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.015, to read as follows: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 304.026 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.

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or

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 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier  
18 or dividing section, or to make any left turn or semicircular or U-turn on any such divided  
19 highway, except at an intersection or interchange or at any signed location designated by the state  
20 highways and transportation commission or the department of transportation. The provisions  
21 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles  
22 owned by the commission or the department.

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

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

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

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

39 (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic  
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the  
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

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

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

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

53           7. (1) The department of transportation may erect signs on highways having three  
54 or more lanes of traffic proceeding in the same direction to require trucks, as defined in  
55 section 301.010, RSMo, to remain in the two right-hand lanes except when preparing to  
56 make a proper left turn or when otherwise directed by traffic markings, signs, or signals;

57           (2) The department of transportation shall promulgate such rules as are necessary  
58 to implement this subsection. Any rule or portion of a rule, as that term is defined in  
59 section 536.010, RSMo, that is created under the authority delegated in this subsection  
60 shall become effective only if it complies with and is subject to all of the provisions of  
61 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This subsection and  
62 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general  
63 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to  
64 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
65 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be  
66 invalid and void.

67           8. Violation of this section shall be deemed an infraction unless such violation causes  
68 an immediate threat of an accident, in which case such violation shall be deemed a class C  
69 misdemeanor, or unless an accident results from such violation, in which case such violation  
70 shall be deemed a class A misdemeanor.