

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 470, Page 25, Section 304.190, Line 57, by inserting after all of said section and line, the following:

“304.890. As used in sections 304.890 to 304.894, the term "active emergency zone" is defined as any area upon or around any highway as defined in section 302.010 which is visibly marked by emergency personnel performing work for the purpose of emergency response as an area where an active emergency or incident removal, is temporarily occurring. The term "active emergency zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. As used in sections 304.890 to 304.894, the term "active emergency" means any incident occurring on a public highway or the right-of-way of a public highway that requires emergency services from police or highway patrol officers, firefighters, first responders, emergency medical workers, tow truck operators, or other emergency personnel. The terms "emergency personnel" or "emergency responder" as used in sections 304.890 to 304.894 shall mean any police officer, firefighter, highway patrol officer, first responder, emergency medical worker, tow truck operator or other emergency personnel responding to an emergency on a public highway or the right-of-way of a public highway.

304.892. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within an active emergency zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were any emergency personnel or emergency responders in such zone.

1 Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of
2 three hundred dollars in addition to any other fine authorized by law. However, no person
3 assessed an additional fine under this subsection shall also be assessed an additional fine under
4 subsection 1 of this section, and no person shall be assessed an additional fine under this
5 subsection if the area is not visibly marked by emergency personnel under subsection 3 of this
6 section.

7 3. The penalty authorized by subsection 2 of this section shall only be assessed by the
8 court if the emergency personnel or emergency responder has visibly marked the active
9 emergency zone.

10 4. The driver of a motor vehicle may not overtake or pass another motor vehicle within an
11 active emergency zone as provided in this subsection. Violation of this subsection is a class C
12 misdemeanor.

13 5. The additional fines imposed by this section shall not be construed to enhance the
14 assessment of court costs or the assessment of points under section 302.302.

15 304.894. 1. A person shall be deemed to commit the offense of endangerment of
16 emergency personnel or emergency responder upon conviction for any of the following when the
17 offense occurs within an active emergency zone, as defined in section 304.890:

18 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

19 (2) Passing in violation of subsection 4 of section 304.892;

20 (3) Failure to stop for an active emergency zone flagman or emergency personnel, or
21 failure to obey traffic control devices erected or personnel posted in the active emergency zone for
22 purposes of controlling the flow of motor vehicles through the zone;

23 (4) Driving through or around an active emergency zone by any lane not clearly
24 designated to motorists for the flow of traffic through or around the active emergency zone;

25 (5) Physically assaulting, or attempting to assault, or threatening to assault an emergency
26 responder in an active emergency zone, with a motor vehicle or other instrument;

27 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices
28 erected to control the flow of traffic to protect emergency responders and motorists in the active
29 emergency zone for a reason other than avoidance of an obstacle, an emergency, or to protect the
30 health and safety of an occupant of the motor vehicle or of another person; or

31 (7) Committing any of the following offenses for which points may be assessed under
32 section 302.302:

33 (a) Leaving the scene of an accident in violation of section 577.060;

34 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

35 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1
36 of section 302.020;

1 (d) Operating with a suspended or revoked license in violation of section 302.321;

2 (e) Driving while in an intoxicated condition or under the influence of controlled
3 substances or drugs or driving with an excessive blood alcohol content in violation of sections
4 577.010 and 577.012;

5 (f) Any felony involving the use of a motor vehicle.

6 2. Upon conviction or a plea of guilty for committing the offense of endangerment of an
7 emergency responder under subsection 1 of this section if no injury or death to an emergency
8 responder resulted from the offense, in addition to any other penalty authorized by law, the person
9 shall be subject to a fine of not more than one thousand dollars and shall have four points assessed
10 to his or her driver's license under section 302.302.

11 3. A person shall be deemed to commit the offense of aggravated endangerment of an
12 emergency responder upon conviction or a plea of guilty for any offense under subsection 1 of this
13 section when such offense occurs in an active emergency zone as defined in section 304.890 and
14 results in the injury or death of an emergency responder. Upon conviction or a plea of guilty for
15 committing the offense of aggravated endangerment of an emergency responder, in addition to any
16 other penalty authorized by law, the person shall be subject to a fine of not more than five
17 thousand dollars if the offense resulted in injury to an emergency responder and ten thousand
18 dollars if the offense resulted in death to an emergency responder. In addition, such person shall
19 have twelve points assessed to their driver's license under section 302.302 and shall be subject to
20 the provisions of section 302.304 regarding the revocation of the person's license and driving
21 privileges.

22 4. Except for the offense established under subdivision (6) of subsection 1 of this section,
23 no person shall be deemed to commit the offense of endangerment of an emergency responder
24 except when the act or omission constituting the offense occurred when one or more emergency
25 responders were responding to an active emergency as defined in section 304.890.

26 5. No person shall be cited or convicted for endangerment of an emergency responder or
27 aggravated endangerment of an emergency responder, for any act or omission otherwise
28 constituting an offense under subsection 1 of this section, if such act or omission resulted in whole
29 or in part from mechanical failure of the person's vehicle or from the negligence of another person
30 or emergency responder.”; and

31
32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.