

FIRST REGULAR SESSION

SENATE BILL NO. 260

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 10, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1312S.011

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof four new sections relating to the endangerment of emergency workers, with penalty provisions.

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

- Section A. Section 302.302, RSMo, is repealed and four new sections, to
- 2 be known as sections 302.302, 304.890, 304.892, and 304.894, to read as follows:
- 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
- 5 law or county or municipal or federal traffic
- 6 ordinance or regulation not listed in this
- 7 section, other than a violation of vehicle
- 8 equipment provisions or a court-ordered
- 9 supervision as 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
- 15 ordinance. 2 points
- 16 (3) Leaving the scene of an accident
- 17 in violation of section 577.060. 12 points
- 18 In violation of any county or
- 19 municipal ordinance. 6 points
- 20 (4) Careless and imprudent driving
- 21 in violation of subsection 4 of section 304.016. 4 points

- 22 In violation of a county or
- 23 municipal ordinance. 2 points
- 24 (5) Operating without a valid license
- 25 in violation of subdivision (1) or (2) of
- 26 subsection 1 of section 302.020:
- 27 (a) For the first conviction. 2 points
- 28 (b) For the second conviction. 4 points
- 29 (c) For the third conviction. 6 points
- 30 (6) Operating with a suspended or
- 31 revoked license prior to restoration of
- 32 operating privileges. 12 points
- 33 (7) Obtaining a license by
- 34 misrepresentation. 12 points
- 35 (8) For the first conviction of driving
- 36 while in an intoxicated condition or
- 37 under the influence of controlled
- 38 substances or drugs. 8 points
- 39 (9) For the second or subsequent
- 40 conviction of any of the following
- 41 offenses however combined:
- 42 driving while in an intoxicated
- 43 condition, driving under the
- 44 influence of controlled substances
- 45 or drugs or driving with a blood
- 46 alcohol content of eight-hundredths
- 47 of one percent or more by weight. 12 points
- 48 (10) For the first conviction
- 49 for driving with blood alcohol
- 50 content eight-hundredths of one
- 51 percent or more by weight
- 52 In violation of state law. 8 points
- 53 In violation of a county or
- 54 municipal ordinance or federal
- 55 law or regulation. 8 points
- 56 (11) Any felony involving the
- 57 use of a motor vehicle. 12 points
- 58 (12) Knowingly permitting
- 59 unlicensed operator to operate a

60 motor vehicle. 4 points
61 (13) For a conviction for failure
62 to maintain financial responsibility
63 pursuant to county or municipal
64 ordinance or pursuant to section 303.025. 4 points
65 (14) Endangerment of a highway
66 worker in violation of section 304.585. 4 points
67 (15) Aggravated endangerment of
68 a highway worker in violation of
69 section 304.585. 12 points
70 (16) For a conviction of violating
71 a municipal ordinance that prohibits
72 tow truck operators from stopping
73 at or proceeding to the scene of an
74 accident unless they have been
75 requested to stop or proceed to
76 such scene by a party involved in
77 such accident or by an officer of a
78 public safety agency. 4 points
79 **(17) Endangerment of an emergency**
80 **responder in violation of section 304.894. 4 points**
81 **(18) Aggravated endangerment of**
82 **an emergency responder in violation of**
83 **section 304.894. 12 points**
84 2. The director shall, as provided in subdivision (5) of subsection 1 of this
85 section, assess an operator points for a conviction pursuant to subdivision (1) or
86 (2) of subsection 1 of section 302.020, when the director issues such operator a
87 license or permit pursuant to the provisions of sections 302.010 to 302.340.
88 3. An additional two points shall be assessed when personal injury or
89 property damage results from any violation listed in subdivisions (1) to (13) of
90 subsection 1 of this section and if found to be warranted and certified by the
91 reporting court.
92 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of
93 subsection 1 of this section constitutes both a violation of a state law and a
94 violation of a county or municipal ordinance, points may be assessed for either
95 violation but not for both. Notwithstanding that an offense arising out of the
96 same occurrence could be construed to be a violation of subdivisions (8), (9) and
97 (10) of subsection 1 of this section, no person shall be tried or convicted for more

98 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
99 section for offenses arising out of the same occurrence.

