

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 872,
754 & 669**

93RD GENERAL ASSEMBLY

2006

3937L.06T

AN ACT

To repeal sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 304.580, 307.178, 565.024, 565.060, 577.020, and 577.021, RSMo, and to enact in lieu thereof fourteen new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, children, and other motorists, with penalty provisions and an effective date for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 304.580, 307.178, 565.024, 565.060, 577.020, and 577.021, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 210.106, 302.302, 304.022, 304.070, 304.351, 304.580, 304.582, 304.585, 307.178, 307.182, 565.024, 565.060, 577.020, and 577.021, to read as follows:

210.106. In no event shall failure to employ a child passenger restraint system required by section [210.104] **307.182, RSMo**, provide the basis for a claim of civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child; nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil action.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 3 a conviction or forfeiture of collateral. The initial point value is as follows:
- 4 (1) Any moving violation of a state law or
5 county or municipal or federal traffic ordinance or
6 regulation not listed in this section, other than a
7 violation of vehicle equipment provisions or a
8 court-ordered supervision as provided in
9 section 302.303 2 points
10 (except any violation of municipal stop sign
11 ordinance where no accident is involved 1 point)
- 12 (2) Speeding
13 In violation of a state law 3 points
14 In violation of a county or municipal ordinance 2 points
- 15 (3) Leaving the scene of an accident in
16 violation of section 577.060, RSMo 12 points
17 In violation of any county or municipal ordinance 6 points
- 18 (4) Careless and imprudent driving in
19 violation of subsection 4 of section 304.016, RSMo 4 points
20 In violation of a county or municipal ordinance 2 points
- 21 (5) Operating without a valid license in
22 violation of subdivision (1) or (2) of subsection 1
23 of section 302.020:
24 (a) For the first conviction 2 points
25 (b) For the second conviction 4 points
26 (c) For the third conviction 6 points
- 27 (6) Operating with a suspended or revoked
28 license prior to restoration of operating privileges 12 points
- 29 (7) Obtaining a license by misrepresentation 12 points
- 30 (8) For the first conviction of driving while
31 in an intoxicated condition or under the influence
32 of controlled substances or drugs 8 points
- 33 (9) For the second or subsequent conviction
34 of any of the following offenses however
35 combined: driving while in an intoxicated condition,
36 driving under the influence of controlled substances
37 or drugs or driving with a blood alcohol content of
38 eight-hundredths of one percent or more by weight 12 points

39 (10) For the first conviction for driving
40 with blood alcohol content eight-hundredths of
41 one percent or more by weight
42 In violation of state law 8 points
43 In violation of a county or municipal ordinance
44 or federal law or regulation 8 points

45 (11) Any felony involving the use of a
46 motor vehicle 12 points

47 (12) Knowingly permitting unlicensed
48 operator to operate a motor vehicle 4 points

49 (13) For a conviction for failure to maintain
50 financial responsibility pursuant to county
51 or municipal ordinance or pursuant to section
52 303.025, RSMo 4 points

53 **(14) Endangerment of a highway worker**
54 **in violation of section 304.585, RSMo 4 points**

55 **(15) Aggravated endangerment of a highway**
56 **worker in violation of section 304.585, RSMo 12 points**

57 2. The director shall, as provided in subdivision (5) of subsection 1 of this
58 section, assess an operator points for a conviction pursuant to subdivision (1) or
59 (2) of subsection 1 of section 302.020, when the director issues such operator a
60 license or permit pursuant to the provisions of sections 302.010 to 302.340.

61 3. An additional two points shall be assessed when personal injury or
62 property damage results from any violation listed in **subdivisions (1) to (13)**
63 **of** subsection 1 of this section and if found to be warranted and certified by the
64 reporting court.

65 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of
66 subsection 1 of this section constitutes both a violation of a state law and a
67 violation of a county or municipal ordinance, points may be assessed for either
68 violation but not for both. Notwithstanding that an offense arising out of the
69 same occurrence could be construed to be a violation of subdivisions (8), (9) and
70 (10) of subsection 1 of this section, no person shall be tried or convicted for more
71 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
72 section for offenses arising out of the same occurrence.

73 5. The director of revenue shall put into effect a system for staying the
74 assessment of points against an operator. The system shall provide that the

75 satisfactory completion of a driver-improvement program or, in the case of
76 violations committed while operating a motorcycle, a motorcycle-rider training
77 course approved by the [director of the department of public safety] **state**
78 **highways and transportation commission**, by an operator, when so ordered
79 and verified by any court having jurisdiction over any law of this state or county
80 or municipal ordinance, regulating motor vehicles, other than a violation
81 committed in a commercial motor vehicle as defined in section 302.700 or a
82 violation committed by an individual who has been issued a commercial driver's
83 license or is required to obtain a commercial driver's license in this state or any
84 other state, shall be accepted by the director in lieu of the assessment of points
85 for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section
86 or pursuant to subsection 3 of this section. For the purposes of this subsection,
87 the driver-improvement program shall meet or exceed the standards of the
88 National Safety Council's eight-hour "Defensive Driving Course" or, in the case
89 of a violation which occurred during the operation of a motorcycle, the program
90 shall meet the standards established by the [director of the department of public
91 safety] **state highways and transportation commission** pursuant to sections
92 302.133 to [302.138] **302.137**. The completion of a driver-improvement program
93 or a motorcycle-rider training course shall not be accepted in lieu of points more
94 than one time in any thirty-six-month period and shall be completed within sixty
95 days of the date of conviction in order to be accepted in lieu of the assessment of
96 points. Every court having jurisdiction pursuant to the provisions of this
97 subsection shall, within fifteen days after completion of the driver-improvement
98 program or motorcycle-rider training course by an operator, forward a record of
99 the completion to the director, all other provisions of the law to the contrary
100 notwithstanding. The director shall establish procedures for record keeping and
101 the administration of this subsection.

