

SECOND REGULAR SESSION

SENATE BILL NO. 805

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time February 16, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5880S.011

AN ACT

To repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to fines for failing to yield the right-of-way, 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Section A. Section 304.351, RSMo, is repealed and one new section
2 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
2 the right-of-way to a vehicle which has entered the intersection from a different
3 highway, provided, however, there is no form of traffic control at such
4 intersection.

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

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

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

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

19 or more entrances to such intersection.

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

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

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

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

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

47 7. The state highways and transportation commission or local authorities
48 with respect to roads under their respective jurisdictions, on any section where
49 construction or major maintenance operations are being effected, may fix a speed
50 limit in such areas by posting of appropriate signs, and the operation of a motor
51 vehicle in excess of such speed limit in the area so posted shall be deemed prima
52 facie evidence of careless and imprudent driving and a violation of section
53 304.010.

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

56 9. In addition to the penalty specified in subsection 8 of this section, any
57 person who pleads guilty to or is found guilty of a violation of this section in
58 which the offender is found to have caused physical injury, there shall be
59 assessed a penalty of up to [two hundred] **one thousand** dollars, **but no less**
60 **than five hundred dollars**. The court [may] **shall** issue an order of
61 suspension of such person's driving privilege for a period of thirty days.

62 10. In addition to the penalty specified in subsection 8 of this section, any
63 person who pleads guilty to or is found guilty of a violation of this section in
64 which the offender is found to have caused serious physical injury, there shall be
65 assessed a penalty of up to [five hundred] **three thousand** dollars, **but no less**
66 **than one thousand dollars**. The court [may] **shall** issue an order of
67 suspension of such person's driving privilege for a period of ninety days.

68 11. In addition to the penalty specified in subsection 8 of this section, any
69 person who pleads guilty to or is found guilty of a violation of this section in
70 which the offender is found to have caused a fatality, there shall be assessed a
71 penalty of up to [one] **ten thousand** dollars, **but no less than five thousand**
72 **dollars**. The court [may] **shall** issue an order of suspension of such person's
73 driving privilege for a period of **up to one year, but no less than** six
74 months. **Such person shall also be required to participate in and**
75 **successfully complete a driver-improvement program approved by the**
76 **director of the department of revenue**.

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

80 13. For any court-ordered suspension under subsection 9, 10, or 11 of this
81 section, the director of the department shall impose such suspension as set forth
82 in the court order. The order of suspension shall include the name of the
83 offender, the offender's driver's license number, Social Security number, and the
84 effective date of the suspension. Any appeal of a suspension imposed under
85 subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
86 and subject to review by the presiding judge of the circuit court or another judge
87 within the circuit other than the judge who issued the original order to suspend
88 the driver's license. The director of revenue's entry of the court-ordered

89 suspension on the driving record is not a decision subject to review under section
90 302.311. Any suspension of the driver's license ordered by the court under this
91 section shall be in addition to any other suspension that may occur as a result of
92 the conviction under other provisions of law.

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Unofficial

Bill

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