

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

# SENATE BILL NO. 282

97TH GENERAL ASSEMBLY

2013

1480H.05T

---

---

## AN ACT

To repeal sections 174.700, 174.703, 174.706, 302.291, 302.302, 302.341, 307.075, and 544.157, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of motor vehicles, with penalty provisions.

---

---

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

Section A. Sections 174.700, 174.703, 174.706, 302.291, 302.302, 302.341, 2 307.075, and 544.157, RSMo, are repealed and fourteen new sections enacted in 3 lieu thereof, to be known as sections 174.700, 174.703, 174.706, 174.709, 174.712, 4 302.291, 302.302, 302.341, 304.152, 304.890, 304.892, 304.894, 307.075, and 5 544.157, to read as follows:

174.700. The board of regents or board of governors of any state college 2 or university may appoint and employ as many college or university police officers 3 as it may deem necessary to **enforce regulations established under section** 4 **174.709 and general motor vehicle laws of this state in accordance with** 5 **section 174.712**, protect persons, property, and to preserve peace and good order 6 only in the public buildings, properties, grounds, and other facilities and locations 7 over which it has charge or control and to respond to emergencies or natural 8 disasters outside of the boundaries of university property and provide services if 9 requested by the law enforcement agency with jurisdiction.

174.703. 1. The college or university police officers, before they enter 2 upon their duties, shall take and subscribe an oath of office before some officer 3 authorized to administer oaths, to faithfully and impartially discharge the duties 4 thereof, which oath shall be filed in the office of the board, and the secretary of

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

5 the board shall give each college police officer so appointed and qualified a  
6 certificate of appointment, under the seal of the board, which certificate shall  
7 empower him or her with the same authority to maintain order, preserve peace  
8 and make arrests as is now held by peace officers.

9       **2. The college or university police officers shall have the**  
10 **authority to enforce the regulations established in section 174.709 and**  
11 **general motor vehicle laws in accordance with section 174.712 on the**  
12 **campus as prescribed in chapter 304.** The college or university police officer  
13 may in addition expel from the public buildings, campuses, and grounds, persons  
14 violating the rules and regulations that may be prescribed by the board or others  
15 under the authority of the board.

16       **3.** Such officer or employee of the state college or university as may be  
17 designated by the board shall have immediate charge, control and supervision of  
18 police officers appointed by authority of this section. Such college or university  
19 police officers shall have satisfactorily completed before appointment a training  
20 course for police officers as prescribed by chapter 590 for state peace officers or,  
21 by virtue of previous experience or training, have met the requirements of chapter  
22 590, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as  
2 denying the board the right to appoint guards or watchmen who shall not be  
3 given the authority and powers authorized by sections 174.700 to [174.706]  
4 174.712.

174.709. **1. For the purpose of promoting public safety, health,**  
2 **and general welfare and to protect life and property, the board of**  
3 **regents or board of governors of any state college or university may**  
4 **establish regulations to control vehicular traffic, including speed**  
5 **regulations, on any thoroughfare owned or maintained by the state**  
6 **college or university and located within any of its campuses. Such**  
7 **regulations shall be consistent with the provisions of the general motor**  
8 **vehicle laws of this state. Upon adoption of such regulations, the state**  
9 **college or university shall have the authority to place official traffic**  
10 **control signals, as defined in section 300.010, on campus property.**

11       **2. The regulations established by the board of regents or board**  
12 **of governors of any state college or university under subsection 1 of**  
13 **this section shall be codified, printed, and distributed for public**  
14 **use. Adequate signs displaying the speed limit shall be posted along**

15 **such thoroughfares.**

16 **3. Violations of any regulation established under this section**  
17 **shall have the same effect as a violation of municipal ordinances**  
18 **adopted under section 304.120, with penalty provisions as provided in**  
19 **section 304.570. Points assessed against any person under section**  
20 **302.302, for a violation of this section shall be the same as provided for**  
21 **a violation of a county or municipal ordinance.**

22 **4. The provisions of this section shall apply only to moving**  
23 **violations.**

174.712. All motor vehicles operated upon any thoroughfare  
2 owned or maintained by a state college or university and located within  
3 any of its campuses shall be subject to the provisions of the general  
4 motor vehicle laws of this state, including chapters 301, 302, 303, 304,  
5 307, and 577. Violations shall have the same effect as though such had  
6 occurred on public roads, streets, or highways of this state.

