

FIRST REGULAR SESSION

# HOUSE BILL NO. 294

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS (161).

0577H.011

DANA RADEMAN MILLER, Chief Clerk

### 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, 304.079, 304.110, 304.160, 304.271, 304.281, 304.301, 304.341, 304.351, 304.361, 304.373, 304.570, 304.678, 304.892, and 556.021, RSMo, and to enact in lieu thereof thirty new sections relating to traffic offenses, 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, 304.017, 2 304.019, 304.023, 304.031, 304.032, 304.035, 304.040, 304.044, 304.075, 304.079, 304.110, 3 304.160, 304.271, 304.281, 304.301, 304.341, 304.351, 304.361, 304.373, 304.570, 304.678, 4 304.892, and 556.021, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be 5 known as sections 304.003, 304.009, 304.010, 304.011, 304.013, 304.015, 304.016, 304.017, 6 304.019, 304.023, 304.031, 304.032, 304.035, 304.040, 304.044, 304.075, 304.079, 304.110, 7 304.160, 304.271, 304.281, 304.301, 304.341, 304.351, 304.361, 304.373, 304.570, 304.678, 8 304.892, and 556.021, to read as follows:

**304.003. Notwithstanding any other provision of law, no court shall issue a warrant 2 of arrest for a person's failure to respond, pay the fine assessed, or appear in court with 3 respect to a traffic citation issued for an infraction under the provisions of this chapter. 4 In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the 5 fine assessed, or appear. A copy of the court's notice shall be sent to the driver of the 6 vehicle and to the director of the department of revenue. Upon application by the driver 7 for a driver's license or driver's license renewal, the department shall deny the application 8 until all delinquent fines and fees in connection with the traffic offense have been satisfied.**

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.

9 **Upon satisfaction of the delinquent fines and fees, the department shall issue a driver's**  
10 **license to the driver provided such person is otherwise eligible for such license or renewal.**

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

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

7 ~~[3. Notwithstanding any provisions of law to the contrary, a court may issue a warrant~~  
8 ~~for failure to appear for any violation which is 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 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. Any person violating the provisions of this section is guilty of ~~a class C~~  
96 ~~misdemeanor~~ **an infraction**, unless such person was exceeding the posted speed limit by twenty  
97 miles per hour or more then it is a class ~~B~~ **C** misdemeanor.

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

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

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

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

17 3. Any person who violates subsection 2 of this section is guilty of a class ~~[C]~~ **D**  
18 misdemeanor.

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

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

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

6 (3) All-terrain vehicles operated by ~~[handicapped]~~ **disabled** persons for short distances  
7 occasionally only on the state's secondary roads when operated between the hours of sunrise and  
8 sunset;

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

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

15 (6) Municipalities may by resolution or ordinance allow all-terrain vehicle operation on  
16 streets or highways under the governing body's jurisdiction. Any person operating an all-terrain  
17 vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial

18 responsibility in accordance with section 303.160 or maintain any other insurance policy  
19 providing equivalent liability coverage for an all-terrain vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is 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 304.025;

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

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

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

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

64 9. Violation of this section shall be deemed ~~[a class C misdemeanor]~~ **an infraction**  
65 unless such violation causes an immediate threat of an accident, in which case such violation  
66 shall be deemed a class B misdemeanor, or unless an accident results from such violation, in  
67 which case such violation shall be deemed a class **[A] B** misdemeanor.

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

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



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

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

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

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

14 (3) Upon a one-way street;

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

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

304.017. 1. The driver of a vehicle shall not follow another vehicle more closely than  
2 is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic  
3 upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a  
4 business or residence district in a caravan or motorcade, whether or not towing other vehicles,  
5 shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow

6 sufficient space between each such vehicle or combination of vehicles as to enable any other  
7 vehicle to overtake or pass such vehicles in safety. This section shall in no manner affect section  
8 304.044 relating to distance between trucks traveling on the highway.

