

FIRST REGULAR SESSION

HOUSE BILL NO. 721

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER.

1669H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 300.010, 300.411, 304.678, 307.180, 307.185, 307.190, and 307.193, RSMo, and to enact in lieu thereof ten new sections relating to bicyclists, with penalty provisions.

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

Section A. Sections 300.010, 300.411, 304.678, 307.180, 307.185, 307.190, and 307.193, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 300.010, 300.411, 304.595, 304.678, 304.679, 304.681, 307.180, 307.185, 307.190, and 307.193, to read as follows:

300.010. The following words and phrases when used in this ordinance mean:

- (1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;
- (2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;
- (3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;
- (4) "Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and

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.

14 public buildings which occupy at least three hundred feet of frontage on one side or three
15 hundred feet collectively on both sides of the highway;

16 (5) "Central business (or traffic) district", all streets and portions of streets within the
17 area described by city ordinance as such;

18 (6) "Commercial vehicle", every vehicle designed, maintained, or used primarily for the
19 transportation of property;

20 (7) "Controlled access highway", every highway, street or roadway in respect to which
21 owners or occupants of abutting lands and other persons have no legal right of access to or from
22 the same except at such points only and in such manner as may be determined by the public
23 authority having jurisdiction over the highway, street or roadway;

24 (8) "Crosswalk",

25 (a) That part of a roadway at an intersection included within the connections of the
26 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the
27 absence of curbs from the edges of the traversable roadway;

28 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for
29 pedestrian crossing by lines or other markings on the surface;

30 (9) "Curb loading zone", a space adjacent to a curb reserved for the exclusive use of
31 vehicles during the loading or unloading of passengers or materials;

32 (10) "Driver", every person who drives or is in actual physical control of a vehicle;

33 (11) "Freight curb loading zone", a space adjacent to a curb for the exclusive use of
34 vehicles during the loading or unloading of freight (or passengers);

35 (12) "Highway", the entire width between the boundary lines of every way publicly
36 maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

37 (13) "Intersection",

38 (a) The area embraced within the prolongation or connection of the lateral curb lines, or,
39 if none, then the lateral boundary lines of the roadways of two highways which join one another
40 at, or approximately at, right angles, or the area within which vehicles traveling upon different
41 highways joining at any other angle may come in conflict;

42 (b) Where a highway includes two roadways thirty feet or more apart, then every
43 crossing of each roadway of such divided highway by an intersecting highway shall be regarded
44 as a separate intersection. In the event such intersecting highway also includes two roadways
45 thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded
46 as a separate intersection;

47 (14) "Laned roadway", a roadway which is divided into two or more clearly marked lanes
48 for vehicular traffic;

49 (15) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
50 except farm tractors and motorized bicycles;

51 (16) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider
52 and designed to travel on not more than three wheels in contact with the ground, but excluding
53 a tractor;

54 (17) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
55 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
56 produces less than three gross brake horsepower, and is capable of propelling the device at a
57 maximum speed of not more than thirty miles per hour on level ground;

58 (18) "Official time standard", whenever certain hours are named herein they shall mean
59 standard time or daylight-saving time as may be in current use in the city;

60 (19) "Official traffic control devices", all signs, signals, markings and devices not
61 inconsistent with this ordinance placed or erected by authority of a public body or official having
62 jurisdiction, for the purpose of regulating, warning or guiding traffic;

63 (20) "Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise
64 than temporarily for the purpose of and while actually engaged in loading or unloading
65 merchandise or passengers;

66 (21) "Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive
67 use of vehicles during the loading or unloading of passengers;

68 (22) "Pedestrian", any person [afoot] **who is:**

69 **(a) On foot;**

70 **(b) Using any means of conveyance propelled by human power other than a bicycle;**

71 **(c) Using an electric personal assistive mobility device, as defined in section 307.205;**

72 **or**

73 **(d) Operating a self-propelled wheelchair, motorized wheelchair, motorized tricycle,**
74 **or motorized quadricycle to act as a pedestrian and, by reason of physical disability, is**
75 **otherwise restricted in movement or is unable to move about on foot;**

76 (23) "Person", every natural person, firm, copartnership, association or corporation;

77 (24) "Police officer", every officer of the municipal police department or any officer
78 authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

