

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 618**

**93RD GENERAL ASSEMBLY**

1755S.02T

2005

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**AN ACT**

To repeal sections 43.050 and 304.022, RSMo, and to enact in lieu thereof two new sections relating to law enforcement, with penalty provisions.

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

Section A. Sections 43.050 and 304.022, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 43.050 and 304.022, to read as follows:

43.050. 1. The superintendent may appoint not more than twenty-five captains and one  
2 director of radio, each of whom shall have the same qualifications as the superintendent, nor  
3 more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so  
4 that the total number of members of the patrol shall not exceed nine hundred sixty-five officers  
5 and patrolmen and such numbers of radio personnel as [he] **the superintendent** deems  
6 necessary.

7 2. In case of a national emergency the superintendent may name additional patrolmen  
8 and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel  
9 called into military services.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10           3. Members of the patrol hired in conjunction with any agreement with the Missouri  
11 gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this  
12 section. If such agreement is subsequently terminated or modified to reduce the number of  
13 personnel used in such agreement, those members affected by such termination or modification  
14 shall not be subject to the personnel cap referenced in subsection 1 of this section for a period  
15 of three years.

16           4. Members of the patrol hired in conjunction with the community-oriented policing  
17 services federal grant **or members assigned to fulfill the duties established in sections 43.350**  
18 **to 43.380** shall not be subject to the personnel cap referenced in subsection 1 of this section.

19           5. Applicants shall not be discriminated against because of race, creed, color, national  
20 origin or sex.

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

9           2. Upon approaching a stationary emergency vehicle displaying lighted red or red and  
10 blue lights, the driver of every motor vehicle shall:

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

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

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

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

21           (1) A vehicle operated by the state highway patrol, the state water patrol, **the Missouri**  
22 **capitol police**, or a state park ranger, those vehicles operated by enforcement personnel of the  
23 state highways and transportation commission, police or fire department, sheriff, constable or  
24 deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests  
25 for violations of the laws of the United States, traffic officer or coroner or by a privately owned

26 emergency vehicle company;

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

29 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

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

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

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

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

41 (8) Any vehicle designated to perform hazardous substance emergency functions  
42 established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

43 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not  
44 sound the siren thereon or have the front red lights or blue lights on except when such vehicle  
45 is responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
46 when responding to, but not upon returning from, a fire.

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

48 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

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

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

53 (d) Disregard regulations governing direction of movement or turning in specified  
54 directions.

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

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

62 emergency vehicle purposes.

63 7. Violation of this section shall be deemed a class C misdemeanor.