

FIRST REGULAR SESSION

HOUSE BILL NO. 490

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

1078H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of certain motor vehicles on the shoulder of the roadway.

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Section A. Section 304.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.015, to read as follows: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 304.025 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; and

(5) Motorcycles and motortricycles may operate on the shoulder of state limited access highways and interstate highways when traffic has slowed to below thirty miles per hour. Motorcycles and motortricycles operated on a shoulder shall not exceed the lesser of

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.

18 **thirty-five miles per hour or ten miles per hour in excess of the flow of traffic. This**
19 **subdivision shall not be construed to permit operation of a motor vehicle in excess of a**
20 **posted speed limit.**

21 3. It is unlawful to drive any vehicle upon any highway or road which has been divided
22 into two or more roadways by means of a physical barrier or by means of a dividing section or
23 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier
24 or dividing section, or to make any left turn or semicircular or U-turn on any such divided
25 highway, except at an intersection or interchange or at any signed location designated by the state
26 highways and transportation commission or the department of transportation. The provisions
27 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles
28 owned by the commission or the department.

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

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

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

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

45 (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic
46 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the
47 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.025;

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

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

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

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

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

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

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

70 9. Violation of this section shall be deemed a class C misdemeanor unless such violation
71 causes an immediate threat of an accident, in which case such violation shall be deemed a class
72 B misdemeanor, or unless an accident results from such violation, in which case such violation
73 shall be deemed a class A misdemeanor.

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