304.022. 1. Upon the immediate approach of an emergency vehicle giving
2 audible signal by siren or while having at least one lighted lamp exhibiting red
3 light visible under normal atmospheric conditions from a distance of five hundred
4 feet to the front of such vehicle or a flashing blue light authorized by section
5 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and
6 shall immediately drive to a position parallel to, and as far as possible to the
7 right of, the traveled portion of the highway and thereupon stop and remain in
8 such position until such emergency vehicle has passed, except when otherwise
9 directed by a police or traffic officer.

10 2. Upon approaching a stationary emergency vehicle displaying lighted
11 red or red and blue lights, the driver of every motor vehicle shall:

12 (1) Proceed with caution and yield the right-of-way, if possible with due
13 regard to safety and traffic conditions, by making a lane change into a lane not
14 adjacent to that of the stationary vehicle, if on a roadway having at least four
15 lanes with not less than two lanes proceeding in the same direction as the
16 approaching vehicle; or

17 (2) Proceed with due caution and reduce the speed of the vehicle,
18 maintaining a safe speed for road conditions, if changing lanes would be unsafe
19 or impossible.

20 3. The motorman of every streetcar shall immediately stop such car clear
21 of any intersection and keep it in such position until the emergency vehicle has
22 passed, except as otherwise directed by a police or traffic officer.

23 4. An "emergency vehicle" is a vehicle of any of the following types:

24 (1) A vehicle operated by the state highway patrol, the state water patrol,
25 the Missouri capitol police, or a state park ranger, those vehicles operated by
26 enforcement personnel of the state highways and transportation commission,
27 police or fire department, sheriff, constable or deputy sheriff, federal law
28 enforcement officer authorized to carry firearms and to make arrests for
29 violations of the laws of the United States, traffic officer or coroner or by a
30 privately owned emergency vehicle company;

31 (2) A vehicle operated as an ambulance or operated commercially for the
32 purpose of transporting emergency medical supplies or organs;

33 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
34 307.175, RSMo;

35 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public
36 utility or public service corporation while performing emergency service;

37 (5) Any vehicle transporting equipment designed to extricate human
38 beings from the wreckage of a motor vehicle;

39 (6) Any vehicle designated to perform emergency functions for a civil
40 defense or emergency management agency established pursuant to the provisions
41 of chapter 44, RSMo;

42 (7) Any vehicle operated by an authorized employee of the department of
43 corrections who, as part of the employee's official duties, is responding to a riot,
44 disturbance, hostage incident, escape or other critical situation where there is the
45 threat of serious physical injury or death, responding to mutual aid call from

46 another criminal justice agency, or in accompanying an ambulance which is
47 transporting an offender to a medical facility;

48 (8) Any vehicle designated to perform hazardous substance emergency
49 functions established pursuant to the provisions of sections 260.500 to 260.550,
50 RSMo.

51 5. (1) The driver of any vehicle referred to in subsection 4 of this section
52 shall not sound the siren thereon or have the front red lights or blue lights on
53 except when such vehicle is responding to an emergency call or when in pursuit
54 of an actual or suspected law violator, or when responding to, but not upon
55 returning from, a fire.

56 (2) The driver of an emergency vehicle may:

57 (a) Park or stand irrespective of the provisions of sections 304.014 to
58 ~~304.026~~ **304.025**;

59 (b) Proceed past a red or stop signal or stop sign, but only after slowing
60 down as may be necessary for safe operation;

61 (c) Exceed the prima facie speed limit so long as the driver does not
62 endanger life or property;

63 (d) Disregard regulations governing direction of movement or turning in
64 specified directions.

65 (3) The exemptions granted to an emergency vehicle pursuant to
66 subdivision (2) of this subsection shall apply only when the driver of any such
67 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
68 as may be reasonably necessary, and when the vehicle is equipped with at least
69 one lighted lamp displaying a red light or blue light visible under normal
70 atmospheric conditions from a distance of five hundred feet to the front of such
71 vehicle.

72 6. No person shall purchase an emergency light as described in this
73 section without furnishing the seller of such light an affidavit stating that the
74 light will be used exclusively for emergency vehicle purposes.

75 7. Violation of this section shall be deemed a class ~~[B]~~ **A** misdemeanor.

304.070. 1. Any person who violates any of the provisions of subsections
2 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition,
3 beginning July 1, 2005, the court may suspend the driver's license of any person
4 who violates the provision of subsection 1 of section 304.050. If ordered by the
5 court, the director shall suspend the driver's license for ninety days for a first
6 offense of subsection 1 of section 304.050, and one hundred twenty days for a

7 second or subsequent offense of subsection 1 of section 304.050. **Any person**
8 **who violates subsection 1 of section 304.050 where such violation**
9 **results in the injury of any child shall be guilty of a class D felony. Any**
10 **person who violates subsection 1 of section 304.050 where such**
11 **violation causes the death of any child shall be guilty of a class C**
12 **felony.**

13 2. Any appeal of a suspension imposed under subsection 1 of this section
14 shall be a direct appeal of the court order and subject to review by the presiding
15 judge of the circuit court or another judge within the circuit other than the judge
16 who issued the original order to suspend the driver's license. The director of
17 revenue's entry of the court-ordered suspension on the driving record is not a
18 decision subject to review pursuant to section 302.311, RSMo. Any suspension
19 of the driver's license ordered by the court under this section shall be in addition
20 to any other suspension that may occur as a result of the conviction pursuant to
21 other provisions of law.

