

FIRST REGULAR SESSION

SENATE BILL NO. 187

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 6, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0488S.011

AN ACT

To repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to public utility vehicles, with an existing penalty provision.

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

Section A. Section 304.022, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 304.022, to read as follows:

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 highways
12 and transportation commission and operated by an authorized employee of the
13 department of transportation [or] **displaying lighted amber or amber and**
14 **white lights**, a stationary vehicle owned by a contractor or subcontractor
15 performing work for the department of transportation displaying lighted amber
16 or amber and white lights, **or a stationary vehicle operated by a utility**
17 **worker, as defined in paragraph (i) of subdivision (14) of section**
18 **565.002, displaying lighted amber or amber and white lights**, the driver
19 of every motor vehicle shall:

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

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

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

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

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

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

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

41 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
42 307.175;

43 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public
44 utility or public service corporation while performing emergency service;

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

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

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

56 (8) Any vehicle designated to perform hazardous substance emergency
57 functions established pursuant to the provisions of sections 260.500 to 260.550;
58 or

59 (9) Any vehicle owned by the state highways and transportation
60 commission and operated by an authorized employee of the department of
61 transportation that is marked as a department of transportation emergency
62 response or motorist assistance vehicle.

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

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

69 (a) Park or stand irrespective of the provisions of sections 304.014 to
70 304.025;

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

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

75 (d) Disregard regulations governing direction of movement or turning in
76 specified directions.

77 (3) The exemptions granted to an emergency vehicle pursuant to
78 subdivision (2) of this subsection shall apply only when the driver of any such
79 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
80 as may be reasonably necessary, and when the vehicle is equipped with at least
81 one lighted lamp displaying a red light or blue light visible under normal
82 atmospheric conditions from a distance of five hundred feet to the front of such
83 vehicle.

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

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