

FILED
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August 4, 1969

OPINION LETTER NO. 142
Answered by letter-Park

Robert L. Hyder, Esq.
Chief Counsel
Missouri State Highway Commission
Jefferson City, Missouri

Dear Mr. Hyder:

This will acknowledge receipt of your letter dated February 13, 1969, requesting our advice as to whether paragraph 4, of Section 304.021, RSMo 1959, requires a motorist to obey the command of a stop sign posted by the State Highway Commission at the entrance of public roads and minor routes into through highways.

Subdivision 4 of Section 304.021, RSMo 1959, provides as follows:

"The driver of any vehicle shall stop as required by this section at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection on the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard. The state highway commission may erect stop signs at the entrance of any public road into a through highway."

It is evident the legislature intended to authorize the State Highway Commission to control traffic at intersections of public roads and through highways by use of stop signs. This is expressly provided in the last sentence of paragraph 4, i.e.,

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"The state highway commission may erect stop signs at the entrance of any public road into a through highway." This should be read in conjunction with the preliminary language of the paragraph which states "The driver of any vehicle shall stop as required by this section at the entrance to a through highway * * * ." Subdivision 1 of Section 304.021, RSMo, provides as follows:

"The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection."

A stop sign is a form of traffic control. Creech v. Blackwell, 298 S.W.2d 394 (Supreme Court of Missouri 1957). In this case the court in construing Section 304.021, subdivision 1, RSMo 1949, said in part, " * * * we must conclude that the stop sign was a form of traffic control * * * ." As indicated before, we believe subdivision 1 should be considered in construing subdivision 4. Furthermore, we feel that a construction of this section of the statute which has the effect of making the erection of stop signs by the State Highway Commission meaningless is not justified.

Accordingly, it is our opinion that this statute does require a driver of any vehicle to stop at the entrance to a through highway where the State Highway Commission has caused a stop sign to be erected.

Letter Opinion of Attorney General to Colonel Hugh H. Wagginer, Superintendent, Missouri State Highway Patrol, dated March 30, 1955, is hereby withdrawn.

Very truly yours,

JOHN C. DANFORTH
Attorney General