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

5 2. When two vehicles enter an intersection from different highways at
6 approximately the same time, the driver of the vehicle on the left shall yield the
7 right-of-way to the driver of the vehicle on the right. This subsection shall not
8 apply to vehicles approaching each other from opposite directions when the driver
9 of one of such vehicles is attempting to or is making a left turn.

10 3. The driver of a vehicle within an intersection intending to turn to the
11 left shall yield the right-of-way to any vehicle approaching from the opposite
12 direction which is within the intersection or so close thereto as to constitute an
13 immediate hazard.

14 4. **(1)** The state highways and transportation commission with reference
15 to state highways and local authorities with reference to other highways under
16 their jurisdiction may designate through highways and erect stop signs or yield
17 signs at specified entrances thereto, or may designate any intersection as a stop
18 intersection or as a yield intersection and erect stop signs or yield signs at one
19 or more entrances to such intersection.

20 **[(1)] (2)** Preferential right-of-way at an intersection may be indicated by
21 stop signs or yield signs as authorized in this section:

22 (a) Except when directed to proceed by a police officer or traffic-control
23 signal, every driver of a vehicle approaching a stop intersection, indicated by a
24 stop sign, shall stop at a clearly marked stop line, but if none, before entering the
25 crosswalk on the near side of the intersection, or if none, then at the point
26 nearest the intersecting roadway where the driver has a view of approaching
27 traffic in the intersecting roadway before entering the intersection. After having
28 stopped, the driver shall yield the right-of-way to any vehicle which has entered
29 the intersection from another highway or which is approaching so closely on the
30 highway as to constitute an immediate hazard during the time when such driver
31 is moving across or within the intersection.

32 (b) The driver of a vehicle approaching a yield sign shall in obedience to
33 the sign slow down to a speed reasonable to the existing conditions and, if
34 required for safety to stop, shall stop at a clearly marked stop line, but if none,
35 then at the point nearest the intersecting roadway where the driver has a view
36 of approaching traffic on the intersecting roadway. After slowing or stopping the
37 driver shall yield the right-of-way to any vehicle in the intersection or
38 approaching on another highway so closely as to constitute an immediate hazard
39 during the time such traffic is moving across or within the intersection.

40 5. The driver of a vehicle about to enter or cross a highway from an alley,
41 building or any private road or driveway shall yield the right-of-way to all
42 vehicles approaching on the highway to be entered.

43 6. The driver of a vehicle intending to make a left turn into an alley,
44 private road or driveway shall yield the right-of-way to any vehicle approaching
45 from the opposite direction when the making of such left turn would create a
46 traffic hazard.

47 7. The state highways and transportation commission or local authorities
48 with respect to roads under their respective jurisdictions, on any section where
49 construction or major maintenance operations are being effected, may fix a speed
50 limit in such areas by posting of appropriate signs, and the operation of a motor
51 vehicle in excess of such speed limit in the area so posted shall be deemed prima
52 facie evidence of careless and imprudent driving and a violation of section
53 304.010.

54 8. Notwithstanding the provisions of section 304.361, violation of this
55 section shall be deemed a class C misdemeanor.

56 **9. In addition to the penalty specified in subsection 8 of this**
57 **section, any person who pleads guilty to or is found guilty of a violation**

58 of this section in which the offender is found to have caused physical
59 injury, there shall be assessed a penalty of up to two hundred
60 dollars. The court may issue an order of suspension of such person's
61 driving privilege for a period of thirty days.

62 10. In addition to the penalty specified in subsection 8 of this
63 section, any person who pleads guilty to or is found guilty of a violation
64 of this section in which the offender is found to have caused serious
65 physical injury, there shall be assessed a penalty of up to five hundred
66 dollars. The court may issue an order of suspension of such person's
67 driving privilege for a period of ninety days.

68 11. In addition to the penalty specified in subsection 8 of this
69 section, any person who pleads guilty to or is found guilty of a violation
70 of this section in which the offender is found to have caused a fatality,
71 there shall be assessed a penalty of up to one thousand dollars. The
72 court may issue an order of suspension of such person's driving
73 privilege for a period of six months.

74 12. As used in subsections 9 and 10 of this section, the terms
75 "physical injury" and "serious physical injury" shall have the meanings
76 ascribed to them in section 556.061, RSMo.

77 13. For any court-ordered suspension under subsection 9, 10, or
78 11 of this section, the director of the department shall impose such
79 suspension as set forth in the court order. The order of suspension
80 shall include the name of the offender, the offender's driver's license
81 number, social security number, and the effective date of the
82 suspension. Any appeal of a suspension imposed under subsection 9, 10,
83 or 11 of this section shall be a direct appeal of the court order and
84 subject to review by the presiding judge of the circuit court or another
85 judge within the circuit other than the judge who issued the original
86 order to suspend the driver's license. The director of revenue's entry
87 of the court-ordered suspension on the driving record is not a decision
88 subject to review under section 302.311, RSMo. Any suspension of the
89 driver's license ordered by the court under this section shall be in
90 addition to any other suspension that may occur as a result of the
91 conviction under other provisions of law.