79 (25) "Private road" or "driveway", every way or place in private ownership and used for
80 vehicular travel by the owner and those having express or implied permission from the owner,
81 but not by other persons;

82 (26) "Railroad", a carrier of persons or property upon cars, other than streetcars, operated
83 upon stationary rails;

84 (27) "Railroad train", a steam engine, electric or other motor, with or without cars
85 coupled thereto, operated upon rails, except streetcars;

86 (28) "Residence district", the territory contiguous to and including a highway not
87 comprising a business district when the property on such highway for a distance of three hundred
88 feet or more is in the main improved with residences or residences and buildings in use for
89 business;

90 (29) "Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner
91 in preference to another vehicle or pedestrian approaching under such circumstances of direction,
92 speed and proximity as to give rise to danger of collision unless one grants precedence to the
93 other;

94 (30) "Roadway", that portion of a highway improved, designed or ordinarily used for
95 vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more
96 separate roadways the term "roadway" as used herein shall refer to any such roadway separately
97 but not to all such roadways collectively;

98 (31) "Safety zone", the area or space officially set apart within a roadway for the
99 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate
100 signs as to be plainly visible at all times while set apart as a safety zone;

101 (32) "Sidewalk", that portion of a street between the curb lines, or the lateral lines of a
102 roadway, and the adjacent property lines, intended for use of pedestrians;

103 (33) "Stand" or "standing", the halting of a vehicle, whether occupied or not, otherwise
104 than for the purpose of and while actually engaged in receiving or discharging passengers;

105 (34) "Stop", when required, complete cessation from movement;

106 (35) "Stop" or "stopping", when prohibited, any halting even momentarily of a vehicle,
107 whether occupied or not, except when necessary to avoid conflict with other traffic or in
108 compliance with the directions of a police officer or traffic control sign or signal;

109 (36) "Street" or "highway", the entire width between the lines of every way publicly
110 maintained when any part thereof is open to the uses of the public for purposes of vehicular
111 travel. "State highway", a highway maintained by the state of Missouri as a part of the state
112 highway system;

113 (37) "Through highway", every highway or portion thereof on which vehicular traffic is
114 given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting
115 highways is required by law to yield rights-of-way to vehicles on such through highway in
116 obedience to either a stop sign or a yield sign, when such signs are erected as provided in this
117 ordinance;

118 (38) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other
119 conveyances either singly or together while using any highway for purposes of travel;

120 (39) "Traffic control signal", any device, whether manually, electrically or mechanically
121 operated, by which traffic is alternately directed to stop and to proceed;

122 (40) "Traffic division", the traffic division of the police department of the city, or in the
123 event a traffic division is not established, then said term whenever used herein shall be deemed
124 to refer to the police department of the city;

125 (41) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
126 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
127 or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs
128 operated by handicapped persons.

300.411. [The operator of a motor vehicle overtaking] **Upon approaching a bicycle**
2 **proceeding in the same direction on the roadway, as defined in section 300.010, or on the**
3 **shoulder of the roadway; or a pedestrian on or near the roadway, the operator of a motor**
4 **vehicle shall:**

5 (1) Leave a safe distance when passing the bicycle, and shall maintain clearance until
6 safely past the overtaken bicycle **or pedestrian;**

7 (2) **Make a lane change, if possible with due regard to safety and traffic conditions,**
8 **into the next available lane until safely past the overtaken bicycle or pedestrian to facilitate**
9 **a safe pass and to leave a safe distance between the motor vehicle and the bicycle or**
10 **pedestrian; and**

11 (3) **In no case leave less than four feet between the motor vehicle and the bicycle or**
12 **pedestrian at any time during the passing maneuver.**

304.595. 1. Any person who operates a motor vehicle in a careless or distracted
2 **manner and causes serious physical injury or death to a vulnerable road user shall be**
3 **guilty of the crime of injuring a vulnerable road user.**

4 **2. Any person issued a citation under this section shall be required to attend a**
5 **hearing regarding the citation before the appropriate court.**

6 **3. Any person who violates the provisions of this section shall be required to:**

7 (1) **Pay a monetary penalty not to exceed two thousand dollars;**

8 (2) **Serve a time not to exceed thirty days in a city or county jail;**

9 (3) **Participate in a motor vehicle accident prevention course; or**

10 (4) **Perform community service for a number of hours to be determined by the**
11 **court; and**