302.291. 1. The director, having good cause to believe that an operator  
2 is incompetent or unqualified to retain his or her license, after giving ten days'  
3 notice in writing by certified mail directed to such person's present known  
4 address, may require the person to submit to an examination as prescribed by the  
5 director. Upon conclusion of the examination, the director may allow the person  
6 to retain his or her license, may suspend, deny or revoke the person's license, or  
7 may issue the person a license subject to restrictions as provided in section  
8 302.301. If an examination indicates a condition that potentially impairs safe  
9 driving, the director, in addition to action with respect to the license, may require  
10 the person to submit to further periodic examinations. The refusal or neglect of  
11 the person to submit to an examination within thirty days after the date of such  
12 notice shall be grounds for suspension, denial or revocation of the person's license  
13 by the director, an associate circuit or circuit court. Notice of any suspension,  
14 denial, revocation or other restriction shall be provided by certified mail. As used  
15 in this section, the term "denial" means the act of not licensing a person who is  
16 currently suspended, revoked or otherwise not licensed to operate a motor  
17 vehicle. Denial may also include the act of withdrawing a previously issued  
18 license.

19 2. The examination provided for in subsection 1 of this section may  
20 include, but is not limited to, a written test and tests of driving skills, vision,  
21 highway sign recognition and, if appropriate, a physical and/or mental

22 examination as provided in section 302.173.

23 3. The director shall have good cause to believe that an operator is  
24 incompetent or unqualified to retain such person's license on the basis of, but not  
25 limited to, a report by:

26 (1) Any certified peace officer;

27 (2) Any physician, physical therapist or occupational therapist licensed  
28 pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter  
29 331; any registered nurse licensed pursuant to chapter 335; any psychologist,  
30 social worker or professional counselor licensed pursuant to chapter 337; any  
31 optometrist licensed pursuant to chapter 336; **any emergency medical**  
32 **technician licensed pursuant to chapter 190;** or

33 (3) Any member of the operator's family within three degrees of  
34 consanguinity, or the operator's spouse, who has reached the age of eighteen,  
35 except that no person may report the same family member pursuant to this  
36 section more than one time during a twelve-month period. The report must state  
37 that the person reasonably and in good faith believes the driver cannot safely  
38 operate a motor vehicle and must be based upon personal observation or physical  
39 evidence which shall be described in the report, or the report shall be based upon  
40 an investigation by a law enforcement officer. The report shall be a written  
41 declaration in the form prescribed by the department of revenue and shall contain  
42 the name, address, telephone number, and signature of the person making the  
43 report.

44 4. Any physician, physical therapist or occupational therapist licensed  
45 pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any  
46 registered nurse licensed pursuant to chapter 335, any psychologist, social worker  
47 or professional counselor licensed pursuant to chapter 337, or any optometrist  
48 licensed pursuant to chapter 336, **or any emergency medical technician**  
49 **licensed pursuant to chapter 190** may report to the department any patient  
50 diagnosed or assessed as having a disorder or condition that may prevent such  
51 person from safely operating a motor vehicle. Such report shall state the  
52 diagnosis or assessment and whether the condition is permanent or  
53 temporary. The existence of a physician-patient relationship shall not prevent  
54 the making of a report by such medical professionals.

55 5. Any person who makes a report in good faith pursuant to this section  
56 shall be immune from any civil liability that otherwise might result from making  
57 the report. Notwithstanding the provisions of chapter 610 to the contrary, all

58 reports made and all medical records reviewed and maintained by the department  
59 of revenue pursuant to this section shall be kept confidential except upon order  
60 of a court of competent jurisdiction or in a review of the director's action pursuant  
61 to section 302.311.

62         6. The department of revenue shall keep records and statistics of reports  
63 made and actions taken against driver's licenses pursuant to this section.

64         7. The department of revenue shall, in consultation with the medical  
65 advisory board established by section 302.292, develop a standardized form and  
66 provide guidelines for the reporting of cases and for the examination of drivers  
67 pursuant to this section. The guidelines shall be published and adopted as  
68 required for rules and regulations pursuant to chapter 536. The department of  
69 revenue shall also adopt rules and regulations as necessary to carry out the other  
70 provisions of this section. The director of revenue shall provide health care  
71 professionals and law enforcement officers with information about the procedures  
72 authorized in this section. The guidelines and regulations implementing this  
73 section shall be in compliance with the federal Americans with Disabilities Act  
74 of 1990.

