

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 282

AN ACT

To repeal sections 174.700, 174.703, 174.706, 302.302, and 544.157, RSMo, and to enact in lieu thereof ten 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:

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2 544.157, RSMo, are repealed and ten new sections enacted in lieu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

6 174.700. The board of regents or board of governors of any
7 state college or university may appoint and employ as many
8 college or university police officers as it may deem necessary to
9 enforce regulations established under section 174.709 and general
10 motor vehicle laws of this state in accordance with section
11 174.712, protect persons, property, and to preserve peace and
12 good order only in the public buildings, properties, grounds, and
13 other facilities and locations over which it has charge or
14 control and to respond to emergencies or natural disasters
15 outside of the boundaries of university property and provide
16 services if requested by the law enforcement agency with
17 jurisdiction.

18 174.703. 1. The college or university police officers,

1 before they enter upon their duties, shall take and subscribe an
2 oath of office before some officer authorized to administer
3 oaths, to faithfully and impartially discharge the duties
4 thereof, which oath shall be filed in the office of the board,
5 and the secretary of the board shall give each college police
6 officer so appointed and qualified a certificate of appointment,
7 under the seal of the board, which certificate shall empower him
8 or her with the same authority to maintain order, preserve peace
9 and make arrests as is now held by peace officers.

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

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

27 174.706. Nothing in sections 174.700 to 174.706 shall be
28 construed as denying the board the right to appoint guards or

1 watchmen who shall not be given the authority and powers
2 authorized by sections 174.700 to ~~[174.706]~~ 174.712.

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

15 2. The regulations established by the board of regents or
16 board of governors of any state college or university under
17 subsection 1 of this section shall be codified, printed, and
18 distributed for public use. Adequate signs displaying the speed
19 limit shall be posted along such thoroughfares.

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

27 4. The provisions of this section shall apply only to
28 moving violations.

1 174.712. All motor vehicles operated upon any thoroughfare
2 owned or maintained by the state college or university and
3 located within any of its campuses shall be subject to the
4 provisions of the general motor vehicle laws of this state,
5 including chapters 301, 302, 303, 304, 307, and 577. Violations
6 shall have the same effect as though such had occurred on public
7 roads, streets, or highways of this state.

8 302.302. 1. The director of revenue shall put into effect
9 a point system for the suspension and revocation of licenses.
10 Points shall be assessed only after a conviction or forfeiture of
11 collateral. The initial point value is as follows:

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

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

24 (3) Leaving the scene of an accident
25 in violation of section 577.060..... 12 points
26 In violation of any county or
27 municipal ordinance..... 6 points

28 (4) Careless and imprudent driving in

1	violation of subsection 4 of section 304.016.....	4 points
2	In violation of a county or	
3	municipal ordinance.....	2 points
4	(5) Operating without a valid license	
5	in violation of subdivision (1) or (2) of	
6	subsection 1 of section 302.020:	
7	(a) For the first conviction.....	2 points
8	(b) For the second conviction.....	4 points
9	(c) For the third conviction.....	6 points
10	(6) Operating with a suspended or	
11	revoked license prior to restoration of	
12	operating privileges.....	12 points
13	(7) Obtaining a license by	
14	misrepresentation.....	12 points
15	(8) For the first conviction of	
16	driving while in an intoxicated condition	
17	or under the influence of controlled	
18	substances or drugs.....	8 points
19	(9) For the second or subsequent	
20	conviction of any of the following offenses	
21	however combined: driving while in an	
22	intoxicated condition, driving under the	
23	influence of controlled substances or drugs	
24	or driving with a blood alcohol content of	
25	eight-hundredths of one percent or more by	
26	weight.....	12 points
27	(10) For the first conviction for	
28	driving with blood alcohol content	

1	eight-hundredths of one percent or more by weight	
2	In violation of state law.....	8 points
3	In violation of a county or municipal	
4	ordinance or federal law or regulation.....	8 points
5	(11) Any felony involving the use	
6	of a motor vehicle.....	12 points
7	(12) Knowingly permitting unlicensed	
8	operator to operate a motor vehicle.....	4 points
9	(13) For a conviction for failure to	
10	maintain financial responsibility pursuant	
11	to county or municipal ordinance or	
12	pursuant to section 303.025.....	4 points
13	(14) Endangerment of a highway worker	
14	in violation of section 304.585.....	4 points
15	(15) Aggravated endangerment of a	
16	highway worker in violation of section 304.585....	12 points
17	(16) For a conviction of violating a	
18	municipal ordinance that prohibits tow	
19	truck operators from stopping at or	
20	proceeding to the scene of an accident	
21	unless they have been requested to stop	
22	or proceed to such scene by a party involved	
23	in such accident or by an officer of a	
24	public safety agency.....	4 points
25	<u>(17) Endangerment of an emergency</u>	
26	<u>responder in violation of section 304.894</u>	<u>4 points</u>
27	<u>(18) Aggravated endangerment of</u>	
28	<u>an emergency responder in violation of</u>	

1 section 304.894..... 12 points

2 2. The director shall, as provided in subdivision (5) of
3 subsection 1 of this section, assess an operator points for a
4 conviction pursuant to subdivision (1) or (2) of subsection 1 of
5 section 302.020, when the director issues such operator a license
6 or permit pursuant to the provisions of sections 302.010 to
7 302.340.

