

FIRST REGULAR SESSION

SENATE BILL NO. 76

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0226S.011

AN ACT

To repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to right-of-way at intersections, with penalty provisions.

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

Section A. Section 304.351, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.351, to read as follows:

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.

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

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

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

intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

~~[(1)]~~ **(2)** Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

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

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

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

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

7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010.

8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor.

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

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

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

12. The surcharges imposed pursuant to subsections 9, 10, and 11 of this section shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharges collected pursuant to subsections 9, 10, and 11 of this section shall be credited to the motorcycle safety trust fund established under section 302.137, RSMo.

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