

FIRST REGULAR SESSION

# SENATE BILL NO. 162

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

1215S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 302.025 and 304.015, RSMo, and to enact in lieu thereof three new sections relating to the use of passing lanes, with penalty provisions.

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

Section A. Sections 302.025 and 304.015, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 227.294, 302.025, and 304.015, to read as  
4 follows:

227.294. 1. The department of transportation shall  
2 erect and maintain along the highways of this state signs  
3 that are clearly visible from the highway and which state  
4 substantially the following message: "Warning: Minimum  
5 \$100/\$500 fine for improper use of a passing lane".

6 2. Locations for the signs shall include freeway  
7 primary highways, as defined in section 226.510, and other  
8 major highways, with specific locations to be determined by  
9 the department of transportation.

302.025. 1. All driver training programs offered  
2 within this state shall include instruction concerning law  
3 enforcement procedures for traffic stops, including a  
4 demonstration of the proper actions to be taken during a  
5 traffic stop and appropriate interactions with law  
6 enforcement. Such programs shall also present enrollees  
7 with the information provided by the department of revenue  
8 pursuant to section 302.176.

9           **2. All driver training programs offered within this**  
10 **state shall include instruction concerning the use of**  
11 **passing lanes as specified in subsection 6 of section**  
12 **304.015.**

13           3. As used in this section, "driver training programs"  
14 shall include private drivers' education programs and driver  
15 training programs taught by an instructor holding a valid  
16 driver education endorsement on a teaching certificate  
17 issued by the state department of elementary and secondary  
18 education.

          304.015. 1. All vehicles not in motion shall be  
2 placed with their right side as near the right-hand side of  
3 the highway as practicable, except on streets of  
4 municipalities where vehicles are obliged to move in one  
5 direction only or parking of motor vehicles is regulated by  
6 ordinance.

7           2. Upon all public roads or highways of sufficient  
8 width a vehicle shall be driven upon the right half of the  
9 roadway, except as follows:

10           (1) When overtaking and passing another vehicle  
11 proceeding in the same direction pursuant to the rules  
12 governing such movement;

13           (2) When placing a vehicle in position for and when  
14 such vehicle is lawfully making a left turn in compliance  
15 with the provisions of sections 304.014 to 304.025 or  
16 traffic regulations thereunder or of municipalities;

17           (3) When the right half of a roadway is closed to  
18 traffic while under construction or repair;

19           (4) Upon a roadway designated by local ordinance as a  
20 one-way street and marked or signed for one-way traffic.

21           3. It is unlawful to drive any vehicle upon any  
22 highway or road which has been divided into two or more

23 roadways by means of a physical barrier or by means of a  
24 dividing section or delineated by curbs, lines or other  
25 markings on the roadway, except to the right of such barrier  
26 or dividing section, or to make any left turn or  
27 semicircular or U-turn on any such divided highway, except  
28 at an intersection or interchange or at any signed location  
29 designated by the state highways and transportation  
30 commission or the department of transportation. The  
31 provisions of this subsection shall not apply to emergency  
32 vehicles, law enforcement vehicles or to vehicles owned by  
33 the commission or the department.

34 4. The authorities in charge of any highway or the  
35 state highway patrol may erect signs temporarily designating  
36 lanes to be used by traffic moving in a particular  
37 direction, regardless of the center line of the highway, and  
38 all members of the Missouri highway patrol and other peace  
39 officers may direct traffic in conformance with such signs.  
40 When authorized signs have been erected designating off-  
41 center traffic lanes, no person shall disobey the  
42 instructions given by such signs.

43 5. Whenever any roadway has been divided into three or  
44 more clearly marked lanes for traffic, the following rules  
45 in addition to all others consistent herewith shall apply:

46 (1) A vehicle shall be driven as nearly as practicable  
47 entirely within a single lane and shall not be moved from  
48 such lane until the driver has first ascertained that such  
49 movement can be made with safety;

50 (2) Upon a roadway which is divided into three lanes a  
51 vehicle shall not be driven in the center lane, except when  
52 overtaking and passing another vehicle where the roadway  
53 ahead is clearly visible and such center lane is clear of  
54 traffic within a safe distance, or in preparation for a left

55 turn or where such center lane is at the time allocated  
56 exclusively to traffic moving in the direction the vehicle  
57 is proceeding and is sign-posted to give notice of such  
58 allocation;

59 (3) Upon all highways any vehicle proceeding at less  
60 than the normal speed of traffic thereon shall be driven in  
61 the right-hand lane for traffic or as close as practicable  
62 to the right-hand edge or curb, except as otherwise provided  
63 in sections 304.014 to 304.025;

64 (4) Official signs may be erected by the highways and  
65 transportation commission or the highway patrol may place  
66 temporary signs directing slow-moving traffic to use a  
67 designated lane or allocating specified lanes to traffic  
68 moving in the same direction and drivers of vehicles shall  
69 obey the directions of every such sign;

70 (5) Drivers of vehicles proceeding in opposite  
71 directions shall pass each other to the right, and except  
72 when a roadway has been divided into traffic lanes, each  
73 driver shall give to the other at least one-half of the main  
74 traveled portion of the roadway whenever possible.

75 6. All vehicles in motion upon a highway having two or  
76 more lanes of traffic proceeding in the same direction shall  
77 be driven in the right-hand lane except when overtaking and  
78 passing another vehicle or when preparing to make a proper  
79 left turn or when otherwise directed by traffic markings,  
80 signs or signals.

81 (1) **Notwithstanding any provision of law to the**  
82 **contrary, the operator of a vehicle in violation of this**  
83 **section shall be issued a written warning for a first**  
84 **alleged violation of this subsection in order to inform the**  
85 **operator of the requirements of this subsection. Warnings**  
86 **issued under this subsection shall be included in the**

87 driver's record accessible by the Missouri uniform law  
88 enforcement system (MULES). Operation of a motor vehicle in  
89 violation of this subsection after receiving a written  
90 warning shall be punished by a fine of at least one hundred  
91 dollars in addition to other penalties that may be specified  
92 by law. Subsequent violations of this subsection shall be  
93 punished by a fine of at least five hundred dollars in  
94 addition to other penalties that may be specified by law.

95 (2) The Missouri state highway patrol shall  
96 specifically instruct members of the patrol with regard to  
97 this subsection, and shall enforce the provisions of this  
98 subsection to reduce the incidence of motor vehicles  
99 operating in the passing lane while not passing or  
100 overtaking another vehicle.

101 7. All trucks registered for a gross weight of more  
102 than forty-eight thousand pounds shall not be driven in the  
103 far left-hand lane upon all interstate highways, freeways,  
104 or expressways within urbanized areas of the state having  
105 three or more lanes of traffic proceeding in the same  
106 direction. This restriction shall not apply when:

107 (1) It is necessary for the operator of the truck to  
108 follow traffic control devices that direct use of a lane  
109 other than the right lane; or

110 (2) The right half of a roadway is closed to traffic  
111 while under construction or repair.

112 8. As used in subsection 7 of this section, "truck"  
113 means any vehicle, machine, tractor, trailer, or  
114 semitrailer, or any combination thereof, propelled or drawn  
115 by mechanical power and designed for or used in the  
116 transportation of property upon the highways. The term  
117 "truck" also includes a commercial motor vehicle as defined  
118 in section 301.010.

119           9. Violation of this section shall be deemed a class C  
120 misdemeanor unless such violation causes an immediate threat  
121 of an accident, in which case such violation shall be deemed  
122 a class B misdemeanor, or unless an accident results from  
123 such violation, in which case such violation shall be deemed  
124 a class A misdemeanor.

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