

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 85
99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, March 30, 2017, with recommendation that the Senate Committee Substitute do pass.

0161S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

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

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Section A. Section 304.022, RSMo, is repealed and one new section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 a stationary vehicle owned by a contractor or
14 subcontractor performing work for the department of transportation displaying
15 lighted amber or amber and white lights, **or a stationary vehicle operated by**
16 **a utility worker displaying lighted amber or amber and white lights**, the
17 driver of every motor vehicle shall:

18 (1) Proceed with caution and yield the right-of-way, if possible with due
19 regard to safety and traffic conditions, by making a lane change into a lane not

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

20 adjacent to that of the stationary vehicle, if on a roadway having at least four
21 lanes with not less than two lanes proceeding in the same direction as the
22 approaching vehicle; or

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

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

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

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

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

39 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
40 307.175;

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

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

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

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

54 (8) Any vehicle designated to perform hazardous substance emergency
55 functions established pursuant to the provisions of sections 260.500 to 260.550;

56 or

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

61 **5. As used in this section, the term "utility worker" means any**
62 **employee while in performance of his or her job duties, including any**
63 **person employed under contract of a utility that provides gas, heat,**
64 **electricity, water, steam, telecommunications or cable services, or**
65 **sewer services, whether privately, municipally, or cooperatively owned.**

66 **6. (1)** The driver of any vehicle referred to in subsection 4 of this section
67 shall not sound the siren thereon or have the front red lights or blue lights on
68 except when such vehicle is responding to an emergency call or when in pursuit
69 of an actual or suspected law violator, or when responding to, but not upon
70 returning from, a fire.

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

72 (a) Park or stand irrespective of the provisions of sections 304.014 to
73 304.025;

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

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

78 (d) Disregard regulations governing direction of movement or turning in
79 specified directions.

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

87 **[6.] 7.** No person shall purchase an emergency light as described in this
88 section without furnishing the seller of such light an affidavit stating that the
89 light will be used exclusively for emergency vehicle purposes.

90 **[7.] 8.** Violation of this section shall be deemed a class A misdemeanor.

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