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

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

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

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

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

19 (4) The signals herein required shall be given either by means of the hand and arm or by  
20 a signal light or signal device in good mechanical condition of a type approved by the state  
21 highway patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal  
22 would not be visible both to the front and rear of such vehicle then such signals shall be given  
23 by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and  
24 arm signal would not be visible both to the front and rear when the distance from the center of  
25 the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four  
26 inches, or when the distance from the center of the top of the steering post to the rear limit of the  
27 body or load thereon exceeds fourteen feet, which limit of fourteen feet shall apply to single  
28 vehicles or combinations of vehicles. The provisions of this subdivision shall not apply to any  
29 trailer which does not interfere with a clear view of the hand signals of the operator or of the  
30 signaling device upon the vehicle pulling such trailer; provided further that the provisions of this  
31 section as far as mechanical devices on vehicles so constructed that a hand and arm signal would

32 not be visible both to the front and rear of such vehicle as above provided shall only be  
33 applicable to new vehicles registered within this state after the first day of January, 1954.

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

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

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

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

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

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

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

13 (3) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate  
14 traffic signal maintenance activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 4. No persons shall operate a utility vehicle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

          304.040. Any person violating the provisions of section 304.030 shall be deemed guilty  
2 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 carrying more  
3 than seven persons;

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

7           2. The driver of any truck or bus, when traveling upon a public highway of this state  
8 outside of a business or residential district, shall not follow within three hundred feet of another  
9 such vehicle; provided, the provisions of this section shall not be construed to prevent the  
10 overtaking and passing, by any such truck or bus, of another similar vehicle.

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

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

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

          304.079. 1. Designated disabled parking spaces may only be used when a disabled  
2 person, who has been issued disabled license plates or windshield hanging placards pursuant to  
3 the provisions of section 301.142 or by those states with which the director has entered into  
4 reciprocity agreements as provided in section 301.142, is then, or immediately preceding being  
5 parked, was an occupant of the motor vehicle bearing the disabled license plate or windshield  
6 hanging placard or in cases where the motor vehicle bearing the disabled license plate or  
7 windshield hanging placard is then being used to deliver or collect one or more of the disabled  
8 persons for whom the disabled license plate or windshield hanging placard was issued.

9           2. The driver, or any occupant, of a motor vehicle bearing disabled license plates or a  
10 windshield hanging placard which is parked or has been observed to have been parking in a duly  
11 designated disabled parking space shall, upon request from any law enforcement officer or other  
12 duly constituted peace officer upon identification as such, produce the disabled registration

13 certificate issued to the disabled person or entity as provided for in section 301.142 or such other  
14 authorization to show that the driver or any occupant of the vehicle is lawfully entitled to use a  
15 designated disabled parking space. The driver or any occupant of the motor vehicle shall, in  
16 addition to the certificate, produce other identification with a photograph of the disabled person  
17 for whom the disabled plates or windshield hanging placard was issued.

18 3. If the driver, or an occupant, of a motor vehicle which is parked or has been observed  
19 to have parked in a designated disabled parking space is unable to, or cannot, produce the  
20 certificate as provided for in section 301.142 or other proper authorization showing that the  
21 vehicle is being used, or has been lawfully parking in a disabled parking space, the operator is  
22 guilty of ~~[a class A misdemeanor]~~ **an infraction**. However, no person shall be found guilty of  
23 violating this section if the operator produces such a certificate to the court that was valid at the  
24 time of the citation for a person who was using the vehicle.

25 4. The windshield hanging placard shall only be used when the vehicle is parked in a  
26 disabled parking space. It shall be unlawful for any person to operate or drive a motor vehicle  
27 with a windshield hanging placard hanging from the inside rearview mirror.

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

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

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

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

5 2. No provision of the law for which official traffic-control devices are required shall be  
6 enforced against an alleged violator if at the time and place of the alleged violation an official  
7 device is not in proper position and sufficiently legible to be seen by an ordinarily observant  
8 person. Whenever a particular section does not state that official traffic-control devices are  
9 required, such section shall be effective even though no devices are erected or in place.

10 3. Whenever official traffic-control devices are placed in position approximately  
11 conforming to the requirements of the law, such devices shall be presumed to have been so

12 placed by the official act or direction of lawful authority, unless the contrary shall be established  
13 by competent evidence.

