



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

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The Honorable Jim Lembke
State Senator, District 1
State Capitol, Room 428
Jefferson City, MO 65101

Dear Senator Lembke:

You have inquired concerning city or county ordinances that regulate the entry of vehicles into an intersection at a time when the traffic signal shows steady red in the direction from which the vehicle approached the intersection. You have asked whether such "red light ordinances," including those using cameras for enforcement, conflict with state statutes.

Attorney General Koster has asked me to respond to your request. In providing this response, we do not mean to suggest that we are giving you legal advice or otherwise treating you as a client of the Attorney General's Office. We merely wish to assist you in performing your official duties as a senator in the Missouri Legislature.


The general rule on traffic lights is found in § 304.281, RSMo 2000. That statute requires vehicles facing a steady red light to stop. § 304.281.1(3)(a), RSMo 2000. Another statute allows first class counties to enact, by order or ordinance, regulations regarding signal lights, if those regulations are not inconsistent with state law. § 304.130.1, RSMo Cum. Supp. 2009. Municipalities are allowed to pass ordinances making additional traffic regulations, including requiring vehicles to stop, but those ordinances are invalid if they conflict with Chapter 304. § 304.120, RSMo 2000. *See also* § 71.010, RSMo 2000 (generally, municipal corporations must only pass ordinances in conformity with state law on the same subject).

Although these municipalities and counties are only allowed to enact red light ordinances that do not conflict with the state red light law, this does not mean that a

municipality's ordinance must be identical to it. *Kansas City v. LaRose*, 524 S.W.2d 112, 117 (Mo. banc 1975). A statute and ordinance conflict only if they are so inconsistent and irreconcilable that the statute annuls the ordinance. *City of Kansas City v. Carlson*, 292 S.W.3d 368, 371 (Mo. App. W.D. 2009). A red light ordinance does not necessarily conflict with state statute even if the ordinance prohibits more than the statute. *See id.*, *Kansas City v. LaRose*, 524 S.W.2d at 116-18. Further, state law is silent on the use of cameras to enforce red light ordinances, so an otherwise valid red light ordinance would not conflict with state law merely because it provides for enforcement by camera.

Section 302.225.1, RSMo Cum. Supp. 2009, does address reporting traffic offenses – which would include qualifying “red light” violations – to the Director of Revenue. This state law obliges municipal courts to report to the Director a record of any plea or finding of guilt for any moving traffic violation, whether that moving violation was prohibited by state law or by county or municipal ordinance. *Id.* Where an ordinance contains nothing to prevent a municipal court from making any required reports of moving violations, the ordinance could not conflict with this section.

Very truly yours,



JAMES R. LAYTON
Solicitor General