

FIRST REGULAR SESSION

# SENATE BILL NO. 282

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 7, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1480S.01I

## 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Section A. Section 302.302, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 302.302, 304.890, 304.892, and 304.894, to read as follows: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 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 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  
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  
36 driving while in an intoxicated condition  
37 or 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 offenses  
41 however combined: driving while in an  
42 intoxicated condition, driving under the  
43 influence of controlled substances or drugs  
44 or driving with a blood alcohol content of  
45 eight-hundredths of one percent or more by  
46 weight..... 12 points  
47 (10) For the first conviction for  
48 driving with blood alcohol content  
49 eight-hundredths of one percent or more by 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  
59 to county or municipal ordinance or  
60 pursuant to 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  
67 truck operators from stopping at or  
68 proceeding to the scene of an accident  
69 unless they have been requested to stop  
70 or proceed to such scene by a party involved  
71 in such accident or by an officer of a  
72 public safety agency..... 4 points

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

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

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

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

86 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of  
87 subsection 1 of this section constitutes both a violation of a state law and a  
88 violation of a county or municipal ordinance, points may be assessed for either  
89 violation but not for both. Notwithstanding that an offense arising out of the

90 same occurrence could be construed to be a violation of subdivisions (8), (9) and  
91 (10) of subsection 1 of this section, no person shall be tried or convicted for more  
92 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this  
93 section for offenses arising out of the same occurrence.

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

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