

FIRST REGULAR SESSION

SENATE BILL NO. 556

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2415S.011

AN ACT

To repeal sections 300.010, 300.411, 304.678, and 307.180, RSMo, and to enact in lieu thereof five new sections relating to bicycle and pedestrian safety, with existing penalty provisions.

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

Section A. Sections 300.010, 300.411, 304.678, and 307.180, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 300.010, 300.411, 304.675, 304.678, and 307.180, to read as follows:

300.010. The following words and phrases when used in this ordinance
2 mean:

3 (1) "Alley" or "alleyway", any street with a roadway of less than twenty
4 feet in width;

5 (2) "All-terrain vehicle", any motorized vehicle manufactured and used
6 exclusively for off-highway use which is fifty inches or less in width, with an
7 unladen dry weight of six hundred pounds or less, traveling on three, four or
8 more low pressure tires, with a seat designed to be straddled by the operator, and
9 handlebars for steering control;

10 (3) "Authorized emergency vehicle", a vehicle publicly owned and operated
11 as an ambulance, or a vehicle publicly owned and operated by the state highway
12 patrol, police or fire department, sheriff or constable or deputy sheriff, traffic
13 officer or any privately owned vehicle operated as an ambulance when responding
14 to emergency calls;

15 (4) "Business district", the territory contiguous to and including a highway
16 when within any six hundred feet along the highway there are buildings in use
17 for business or industrial purposes, including but not limited to hotels, banks, or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 office buildings, railroad stations and public buildings which occupy at least three
19 hundred feet of frontage on one side or three hundred feet collectively on both
20 sides of the highway;

21 (5) "Central business (or traffic) district", all streets and portions of
22 streets within the area described by city ordinance as such;

23 (6) "Commercial vehicle", every vehicle designed, maintained, or used
24 primarily for the transportation of property;

25 (7) "Controlled access highway", every highway, street or roadway in
26 respect to which owners or occupants of abutting lands and other persons have
27 no legal right of access to or from the same except at such points only and in such
28 manner as may be determined by the public authority having jurisdiction over the
29 highway, street or roadway;

30 (8) "Crosswalk",

31 (a) That part of a roadway at an intersection included within the
32 connections of the lateral lines of the sidewalks on opposite sides of the highway
33 measured from the curbs, or in the absence of curbs from the edges of the
34 traversable roadway;

35 (b) Any portion of a roadway at an intersection or elsewhere distinctly
36 indicated for pedestrian crossing by lines or other markings on the surface;

37 (9) "Curb loading zone", a space adjacent to a curb reserved for the
38 exclusive use of vehicles during the loading or unloading of passengers or
39 materials;

40 (10) "Driver", every person who drives or is in actual physical control of
41 a vehicle;

42 (11) "Freight curb loading zone", a space adjacent to a curb for the
43 exclusive use of vehicles during the loading or unloading of freight (or
44 passengers);

45 (12) "Highway", the entire width between the boundary lines of every way
46 publicly maintained when any part thereof is open to the use of the public for
47 purposes of vehicular travel;

48 (13) "Intersection",

49 (a) The area embraced within the prolongation or connection of the lateral
50 curb lines, or, if none, then the lateral boundary lines of the roadways of two
51 highways which join one another at, or approximately at, right angles, or the area
52 within which vehicles traveling upon different highways joining at any other
53 angle may come in conflict;

54 (b) Where a highway includes two roadways thirty feet or more apart,
55 then every crossing of each roadway of such divided highway by an intersecting
56 highway shall be regarded as a separate intersection. In the event such
57 intersecting highway also includes two roadways thirty feet or more apart, then
58 every crossing of two roadways of such highways shall be regarded as a separate
59 intersection;

60 (14) "Laned roadway", a roadway which is divided into two or more clearly
61 marked lanes for vehicular traffic;

62 (15) "Motor vehicle", any self-propelled vehicle not operated exclusively
63 upon tracks, except farm tractors and motorized bicycles;

64 (16) "Motorcycle", every motor vehicle having a seat or saddle for the use
65 of the rider and designed to travel on not more than three wheels in contact with
66 the ground, but excluding a tractor;

