

MOTOR VEHICLES:  
ROADWAYS:  
PLACE OF DRIVING:

A motorist who operates a motor vehicle upon a one-way roadway in such a manner as to endanger the life or property of others may be prosecuted therefor.



January 31, 1956

Colonel Hugh H. Waggoner  
Superintendent  
Missouri State Highway Patrol  
Jefferson City, Mo.

Dear Sir:

Your recent request for an official opinion reads:

"We have received the following letter from Captain L. B. Howard, Commanding Officer of Troop I at Rolla, Missouri:

"U. S. Highway 66, through the greater part of Troop I area, is a "highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway..." Quotation from Chapter 304.015, paragraph 4, 1953 Supplement to R. S. Mo. 1949.

"There is apparently no section of our present Traffic and Equipment Regulations which requires a driver to keep as far to the right side of the right hand roadway of a dual highway as practicable. One case charging careless and imprudent driving by weaving from side to side of the roadway has been acquitted. Quite recently, a driver, by weaving from side to side of the roadway, caused an accident resulting in the serious injury of another driver who was attempting to pass, properly, after signalling with his horn, as required. Neither driver was intoxicated.

"Local magistrates and prosecuting attorneys feel that some means of prosecuting a 'weaving' driver should be found and are anxious to cooperate.'

"It is respectfully requested that you furnish us with an official opinion regarding the inquiry from Captain Howard as stated above."

Colonel Hugh H. Waggoner

All references to statutes will be to the Missouri Revised Statutes 1949, unless otherwise indicated.

Section 304.015 (Missouri Revised Statutes, Cumulative Supplement 1953) reads in part as follows:

(Paragraph 2, subparagraph 4) "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:

"(4) Upon a roadway designated by markings or signs for one-way traffic."

From the above, as you deduce, it clearly appears that on a one-way roadway, there is no requirement that a motorist drive on the righthand side of the roadway. It appears indeed that the law has taken care to make quite clear that no such requirement exists.

In regard to a prosecution under the fact situation set forth by you, we direct attention to the following portion of Section 304.010:

"Every person operating a motor vehicle on the highways of this state shall drive the same in a careful and prudent manner, and shall exercise the highest degree of care \* \* \*."

We also direct attention to the following portion of Section 304.019, Missouri Revised Statutes, Cum Supp. 1953:

"No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving an appropriate signal in the manner provided herein."

We believe that an information drawn as above indicated would secure conviction, provided of course that the testimony adduced sustained the charge.

Colonel Hugh H. Waggoner

CONCLUSION

It is the opinion of this department that a motorist who operates a motor vehicle upon a one-way roadway in such a manner as to endanger the life or property of others may be prosecuted therefor.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Hugh P. Williamson.

Very truly yours,

John M. Dalton  
Attorney General

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