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[P E R F E C T E D]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 282

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

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TERRY L. SPIELER, Secretary.

1480S.04P

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:

Section A. Sections 174.700, 174.703, 174.706, 302.302, and 544.157, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 174.700, 174.703, 174.706, 174.709, 174.712, 302.302, 304.890, 304.892, 304.894, and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

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

174.703. 1. The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 thereof, which oath shall be filed in the office of the board, and the secretary of
5 the board shall give each college police officer so appointed and qualified a
6 certificate of appointment, under the seal of the board, which certificate shall
7 empower him or her with the same authority to maintain order, preserve peace
8 and make arrests as is now held by peace officers.

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

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

174.706. Nothing in sections 174.700 to 174.706 shall be construed as
2 denying the board the right to appoint guards or watchmen who shall not be
3 given the authority and powers authorized by sections 174.700 to [174.706]
4 174.712.

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

11 **2. The regulations established by the board of regents or board**
12 **of governors of any state college or university under subsection 1 of**
13 **this section shall be codified, printed, and distributed for public**

14 use. Adequate signs displaying the speed limit shall be posted along
15 such thoroughfares.

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

22 4. The provisions of this section shall apply only to moving
23 violations.

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

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

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; or**

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.**

22 **2. Upon a finding of guilt or a plea of guilty for committing the**
23 **offense of endangerment of an emergency responder under subsection**
24 **1 of this section, if no injury or death to an emergency responder**
25 **resulted from the offense, the court shall assess a fine of not more than**
26 **one thousand dollars, and four points shall be assessed to the operator's**
27 **license pursuant to section 302.302 upon conviction.**

28 **3. A person commits the offense of aggravated endangerment of**
29 **an emergency responder upon a finding of guilt or a plea of guilty for**
30 **any offense under subsection 1 of this section when such offense results**
31 **in the injury or death of an emergency responder. Upon a finding of**

32 **guilt or a plea of guilty for committing the offense of aggravated**
33 **endangerment of an emergency responder, in addition to any other**
34 **penalty authorized by law, the court shall assess a fine of not more**
35 **than five thousand dollars if the offense resulted in injury to an**
36 **emergency responder, and ten thousand dollars if the offense resulted**
37 **in the death of an emergency responder. In addition, twelve points**
38 **shall be assessed to the operator's license pursuant to section 302.302**
39 **upon conviction.**

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

46 **5. No person shall be cited for, or found guilty of, endangerment**
47 **of an emergency responder or aggravated endangerment of an**
48 **emergency responder, for any act or omission otherwise constituting**
49 **an offense under subsection 1 of this section, if such act or omission**
50 **resulted in whole or in part from mechanical failure of the person's**
51 **vehicle, or from the negligence of another person or emergency**
52 **responder.**

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

16 used as if the violator had been apprehended in the municipality or county in
17 which the offense occurred.

18 2. If such an arrest is made in obedience to a warrant, the disposition of
19 the prisoner shall be made as in other cases of arrest under a warrant; if the
20 violator is served with a uniform traffic ticket, the violator shall be directed to
21 appear before a court having jurisdiction to try the offense; if the arrest is
22 without a warrant, the prisoner shall be taken forthwith before a judge of a court
23 with original criminal jurisdiction in the county wherein such arrest was made
24 or before a municipal judge thereof having original jurisdiction to try such
25 offense, who may release the person as provided in section 544.455, conditioned
26 upon such person's appearance before the court having jurisdiction to try the
27 offense. The person so arrested need not be taken before a judge as herein set
28 out if given a summons by the arresting officer.

29 3. The term "fresh pursuit", as used in this section, shall include hot or
30 fresh pursuit as defined by the common law and also the pursuit of a person who
31 has committed a felony or is reasonably suspected of having committed a felony
32 in this state, or who has committed or attempted to commit in this state a
33 criminal offense or violation of municipal or county ordinance in the presence of
34 the arresting officer referred to in subsection 1 of this section or for whom such
35 officer holds a warrant of arrest for a criminal offense. It shall include also the
36 pursuit of a person suspected of having committed a supposed felony in this state,
37 though no felony has actually been committed, if there is reasonable ground for
38 so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

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

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

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

46 (3) There shall be procedures for coordinating operation with other
47 jurisdictions; and

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

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