

SECOND REGULAR SESSION

SENATE BILL NO. 1253

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5517S.011

AN ACT

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

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Section A. Section 304.010, RSMo, is repealed and one new section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;

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 miles
25 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 miles per hour unless set at a higher speed as
29 established by the department of transportation, except that no speed limit shall
30 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.

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

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

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

83 6. The county commission of any county of the second, third, or fourth
84 classification may by ordinance set a countywide speed limit on roads within
85 unincorporated areas of any county, township, or road district in the county and
86 may establish reasonable speed regulations for motor vehicles within the limit of
87 such county. No person who is not a resident of such county and who has not
88 been within the limits thereof for a continuous period of more than forty-eight
89 hours shall be convicted of a violation of such ordinances, unless it is shown by
90 competent evidence that there was posted at the place where the boundary of
91 such county road enters the county a sign displaying in black letters not less than
92 four inches high and one inch wide on a white background the speed fixed by such

93 county so that such signs may be clearly seen by operators and drivers from their
94 vehicles upon entering such county. The commission shall send copies of any
95 order establishing a countywide speed limit on a county, township, or road
96 district road in the county to the chief engineer of the Missouri department of
97 transportation, the superintendent of the state highway patrol, and to any
98 township or road district maintaining roads in the county. After the boundaries
99 of the county roads entering the county have been properly marked by signs
100 indicating the speed limits set by the county commission, the speed limits shall
101 be of the same effect as the speed limits provided for in subsection 1 of this
102 section and shall be enforced by the state highway patrol and the county sheriff
103 as if such speed limits were established by state law.

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

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

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

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

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

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