12 (5) **Have his or her driving privileges suspended for a period of no less than six**
13 **months.**

14 **4. For the purposes of this section, the term “vulnerable road user” shall include:**

15 **(1) A pedestrian, including those persons actually engaged in work upon a highway,**
16 **work upon utility facilities along a highway, or the administration of emergency services**
17 **within the right-of-way;**

18 **(2) A person lawfully riding an animal; or**

19 **(3) A person lawfully operating a bicycle, piece of farm equipment, skateboard,**
20 **scooter, moped, motorcycle, horse-drawn carriage, wheelchair, or an electric personal**
21 **assistive mobility device or who is wearing roller or in-line skates.**

 304.678. 1. [The operator of a motor vehicle overtaking] **(1) Upon approaching a**
2 **bicycle proceeding in the same direction on the roadway, as defined in section 300.010, or on**
3 **the shoulder of the roadway; or a pedestrian on or near the roadway, the operator of a**
4 **motor vehicle shall leave a safe distance, when passing the bicycle, and shall maintain clearance**
5 **until safely past the overtaken bicycle or pedestrian;**

6 **(2) Make a lane change, if possible with due regard to safety and traffic conditions,**
7 **into the next available lane until safely past the overtaken bicycle or pedestrian to facilitate**
8 **a safe pass and to leave a safe distance between the motor vehicle and the bicycle or**
9 **pedestrian; and**

10 **(3) In no case leave less than four feet between the motor vehicle and the bicycle or**
11 **pedestrian at any time during the passing maneuver.**

12 2. Any person who violates the provisions of this section is guilty of an infraction unless
13 **the person intentionally violates the provisions of this section or** an accident is involved in
14 which case it shall be a class C misdemeanor.

 304.679. As used in this chapter, chapter 302, and chapter 307, the term
2 **“pedestrian” shall mean a person who is:**

3 **(1) On foot;**

4 **(2) Using any means of conveyance propelled by human power other than a bicycle;**

5 **(3) Using an electric personal assistive mobility device, as defined in section 307.205;**

6 **(4) Operating a self-propelled wheelchair, motorized wheelchair, motorized tricycle,**
7 **or motorized quadricycle to act as a pedestrian and, by reason of physical disability, is**
8 **otherwise restricted in movement or is unable to move about on foot.**

 304.681. 1. No person shall:

2 **(1) Knowingly frighten, disturb, or injure a person by throwing or dropping any**
3 **substance or object at or in the direction of a vehicle or any occupant thereof, a bicycle or**
4 **any rider or passenger thereof, or a pedestrian;**

5 **(2) Threaten any pedestrian, person operating a bicycle, or a passenger on a bicycle**
6 **for the purpose of frightening, disturbing, or injuring that person;**

7 (3) **Sound a horn, shout, or otherwise direct sound toward any pedestrian, person**
 8 **operating a bicycle, or a passenger on a bicycle for the purpose of frightening, disturbing,**
 9 **or injuring that person;**

10 (4) **Knowingly place any pedestrian, person operating a bicycle, or a passenger on**
 11 **a bicycle in apprehension of immediate physical injury; or**

12 (5) **Knowingly engage in conduct that creates a risk of death or serious physical**
 13 **injury to any pedestrian, person operating a bicycle, or a passenger on a bicycle.**

14 **2. For the purposes of this section, the term "bicycle" shall be defined as that term**
 15 **is defined in section 307.180.**

16 **3. Any person who violates the provisions of this section is guilty of a class C**
 17 **misdemeanor unless the violation results in property damage or injury in which case it**
 18 **shall be a class A misdemeanor.**

307.180. As used in [sections 307.180 to 307.193] **chapters 304 and 307:**

2 (1) The word "bicycle" shall mean every vehicle propelled solely by [human power upon
 3 which any person may ride, having two tandem wheels, or two parallel wheels and one or two
 4 forward or rear wheels, all of which are more than fourteen inches in diameter, except scooters
 5 and similar devices] **pedals, operated by one or more persons, and having two or more**
 6 **wheels, except devices primarily intended for children six years of age or younger;**

7 (2) The term "motorized bicycle" shall mean any two- or three-wheeled device having
 8 an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
 9 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
 10 the device at a maximum speed of not more than thirty miles per hour on level ground. A
 11 motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or
 12 renters' insurance policy.