75         8. Any person who knowingly violates a confidentiality provision of this  
76 section or who knowingly permits or encourages the unauthorized use of a report  
77 or reporting person's name in violation of this section shall be guilty of a class A  
78 misdemeanor and shall be liable for damages which proximately result.

79         9. Any person who intentionally files a false report pursuant to this  
80 section shall be guilty of a class A misdemeanor and shall be liable for damages  
81 which proximately result.

82         10. All appeals of license revocations, suspensions, denials and  
83 restrictions shall be made as required pursuant to section 302.311 within thirty  
84 days after the receipt of the notice of revocation, suspension, denial or restriction.

85         11. Any individual whose condition is temporary in nature as reported  
86 pursuant to the provisions of subsection 4 of this section shall have the right to  
87 petition the director of the department of revenue for total or partial  
88 reinstatement of his or her license. Such request shall be made on a form  
89 prescribed by the department of revenue and accompanied by a statement from  
90 a health care provider with the same or similar license as the health care  
91 provider who made the initial report resulting in the limitation or loss of the  
92 driver's license. Such petition shall be decided by the director of the department  
93 of revenue within thirty days of receipt of the petition. Such decision by the

94 director is appealable pursuant to subsection 10 of this section.

302.302. 1. The director of revenue shall put into effect a point system  
2 for the suspension and revocation of licenses. Points shall be assessed only after  
3 a conviction or forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state law  
5 or county or municipal or federal traffic  
6 ordinance or regulation not listed in this section,  
7 other than a violation of vehicle equipment  
8 provisions or a court-ordered supervision as  
9 provided in 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  
16 In violation of section 577.060.. . . . 12 points  
17 In violation of any county or municipal ordinance. . . . . 6 points

18 (4) Careless and imprudent driving  
19 in violation of subsection 4 of section 304.016. . . . . 4 points  
20 In violation of a county or municipal ordinance.. . . . 2 points

21 (5) Operating without a valid license  
22 in violation of subdivision (1) or (2) of  
23 subsection 1 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  
28 revoked license prior to restoration of  
29 operating privileges. . . . . 12 points

30 (7) Obtaining a license by misrepresentation. . . . . 12 points

31 (8) For the first conviction of driving  
32 while in an intoxicated condition or under the  
33 influence of controlled substances or drugs. . . . . 8 points

34 (9) For the second or subsequent  
35 conviction of any of the following offenses

36 however combined: driving while in an  
 37 intoxicated condition, driving under the  
 38 influence of controlled substances or drugs  
 39 or driving with a blood alcohol content of  
 40 eight-hundredths of one percent or more by weight. . . . . 12 points

41 (10) For the first conviction for  
 42 driving with blood alcohol content  
 43 eight-hundredths of one percent or more by weight  
 44 In violation of state law. . . . . 8 points

45 In violation of a county or municipal  
 46 ordinance or federal law or regulation. . . . . 8 points

47 (11) Any felony involving the use  
 48 of a motor vehicle. . . . . 12 points

49 (12) Knowingly permitting unlicensed  
 50 operator to operate a motor vehicle. . . . . 4 points

51 (13) For a conviction for failure to  
 52 maintain financial responsibility pursuant  
 53 to county or municipal ordinance or  
 54 pursuant to section 303.025. . . . . 4 points

55 (14) Endangerment of a highway  
 56 worker in violation of section 304.585. . . . . 4 points

57 (15) Aggravated endangerment of a  
 58 highway worker in violation of section 304.585. . . . . 12 points

59 (16) For a conviction of violating a  
 60 municipal ordinance that prohibits tow  
 61 truck operators from stopping at or proceeding  
 62 to the scene of an accident unless they have  
 63 been requested to stop or proceed to such  
 64 scene by a party involved in such accident  
 65 or by an officer of a public safety agency. . . . . 4 points

66 **(17) Endangerment of an emergency**  
 67 **responder in violation of section 304.894. . . . . 4 points**

68 **(18) Aggravated endangerment of**  
 69 **an emergency responder in violation**  
 70 **of section 304.894. . . . . 12 points**

71 2. The director shall, as provided in subdivision (5) of subsection 1 of this

72 section, assess an operator points for a conviction pursuant to subdivision (1) or  
73 (2) of subsection 1 of section 302.020, when the director issues such operator a  
74 license or permit pursuant to the provisions of sections 302.010 to 302.340.

