

FIRST REGULAR SESSION

# SENATE BILL NO. 423

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 9, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1958S.011

## AN ACT

To repeal section 304.010, RSMo, and to enact in lieu thereof one new section relating to speed limits, with an existing penalty provision.

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

Section A. Section 304.010, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 304.010, to read as follows:

304.010. 1. As used in this section, the following terms mean:

2 (1) "Expressway", a divided highway of at least ten miles in length with  
3 four or more lanes which is not part of the federal interstate system of highways  
4 which has crossovers or accesses from streets, roads or other highways at the  
5 same grade level as such divided highway;

6 (2) "Freeway", a limited access divided highway of at least ten miles in  
7 length with four or more lanes which is not part of the federal interstate system  
8 of highways which does not have any crossovers or accesses from streets, roads  
9 or other highways at the same grade level as such divided highway within such  
10 ten miles of divided highway;

11 (3) "Rural interstate", that part of the federal interstate highway system  
12 that is not located in an urban area;

13 (4) "Urbanized area", an area of fifty thousand population at a density at  
14 or greater than one thousand persons per square mile.

15 2. Except as otherwise provided in this section, the uniform maximum  
16 speed limits are and no vehicle shall be operated in excess of the speed limits  
17 established pursuant to this section:

18 (1) Upon the rural interstates and freeways of this state, seventy miles  
19 per hour;

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

20 (2) Upon the rural expressways of this state, sixty-five miles per hour;

21 (3) Upon the interstate highways, freeways or expressways within the  
22 urbanized areas of this state, sixty miles per hour;

23 (4) All other roads and highways in this state not located in an urbanized  
24 area and not provided for in subdivisions (1) to (3) of this subsection, [sixty]  
25 **forty-five** miles per hour;

26 (5) All other roads provided for in subdivision (4) of this subsection shall  
27 not include any state two-lane road which is identified by letter. Such lettered  
28 roads shall not exceed [fifty-five] **forty-five** miles per hour unless set at a higher  
29 speed as established by the department of transportation, except that no speed  
30 limit shall be set higher than sixty miles per hour;

31 (6) For the purposes of enforcing the speed limit laws of this state, it is  
32 a rebuttable presumption that the posted speed limit is the legal speed limit.

33 3. On any state road or highway where the speed limit is not set pursuant  
34 to a local ordinance, the highways and transportation commission may set a speed  
35 limit higher or lower than the uniform maximum speed limit provided in  
36 subsection 2 of this section, if a higher or lower speed limit is recommended by  
37 the department of transportation. The department of public safety, where it  
38 believes for safety reasons, or to expedite the flow of traffic a higher or lower  
39 speed limit is warranted, may request the department of transportation to raise  
40 or lower such speed limit, except that no speed limit shall be set higher than  
41 seventy miles per hour.

42 4. Notwithstanding the provisions of section 304.120 or any other  
43 provision of law to the contrary, cities, towns and villages may regulate the speed  
44 of vehicles on state roads and highways within such cities', towns' or villages'  
45 corporate limits by ordinance with the approval of the state highways and  
46 transportation commission. Any reduction of speed in cities, towns or villages  
47 shall be designed to expedite the flow of traffic on such state roads and highways  
48 to the extent consistent with public safety. The commission may declare any  
49 ordinance void if it finds that such ordinance is:

50 (1) Not primarily designed to expedite traffic flow; and

51 (2) Primarily designed to produce revenue for the city, town or village  
52 which enacted such ordinance. If an ordinance is declared void, the city, town or  
53 village shall have any future proposed ordinance approved by the highways and  
54 transportation commission before such ordinance may take effect.

55 5. The county commission of any county of the second, third or fourth

56 classification may set the speed limit or the weight limit or both the speed limit  
57 and the weight limit on roads or bridges on any county, township or road district  
58 road in the county and, with the approval of the state highways and  
59 transportation commission, on any state road or highway not within the limits of  
60 any incorporated city, town or village, lower than the uniform maximum speed  
61 limit as provided in subsection 2 of this section where the condition of the road  
62 or the nature of the area requires a lower speed. The maximum speed limit set  
63 by the county commission of any county of the second, third, or fourth  
64 classification for any road under the commission's jurisdiction shall not exceed  
65 fifty-five miles per hour if such road is properly marked by signs indicating such  
66 speed limit. If the county commission does not mark the roads with signs  
67 indicating the speed limit, the speed limit shall be ~~[fifty]~~ **forty-five** miles per  
68 hour. The commission shall send copies of any order establishing a speed limit  
69 or weight limit on roads and bridges on a county, township or road district road  
70 in the county to the chief engineer of the state department of transportation, the  
71 superintendent of the state highway patrol and to any township or road district  
72 maintaining roads in the county. After the roads have been properly marked by  
73 signs indicating the speed limits and weight limits set by the county commission,  
74 the speed limits and weight limits shall be of the same effect as the speed limits  
75 provided for in subsection 1 of this section and shall be enforced by the state  
76 highway patrol and the county sheriff as if such speed limits and weight limits  
77 were established by state law.

78         6. The county commission of any county of the second, third, or fourth  
79 classification may by ordinance set a countywide speed limit on roads within  
80 unincorporated areas of any county, township, or road district in the county and  
81 may establish reasonable speed regulations for motor vehicles within the limit of  
82 such county. No person who is not a resident of such county and who has not  
83 been within the limits thereof for a continuous period of more than forty-eight  
84 hours shall be convicted of a violation of such ordinances, unless it is shown by  
85 competent evidence that there was posted at the place where the boundary of  
86 such county road enters the county a sign displaying in black letters not less than  
87 four inches high and one inch wide on a white background the speed fixed by such  
88 county so that such signs may be clearly seen by operators and drivers from their  
89 vehicles upon entering such county. The commission shall send copies of any  
90 order establishing a countywide speed limit on a county, township, or road  
91 district road in the county to the chief engineer of the Missouri department of

92 transportation, the superintendent of the state highway patrol, and to any  
93 township or road district maintaining roads in the county. After the boundaries  
94 of the county roads entering the county have been properly marked by signs  
95 indicating the speed limits set by the county commission, the speed limits shall  
96 be of the same effect as the speed limits provided for in subsection 1 of this  
97 section and shall be enforced by the state highway patrol and the county sheriff  
98 as if such speed limits were established by state law.

99           7. All road signs indicating speed limits or weight limits shall be uniform  
100 in size, shape, lettering and coloring and shall conform to standards established  
101 by the department of transportation.

102           8. The provisions of this section shall not be construed to alter any speed  
103 limit set below fifty-five miles per hour by any ordinance of any county, city, town  
104 or village of the state adopted before March 13, 1996.

105           9. The speed limits established pursuant to this section shall not apply  
106 to the operation of any emergency vehicle as defined in section 304.022.

107           10. A violation of the provisions of this section shall not be construed to  
108 relieve the parties in any civil action on any claim or counterclaim from the  
109 burden of proving negligence or contributory negligence as the proximate cause  
110 of any accident or as the defense to a negligence action.

111           11. Any person violating the provisions of this section is guilty of a class  
112 C misdemeanor, unless such person was exceeding the posted speed limit by  
113 twenty miles per hour or more then it is a class B misdemeanor.

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