

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 618**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Transportation, April 12, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1755S.02C

TERRY L. SPIELER, Secretary.

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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Section A. Sections 43.050 and 304.022, RSMo, are repealed and two new sections  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  
2 and one director of radio, each of whom shall have the same qualifications as the  
3 superintendent, nor more than sixty lieutenants, and such additional force of sergeants,  
4 corporals and patrolmen, so that the total number of members of the patrol shall not  
5 exceed nine hundred sixty-five officers and patrolmen and such numbers of radio  
6 personnel as [he] **the superintendent** deems necessary.

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

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

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

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

19 referenced in subsection 1 of this section.

20           5. Applicants shall not be discriminated against because of race, creed, color,  
21 national 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  
3 under normal atmospheric conditions from a distance of five hundred feet to the front  
4 of such vehicle or a flashing blue light authorized by section 307.175, RSMo, the driver  
5 of every other vehicle shall yield the right-of-way and shall immediately drive to a  
6 position parallel to, and as far as possible to the right of, the traveled portion of the  
7 highway and thereupon stop and remain in such position until such emergency vehicle  
8 has passed, except when otherwise directed by a police or traffic officer.

9           2. Upon approaching a stationary emergency vehicle displaying lighted red or red  
10 and 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  
12 to safety and traffic conditions, by making a lane change into a lane not adjacent to that  
13 of the stationary vehicle, if on a roadway having at least four lanes with not less than  
14 two lanes proceeding in the same direction as the approaching vehicle; or

15           (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a  
16 safe 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  
19 as 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**  
22 **Missouri capitol police**, or a state park ranger, those vehicles operated by  
23 enforcement personnel of the state highways and transportation commission, police or  
24 fire department, sheriff, constable or deputy sheriff, federal law enforcement officer  
25 authorized to carry firearms and to make arrests for violations of the laws of the United  
26 States, traffic officer or coroner or by a privately owned emergency vehicle company;

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

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

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

33           (5) Any vehicle transporting equipment designed to extricate human beings from

34 the wreckage of a motor vehicle;

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

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

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

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

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

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

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

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

56 (d) Disregard regulations governing direction of movement or turning in specified  
57 directions.

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

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

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

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