304.580. [1.] As used in [this section] sections 304.582 and 304.585,
2 the term "construction zone" or "work zone" means any area upon or around any

3 highway as defined in section 302.010, RSMo, which is visibly marked by the
4 department of transportation or a contractor **or subcontractor** performing work
5 for the department of transportation as an area where construction, maintenance,
6 **incident removal**, or other work is temporarily occurring. The term "work
7 zone" or "construction zone" also includes the lanes of highway leading up to the
8 area upon which an activity described in this subsection is being performed,
9 beginning at the point where appropriate signs [directing motor vehicles to merge
10 from one lane into another lane] **or traffic control devices** are posted **or**
11 **placed. The terms "worker" or "highway worker" as used in sections**
12 **304.582 and 304.585 shall mean any person that is working in a**
13 **"construction zone" or "work zone", or any employee of the department**
14 **of transportation that is performing duties under the department's**
15 **motorist assist program on a state highway or the right-of-way of a**
16 **state highway.**

17 [2. Upon a conviction or a plea of guilty by any person for a moving
18 violation as defined in section 302.010, RSMo, or any offense listed in section
19 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to
20 any other fine authorized to be imposed by law, if the offense occurred within a
21 construction zone or a work zone.

22 3. Upon a conviction or plea of guilty by any person for a speeding
23 violation pursuant to either section 304.009 or 304.010, or a passing violation
24 pursuant to subsection 6 of this section, the court shall assess a fine of two
25 hundred fifty dollars in addition to any other fine authorized by law, if the offense
26 occurred within a construction zone or a work zone and at the time the speeding
27 or passing violation occurred there was any person in such zone who was there
28 to perform duties related to the reason for which the area was designated a
29 construction zone or work zone. However, no person assessed an additional fine
30 pursuant to this subsection shall also be assessed an additional fine pursuant to
31 subsection 2 of this section, and no person shall be assessed an additional fine
32 pursuant to this subsection if no signs have been posted pursuant to subsection
33 4 of this section.

34 4. The penalty authorized by subsection 3 of this section shall only be
35 assessed by the court if the department of transportation or contractor performing
36 work for the department of transportation has erected signs upon or around a
37 construction or work zone which are clearly visible from the highway and which
38 state substantially the following message: "Warning: \$250 fine for speeding or

39 passing in this work zone".

40 5. During any day in which no person is present in a construction zone or
41 work zone established pursuant to subsection 3 of this section to perform duties
42 related to the purpose of the zone, the sign warning of additional penalties shall
43 not be visible to motorists. During any period of two hours or more in which no
44 person is present in such zone on a day in which persons have been or will be
45 present to perform duties related to the reason for which the area was designated
46 as a construction zone or work zone, the sign warning of additional penalties
47 shall not be visible to motorists. The department of transportation or contractor
48 performing work for the department of transportation shall be responsible for
49 compliance with provisions of this subsection. Nothing in this subsection shall
50 prohibit warning or traffic control signs necessary for public safety in the
51 construction or work zone being visible to motorists at all times.

52 6. The driver of a motor vehicle may not overtake or pass another motor
53 vehicle within a work zone or construction zone. This subsection applies to a
54 construction zone or work zone located upon a highway divided into two or more
55 marked lanes for traffic moving in the same direction and for which motor
56 vehicles are instructed to merge from one lane into another lane by an
57 appropriate sign erected by the department of transportation or a contractor
58 performing work for the department of transportation. Violation of this
59 subsection is a class C misdemeanor.

60 7. This section shall not be construed to enhance the assessment of court
61 costs or the assessment of points pursuant to section 302.302, RSMo.]

**304.582. 1. Upon the first conviction or plea of guilty by any
2 person for a moving violation as defined in section 302.010, RSMo, or
3 any offense listed in section 302.302, RSMo, the court shall assess a fine
4 of thirty-five dollars in addition to any other fine authorized to be
5 imposed by law, if the offense occurred within a construction zone or
6 a work zone. Upon a second or subsequent such conviction or plea of
7 guilty, the court shall assess a fine of seventy-five dollars in addition
8 to any other fine authorized to be imposed by law.**

**9 2. Upon the first conviction or plea of guilty by any person for
10 a speeding violation under either section 304.009 or 304.010, or a
11 passing violation under subsection 4 of this section, the court shall
12 assess a fine of two hundred fifty dollars in addition to any other fine
13 authorized by law if the offense occurred within a construction zone or**

14 a work zone and at the time the speeding or passing violation occurred
15 there was any highway worker in such zone. Upon a second or
16 subsequent such conviction or plea of guilty, the court shall assess a
17 fine of three hundred dollars in addition to any other fine authorized
18 by law. However, no person assessed an additional fine under this
19 subsection shall also be assessed an additional fine under subsection
20 1 of this section, and no person shall be assessed an additional fine
21 under this subsection if no signs have been posted under subsection 3
22 of this section.

23 3. The penalty authorized by subsection 2 of this section shall
24 only be assessed by the court if the department of transportation or a
25 contractor or subcontractor performing work for the department of
26 transportation has erected signs upon or around a construction zone
27 or work zone which are clearly visible from the highway and which
28 state substantially the following message: "Warning: Minimum \$250
29 fine for speeding or passing in this work zone when workers are
30 present."

31 4. The driver of a motor vehicle may not overtake or pass
32 another motor vehicle within a work zone or construction zone as
33 provided in this subsection. Violation of this subsection is a class C
34 misdemeanor.