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

12 4. When any of the acts listed in subdivision (2), (3), (4)
13 or (8) of subsection 1 of this section constitutes both a
14 violation of a state law and a violation of a county or municipal
15 ordinance, points may be assessed for either violation but not
16 for both. Notwithstanding that an offense arising out of the
17 same occurrence could be construed to be a violation of
18 subdivisions (8), (9) and (10) of subsection 1 of this section,
19 no person shall be tried or convicted for more than one offense
20 pursuant to subdivisions (8), (9) and (10) of subsection 1 of
21 this section for offenses arising out of the same occurrence.

22 5. The director of revenue shall put into effect a system
23 for staying the assessment of points against an operator. The
24 system shall provide that the satisfactory completion of a
25 driver-improvement program or, in the case of violations
26 committed while operating a motorcycle, a motorcycle-rider
27 training course approved by the state highways and transportation
28 commission, by an operator, when so ordered and verified by any

1 court having jurisdiction over any law of this state or county or
2 municipal ordinance, regulating motor vehicles, other than a
3 violation committed in a commercial motor vehicle as defined in
4 section 302.700 or a violation committed by an individual who has
5 been issued a commercial driver's license or is required to
6 obtain a commercial driver's license in this state or any other
7 state, shall be accepted by the director in lieu of the
8 assessment of points for a violation pursuant to subdivision (1),
9 (2) or (4) of subsection 1 of this section or pursuant to
10 subsection 3 of this section. A court using a centralized
11 violation bureau established under section 476.385 may elect to
12 have the bureau order and verify completion of a
13 driver-improvement program or motorcycle-rider training course as
14 prescribed by order of the court. For the purposes of this
15 subsection, the driver-improvement program shall meet or exceed
16 the standards of the National Safety Council's eight-hour
17 "Defensive Driving Course" or, in the case of a violation which
18 occurred during the operation of a motorcycle, the program shall
19 meet the standards established by the state highways and
20 transportation commission pursuant to sections 302.133 to
21 302.137. The completion of a driver-improvement program or a
22 motorcycle-rider training course shall not be accepted in lieu of
23 points more than one time in any thirty-six-month period and
24 shall be completed within sixty days of the date of conviction in
25 order to be accepted in lieu of the assessment of points. Every
26 court having jurisdiction pursuant to the provisions of this
27 subsection shall, within fifteen days after completion of the
28 driver-improvement program or motorcycle-rider training course by

1 an operator, forward a record of the completion to the director,
2 all other provisions of the law to the contrary notwithstanding.
3 The director shall establish procedures for record keeping and
4 the administration of this subsection.

5 304.890. As used in sections 304.890 to 304.894, the
6 following terms shall mean:

7 (1) "Active emergency", any incident occurring on a
8 highway, as the term "highway" is defined in section 302.010,
9 that requires emergency services from any emergency responder;

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

17 (a) Appropriate signs or traffic control devices posted or
18 placed by emergency responders; or

19 (b) An emergency vehicle displaying active emergency lights
20 or signals;

21 (3) "Emergency responder", any law enforcement officer,
22 paid or volunteer firefighter, first responder, emergency medical
23 worker, tow truck operator, or other emergency personnel
24 responding to an emergency on a highway.

25 304.892. 1. Upon the first conviction, finding of guilt,
26 or plea of guilty by any person for a moving violation, as the
27 term "moving violation" is defined in section 302.010, or any
28 offense listed in section 302.302, other than a violation

1 described in subsection 2 of this section, when the violation or
2 offense occurs within an active emergency zone, the court shall
3 assess a fine of thirty-five dollars in addition to any other
4 fine authorized by law. Upon a second or subsequent conviction,
5 finding of guilt, or plea of guilty, the court shall assess a
6 fine of seventy-five dollars in addition to any other fine
7 authorized by law.

8 2. Upon the first conviction, finding of guilt, or plea of
9 guilty by any person for a speeding violation under either
10 section 304.009 or 304.010, or a passing violation under
11 subsection 3 of this section, when the violation or offense
12 occurs within an active emergency zone and emergency responders
13 were present in such zone at the time of the offense or
14 violation, the court shall assess a fine of two hundred fifty
15 dollars in addition to any other fine authorized by law. Upon a
16 second or subsequent conviction, finding of guilt, or plea of
17 guilty, the court shall assess a fine of three hundred dollars in
18 addition to any other fine authorized by law. However, no person
19 assessed an additional fine under this subsection shall also be
20 assessed an additional fine under subsection 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
23 of this subsection is a class C misdemeanor.

