

SECOND REGULAR SESSION

# SENATE BILL NO. 766

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed December 4, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4187S.011

## AN ACT

To repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of certain motor vehicles on the shoulder of the roadway, with existing penalty provisions.

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

Section A. Section 304.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.015, to read as follows:

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

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

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

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

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

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

**(5) Motorcycles, motortricycles, and motorized bicycles as such term is defined in section 307.180, may operate on the shoulder of state limited access highways and interstate highways when traffic has slowed to below thirty miles per hour. Motorcycles, motortricycles, and**

20 **motorized bicycles operated on a shoulder shall not exceed the lesser**  
21 **of thirty-five miles per hour or ten miles per hour in excess of the flow**  
22 **of traffic. This subdivision shall not be construed to permit operation**  
23 **of a motor vehicle in excess of a posted speed limit.**

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

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

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

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

47             (2) Upon a roadway which is divided into three lanes a vehicle shall not  
48 be driven in the center lane, except when overtaking and passing another vehicle  
49 where the roadway ahead is clearly visible and such center lane is clear of traffic  
50 within a safe distance, or in preparation for a left turn or where such center lane  
51 is at the time allocated exclusively to traffic moving in the direction the vehicle  
52 is proceeding and is sign-posted to give notice of such allocation;

53             (3) Upon all highways any vehicle proceeding at less than the normal  
54 speed of traffic thereon shall be driven in the right-hand lane for traffic or as  
55 close as practicable to the right-hand edge or curb, except as otherwise provided

56 in sections 304.014 to 304.025;

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

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

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

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

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

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

80 8. As used in subsection 7 of this section, "truck" means any vehicle,  
81 machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or  
82 drawn by mechanical power and designed for or used in the transportation of  
83 property upon the highways. The term "truck" also includes a commercial motor  
84 vehicle as defined in section 301.010.

85 9. Violation of this section shall be deemed a class C misdemeanor unless  
86 such violation causes an immediate threat of an accident, in which case such  
87 violation shall be deemed a class B misdemeanor, or unless an accident results  
88 from such violation, in which case such violation shall be deemed a class A  
89 misdemeanor.