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

79 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of  
80 subsection 1 of this section constitutes both a violation of a state law and a  
81 violation of a county or municipal ordinance, points may be assessed for either  
82 violation but not for both. Notwithstanding that an offense arising out of the  
83 same occurrence could be construed to be a violation of subdivisions (8), (9) and  
84 (10) of subsection 1 of this section, no person shall be tried or convicted for more  
85 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this  
86 section for offenses arising out of the same occurrence.

87 5. The director of revenue shall put into effect a system for staying the  
88 assessment of points against an operator. The system shall provide that the  
89 satisfactory completion of a driver-improvement program or, in the case of  
90 violations committed while operating a motorcycle, a motorcycle-rider training  
91 course approved by the state highways and transportation commission, by an  
92 operator, when so ordered and verified by any court having jurisdiction over any  
93 law of this state or county or municipal ordinance, regulating motor vehicles,  
94 other than a violation committed in a commercial motor vehicle as defined in  
95 section 302.700 or a violation committed by an individual who has been issued a  
96 commercial driver's license or is required to obtain a commercial driver's license  
97 in this state or any other state, shall be accepted by the director in lieu of the  
98 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of  
99 subsection 1 of this section or pursuant to subsection 3 of this section. A court  
100 using a centralized violation bureau established under section 476.385 may elect  
101 to have the bureau order and verify completion of a driver-improvement program  
102 or motorcycle-rider training course as prescribed by order of the court. For the  
103 purposes of this subsection, the driver-improvement program shall meet or exceed  
104 the standards of the National Safety Council's eight-hour "Defensive Driving  
105 Course" or, in the case of a violation which occurred during the operation of a  
106 motorcycle, the program shall meet the standards established by the state  
107 highways and transportation commission pursuant to sections 302.133 to

108 302.137. The completion of a driver-improvement program or a motorcycle-rider  
109 training course shall not be accepted in lieu of points more than one time in any  
110 thirty-six-month period and shall be completed within sixty days of the date of  
111 conviction in order to be accepted in lieu of the assessment of points. Every court  
112 having jurisdiction pursuant to the provisions of this subsection shall, within  
113 fifteen days after completion of the driver-improvement program or  
114 motorcycle-rider training course by an operator, forward a record of the  
115 completion to the director, all other provisions of the law to the contrary  
116 notwithstanding. The director shall establish procedures for record keeping and  
117 the administration of this subsection.

302.341. 1. If a Missouri resident charged with a moving traffic violation  
2 of this state or any county or municipality of this state fails to dispose of the  
3 charges of which the resident is accused through authorized prepayment of fine  
4 and court costs and fails to appear on the return date or at any subsequent date  
5 to which the case has been continued, or without good cause fails to pay any fine  
6 or court costs assessed against the resident for any such violation within the  
7 period of time specified or in such installments as approved by the court or as  
8 otherwise provided by law, any court having jurisdiction over the charges shall  
9 within ten days of the failure to comply inform the defendant by ordinary mail  
10 at the last address shown on the court records that the court will order the  
11 director of revenue to suspend the defendant's driving privileges if the charges  
12 are not disposed of and fully paid within thirty days from the date of mailing.  
13 Thereafter, if the defendant fails to timely act to dispose of the charges and fully  
14 pay any applicable fines and court costs, the court shall notify the director of  
15 revenue of such failure and of the pending charges against the defendant. Upon  
16 receipt of this notification, the director shall suspend the license of the driver,  
17 effective immediately, and provide notice of the suspension to the driver at the  
18 last address for the driver shown on the records of the department of revenue.  
19 Such suspension shall remain in effect until the court with the subject pending  
20 charge requests setting aside the noncompliance suspension pending final  
21 disposition, or satisfactory evidence of disposition of pending charges and  
22 payment of fine and court costs, if applicable, is furnished to the director by the  
23 individual. [Upon proof of disposition of charges and payment of fine and court  
24 costs, if applicable, and payment of the reinstatement fee as set forth in section  
25 302.304, the director shall return the license and remove the suspension from the  
26 individual's driving record if the individual was not operating a commercial motor

27 vehicle or a commercial driver's license holder at the time of the offense.] The  
28 filing of financial responsibility with the bureau of safety responsibility,  
29 department of revenue, shall not be required as a condition of reinstatement of  
30 a driver's license suspended solely under the provisions of this section.

