

SECOND REGULAR SESSION

HOUSE BILL NO. 1516

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4510L.011

AN ACT

To repeal sections 302.302 and 304.022, RSMo, and to enact in lieu thereof two new sections relating to failure to yield to an emergency vehicle, with a penalty provision.

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

Section A. Sections 302.302 and 304.022, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.302 and 304.022, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 2 points (except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding 3 points

In violation of a county or municipal ordinance. 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

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.

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17 In violation of any county or municipal ordinance. 6 points

18 (4) Careless and imprudent driving in violation of subsection 4 of section 304.016,

19 RSMo 4 points

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21 In violation of a county or municipal ordinance. 2 points

22 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection

23 1 of section 302.020:

24 (a) For the first conviction 2 points

25 (b) For the second conviction 4 points

26 (c) For the third conviction 6 points

27 (6) Operating with a suspended or revoked license prior to restoration of operating

28 privileges 12 points

29 (7) Obtaining a license by misrepresentation 12 points

30 (8) For the first conviction of driving while in an intoxicated condition or under the

31 influence of controlled substances or drugs 8 points

32 (9) For the second or subsequent conviction of any of the following offenses however

33 combined: driving while in an intoxicated condition, driving under the influence of controlled

34 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent

35 or more by weight 12 points

36 (10) For the first conviction for driving with blood alcohol content eight-hundredths of

37 one percent or more by weight

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39 In violation of state law 8 points

40 In violation of a county or municipal ordinance or federal law or regulation 8 points

41 (11) Any felony involving the use of a motor vehicle 12 points

42 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . . 4 points

43 (13) For a conviction for failure to maintain financial responsibility pursuant to county

44 or municipal ordinance or pursuant to section 303.025, RSMo 4 points

45 **(14) Failing to yield the right-of-way to an emergency vehicle under section 304.022,**

46 **RSMo 4 points**

47 **(15) Failing to yield the right-of-way to an emergency vehicle by eluding the police**

48 **under section 304.022, RSMo 8 points.**

49 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess

50 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section

51 302.020, when the director issues such operator a license or permit pursuant to the provisions
52 of sections 302.010 to 302.340.

53 3. An additional two points shall be assessed when personal injury or property damage
54 results from any violation listed in subsection 1 of this section and if found to be warranted and
55 certified by the reporting court.

56 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
57 section constitutes both a violation of a state law and a violation of a county or municipal
58 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
59 offense arising out of the same occurrence could be construed to be a violation of subdivisions
60 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
61 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
62 offenses arising out of the same occurrence.

63 5. The director of revenue shall put into effect a system for staying the assessment of
64 points against an operator. The system shall provide that the satisfactory completion of a
65 driver-improvement program or, in the case of violations committed while operating a
66 motorcycle, a motorcycle-rider training course approved by the director of the department of
67 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
68 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
69 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
70 committed by an individual who has been issued a commercial driver's license or is required to
71 obtain a commercial driver's license in this state or any other state, shall be accepted by the
72 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
73 of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of
74 this subsection, the driver-improvement program shall meet or exceed the standards of the
75 National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation
76 which occurred during the operation of a motorcycle, the program shall meet the standards
77 established by the director of the department of public safety pursuant to sections 302.133 to
78 302.138. The completion of a driver-improvement program or a motorcycle-rider training course
79 shall not be accepted in lieu of points more than one time in any thirty-six-month period and
80 shall be completed within sixty days of the date of conviction in order to be accepted in lieu of
81 the assessment of points. Every court having jurisdiction pursuant to the provisions of this
82 subsection shall, within fifteen days after completion of the driver-improvement program or
83 motorcycle-rider training course by an operator, forward a record of the completion to the
84 director, all other provisions of the law to the contrary notwithstanding. The director shall
85 establish procedures for record keeping and the administration of this subsection.

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
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;

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 misdemeanor **and shall result in**
64 **points assessed in accordance with subdivisions (14) and (15) of subsection 1 of section**
65 **302.302, RSMo.**

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