

SECOND REGULAR SESSION

# HOUSE BILL NO. 1040

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HINSON.

4201L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 304.022, RSMo, and to enact in lieu thereof one new section 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Section A. Section 304.022, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.022, to read as follows:

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

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, **or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights**, the driver of every motor vehicle shall:

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

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

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.

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

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

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

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

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

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

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

42           (8) Any vehicle designated to perform hazardous substance emergency functions  
43 established pursuant to the provisions of sections 260.500 to 260.550;

44           **(9) Any vehicle owned by the state highways and transportation commission and**  
45 **operated by an authorized employee of the department of transportation that is marked**  
46 **as a department of transportation emergency response or motorist assistance vehicle.**

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

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

52           (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

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

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

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

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

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

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

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