

MODIFICATIONS TO TRAFFIC SAFETY LAWS 2006 LEGISLATIVE SESSION

These are only synopses of changes included in Senate Bills 872 and 1001;
statutes should always be reviewed in their entirety.

All changes (in red) become effective August 28, 2006 unless otherwise noted.

RSMo 302.130 & 302.178: Graduated Drivers License Law

- **Instruction Permit**
 - 1) Eligible at age 15;
 - 2) If under 16 years of age, must be accompanied in the front seat by a parent/stepparent, legal guardian, grandparent, or driving instructor.
 - 3) If at least 16 years of age, must be accompanied in the front seat by a person at least 21 who has a valid license.
- **Intermediate License**
 - 1) Eligible at the age of 16 to 18;
 - 2) **Effective January 1, 2007**, an applicant for an Intermediate License must have completed **40 hours of supervised driving (ten hours of which must have been at night)** during their Instruction Permit stage;
 - 3) A curfew exists between the hours of 1 a.m. and 5 a.m. where no driving alone is allowed except:
 - to and from a school activity, a job, or in an emergency; or
 - when accompanied in the front seat by a licensed driver at least 21 years of age.
 - 4) Seat belts are required for driver and all passengers.
 - 5) **Passenger restrictions:**
 - **First 6 months limited to one passenger under 19 who is not a member of their immediate family;**
 - **After expiration of first 6 months, limited to three passengers under 19 who are not members of their immediate family.**
- **Under 21 Full License**
 - 1) Pass the vision and road sign recognition tests;
 - 2) Do not need to pass the written and driving tests if already completed;
 - 3) Had no suspension, revocation or denial of Intermediate License; and
 - 4) No alcohol related offenses or traffic convictions within last twelve months.

RSMo 304.022: Move Over for Emergency Vehicles (“Move Over Law”)

Relates to approaching a stationary emergency vehicle and the requirement to proceed with caution. **This section increases the penalty from a Class B misdemeanor to a Class A misdemeanor for failing to move over for an emergency vehicle.**

RSMo 304.070: Enhanced Penalties for drivers who fail to stop for school buses that are loading or unloading children

- **If the violation results in injury to a child, the offense is a Class D felony;**
- **If the violation results in death to a child, the offense is a Class C felony.**

RSMo 304.351: Failure to Yield (Clutch’s Law)

- **Imposes an additional penalty and driver's license suspension on anyone failing to yield the right-of-way if the violation results in physical injury, serious physical injury, or death to a person (effective date of January 1, 2007).**

RSMo 304.580: Work Zone Safety

- A highway worker is defined to include workers for MoDOT, contractors and subcontractors;
- Increased penalties will be assessed for moving violations in work zones, where signs are posted, as follows:
 - 1) 1st offense—additional \$35 fine;
 - 2) 2nd or subsequent offense—additional \$75 fine;
 - 3) 1st offense speeding if worker was present—additional \$250 fine;
 - 4) 2nd or subsequent offense speeding if worker was present—additional \$300 fine;
- Work zone signs will indicate that the minimum \$250 fine applies only when workers are present;
- Creates the offense of “**endangerment of a highway worker.**” Persons guilty of this offense shall have 4 points assessed against their driver’s license and be fined not more than \$1,000. The elements of the offense include:
 - 1) Motorists who exceed the speed limit by more than 15 m.p.h.;
 - 2) Passing in violation of Section 304.585 RSMo;
 - 3) Failing to stop for a flag man or obey traffic control devices;
 - 4) Driving through or around a work zone;
 - 5) Physically assaulting, attempting to assault or threatening to assault a highway worker in a construction zone or work zone with a motor vehicle or other instrument;
 - 6) Intentionally striking, moving, or altering barrels, barriers, etc.; or
 - 7) Committing other traffic violations under 302.302 RSMo
- Creates the offense of “**aggravated endangerment of a highway worker.**” The specific offense includes:
 - 1) Motorists who are convicted of, or plea guilty to, any of the specific traffic offenses listed above for “endangerment of a highway worker” and who injure a highway worker as a result of the offense shall have 12 points assessed against their driver’s license (which results in an automatic one-year revocation) and a fine of not more than \$5,000.
 - 2) When death occurs to a highway worker as a result of the offense, twelve points shall be assessed against the driver’s license (which also results in an automatic one-year revocation of license) and a fine of not more than \$10,000.Exception: if the offense occurs as a result of mechanical failure of the vehicle.

RSMo 307.178: Safety Belts

Safety belts are required to be worn by drivers of passenger cars and their front seat passengers who are sixteen years of age and older. Effective August 28, 2006, both the driver **and passengers** who violate the seat belt provisions can be found guilty of an infraction and fined up to ten dollars. Previous law provided for only the **driver** to be subject to the penalty.

Exceptions:

- 1) Drivers transporting children under 16 must comply with the child passenger restraint law per RSMo 307.182;
- 2) Drivers operating under a Graduated Drivers License must assure they and all their passengers are properly restrained in a safety belt or child safety seat regardless of whether their passengers are riding in the front or back seat.

RSMo 307.182 (previously in 210.104): Each driver transporting a child less than 16 years old must secure the child in a proper restraint

Child Safety Seats

Children under the age of four must be secured in a child passenger restraint system bearing a label indicating the restraint meets Federal Motor Vehicle Safety Standards of the USDOT.

Booster Seats

Effective August 28, 2006, Missouri law will require children to be transported in a booster seat if they:

- weigh at least forty pounds, regardless of their age, or
- are at least four years of age but less than eight years; or
- weigh at least forty pounds but less than eighty pounds; or
- are less than 4 feet 9 inches tall.

If there is no combination lap and shoulder belt to accommodate a booster seat, then the child otherwise required to ride in a booster seat may be transported in the back seat with only a lap belt.

When there are more children in the driver's immediate family than available seating positions, their children who are not able to be restrained using a child safety restraint device must sit in the back seat.

Safety Belts

Children at least 80 pounds or more than 4 feet 9 inches tall shall be secured in a safety belt or booster seat appropriate for that child.

NOTE: The National Highway Traffic Safety Administration recommends that **children under 12 years always ride in the back seat.**

RSMo 577.020 & 577.021: BAC or Chemical Tests—Implied Consent (Alan Woods Law)

- A person is deemed to have given consent to a chemical test of their blood, breath, saliva or urine to determine alcohol or drug content if they were involved in a motor vehicle crash resulting in death **or serious physical injury, or** they have been placed under arrest for their violation (as evidenced by issuance of a uniform traffic ticket).
- Limits the type of information that must be provided to the person who was subjected to the chemical test to:
 - 1) type of test administered and procedure followed; time of collection of the sample;
 - 2) numerical results of test indicating the blood alcohol content;
 - 3) type and status of any permit held by the person performing the test;
 - 4) date of the most recent maintenance performance on the breath test instrument.
- Clarifies that "full information" regarding the test **does not include:**
 - 1) Manuals, schematics or software of the instrument used to test the person;
 - 2) Other materials not in possession of the state.
- Law enforcement officers are directed to conduct chemical tests to motorists suspected of driving a motor vehicle involved in a collision that resulted in a fatality or serious physical injury.