31         2. If any city, town or village receives more than thirty-five percent of its  
32 annual general operating revenue from fines and court costs for traffic violations  
33 occurring on state highways, all revenues from such violations in excess of thirty-  
34 five percent of the annual general operating revenue of the city, town or village  
35 shall be sent to the director of the department of revenue and shall be distributed  
36 annually to the schools of the county in the same manner that proceeds of all  
37 penalties, forfeitures and fines collected for any breach of the penal laws of the  
38 state are distributed. For the purpose of this section the words "state highways"  
39 shall mean any state or federal highway, including any such highway continuing  
40 through the boundaries of a city, town or village with a designated street name  
41 other than the state highway number. The director of the department of revenue  
42 shall set forth by rule a procedure whereby excess revenues as set forth above  
43 shall be sent to the department of revenue. If any city, town, or village disputes  
44 a determination that it has received excess revenues required to be sent to the  
45 department of revenue, such city, town, or village may submit to an annual audit  
46 by the state auditor under the authority of article IV, section 13 of the Missouri  
47 Constitution. Any rule or portion of a rule, as that term is defined in section  
48 536.010, that is created under the authority delegated in this section shall  
49 become effective only if it complies with and is subject to all of the provisions of  
50 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
51 nonseverable and if any of the powers vested with the general assembly under  
52 chapter 536 to review, to delay the effective date, or to disapprove and annul a  
53 rule are subsequently held unconstitutional, then the grant of rulemaking  
54 authority and any rule proposed or adopted after August 28, 2009, shall be  
55 invalid and void.

**304.152. 1. Notwithstanding any provision of the law to the  
2 contrary, no law enforcement agency may establish a roadside  
3 checkpoint or road block pattern based upon a particular vehicle type,  
4 including the establishment of motorcycle-only checkpoints.**

**5         2. Notwithstanding subsection 1 of this section, a law  
6 enforcement agency may establish a roadside checkpoint pattern that  
7 only stops and checks commercial motor vehicles, as defined in section**

8 **301.010.**

9           **3. The provisions of this section shall not be construed to restrict**  
10 **any other type of checkpoint or road block which is lawful and is**  
11 **established and operated in accordance with the provisions of the**  
12 **United States Constitution and the Constitution of Missouri.**

**304.890. As used in sections 304.890 to 304.894, the following**  
2 **terms shall mean:**

3           **(1) "Active emergency", any incident occurring on a highway, as**  
4 **the term "highway" is defined in section 302.010, that requires**  
5 **emergency services from any emergency responder;**

6           **(2) "Active emergency zone", any area upon or around any**  
7 **highway, which is visibly marked by emergency responders performing**  
8 **work for the purpose of emergency response, and where an active**  
9 **emergency, or incident removal, is temporarily occurring. This area**  
10 **includes the lanes of highway leading up to an active emergency or**  
11 **incident removal, beginning within three hundred feet of visual**  
12 **sighting of:**

13           **(a) Appropriate signs or traffic control devices posted or placed**  
14 **by emergency responders; or**

15           **(b) An emergency vehicle displaying active emergency lights or**  
16 **signals;**

17           **(3) "Emergency responder", any law enforcement officer, paid or**  
18 **volunteer firefighter, first responder, emergency medical worker, tow**  
19 **truck operator, or other emergency personnel responding to an**  
20 **emergency on a highway.**

**304.892. 1. Upon the first conviction, finding of guilt, or plea of**  
2 **guilty by any person for a moving violation, as the term "moving**  
3 **violation" is defined in section 302.010, or any offense listed in section**  
4 **302.302, other than a violation described in subsection 2 of this section,**  
5 **when the violation or offense occurs within an active emergency zone,**  
6 **the court shall assess a fine of thirty-five dollars in addition to any**  
7 **other fine authorized by law. Upon a second or subsequent conviction,**  
8 **finding of guilt, or plea of guilty, the court shall assess a fine of**  
9 **seventy-five dollars in addition to any other fine authorized by law.**

10           **2. Upon the first conviction, finding of guilt, or plea of guilty by**  
11 **any person for a speeding violation under either section 304.009 or**  
12 **304.010, or a passing violation under subsection 3 of this section, when**

13 the violation or offense occurs within an active emergency zone and  
14 emergency responders were present in such zone at the time of the  
15 offense or violation, the court shall assess a fine of two hundred fifty  
16 dollars in addition to any other fine authorized by law. Upon a second  
17 or subsequent conviction, finding of guilt, or plea of guilty, the court  
18 shall assess a fine of three hundred dollars in addition to any other fine  
19 authorized by law. However, no person assessed an additional fine  
20 under this subsection shall also be assessed an additional fine under  
21 subsection 1 of this section.

