

SECOND REGULAR SESSION

HOUSE BILL NO. 1040

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROBB (Sponsor), SUTHERLAND, BAKER (25), MEADOWS,
YAEGER AND YOUNG (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3227L.01I

AN ACT

To repeal section 304.580, RSMo, and to enact in lieu thereof one new section relating to construction zone and work zone violations, with penalty provisions.

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

Section A. Section 304.580, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.580, to read as follows:

304.580. 1. As used in this section, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked by the department of transportation or a contractor performing work for the department of transportation as an area where construction, maintenance, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this

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.

15 section, the court shall assess a fine of [two hundred fifty] **one thousand** dollars in addition to
16 any other fine authorized by law, if the offense occurred within a construction zone or a work
17 zone and at the time the speeding or passing violation occurred there was any person in such
18 zone who was there to perform duties related to the reason for which the area was designated a
19 construction zone or work zone. However, no person assessed an additional fine pursuant to this
20 subsection shall also be assessed an additional fine pursuant to subsection 2 of this section, and
21 no person shall be assessed an additional fine pursuant to this subsection if no signs have been
22 posted pursuant to subsection 4 of this section.

23 4. The penalty authorized by subsection 3 of this section shall only be assessed by the
24 court if the department of transportation or contractor performing work for the department of
25 transportation has erected signs upon or around a construction or work zone which are clearly
26 visible from the highway and which state substantially the following message: "Warning:
27 [\$250] **\$1000** fine for speeding or passing in this work zone".

28 5. During any day in which no person is present in a construction zone or work zone
29 established pursuant to subsection 3 of this section to perform duties related to the purpose of
30 the zone, the sign warning of additional penalties shall not be visible to motorists. During any
31 period of two hours or more in which no person is present in such zone on a day in which
32 persons have been or will be present to perform duties related to the reason for which the area
33 was designated as a construction zone or work zone, the sign warning of additional penalties
34 shall not be visible to motorists. The department of transportation or contractor performing work
35 for the department of transportation shall be responsible for compliance with provisions of this
36 subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary
37 for public safety in the construction or work zone being visible to motorists at all times.

38 6. The driver of a motor vehicle may not overtake or pass another motor vehicle within
39 a work zone or construction zone. This subsection applies to a construction zone or work zone
40 located upon a highway divided into two or more marked lanes for traffic moving in the same
41 direction and for which motor vehicles are instructed to merge from one lane into another lane
42 by an appropriate sign erected by the department of transportation or a contractor performing
43 work for the department of transportation. Violation of this subsection is a class C misdemeanor.

44 7. This section shall not be construed to enhance the assessment of court costs or the
45 assessment of points pursuant to section 302.302, RSMo.

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