

FIRST REGULAR SESSION

# HOUSE BILL NO. 295

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY (127).

0924H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 304.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.010, to read as follows: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

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

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

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

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

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

(1) Upon the rural interstates and freeways of this state, [seventy] **seventy-five** miles per hour;

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

20 (4) All other roads and highways in this state not located in an urbanized area and not  
21 provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

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

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

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

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

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

44 (2) Primarily designed to produce revenue for the city, town or village which enacted  
45 such ordinance.

46 If an ordinance is declared void, the city, town or village shall have any future proposed  
47 ordinance approved by the highways and transportation commission before such ordinance may  
48 take effect.

49 5. The county commission of any county of the second, third or fourth classification may  
50 set the speed limit or the weight limit or both the speed limit and the weight limit on roads or  
51 bridges on any county, township or road district road in the county and, with the approval of the  
52 state highways and transportation commission, on any state road or highway not within the limits  
53 of any incorporated city, town or village, lower than the uniform maximum speed limit as

54 provided in subsection 2 of this section where the condition of the road or the nature of the area  
55 requires a lower speed. The maximum speed limit set by the county commission of any county  
56 of the second, third, or fourth classification for any road under the commission's jurisdiction shall  
57 not exceed fifty-five miles per hour if such road is properly marked by signs indicating such  
58 speed limit. If the county commission does not mark the roads with signs indicating the speed  
59 limit, the speed limit shall be fifty miles per hour. The commission shall send copies of any  
60 order establishing a speed limit or weight limit on roads and bridges on a county, township or  
61 road district road in the county to the chief engineer of the state department of transportation, the  
62 superintendent of the state highway patrol and to any township or road district maintaining roads  
63 in the county. After the roads have been properly marked by signs indicating the speed limits  
64 and weight limits set by the county commission, the speed limits and weight limits shall be of  
65 the same effect as the speed limits provided for in subsection 1 of this section and shall be  
66 enforced by the state highway patrol and the county sheriff as if such speed limits and weight  
67 limits were established by state law.

68         6. The county commission of any county of the second, third, or fourth classification may  
69 by ordinance set a countywide speed limit on roads within unincorporated areas of any county,  
70 township, or road district in the county and may establish reasonable speed regulations for motor  
71 vehicles within the limit of such county. No person who is not a resident of such county and who  
72 has not been within the limits thereof for a continuous period of more than forty-eight hours shall  
73 be convicted of a violation of such ordinances, unless it is shown by competent evidence that  
74 there was posted at the place where the boundary of such county road enters the county a sign  
75 displaying in black letters not less than four inches high and one inch wide on a white  
76 background the speed fixed by such county so that such signs may be clearly seen by operators  
77 and drivers from their vehicles upon entering such county. The commission shall send copies  
78 of any order establishing a countywide speed limit on a county, township, or road district road  
79 in the county to the chief engineer of the Missouri department of transportation, the  
80 superintendent of the state highway patrol, and to any township or road district maintaining roads  
81 in the county. After the boundaries of the county roads entering the county have been properly  
82 marked by signs indicating the speed limits set by the county commission, the speed limits shall  
83 be of the same effect as the speed limits provided for in subsection 1 of this section and shall be  
84 enforced by the state highway patrol and the county sheriff as if such speed limits were  
85 established by state law.

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

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

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

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

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

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