22 3. The driver of a motor vehicle shall not overtake or pass  
23 another motor vehicle within an active emergency zone. Violation of  
24 this subsection is a class C misdemeanor.

25 4. The additional fines imposed by this section shall not be  
26 construed to enhance the assessment of court costs or the assessment  
27 of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an  
2 emergency responder for any of the following offenses when the offense  
3 occurs within an active emergency zone:

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

6 (2) Passing in violation of subsection 3 of section 304.892;

7 (3) Failure to stop for an active emergency zone flagman or  
8 emergency responder, or failure to obey traffic control devices erected,  
9 or personnel posted, in the active emergency zone for purposes of  
10 controlling the flow of motor vehicles through the zone;

11 (4) Driving through or around an active emergency zone via any  
12 lane not clearly designated for motorists to control the flow of traffic  
13 through or around the active emergency zone;

14 (5) Physically assaulting, attempting to assault, or threatening  
15 to assault an emergency responder with a motor vehicle or other  
16 instrument; or

17 (6) Intentionally striking, moving, or altering barrels, barriers,  
18 signs, or other devices erected to control the flow of traffic to protect  
19 emergency responders and motorists unless the action was necessary  
20 to avoid an obstacle, an emergency, or to protect the health and safety  
21 of an occupant of the motor vehicle or of another person.

22 2. Upon a finding of guilt or a plea of guilty for committing the

23 **offense of endangerment of an emergency responder under subsection**  
24 **1 of this section, if no injury or death to an emergency responder**  
25 **resulted from the offense, the court shall assess a fine of not more than**  
26 **one thousand dollars, and four points shall be assessed to the operator's**  
27 **license pursuant to section 302.302 upon conviction.**

28 **3. A person commits the offense of aggravated endangerment of**  
29 **an emergency responder upon a finding of guilt or a plea of guilty for**  
30 **any offense under subsection 1 of this section when such offense results**  
31 **in the injury or death of an emergency responder. Upon a finding of**  
32 **guilt or a plea of guilty for committing the offense of aggravated**  
33 **endangerment of an emergency responder, in addition to any other**  
34 **penalty authorized by law, the court shall assess a fine of not more**  
35 **than five thousand dollars if the offense resulted in injury to an**  
36 **emergency responder, and ten thousand dollars if the offense resulted**  
37 **in the death of an emergency responder. In addition, twelve points**  
38 **shall be assessed to the operator's license pursuant to section 302.302**  
39 **upon conviction.**

40 **4. Except for the offense established under subdivision (6) of**  
41 **subsection 1 of this section, no person shall be deemed to have**  
42 **committed the offense of endangerment of an emergency responder**  
43 **except when the act or omission constituting the offense occurred when**  
44 **one or more emergency responders were responding to an active**  
45 **emergency.**

46 **5. No person shall be cited for, or found guilty of, endangerment**  
47 **of an emergency responder or aggravated endangerment of an**  
48 **emergency responder, for any act or omission otherwise constituting**  
49 **an offense under subsection 1 of this section, if such act or omission**  
50 **resulted in whole or in part from mechanical failure of the person's**  
51 **vehicle, or from the negligence of another person or emergency**  
52 **responder.**

307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be  
2 equipped with at least two rear lamps, not less than fifteen inches or more than  
3 seventy-two inches above the ground upon which the vehicle stands, which when  
4 lighted will exhibit a red light plainly visible from a distance of five hundred feet  
5 to the rear. Either such rear lamp or a separate lamp shall be so constructed and  
6 placed as to illuminate with a white light the rear registration marker and render  
7 it clearly legible from a distance of fifty feet to the rear. When the rear

8 registration marker is illuminated by an electric lamp other than the required  
9 rear lamps, all such lamps shall be turned on or off only by the same control  
10 switch at all times.