35 (1) This subsection applies to a construction zone or work zone
36 located upon a highway divided into two or more marked lanes for
37 traffic moving in the same direction and for which motor vehicles are
38 instructed to merge from one lane into another lane and not pass by
39 appropriate signs or traffic control devices erected by the department
40 of transportation or a contractor or subcontractor performing work for
41 the department of transportation.

42 (2) This subsection also prohibits the operator of a motor vehicle
43 from passing or attempting to pass another motor vehicle in a work
44 zone or construction zone located upon a two-lane highway when
45 highway workers or equipment are working and when appropriate
46 signs or traffic control devices have been erected by the department of
47 transportation or a contractor or subcontractor performing work for
48 the department of transportation.

49 5. The additional fines imposed by this section shall not be

50 construed to enhance the assessment of court costs or the assessment
51 of points under section 302.302, RSMo.

304.585. 1. A person shall be deemed to commit the offense of
2 "endangerment of a highway worker" upon conviction for any of the
3 following when the offense occurs within a "construction zone" or "work
4 zone", as defined in section 304.580:

5 (1) Exceeding the posted speed limit by fifteen miles per hour or
6 more;

7 (2) Passing in violation of subsection 4 of section 304.582;

8 (3) Failure to stop for a work zone flagman or failure to obey
9 traffic control devices erected in the construction zone or work zone
10 for purposes of controlling the flow of motor vehicles through the zone;

11 (4) Driving through or around a work zone by any lane not
12 clearly designated to motorists for the flow of traffic through or around
13 the work zone;

14 (5) Physically assaulting, or attempting to assault, or threatening
15 to assault a highway worker in a construction zone or work zone, with
16 a motor vehicle or other instrument;

17 (6) Intentionally striking, moving, or altering barrels, barriers,
18 signs, or other devices erected to control the flow of traffic to protect
19 workers and motorists in the work zone for a reason other than
20 avoidance of an obstacle, an emergency, or to protect the health and
21 safety of an occupant of the motor vehicle or of another person; or

22 (7) Committing any of the following offenses for which points
23 may be assessed under section 302.302, RSMo:

24 (a) Leaving the scene of an accident in violation of section
25 577.060, RSMo;

26 (b) Careless and imprudent driving in violation of subsection 4
27 of section 304.016;

28 (c) Operating without a valid license in violation of subdivision
29 (1) or (2) of subsection 1 of section 302.020, RSMo;

30 (d) Operating with a suspended or revoked license;

31 (e) Driving while in an intoxicated condition or under the
32 influence of controlled substances or drugs or driving with an excessive
33 blood alcohol content;

34 (f) Any felony involving the use of a motor vehicle.

35 **2. Upon conviction or a plea of guilty for committing the offense**
36 **of "endangerment of a highway worker" under subsection 1 of this**
37 **section if no injury or death to a highway worker resulted from the**
38 **offense, in addition to any other penalty authorized by law, the person**
39 **shall be subject to a fine of not more than one thousand dollars and**
40 **shall have four points assessed to his or her driver's license under**
41 **section 302.302, RSMo.**

42 **3. A person shall be deemed to commit the offense of "aggravated**
43 **endangerment of a highway worker" upon conviction or a plea of guilty**
44 **for any offense under subsection 1 of this section when such offense**
45 **occurs in a construction zone or work zone as defined in section 304.580**
46 **and results in the injury or death of a highway worker. Upon**
47 **conviction or a plea of guilty for committing the offense of aggravated**
48 **endangerment of a highway worker, in addition to any other penalty**
49 **authorized by law, the person shall be subject to a fine of not more than**
50 **five thousand dollars if the offense resulted in injury to a highway**
51 **worker and ten thousand dollars if the offense resulted in death to a**
52 **highway worker. In addition, such person shall have twelve points**
53 **assessed to their driver's license under section 302.302, RSMo, and shall**
54 **be subject to the provisions of section 302.304, RSMo, regarding the**
55 **revocation of the person's license and driving privileges.**

56 **4. Except for the offense established under subdivision (6) of**
57 **subsection 1 of this section, no person shall be deemed to commit the**
58 **offense of endangerment of a highway worker except when the act or**
59 **omission constituting the offense occurred when one or more highway**
60 **workers were in the construction zone or work zone.**

61 **5. No person shall be cited or convicted for endangerment of a**
62 **highway worker or aggravated endangerment of a highway worker, for**
63 **any act or omission otherwise constituting an offense under subsection**
64 **1 of this section, if such act or omission resulted in whole or in part**
65 **from mechanical failure of the person's vehicle or from the negligence**
66 **of another person or a highway worker.**

307.178. 1. As used in this section, the term "passenger car" means every
2 motor vehicle designed for carrying ten persons or less and used for the
3 transportation of persons; except that, the term "passenger car" shall not include
4 motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross

5 weight of twelve thousand pounds or more.