100 5. The director of revenue shall put into effect a system for staying the
101 assessment of points against an operator. The system shall provide that the
102 satisfactory completion of a driver-improvement program or, in the case of
103 violations committed while operating a motorcycle, a motorcycle-rider training
104 course approved by the state highways and transportation commission, by an
105 operator, when so ordered and verified by any court having jurisdiction over any
106 law of this state or county or municipal ordinance, regulating motor vehicles,
107 other than a violation committed in a commercial motor vehicle as defined in
108 section 302.700 or a violation committed by an individual who has been issued a
109 commercial driver's license or is required to obtain a commercial driver's license
110 in this state or any other state, shall be accepted by the director in lieu of the
111 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of
112 subsection 1 of this section or pursuant to subsection 3 of this section. A court
113 using a centralized violation bureau established under section 476.385 may elect
114 to have the bureau order and verify completion of a driver-improvement program
115 or motorcycle-rider training course as prescribed by order of the court. For the
116 purposes of this subsection, the driver-improvement program shall meet or exceed
117 the standards of the National Safety Council's eight-hour "Defensive Driving
118 Course" or, in the case of a violation which occurred during the operation of a
119 motorcycle, the program shall meet the standards established by the state
120 highways and transportation commission pursuant to sections 302.133 to
121 302.137. The completion of a driver-improvement program or a motorcycle-rider
122 training course shall not be accepted in lieu of points more than one time in any
123 thirty-six-month period and shall be completed within sixty days of the date of
124 conviction in order to be accepted in lieu of the assessment of points. Every court
125 having jurisdiction pursuant to the provisions of this subsection shall, within
126 fifteen days after completion of the driver-improvement program or
127 motorcycle-rider training course by an operator, forward a record of the
128 completion to the director, all other provisions of the law to the contrary
129 notwithstanding. The director shall establish procedures for record keeping and
130 the administration of this subsection.

**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 at the point where appropriate signs or
12 traffic control devices are posted or placed;

13 (3) "Emergency responder", any law enforcement officer, paid or
14 volunteer firefighter, first responder, emergency medical worker, tow
15 truck operator, or other emergency personnel responding to an
16 emergency on a highway.

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

9 2. Upon the first finding of guilt or plea of guilty by any person
10 for a speeding violation under either section 304.009 or 304.010, or a
11 passing violation under subsection 3 of this section, when the violation
12 or offense occurs within an active emergency zone and emergency
13 responders were present in such zone at the time of the offense or
14 violation, the court shall assess a fine of two hundred fifty dollars in
15 addition to any other fine authorized by law. Upon a second or
16 subsequent such finding of guilt or plea of guilty, the court shall assess
17 a 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.

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

24 4. The additional fines imposed by this section shall not be
25 construed to enhance the assessment of court costs or the assessment
26 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;

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; or

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

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

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;

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 a finding of guilt or a plea of guilty for committing the
36 offense of endangerment of an emergency responder under subsection
37 1 of this section, if no injury or death to an emergency responder
38 resulted from the offense, the court shall assess a fine of not more than
39 one thousand dollars, and four points shall be assessed to the operator's

40 license pursuant to section 302.302.

41 3. A person commits the offense of aggravated endangerment of
42 an emergency responder upon a finding of guilt or a plea of guilty for
43 any offense under subsection 1 of this section when such offense results
44 in the injury or death of an emergency responder. Upon a finding of
45 guilt or a plea of guilty for committing the offense of aggravated
46 endangerment of an emergency responder, in addition to any other
47 penalty authorized by law, the court shall assess a fine of not more
48 than five thousand dollars if the offense resulted in injury to an
49 emergency responder, and ten thousand dollars if the offense resulted
50 in the death of an emergency responder. In addition, twelve points
51 shall be assessed to the operator's license pursuant to section 302.302,
52 which shall be subject to the provisions of section 302.304 regarding the
53 revocation of licenses and driving privileges.

54 4. Except for the offense established under subdivision (6) of
55 subsection 1 of this section, no person shall be deemed to have
56 committed the offense of endangerment of an emergency responder
57 except when the act or omission constituting the offense occurred when
58 one or more emergency responders were responding to an active
59 emergency.

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