67 (17) "Motorized bicycle", any two-wheeled or three-wheeled device having
68 an automatic transmission and a motor with a cylinder capacity of not more than
69 fifty cubic centimeters, which produces less than three gross brake horsepower,
70 and is capable of propelling the device at a maximum speed of not more than
71 thirty miles per hour on level ground;

72 (18) "Official time standard", whenever certain hours are named herein
73 they shall mean standard time or daylight-saving time as may be in current use
74 in the city;

75 (19) "Official traffic control devices", all signs, signals, markings and
76 devices not inconsistent with this ordinance placed or erected by authority of a
77 public body or official having jurisdiction, for the purpose of regulating, warning
78 or guiding traffic;

79 (20) "Park" or "parking", the standing of a vehicle, whether occupied or
80 not, otherwise than temporarily for the purpose of and while actually engaged in
81 loading or unloading merchandise or passengers;

82 (21) "Passenger curb loading zone", a place adjacent to a curb reserved for
83 the exclusive use of vehicles during the loading or unloading of passengers;

84 (22) "Pedestrian", [any person afoot] **a person who:**

85 **(a) Is on foot;**

86 **(b) Is using any means of conveyance propelled by human power**
87 **other than a bicycle;**

88 **(c) Is using an electric personal assistive mobility device, as**
89 **defined in section 307.205; or**

90 **(d) Is operating a self-propelled wheelchair, motorized**
91 **wheelchair, motorized tricycle, or motorized quadricycle to act as a**
92 **pedestrian and, by reason of physical disability, is otherwise restricted**
93 **in movement as or unable to move about on foot;**

94 (23) "Person", every natural person, firm, copartnership, association or
95 corporation;

96 (24) "Police officer", every officer of the municipal police department or
97 any officer authorized to direct or regulate traffic or to make arrests for violations
98 of traffic regulations;

99 (25) "Private road" or "driveway", every way or place in private ownership
100 and used for vehicular travel by the owner and those having express or implied
101 permission from the owner, but not by other persons;

102 (26) "Railroad", a carrier of persons or property upon cars, other than
103 streetcars, operated upon stationary rails;

104 (27) "Railroad train", a steam engine, electric or other motor, with or
105 without cars coupled thereto, operated upon rails, except streetcars;

106 (28) "Residence district", the territory contiguous to and including a
107 highway not comprising a business district when the property on such highway
108 for a distance of three hundred feet or more is in the main improved with
109 residences or residences and buildings in use for business;

110 (29) "Right-of-way", the right of one vehicle or pedestrian to proceed in a
111 lawful manner in preference to another vehicle or pedestrian approaching under
112 such circumstances of direction, speed and proximity as to give rise to danger of
113 collision unless one grants precedence to the other;

114 (30) "Roadway", that portion of a highway improved, designed or
115 ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the
116 event a highway includes two or more separate roadways the term "roadway" as
117 used herein shall refer to any such roadway separately but not to all such
118 roadways collectively;

119 (31) "Safety zone", the area or space officially set apart within a roadway
120 for the exclusive use of pedestrians and which is protected or is so marked or
121 indicated by adequate signs as to be plainly visible at all times while set apart
122 as a safety zone;

123 (32) "Sidewalk", that portion of a street between the curb lines, or the
124 lateral lines of a roadway, and the adjacent property lines, intended for use of
125 pedestrians;

126 (33) "Stand" or "standing", the halting of a vehicle, whether occupied or
127 not, otherwise than for the purpose of and while actually engaged in receiving or
128 discharging passengers;

129 (34) "Stop", when required, complete cessation from movement;

130 (35) "Stop" or "stopping", when prohibited, any halting even momentarily
131 of a vehicle, whether occupied or not, except when necessary to avoid conflict with
132 other traffic or in compliance with the directions of a police officer or traffic
133 control sign or signal;

134 (36) "Street" or "highway", the entire width between the lines of every way
135 publicly maintained when any part thereof is open to the uses of the public for
136 purposes of vehicular travel. "State highway", a highway maintained by the state
137 of Missouri as a part of the state highway system;

138 (37) "Through highway", every highway or portion thereof on which
139 vehicular traffic is given preferential rights-of-way, and at the entrances to which
140 vehicular traffic from intersecting highways is required by law to yield
141 rights-of-way to vehicles on such through highway in obedience to either a stop
142 sign or a yield sign, when such signs are erected as provided in this ordinance;

143 (38) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars
144 and other conveyances either singly or together while using any highway for
145 purposes of travel;

146 (39) "Traffic control signal", any device, whether manually, electrically or
147 mechanically operated, by which traffic is alternately directed to stop and to
148 proceed;

149 (40) "Traffic division", the traffic division of the police department of the
150 city, or in the event a traffic division is not established, then said term whenever
151 used herein shall be deemed to refer to the police department of the city;

152 (41) "Vehicle", any mechanical device on wheels, designed primarily for
153 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
154 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
155 cotton trailers or motorized wheelchairs operated by handicapped persons.