307.185. Every bicycle and motorized bicycle when in use on a street or highway during
 2 the period from one-half hour after sunset to one-half hour before sunrise **and at any other time**
 3 **when there is insufficient light to render clearly discernible persons and vehicles on the**
 4 **highway at a distance of five hundred feet** shall be equipped with the following:

5 (1) A front-facing lamp on the front or carried by the rider which shall emit a white light
 6 visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at
 7 five hundred feet. **A generator powered lamp, which emits light only when the bicycle is**
 8 **moving, may be used to meet the front-facing lamp requirement of this subdivision;**

9 (2) A rear-facing **red or amber** reflector **on the rear or carried by the rider**, at least
 10 two square inches in reflective surface area, [or a rear-facing red lamp, on the rear] which shall
 11 be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway
 12 when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet;

13 (3) [Reflective material and/or lights on any part of the bicyclist's pedals, crank arms,
14 shoes or lower leg, visible from the front and the rear at night under normal atmospheric
15 conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the
16 lawful lower beams of vehicle headlights at two hundred feet; and

17 (4) Reflective material and/or lights visible on each side of the bicycle or bicyclist and
18 visible at night under normal atmospheric conditions on a straight, level, unlighted roadway
19 when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three
20 hundred feet. The provisions of this subdivision shall not apply to motorized bicycles which
21 comply with National Highway Traffic and Safety Administration regulations relating to
22 reflectors on motorized bicycles] **A rear-facing lamp, on the rear or carried by the rider,
23 emitting a steady or flashing red or amber light visible from a distance of at least six
24 hundred feet to the rear; or**

25 (4) **With lamps or reflectors on the bicycle, motorized bicycle, or its rider in addition
26 to those required by subsections (1), (2), or (3) of this section and may be equipped with
27 high visibility materials, paint, clothing, flags, or fabrics. Any such lamps may be steady
28 or flashing.**

 307.190. 1. Every person operating a bicycle or motorized bicycle [at less than the
2 posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the
3 right side of the roadway as safe, exercising due care when passing a standing vehicle or one
4 proceeding in the same direction, except when making a left turn, when avoiding hazardous
5 conditions, when the lane is too narrow to share with another vehicle, or when on a one-way
6 street. Bicyclists may ride abreast when not impeding other vehicles] **may ride:**

7 **(1) In the center of the right lane of travel;**

8 **(2) To the right side of the roadway;**

9 **(3) In the shoulder adjacent to the roadway; or**

10 **(4) In accordance with subsection 2 of section 307.190.**

11 2. Every person operating a bicycle or motorized bicycle on a roadway or a
12 shoulder adjacent to a roadway shall exercise due care when:

13 **(1) Passing a stopped vehicle or one proceeding in the same direction;**

14 **(2) Making turns;**

15 **(3) Streets or lanes are too narrow to share with motor vehicles;**

16 **(4) Avoiding hazardous conditions; or**

17 **(5) Traveling at a speed similar to the posted speed limit or similar to the speed of
18 other nearby traffic upon a street or highway.**

19

20 **Persons in such situations may use any lane or part of the roadway reasonably required**
21 **in those situations while exercising due care and operating in accordance with the rights**
22 **and duties applicable to the driver of a vehicle as specified under section 307.188.**

23 **3. A bicycle operated on a roadway or on the shoulder adjacent to a roadway shall**
24 **be operated in the same direction as vehicles are required to be driven upon the roadway.**

25 **4. Bicyclists may ride abreast within their allowed lane of travel or if on the**
26 **shoulder adjacent to the roadway.**

27 **5. For purposes of this section, the term “roadway” shall mean that portion of a**
28 **street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.**

307.193. **1.** Any person seventeen years of age or older who violates any provision of
2 sections 307.180 to 307.193 is guilty of an infraction and, upon conviction thereof, shall be
3 punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an
4 infraction does not constitute a crime and conviction shall not give rise to any disability or legal
5 disadvantage based on conviction of a criminal offense.

6 **2.** If any person under seventeen years of age violates any provision of sections 307.180
7 to 307.193 in the presence of a peace officer possessing the duty and power of arrest for violation
8 of the general criminal laws of the state or for violation of ordinances of counties or
9 municipalities of the state, said officer may impound the bicycle or motorized bicycle involved
10 for a period not to exceed five days upon issuance of a receipt to the child riding it or to its
11 owner.

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