

FIRST REGULAR SESSION

SENATE BILL NO. 61

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0415S.011

AN ACT

To repeal sections 304.022 and 307.175, RSMo, and to enact in lieu thereof two new sections relating to the display of lights on stationary motor vehicles, with an existing penalty provision.

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

Section A. Sections 304.022 and 307.175, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 304.022 and 307.175, to read as follows:

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation displaying lighted amber [or], amber and white lights, **or red and blue lights**, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due

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

18 regard to safety and traffic conditions, by making a lane change into a lane not
19 adjacent to that of the stationary vehicle, if on a roadway having at least four
20 lanes with not less than two lanes proceeding in the same direction as the
21 approaching vehicle; or

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

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

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

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

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

38 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
39 307.175;

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

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

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

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

53 (8) Any vehicle designated to perform hazardous substance emergency

54 functions established pursuant to the provisions of sections 260.500 to 260.550;
55 or

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

60 5. (1) The driver of any vehicle referred to in subsection 4 of this section
61 shall not sound the siren thereon or have the front red lights or blue lights on
62 except when such vehicle is responding to an emergency call or when in pursuit
63 of an actual or suspected law violator, or when responding to, but not upon
64 returning from, a fire.

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

66 (a) Park or stand irrespective of the provisions of sections 304.014 to
67 304.025;

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

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

72 (d) Disregard regulations governing direction of movement or turning in
73 specified directions.

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

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

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

307.175. 1. Motor vehicles and equipment which are operated by any
2 member of an organized fire department, ambulance association, or rescue squad,
3 whether paid or volunteer, may be operated on streets and highways in this state
4 as an emergency vehicle under the provisions of section 304.022 while responding
5 to a fire call or ambulance call or at the scene of a fire call or ambulance call and

6 while using or sounding a warning siren and using or displaying thereon fixed,
7 flashing or rotating blue lights, but sirens and blue lights shall be used only in
8 bona fide emergencies.

9 2. Motor vehicles and equipment owned by the state highways and
10 transportation commission or contractor or subcontractor performing work for the
11 department of transportation may use or display thereon fixed, flashing, or
12 rotating [amber] **red** or [white] **blue** lights, but [amber] **red** or [white] **blue**
13 lights shall be used only while such vehicle is stationary in a work zone, as
14 defined in section 304.580, when highway workers, as defined in section 304.580,
15 are present.

16 3. Permits for the operation of such vehicles equipped with sirens or blue
17 lights shall be in writing and shall be issued and may be revoked by the chief of
18 an organized fire department, organized ambulance association, rescue squad, or
19 the state highways and transportation commission and no person shall use or
20 display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue
21 equipment without a valid permit authorizing the use. A permit to use a siren
22 or lights as heretofore set out does not relieve the operator of the vehicle so
23 equipped with complying with all other traffic laws and regulations. Violation of
24 this section constitutes a class A misdemeanor.

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