

SECOND REGULAR SESSION

SENATE BILL NO. 642

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time January 11, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4361S.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Section A. Section 302.302, RSMo, is repealed and four new sections
2 enacted in lieu thereof, to be known as sections 302.302, 304.890, 304.892, and
3 304.894, 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
15 municipal 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 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 In violation of state law..... 8 points
50 In violation of a county or municipal
51 ordinance or federal law or regulation..... 8 points
52 (11) Any felony involving the use
53 of a motor vehicle..... 12 points
54 (12) Knowingly permitting unlicensed
55 operator to operate a motor vehicle..... 4 points

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

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

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

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

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

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

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

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

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

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

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

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

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