6 2. Each driver, except persons employed by the United States Postal
7 Service while performing duties for that federal agency which require the
8 operator to service postal boxes from their vehicles, or which require frequent
9 entry into and exit from their vehicles, and front seat passenger of a passenger
10 car manufactured after January 1, 1968, operated on a street or highway in this
11 state, and persons less than eighteen years of age operating or riding in a truck,
12 as defined in section 301.010, RSMo, on a street or highway of this state shall
13 wear a properly adjusted and fastened safety belt that meets federal National
14 Highway, Transportation and Safety Act requirements[; except that, a child less
15 than four years of age shall be protected as required in section 210.104, RSMo].
16 No person shall be stopped, inspected, or detained solely to determine compliance
17 with this subsection. The provisions of this section **and section 307.182** shall
18 not be applicable to persons who have a medical reason for failing to have a seat
19 belt fastened about their body, nor shall the provisions of this section be
20 applicable to persons while operating or riding a motor vehicle being used in
21 agricultural work-related activities. Noncompliance with this subsection shall not
22 constitute probable cause for violation of any other provision of law. **The**
23 **provisions of this subsection shall not apply to the transporting of**
24 **children under sixteen years of age, as provided in section 307.182.**

25 3. Each driver of a motor vehicle transporting a child [four years of age
26 or more, but] less than sixteen years of age[,] shall secure the child in a properly
27 adjusted and fastened [safety belt] **restraint under section 307.182.**

28 4. In any action to recover damages arising out of the ownership, common
29 maintenance or operation of a motor vehicle, failure to wear a safety belt in
30 violation of this section shall not be considered evidence of comparative
31 negligence. Failure to wear a safety belt in violation of this section may be
32 admitted to mitigate damages, but only under the following circumstances:

33 (1) Parties seeking to introduce evidence of the failure to wear a safety
34 belt in violation of this section must first introduce expert evidence proving that
35 a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

36 (2) If the evidence supports such a finding, the trier of fact may find that
37 the plaintiff's failure to wear a safety belt in violation of this section contributed
38 to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's
39 recovery by an amount not to exceed one percent of the damages awarded after
40 any reductions for comparative negligence.

41 5. **Except as otherwise provided for in section 307.182**, each
42 **[driver] person** who violates the provisions of subsection 2 [or 3] of this section
43 is guilty of an infraction for which a fine not to exceed ten dollars may be
44 imposed. All other provisions of law and court rules to the contrary
45 notwithstanding, no court costs shall be imposed on any person due to a violation
46 of this section. In no case shall points be assessed against any person, pursuant
47 to section 302.302, RSMo, for a violation of this section.

48 6. The **[department of public safety] state highways and**
49 **transportation commission** shall initiate and develop a program of public
50 information to develop understanding of, and ensure compliance with, the
51 provisions of this section. The **[department of public safety] commission** shall
52 evaluate the effectiveness of this section and shall include a report of its findings
53 in the annual evaluation report on its highway safety plan that it submits to
54 NHTSA and FHWA pursuant to 23 U.S.C. 402.

55 7. If there are more persons than there are seat belts in the enclosed area
56 of a motor vehicle, then the **[driver and passengers are not in violation of this**
57 **section.] passengers who are unable to wear seat belts shall sit in the**
58 **area behind the front seat of the motor vehicle unless the motor vehicle**
59 **is designed only for a front-seated area. The passenger or passengers**
60 **occupying a seat location referred to in this subsection is not in**
61 **violation of this section. This subsection shall not apply to passengers**
62 **who are accompanying a driver of a motor vehicle who is licensed**
63 **under section 302.178, RSMo.**

307.182. 1. As used in this section, the following terms shall
2 **mean:**

3 **(1) "Child booster seat", a seating system which meets the Federal**
4 **Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as**
5 **amended, that is designed to elevate a child to properly sit in a**
6 **federally approved safety belt system;**

7 **(2) "Child passenger restraint system", a seating system which**
8 **meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.**
9 **571.213, as amended, and which is either permanently affixed to a**
10 **motor vehicle or is affixed to such vehicle by a safety belt or a**
11 **universal attachment system;**

12 **(3) "Driver", a person who is in actual physical control of a motor**
13 **vehicle.**

14 **2. Every driver transporting a child under the age of sixteen**
15 **years shall be responsible, when transporting such child in a motor**
16 **vehicle operated by that driver on the streets or highways of this state,**
17 **for providing for the protection of such child as follows:**

18 **(1) Children less than four years of age, regardless of weight,**
19 **shall be secured in a child passenger restraint system appropriate for**
20 **that child;**

21 **(2) Children weighing less than forty pounds, regardless of age,**
22 **shall be secured in a child passenger restraint system appropriate for**
23 **that child;**

24 **(3) Children at least four years of age but less than eight years**
25 **of age, who also weigh at least forty pounds but less than eighty**
26 **pounds, and who are also less than four feet, nine inches tall, shall be**
27 **secured in a child passenger restraint system or booster seat**
28 **appropriate for that child;**

29 **(4) Children at least eighty pounds or children more than four**
30 **feet, nine inches in height shall be secured by a vehicle safety belt or**
31 **booster seat appropriate for that child.**

32 **(5) A child who otherwise would be required to be secured in a**
33 **booster seat may be transported in the back seat of a motor vehicle**
34 **while wearing only a lap belt if the back seat of the motor vehicle is not**
35 **equipped with a combination lap and shoulder belt for booster seat**
36 **installation.**

37 **(6) When transporting children in the immediate family when**
38 **there are more children than there are seating positions in the**
39 **enclosed area of a motor vehicle, the children who are not able to be**
40 **restrained by a child safety restraint device appropriate for the child**
41 **shall sit in the area behind the front seat of the motor vehicle unless**
42 **the motor vehicle is designed only for a front seat area. The driver**
43 **transporting children referred to in this subsection is not in violation**
44 **of this section.**

45 **This subsection shall only apply to the use of a child passenger**
46 **restraint system or vehicle safety belt for children less than sixteen**
47 **years of age being transported in a motor vehicle.**

48 **3. Any driver who violates subdivision (1), (2), or (3) of**
49 **subsection 2 of this section is guilty of an infraction and, upon**

50 conviction, may be punished by a fine of not more than fifty dollars and
51 court costs. Any driver who violates subdivision (4) of subsection 2 of
52 this section shall be subject to the penalty in subsection 5 of section
53 307.178. If a driver receives a citation for violating subdivision (1), (2),
54 or (3) of subsection 2 of this section, the charges shall be dismissed or
55 withdrawn if the driver prior to or at his or her hearing provides
56 evidence of acquisition of a child passenger restraint system or child
57 booster seat which is satisfactory to the court or the party responsible
58 for prosecuting the driver's citation.