11 2. Every motorcycle registered in this state, when operated on a highway,  
12 shall also carry at the rear, either as part of the rear lamp or separately, at least  
13 one approved red reflector, which shall be of such size and characteristics and so  
14 maintained as to be visible during the times when lighted lamps are required  
15 from all distances within three hundred feet to fifty feet from such vehicle when  
16 directly in front of a motor vehicle displaying lawful undimmed headlamps. **A**  
17 **motorcycle may be equipped with a means of varying the brightness of**  
18 **the vehicle's brake light for a duration of not more than five seconds**  
19 **upon application of the vehicle's brakes.**

20 3. Every new passenger car, new commercial motor vehicle, motor-drawn  
21 vehicle and omnibus with a capacity of more than six passengers registered in  
22 this state after January 1, 1966, when operated on a highway, shall also carry at  
23 the rear at least two approved red reflectors, at least one at each side, so  
24 designed, mounted on the vehicle and maintained as to be visible during the  
25 times when lighted lamps are required from all distances within five hundred to  
26 fifty feet from such vehicle when directly in front of a motor vehicle displaying  
27 lawful undimmed headlamps. Every such reflector shall meet the requirements  
28 of this chapter and shall be mounted upon the vehicle at a height not to exceed  
29 sixty inches nor less than fifteen inches above the surface upon which the vehicle  
30 stands.

31 4. Any person who knowingly operates a motor vehicle without the lamps  
32 required in this section in operable condition is guilty of an infraction.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590  
2 of any political subdivision of this state, any authorized agent of the department  
3 of conservation, any commissioned member of the Missouri capitol police, **any**  
4 **college or university police officer**, and any commissioned member of the  
5 Missouri state park rangers in fresh pursuit of a person who is reasonably  
6 believed by such officer to have committed a felony in this state or who has  
7 committed, or attempted to commit, in the presence of such officer or agent, any  
8 criminal offense or violation of a municipal or county ordinance, or for whom such  
9 officer holds a warrant of arrest for a criminal offense, shall have the authority  
10 to arrest and hold in custody such person anywhere in this state. Fresh pursuit  
11 may only be initiated from within the pursuing peace officer's, conservation

12 agent's, capitol police officer's, **college or university police officer's**, or state  
13 park ranger's jurisdiction and shall be terminated once the pursuing peace officer  
14 is outside of such officer's jurisdiction and has lost contact with the person being  
15 pursued. If the offense is a traffic violation, the uniform traffic ticket shall be  
16 used as if the violator had been apprehended in the municipality or county in  
17 which the offense occurred.

18         2. If such an arrest is made in obedience to a warrant, the disposition of  
19 the prisoner shall be made as in other cases of arrest under a warrant; if the  
20 violator is served with a uniform traffic ticket, the violator shall be directed to  
21 appear before a court having jurisdiction to try the offense; if the arrest is  
22 without a warrant, the prisoner shall be taken forthwith before a judge of a court  
23 with original criminal jurisdiction in the county wherein such arrest was made  
24 or before a municipal judge thereof having original jurisdiction to try such  
25 offense, who may release the person as provided in section 544.455, conditioned  
26 upon such person's appearance before the court having jurisdiction to try the  
27 offense. The person so arrested need not be taken before a judge as herein set  
28 out if given a summons by the arresting officer.

29         3. The term "fresh pursuit", as used in this section, shall include hot or  
30 fresh pursuit as defined by the common law and also the pursuit of a person who  
31 has committed a felony or is reasonably suspected of having committed a felony  
32 in this state, or who has committed or attempted to commit in this state a  
33 criminal offense or violation of municipal or county ordinance in the presence of  
34 the arresting officer referred to in subsection 1 of this section or for whom such  
35 officer holds a warrant of arrest for a criminal offense. It shall include also the  
36 pursuit of a person suspected of having committed a supposed felony in this state,  
37 though no felony has actually been committed, if there is reasonable ground for  
38 so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

39         4. A public agency electing to institute vehicular pursuits shall adopt a  
40 policy for the safe conduct of vehicular pursuits by peace officers. Such policy  
41 shall meet the following minimum standards:

42             (1) There shall be supervisory control of the pursuit;

43             (2) There shall be procedures for designating the primary pursuit vehicle  
44 and for determining the total number of vehicles to be permitted to participate  
45 at one time in the pursuit;

46             (3) There shall be procedures for coordinating operation with other  
47 jurisdictions; and

48           (4) There shall be guidelines for determining when the interests of public  
49 safety and effective law enforcement justify a vehicular pursuit and when a  
50 vehicular pursuit should not be initiated or should be terminated.

✓

Unofficial

Bill

Copy