

FIRST REGULAR SESSION

# SENATE BILL NO. 277

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 15, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1416S.011

## AN ACT

To repeal section 304.120, RSMo, and to enact in lieu thereof two 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Section A. Section 304.120, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 304.120 and 537.292, to read as  
3 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;

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.**

**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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