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

27 304.894. 1. A person commits the offense of endangerment
28 of an emergency responder for any of the following offenses when

1 the offense occurs within an active emergency zone:

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

4 (2) Passing in violation of subsection 3 of section
5 304.892;

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

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

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

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

23 2. Upon a finding of guilt or a plea of guilty for
24 committing the offense of endangerment of an emergency responder
25 under subsection 1 of this section, if no injury or death to an
26 emergency responder resulted from the offense, the court shall
27 assess a fine of not more than one thousand dollars, and four
28 points shall be assessed to the operator's license pursuant to

1 section 302.302 upon conviction.

2 3. A person commits the offense of aggravated endangerment
3 of an emergency responder upon a finding of guilt or a plea of
4 guilty for any offense under subsection 1 of this section when
5 such offense results in the injury or death of an emergency
6 responder. Upon a finding of guilt or a plea of guilty for
7 committing the offense of aggravated endangerment of an emergency
8 responder, in addition to any other penalty authorized by law,
9 the court shall assess a fine of not more than five thousand
10 dollars if the offense resulted in injury to an emergency
11 responder, and ten thousand dollars if the offense resulted in
12 the death of an emergency responder. In addition, twelve points
13 shall be assessed to the operator's license pursuant to section
14 302.302 upon conviction.

15 4. Except for the offense established under subdivision (6)
16 of subsection 1 of this section, no person shall be deemed to
17 have committed the offense of endangerment of an emergency
18 responder except when the act or omission constituting the
19 offense occurred when one or more emergency responders were
20 responding to an active emergency.

21 5. No person shall be cited for, or found guilty of,
22 endangerment of an emergency responder or aggravated endangerment
23 of an emergency responder, for any act or omission otherwise
24 constituting an offense under subsection 1 of this section, if
25 such act or omission resulted in whole or in part from mechanical
26 failure of the person's vehicle, or from the negligence of
27 another person or emergency responder.

28 544.157. 1. Any law enforcement officer certified pursuant

1 to chapter 590 of any political subdivision of this state, any
2 authorized agent of the department of conservation, any
3 commissioned member of the Missouri capitol police, any college
4 or university police officer, and any commissioned member of the
5 Missouri state park rangers in fresh pursuit of a person who is
6 reasonably believed by such officer to have committed a felony in
7 this state or who has committed, or attempted to commit, in the
8 presence of such officer or agent, any criminal offense or
9 violation of a municipal or county ordinance, or for whom such
10 officer holds a warrant of arrest for a criminal offense, shall
11 have the authority to arrest and hold in custody such person
12 anywhere in this state. Fresh pursuit may only be initiated from
13 within the pursuing peace officer's, conservation agent's,
14 capitol police officer's, college or university police officer's,
15 or state park ranger's jurisdiction and shall be terminated once
16 the pursuing peace officer is outside of such officer's
17 jurisdiction and has lost contact with the person being pursued.
18 If the offense is a traffic violation, the uniform traffic ticket
19 shall be used as if the violator had been apprehended in the
20 municipality or county in which the offense occurred.

21 2. If such an arrest is made in obedience to a warrant, the
22 disposition of the prisoner shall be made as in other cases of
23 arrest under a warrant; if the violator is served with a uniform
24 traffic ticket, the violator shall be directed to appear before a
25 court having jurisdiction to try the offense; if the arrest is
26 without a warrant, the prisoner shall be taken forthwith before a
27 judge of a court with original criminal jurisdiction in the
28 county wherein such arrest was made or before a municipal judge

1 thereof having original jurisdiction to try such offense, who may
2 release the person as provided in section 544.455, conditioned
3 upon such person's appearance before the court having
4 jurisdiction to try the offense. The person so arrested need not
5 be taken before a judge as herein set out if given a summons by
6 the arresting officer.

7 3. The term "fresh pursuit", as used in this section, shall
8 include hot or fresh pursuit as defined by the common law and
9 also the pursuit of a person who has committed a felony or is
10 reasonably suspected of having committed a felony in this state,
11 or who has committed or attempted to commit in this state a
12 criminal offense or violation of municipal or county ordinance in
13 the presence of the arresting officer referred to in subsection 1
14 of this section or for whom such officer holds a warrant of
15 arrest for a criminal offense. It shall include also the pursuit
16 of a person suspected of having committed a supposed felony in
17 this state, though no felony has actually been committed, if
18 there is reasonable ground for so believing. "Fresh pursuit" as
19 used herein shall imply instant pursuit.

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

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

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

28 (3) There shall be procedures for coordinating operation

1 with other jurisdictions; and

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