

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 568
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 21, 2012, with recommendation that the Senate Committee Substitute do pass.

4756S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.302 and 304.022, RSMo, and to enact in lieu thereof five new sections relating to how motorists respond to emergency personnel working upon or around highways, with penalty provisions.

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

Section A. Sections 302.302 and 304.022, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 302.302, 304.022, 304.890, 304.892, and 304.894, to read as follows: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 for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303..... 2 points
(except any violation of municipal stop sign ordinance where no accident is involved..... 1 point)

(2) Speeding
In violation of a state law..... 3 points
In violation of a county or municipal ordinance..... 2 points

(3) Leaving the scene of an accident
in violation of section 577.060..... 12 points
In violation of any county or

19 municipal ordinance..... 6 points

20 (4) Careless and imprudent driving in

21 violation of subsection 4 of section 304.016..... 4 points

22 In violation of a county or municipal ordinance..... 2 points

23 (5) Operating without a valid license

24 in violation of subdivision (1) or (2) of

25 subsection 1 of section 302.020:

26 (a) For the first conviction..... 2 points

27 (b) For the second conviction..... 4 points

28 (c) For the third conviction..... 6 points

29 (6) Operating with a suspended or

30 revoked license prior to restoration of

31 operating privileges..... 12 points

32 (7) Obtaining a license by

33 misrepresentation..... 12 points

34 (8) For the first conviction of

35 driving while in an intoxicated condition

36 or under the influence of controlled

37 substances or drugs..... 8 points

38 (9) For the second or subsequent

39 conviction of any of the following offenses

40 however combined: driving while in an

41 intoxicated condition, driving under the

42 influence of controlled substances or drugs

43 or driving with a blood alcohol content of

44 eight-hundredths of one percent or more by

45 weight..... 12 points

46 (10) For the first conviction for

47 driving with blood alcohol content

48 eight-hundredths of one percent or more by

49 weight

50 In violation of state law..... 8 points

51 In violation of a county or municipal

52 ordinance or federal law or regulation..... 8 points

53 (11) Any felony involving the use

54 of a motor vehicle..... 12 points

55 (12) Knowingly permitting unlicensed
56 operator to operate a motor vehicle..... 4 points

57 (13) For a conviction for failure to
58 maintain financial responsibility pursuant to
59 county or municipal ordinance or pursuant to
60 section 303.025..... 4 points

61 (14) Endangerment of a highway worker
62 in violation of section 304.585..... 4 points

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

65 (16) For a conviction of violating a
66 municipal ordinance that prohibits tow truck
67 operators from stopping at or proceeding to
68 the scene of an accident unless they have
69 been requested to stop or proceed to such
70 scene by a party involved in such accident
71 or by an officer of a public safety agency..... 4 points

72 **(17) Endangerment of an emergency**
73 **responder in violation of section 304.894 4 points**

74 **(18) Aggravated endangerment of**
75 **an emergency responder in violation of**
76 **section 304.894..... 12 points**

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

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

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

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

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

10 2. Upon approaching a stationary emergency vehicle displaying lighted
11 red or red and blue lights, **or a stationary vehicle owned by the state**
12 **highways and transportation commission and operated by an**
13 **authorized employee of the department of transportation displaying**
14 **lighted amber or amber and white lights**, the driver of every motor vehicle
15 shall:

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

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

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

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

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

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

37 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
38 307.175;

39 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public

40 utility or public service corporation while performing emergency service;

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

43 (6) Any vehicle designated to perform emergency functions for a civil
44 defense or emergency management agency established pursuant to the provisions
45 of chapter 44;

46 (7) Any vehicle operated by an authorized employee of the department of
47 corrections who, as part of the employee's official duties, is responding to a riot,
48 disturbance, hostage incident, escape or other critical situation where there is the
49 threat of serious physical injury or death, responding to mutual aid call from
50 another criminal justice agency, or in accompanying an ambulance which is
51 transporting an offender to a medical facility;

52 (8) Any vehicle designated to perform hazardous substance emergency
53 functions established pursuant to the provisions of sections 260.500 to 260.550;
54 **or**

55 **(9) Any vehicle owned by the state highways and transportation**
56 **commission and operated by an authorized employee of the department**
57 **of transportation that is marked as a department of transportation**
58 **emergency response or motorist assistance vehicle.**

59 5. (1) The driver of any vehicle referred to in subsection 4 of this section
60 shall not sound the siren thereon or have the front red lights or blue lights on
61 except when such vehicle is responding to an emergency call or when in pursuit
62 of an actual or suspected law violator, or when responding to, but not upon
63 returning from, a fire.

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

65 (a) Park or stand irrespective of the provisions of sections 304.014 to
66 304.025;

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

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

71 (d) Disregard regulations governing direction of movement or turning in
72 specified directions.

73 (3) The exemptions granted to an emergency vehicle pursuant to
74 subdivision (2) of this subsection shall apply only when the driver of any such
75 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle

76 as may be reasonably necessary, and when the vehicle is equipped with at least
77 one lighted lamp displaying a red light or blue light visible under normal
78 atmospheric conditions from a distance of five hundred feet to the front of such
79 vehicle.

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

83 7. Violation of this section shall be deemed a class A misdemeanor.

**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 may 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;

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 upon conviction.

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 upon conviction.

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

57 one or more emergency responders were responding to an active
58 emergency.

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

Unofficial ✓

Bill

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