300.411. [The operator of a motor vehicle overtaking] **Upon**
2 **approaching:**

3 (1) A bicycle, as defined in section 307.180, proceeding in the same
4 direction on the roadway, as defined in section 300.010, **or on shoulder of the**
5 **roadway; or**

6 (2) A pedestrian on or near the roadway the operator of a motor

7 **vehicle shall:**

8 (a) Leave a safe distance when passing the bicycle **or pedestrian**, and
9 shall maintain clearance until safely past the overtaken bicycle **or pedestrian**;

10 (b) **If possible with due regard to safety and traffic conditions,**
11 **make a lane change into the next available lane until safely past the**
12 **overtaken bicycle or pedestrian and leave a safe distance between the**
13 **motor vehicle and the bicycle or pedestrian; and**

14 (c) **In no case leave less than 4 feet clearance between the motor**
15 **vehicle and the bicycle or pedestrian at any time during the passing**
16 **maneuver.**

304.675. As used in this chapter, chapter 302, and chapter 307,
2 **the term "pedestrian" shall mean:**

3 (1) **A person who is on foot;**

4 (2) **A person who is using any means of conveyance propelled by**
5 **human power other than a bicycle;**

6 (3) **A person who is using an electric personal assistive mobility**
7 **device, as defined in section 307.205; and**

8 (4) **A person who is operating a self-propelled wheelchair,**
9 **motorized wheelchair, motorized tricycle, or motorized quadricycle to**
10 **act as a pedestrian and, by reason of physical disability, is otherwise**
11 **restricted in movement as or unable to move about on foot.**

304.678. 1. [The operator of a motor vehicle overtaking] **Upon**
2 **approaching:**

3 (1) **A bicycle proceeding in the same direction on the roadway, as defined**
4 **in section 300.010, or on the shoulder of the roadway; or**

5 (2) **A pedestrian on or near the roadway the operator of the**
6 **motor vehicles shall:**

7 (a) Leave a safe distance, when passing the bicycle **or pedestrian**, and
8 shall maintain clearance until safely past the overtaken bicycle;

9 (b) **If possible with due regard to safety and traffic conditions,**
10 **make a lane change into the next available lane until safely past the**
11 **overtaken bicycle or pedestrian and leave a safe distance between the**
12 **motor vehicle and the bicycle or pedestrian; and**

13 (c) **In no case leave less than four feet clearance between the**
14 **motor vehicle and the bicycle or pedestrian at any time during the**
15 **passing maneuver.**

16 2. Any person who violates the provisions of this section is guilty of an

17 infraction unless:

18 **(1) The person intentionally violates the provisions of this**
19 **section; or**

20 **(2) An accident is involved;**

21 in which case it shall be a class C misdemeanor.

307.180. As used in [sections 307.180 to 307.193] **chapters 304 and 307:**

2 (1) The word "bicycle" shall mean every vehicle propelled solely by
3 [human power upon which any person may ride, having two tandem wheels, or
4 two parallel wheels and one or two forward or rear wheels, all of which are more
5 than fourteen inches in diameter, except scooters and similar devices] **pedals,**
6 **operated by one or more persons, and having two or more wheels,**
7 **except devices primarily intended for children six years of age or**
8 **younger;**

9 (2) The term "motorized bicycle" shall mean any two- or three-wheeled
10 device having an automatic transmission and a motor with a cylinder capacity of
11 not more than fifty cubic centimeters, which produces less than three gross brake
12 horsepower, and is capable of propelling the device at a maximum speed of not
13 more than thirty miles per hour on level ground. A motorized bicycle shall be
14 considered a motor vehicle for purposes of any homeowners' or renters' insurance
15 policy.

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