59 4. The provisions of this section shall not apply to any public
60 carrier for hire. The provisions of this section shall not apply to
61 students four years of age or older who are passengers on a school bus
62 designed for carrying eleven passengers or more and which is
63 manufactured or equipped pursuant to Missouri Minimum Standards
64 for School Buses as school buses are defined in section 301.010, RSMo.

65 5. The highways and transportation commission shall initiate
66 and develop a program of public information to develop understanding
67 of, and ensure compliance with, the provisions of this section.

565.024. 1. A person commits the crime of involuntary manslaughter in
2 the first degree if he or she:

3 (1) Recklessly causes the death of another person; or

4 (2) While in an intoxicated condition operates a motor vehicle in this state
5 and, when so operating, acts with criminal negligence to cause the death of any
6 person; or

7 (3) While in an intoxicated condition operates a motor vehicle in this
8 state, and, when so operating, acts with criminal negligence to:

9 (a) Cause the death of any person not a passenger in the vehicle operated
10 by the defendant, including the death of an individual that results from the
11 defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or
12 the highway's right-of-way; or

13 (b) Cause the death of two or more persons; or

14 (c) Cause the death of any person while he or she has a blood alcohol
15 content of at least eighteen-hundredths of one percent by weight of alcohol in
16 such person's blood; or

17 (4) Operates a motor vehicle in violation of subsection 2 of
18 section 304.022, RSMo, and when so operating, acts with criminal

19 **negligence to cause the death of any person authorized to operate an**
20 **emergency vehicle, as defined in section 304.022, RSMo, while such**
21 **person is in the performance of official duties.**

22 2. Involuntary manslaughter in the first degree under subdivision (1) or
23 (2) of subsection 1 of this section is a class C felony. Involuntary manslaughter
24 in the first degree under subdivision (3) of subsection 1 of this section is a class
25 B felony. A second or subsequent violation of subdivision (3) of subsection 1 of
26 this section is a class A felony. For any violation of subdivision (3) of subsection
27 1 of this section, the minimum prison term which the defendant must serve shall
28 be eighty-five percent of his or her sentence. **Any violation of subdivision (4)**
29 **of subsection 1 of this section is a class B felony.**

30 3. A person commits the crime of involuntary manslaughter in the second
31 degree if he acts with criminal negligence to cause the death of any person.

32 4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree
2 if he:

3 (1) Attempts to kill or knowingly causes or attempts to cause serious
4 physical injury to another person under the influence of sudden passion arising
5 out of adequate cause; or

6 (2) Attempts to cause or knowingly causes physical injury to another
7 person by means of a deadly weapon or dangerous instrument; or

8 (3) Recklessly causes serious physical injury to another person; or

9 (4) While in an intoxicated condition or under the influence of controlled
10 substances or drugs, operates a motor vehicle in this state and, when so
11 operating, acts with criminal negligence to cause physical injury to any other
12 person than himself; or

13 (5) Recklessly causes physical injury to another person by means of
14 discharge of a firearm; or

15 **(6) Operates a motor vehicle in violation of subsection 2 of**
16 **section 304.022, RSMo, and when so operating, acts with criminal**
17 **negligence to cause physical injury to any person authorized to operate**
18 **an emergency vehicle, as defined in section 304.022, RSMo, while such**
19 **person is in the performance of official duties.**

20 2. The defendant shall have the burden of injecting the issue of influence
21 of sudden passion arising from adequate cause under subdivision (1) of subsection
22 1 of this section.

23 3. Assault in the second degree is a class C felony.

24 577.020. 1. **Sections 577.020 and 577.021 shall be known as the**
25 **Alan Woods Law.**

26 2. Any person who operates a motor vehicle upon the public highways of
27 this state shall be deemed to have given consent to, subject to the provisions of
28 sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood,
29 saliva or urine for the purpose of determining the alcohol or drug content of the
30 person's blood pursuant to the following circumstances:

31 (1) If the person is arrested for any offense arising out of acts which the
32 arresting officer had reasonable grounds to believe were committed while the
33 person was driving a motor vehicle while in an intoxicated or drugged condition;
34 or

35 (2) If the person is under the age of twenty-one, has been stopped by a law
enforcement officer, and the law enforcement officer has reasonable grounds to
believe that such person was driving a motor vehicle with a blood alcohol content
of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law
enforcement officer, and the law enforcement officer has reasonable grounds to
believe that such person has committed a violation of the traffic laws of the state,
or any political subdivision of the state, and such officer has reasonable grounds
to believe, after making such stop, that such person has a blood alcohol content
of two-hundredths of one percent or greater;

(4) If the person is under the age of twenty-one, has been stopped at a
sobriety checkpoint or roadblock and the law enforcement officer has reasonable
grounds to believe that such person has a blood alcohol content of two-hundredths
of one percent or greater;

(5) If the person, while operating a motor vehicle, has been involved in
a motor vehicle collision which resulted in a fatality or a readily apparent serious
physical injury as defined in section 565.002, RSMo, [and] or has been arrested
as evidenced by the issuance of a uniform traffic ticket for the violation of any
state law or county or municipal ordinance with the exception of equipment
violations contained in chapter 306, RSMo, or similar provisions contained in
county or municipal ordinances; or

(6) If the person, while operating a motor vehicle, has been involved in a
motor vehicle collision which resulted in a fatality or **serious physical injury**
as defined in section 565.002, RSMo.

