

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1310

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), WELLS, DUSENBERG, BROWN (30), SMITH (118), DIXON, CUNNINGHAM (86), SCHAD, HARRIS (23), MEADOWS, PARSON, WOOD, YOUNG, ST. ONGE, BIVINS, WILSON (130) AND BLACK (Co-sponsors).

Read 1st time January 10, 2006 and copies ordered printed.

Read 2nd time January 11, 2006 and referred to the Committee on Crime Prevention and Public Safety January 26, 2006.

Reported from the Committee on Crime Prevention and Public Safety February 8, 2006 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules February 21, 2006 with recommendation that the bill Do Pass with no time limit for debate.

Taken up for Perfection March 8, 2006. Bill ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

3950L.01P

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## AN ACT

To repeal sections 304.022, 565.024, and 565.060, RSMo, and to enact in lieu thereof three new sections relating to emergency vehicles, with penalty provisions.

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

Section A. Sections 304.022, 565.024, and 565.060, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 304.022, 565.024, and 565.060, to read  
3 as follows:

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 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

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.

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 sound  
44 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
45 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] **304.025**;

49           (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
50 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 [B] **A** misdemeanor.

          565.024. 1. A person commits the crime of involuntary manslaughter in the first degree  
2 if he or she:

3           (1) Recklessly causes the death of another person; or

4           (2) While in an intoxicated condition operates a motor vehicle in this state and, when so  
5 operating, acts with criminal negligence to cause the death of any person; or

6           (3) While in an intoxicated condition operates a motor vehicle in this state, and, when  
7 so operating, acts with criminal negligence to:

8           (a) Cause the death of any person not a passenger in the vehicle operated by the  
9 defendant, including the death of an individual that results from the defendant's vehicle leaving  
10 a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or

11           (b) Cause the death of two or more persons; or

12           (c) Cause the death of any person while he or she has a blood alcohol content of at least  
13 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

14           **(4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo,**  
15 **and when so operating, acts with criminal negligence to cause the death of any person**

16 **authorized to operate an emergency vehicle, as defined in section 304.022, RSMo, while**  
17 **such person is in the performance of official duties.**

18         2. Involuntary manslaughter in the first degree under subdivision (1) or (2) of subsection  
19 1 of this section is a class C felony. Involuntary manslaughter in the first degree under  
20 subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent  
21 violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation  
22 of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant  
23 must serve shall be eighty-five percent of his or her sentence. **Any violation of subdivision (4)**  
24 **of subsection 1 of this section is a class B felony.**

25         3. A person commits the crime of involuntary manslaughter in the second degree if he  
26 acts with criminal negligence to cause the death of any person.

27         4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if he:

2         (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to  
3 another person under the influence of sudden passion arising out of adequate cause; or

4         (2) Attempts to cause or knowingly causes physical injury to another person by means  
5 of a deadly weapon or dangerous instrument; or

6         (3) Recklessly causes serious physical injury to another person; or

7         (4) While in an intoxicated condition or under the influence of controlled substances or  
8 drugs, operates a motor vehicle in this state and, when so operating, acts with criminal  
9 negligence to cause physical injury to any other person than himself; or

10         (5) Recklessly causes physical injury to another person by means of discharge of a  
11 firearm; or

12         **(6) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo,**  
13 **and when so operating, acts with criminal negligence to cause physical injury to any person**  
14 **authorized to operate an emergency vehicle, as defined in section 304.022, RSMo, while**  
15 **such person is in the performance of official duties.**

16         2. The defendant shall have the burden of injecting the issue of influence of sudden  
17 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

18         3. Assault in the second degree is a class C felony.

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