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

18 5. Notwithstanding the provisions of section 304.361, violation of this section is ~~a class~~  
19 ~~C misdemeanor~~ **an infraction.**

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

5 (1) Green indication

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

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

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section  
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,  
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green  
20 movement is being terminated or that a red indication will be exhibited immediately thereafter  
21 when vehicular traffic shall not enter the intersection;

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

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the  
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then



29 before entering the intersection and shall remain standing until an indication to proceed is shown  
30 except as provided in paragraph (b);

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

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section  
41 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

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

47 2. Notwithstanding the provisions of section 304.361, violation of this section is ~~a class~~  
48 ~~C misdemeanor~~ **an infraction.**

304.301. 1. Whenever an illuminated flashing red or yellow signal is used in a traffic  
2 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 intermittent  
4 flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering  
5 the crosswalk on the near side of the intersection, or if none, then at the point nearest the  
6 intersecting roadway where the driver has a view of approaching traffic on the intersecting  
7 roadway before entering the intersection, and the right to proceed shall be subject to the rules  
8 applicable after making a stop at a stop sign;

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

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

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

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

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

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

2. It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction at any intersection controlled by a traffic signal or police officer; nor shall such turn be made at any place unless the movement can be made in safety and without interfering with other traffic. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, or at any place upon a roadway where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction along the roadway within a distance of three hundred feet, or where the same may create a traffic hazard.

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

4. Notwithstanding the provisions of section 304.361, violation of this section is ~~a class C misdemeanor~~ **an infraction**.

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

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

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

12           4. (1) The state highways and transportation commission with reference to state  
13 highways and local authorities with reference to other highways under their jurisdiction may  
14 designate through highways and erect stop signs or yield signs at specified entrances thereto, or  
15 may designate any intersection as a stop intersection or as a yield intersection and erect stop signs  
16 or yield signs at one or more entrances to such intersection.

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

19           (a) Except when directed to proceed by a police officer or traffic-control signal, every  
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly  
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,  
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of  
23 approaching traffic in the intersecting roadway before entering the intersection. After having  
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection  
25 from another highway or which is approaching so closely on the highway as to constitute an  
26 immediate hazard during the time when such driver is moving across or within the intersection.

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

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

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

40           7. The state highways and transportation commission or local authorities with respect  
41 to roads under their respective jurisdictions, on any section where construction or major  
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of  
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area

44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation  
45 of section 304.010.

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

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

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

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

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

64 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the  
65 director of the department shall impose such suspension as set forth in the court order. The order  
66 of suspension shall include the name of the offender, the offender's driver's license number,  
67 Social Security number, and the effective date of the suspension. Any appeal of a suspension  
68 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order  
69 and subject to review by the presiding judge of the circuit court or another judge within the  
70 circuit other than the judge who issued the original order to suspend the driver's license. The  
71 director of revenue's entry of the court-ordered suspension on the driving record is not a decision  
72 subject to review under section 302.311. Any suspension of the driver's license ordered by the  
73 court under this section shall be in addition to any other suspension that may occur as a result  
74 of the conviction under other provisions of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

556.021. 1. An infraction does not constitute a criminal offense and conviction of an  
2 infraction shall not give rise to any disability or legal disadvantage based on conviction of a  
3 criminal offense.

4 2. Except as otherwise provided by law, the procedure for infractions shall be the same  
5 as for a misdemeanor.

6 3. If a person fails to appear in court either solely for an infraction or for an infraction  
7 which is committed in the same course of conduct as a criminal offense for which the person is  
8 charged, or if a person fails to respond to notice of an infraction from the central violations  
9 bureau established in section 476.385, the court may issue a default judgment for court costs and  
10 fines for the infraction which shall be enforced in the same manner as other default judgments,  
11 including enforcement under sections 488.5028 and 488.5030, unless the court determines that  
12 good cause or excusable neglect exists for the person's failure to appear for the infraction. The  
13 notice of entry of default judgment and the amount of fines and costs imposed shall be sent to  
14 the person by first class mail. The default judgment may be set aside for good cause if the person  
15 files a motion to set aside the judgment within six months of the date the notice of entry of  
16 default judgment is mailed.

17 4. ~~[Notwithstanding subsection 3 of this section or any provisions of law to the contrary,~~  
18 ~~a court may issue a warrant for failure to appear for any violation which is classified as an~~  
19 ~~infraction.~~

20 ~~5.]~~ Judgment against the defendant for an infraction shall be in the amount of the fine  
21 authorized by law and the court costs for the offense.

✓