36 The test shall be administered at the direction of the law enforcement officer
37 whenever the person has been arrested or stopped for any reason.

38 [2.] 3. The implied consent to submit to the chemical tests listed in
39 subsection [1] 2 of this section shall be limited to not more than two such tests
40 arising from the same arrest, incident or charge.

41 [3.] 4. Chemical analysis of the person's breath, blood, saliva, or urine
42 to be considered valid pursuant to the provisions of sections 577.020 to 577.041
43 shall be performed according to methods approved by the state department of
44 health and senior services by licensed medical personnel or by a person
45 possessing a valid permit issued by the state department of health and senior
46 services for this purpose.

47 [4.] 5. The state department of health and senior services shall approve
48 satisfactory techniques, devices, equipment, or methods to be considered valid
49 pursuant to the provisions of sections 577.020 to 577.041 and shall establish
50 standards to ascertain the qualifications and competence of individuals to conduct
51 analyses and to issue permits which shall be subject to termination or revocation
52 by the state department of health and senior services.

53 [5.] 6. The person tested may have a physician, or a qualified technician,
54 chemist, registered nurse, or other qualified person at the choosing and expense
55 of the person to be tested, administer a test in addition to any administered at
56 the direction of a law enforcement officer. The failure or inability to obtain an
57 additional test by a person shall not preclude the admission of evidence relating
58 to the test taken at the direction of a law enforcement officer.

59 [6.] 7. Upon the request of the person who is tested, full information
60 concerning the test shall be made available to such person. **Full information**
61 **is limited to the following:**

62 (1) **The type of test administered and the procedures followed;**

63 (2) **The time of the collection of the blood or breath sample or**
64 **urine analyzed;**

65 (3) **The numerical results of the test indicating the alcohol**
66 **content of the blood and breath and urine;**

67 (4) **The type and status of any permit which was held by the**
68 **person who performed the test;**

69 (5) **If the test was administered by means of a breath testing**
70 **instrument, the date of performance of the most recent required**
71 **maintenance of such instrument.**

72 **Full information does not include manuals, schematics, or software of**
73 **the instrument used to test the person or any other material that is not**
74 **in the actual possession of the state. Additionally, full information does**
75 **not include information in the possession of the manufacturer of the**
76 **test instrument.**

77 [7.] 8. Any person given a chemical test of the person's breath pursuant
78 to subsection [1] 2 of this section or a field sobriety test may be videotaped
79 during any such test at the direction of the law enforcement officer. Any such
80 video recording made during the chemical test pursuant to this subsection or a
81 field sobriety test shall be admissible as evidence at either any trial of such
82 person for either a violation of any state law or county or municipal ordinance,
83 or any license revocation or suspension proceeding pursuant to the provisions of
84 chapter 302, RSMo.

577.021. 1. Any state, county or municipal law enforcement officer who
2 has the power of arrest for violations of section 577.010 or 577.012 and who is
3 certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a
4 chemical test to any person suspected of operating a motor vehicle in violation of
5 section 577.010 or 577.012.

6 2. Any state, county, or municipal law enforcement officer who
7 has the power of arrest for violations of section 577.010 or 577.012 and
8 who is certified under chapter 590, RSMo, shall make all reasonable
9 efforts to administer a chemical test to any person suspected of driving
10 a motor vehicle involved in a collision which resulted in a fatality or
11 serious physical injury as defined in section 565.002, RSMo.

12 3. A test administered pursuant to this section shall be admissible as
13 evidence of probable cause to arrest and as exculpatory evidence, but shall not be
14 admissible as evidence of blood alcohol content. The provisions of section 577.020
15 shall not apply to a test administered prior to arrest pursuant to this section.

16 **The provisions changing chapter 577 are severable from this**
17 **legislation. The general assembly would have enacted the remainder**
18 **of this legislation without the changes made to chapter 577, and the**
19 **remainder of the legislation is not essentially and inseparably**
20 **connected with or dependent upon the changes to chapter 577.**

[210.104. 1. Every person transporting a child under the
2 age of four years shall be responsible, when transporting such child

3 in a motor vehicle operated by that person on the streets or
4 highways of this state, for providing for the protection of such
5 child. Such child shall be protected by a child passenger restraint
6 system approved by the department of public safety.

7 2. Any person who violates this section is guilty of an
8 infraction and, upon conviction, may be punished by a fine of not
9 more than twenty-five dollars and court costs.

10 3. The provisions of sections 210.104 to 210.107 shall not
11 apply to any public carrier for hire.]

[210.107. The department of public safety shall initiate and
2 develop a program of public information to develop understanding
3 of, and ensure compliance with the provisions of sections 210.104
4 to 210.107. The department of public safety shall, within thirty
5 days of September 28, 1983, promulgate standards for the
6 performance, design, and installation of passenger restraint
7 systems for children under four years of age in accordance with
8 federal motor vehicle safety standards and shall approve those
9 systems which meet such standards. No rule or portion of a rule
10 promulgated under the authority of sections 210.104 to 210.107
11 shall become effective unless it has been promulgated pursuant to
12 the provisions of section 536.024, RSMo.]

Section B. The repeal and reenactment of section 304.351 shall become
2 effective January 1, 2007.

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