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2008 legislative priorities: Traffic infractions that injure or kill

Issue

When unsafe drivers injure or kill others on the road, including bicyclists and pedestrians, current law allows prosecutors to bring charges for:

1. trivial traffic infractions, or
2. serious (but difficult-to-prove) felony charges

We propose doing what several other states have done: create an intermediate step. It is one thing roll through a stop sign--another to blow through a stop sign and injure or kill someone.

This is more serious than a traffic infraction but (assuming there was no intent to injure or kill) is less serious than a felony.

Solution

We propose creating a new offense that will apply to those who operate vehicles in violation of traffic law, when that violation leads to injury or death.

The penalties would be intermediate between a traffic infraction and a felony and mostly centered around getting these dangerous drivers off the road and changing future driving behavior.

Possible legislative language

- 304.679. 1. A person is guilty of operation of a vehicle causing physical injury when, in the course of driving or operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county or municipal or federal traffic ordinance or regulation, the person's driving or operation of the motor vehicle causes physical injury to another person.
2. A person is guilty of operation of a vehicle causing serious physical injury when, in the course of driving or operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county or municipal or federal traffic ordinance or regulation, the person's driving or operation of the vehicle causes serious physical injury to another person.
3. A person is guilty of operation of a vehicle causing death when, in the course of driving or operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county municipal or federal traffic ordinance or regulation, the person's driving or operation of the vehicle causes the death of another person.
4. For purposes of this section, physical injury and serious injury shall be as defined in subdivisions (20) and (28) of section 556.061, RSMo, respectively.

For More Information

To learn more, contact Missouri Bicycle Federation Executive Director Brent Hugh, 816-695-6736 or director@mobikefed.org