

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 656
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 22, 2012, with recommendation that the Senate Committee Substitute do pass.

5249S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 304.120 and 304.190, RSMo, and to enact in lieu thereof three new sections relating to the use of public roads by motor vehicles.

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

Section A. Sections 304.120 and 304.190, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 304.120, 304.190,
3 and 537.292, to read as follows:

304.120. 1. Municipalities, by ordinance, may establish reasonable speed
2 regulations for motor vehicles within the limits of such municipalities. No person
3 who is not a resident of such municipality and who has not been within the limits
4 thereof for a continuous period of more than forty-eight hours, shall be convicted
5 of a violation of such ordinances, unless it is shown by competent evidence that
6 there was posted at the place where the boundary of such municipality joins or
7 crosses any highway a sign displaying in black letters not less than four inches
8 high and one inch wide on a white background the speed fixed by such
9 municipality so that such sign may be clearly seen by operators and drivers from
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles
15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and
17 boulevards;

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

18 (4) Limit the use of certain designated streets and boulevards to
19 passenger vehicles, **except that each municipality shall allow at least one**
20 **street, with lawful traffic movement and access from both directions,**
21 **to be available for use by commercial motor vehicles to access any**
22 **roads in the state highway system. Under no circumstance shall the**
23 **provisions of this subdivision be construed to authorize municipalities**
24 **to limit the use of all streets in the municipality;**

25 (5) Prohibit the use of certain designated streets to vehicles with metal
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of
28 parking meters for limiting the time of parking and exacting a fee therefor or by
29 the adoption of any other regulatory method that is reasonable and practical, and
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound producing warning devices, except horns directed
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor
37 vehicle when the vehicle is being permissively used by a lessee and is illegally
38 parked or operated if the registered owner-lessor of such vehicle furnishes the
39 name, address and operator's license number of the person renting or leasing the
40 vehicle at the time the violation occurred to the proper municipal authority
41 within three working days from the time of receipt of written request for such
42 information. Any registered owner-lessor who fails or refuses to provide such
43 information within the period required by this subsection shall be liable for the
44 imposition of any fine established by municipal ordinance for the
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal
48 parking of such vehicle.

49 **5. No ordinance shall deny the use of commercial motor vehicles**
50 **on all streets within the municipality.**

 304.190. 1. No motor vehicle, unladen or with load, operating exclusively
2 within the corporate limits of cities containing seventy-five thousand inhabitants
3 or more or within two miles of the corporate limits of the city or within the

4 commercial zone of the city shall exceed fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have
6 a greater weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within
8 the city together with the territory extending one mile beyond the corporate limits
9 of the city and one mile additional for each fifty thousand population or portion
10 thereof provided, however[,];

11 (1) The commercial zone surrounding a city not within a county shall
12 extend twenty-five miles beyond the corporate limits of any such city not located
13 within a county and shall also extend throughout any county with a charter form
14 of government which adjoins that city and throughout any county with a charter
15 form of government and with more than two hundred fifty thousand but fewer
16 than three hundred fifty thousand inhabitants that is adjacent to such county
17 adjoining such city; [further, provided, however,]

18 (2) The commercial zone of a city with a population of at least four
19 hundred thousand inhabitants but not more than four hundred fifty thousand
20 inhabitants shall extend twelve miles beyond the corporate limits of any such
21 city; except that this zone shall extend from the southern border of such city's
22 limits, beginning with the western-most freeway, following said freeway south to
23 the first intersection with a multilane undivided highway, where the zone shall
24 extend south along said freeway to include a city of the fourth classification with
25 more than eight thousand nine hundred but less than nine thousand inhabitants,
26 and shall extend north from the intersection of said freeway and multilane
27 undivided highway along the multilane undivided highway to the city limits of
28 a city with a population of at least four hundred thousand inhabitants but not
29 more than four hundred fifty thousand inhabitants, and shall extend east from
30 the city limits of a special charter city with more than two hundred seventy-five
31 but fewer than three hundred seventy-five inhabitants along state route 210 and
32 northwest from the intersection of state route 210 and state route 10 to include
33 the boundaries of any city of the third classification with more than ten thousand
34 eight hundred but fewer than ten thousand nine hundred inhabitants and located
35 in more than one county[; further provided, however,]. **The commercial zone**
36 **described in this subdivision shall be extended to also include the**
37 **stretch of state route 45 from its intersection with Interstate 29**
38 **extending northwest to the city limits of any village with more than**
39 **forty but fewer than fifty inhabitants and located in any county of the**

40 first classification with more than eighty-three thousand but fewer than
41 ninety-two thousand inhabitants and with a city of the fourth
42 classification with more than four thousand five hundred but fewer
43 than five thousand inhabitants as the county seat;

44 (3) The commercial zone of a city of the third classification with more
45 than nine thousand six hundred fifty but fewer than nine thousand eight hundred
46 inhabitants shall extend south from the city limits along U.S. Highway 61 to the
47 intersection of state route OO in a county of the third classification without a
48 township form of government and with more than seventeen thousand eight
49 hundred but fewer than seventeen thousand nine hundred inhabitants.

50 4. In no case shall the commercial zone of a city be reduced due to a loss
51 of population. The provisions of this section shall not apply to motor vehicles
52 operating on the interstate highways in the area beyond two miles of a corporate
53 limit of the city unless the United States Department of Transportation increases
54 the allowable weight limits on the interstate highway system within commercial
55 zones. In such case, the mileage limits established in this section shall be
56 automatically increased only in the commercial zones to conform with those
57 authorized by the United States Department of Transportation.

58 [4.] 5. Nothing in this section shall prevent a city, county, or
59 municipality, by ordinance, from designating the routes over which such vehicles
60 may be operated.

61 [5.] 6. No motor vehicle engaged in interstate commerce, whether
62 unladen or with load, whose operations in the state of Missouri are limited
63 exclusively to the commercial zone of a first class home rule municipality located
64 in a county with a population between eighty thousand and ninety-five thousand
65 inhabitants which has a portion of its corporate limits contiguous with a portion
66 of the boundary between the states of Missouri and Kansas, shall have a greater
67 weight than twenty-two thousand four hundred pounds on one axle, nor shall
68 exceed fifteen feet in height.

537.292. 1. Notwithstanding any other provision of law to the
2 contrary, the use of motor vehicles on a public street or highway in a
3 manner which is legal under state and local law shall not constitute a
4 public or private nuisance, and shall not be the basis of a civil action
5 for public or private nuisance.

6 2. No individual or business entity shall be subject to any civil
7 action in law or equity for a public or private nuisance on the basis of

8 such individual or business entity legally using motor vehicles on a
9 public street or highway. Any actions by a court in this state to enjoin
10 the use of a public street or highway in violation of this section and
11 any damages awarded or imposed by a court, or assessed by a jury,
12 against an individual or business entity for public or private nuisance
13 in violation of this section shall be null and void.

14 3. Notwithstanding any other provision of law to the contrary,
15 nothing in this section shall be construed to limit civil liability for
16 compensatory damages arising from physical injury to another human
17 being.

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Bill

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