

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 83, Page 88, Section 302.302, Line 54, by inserting after all of said line, the
3 following:
4

5 "(17) Endangerment of an emergency responder in violation of
6 section 304.894..... 4 points
7 (18) Aggravated endangerment of an emergency responder in violation of section 304.894
8 12 points"; and
9

10 Further amend said bill, Page 111, Section 302.525, Line 61, by inserting after all of said section and
11 line, the following:
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13 "304.890. As used in sections 304.890 to 304.894, the following terms shall mean:
14 (1) "Active emergency", any incident occurring on a highway, as the term "highway" is
15 defined in section 302.010, that requires emergency services from any emergency responder;
16 (2) "Active emergency zone", any area upon or around any highway, which is visibly marked
17 by emergency responders performing work for the purpose of emergency response, and where an
18 active emergency, or incident removal, is temporarily occurring. This area includes the lanes of
19 highway leading up to an active emergency or incident removal, beginning within three hundred feet
20 of visual sighting of:
21 (a) Appropriate signs or traffic control devices posted or placed by emergency responders; or
22 (b) An emergency vehicle displaying active emergency lights or signals;
23 (3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first
24 responder, emergency medical worker, tow truck operator, or other emergency personnel responding
25 to an emergency on a highway.

26 304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a
27 moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed
28 in section 302.302, other than a violation described in subsection 2 of this section, when the violation
29 or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars
30 in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of
31 guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other
32 fine authorized by law.

Action Taken _____ Date _____

1 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding
2 violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this
3 section, when the violation or offense occurs within an active emergency zone and emergency
4 responders were present in such zone at the time of the offense or violation, the court shall assess a
5 fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or
6 subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred
7 dollars in addition to any other fine authorized by law. However, no person assessed an additional
8 fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

9 3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an
10 active emergency zone. Violation of this subsection is a class C misdemeanor.

11 4. The additional fines imposed by this section shall not be construed to enhance the
12 assessment of court costs or the assessment of points under section 302.302.

13 304.894. 1. A person commits the offense of endangerment of an emergency responder for
14 any of the following offenses when the offense occurs within an active emergency zone:

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

16 (2) Passing in violation of subsection 3 of section 304.892;

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

20 (4) Driving through or around an active emergency zone via any lane not clearly designated
21 for motorists to control the flow of traffic through or around the active emergency zone;

22 (5) Physically assaulting, attempting to assault, or threatening to assault an emergency
23 responder with a motor vehicle or other instrument; or

24 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected
25 to control the flow of traffic to protect emergency responders and motorists unless the action was
26 necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of
27 the motor vehicle or of another person.

28 2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of
29 an emergency responder under subsection 1 of this section, if no injury or death to an emergency
30 responder resulted from the offense, the court shall assess a fine of not more than one thousand
31 dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon
32 conviction.

33 3. A person commits the offense of aggravated endangerment of an emergency responder
34 upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when
35 such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a
36 plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in
37 addition to any other penalty authorized by law, the court shall assess a fine of not more than five
38 thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars
39 if the offense resulted in the death of an emergency responder. In addition, twelve points shall be
40 assessed to the operator's license pursuant to section 302.302 upon conviction.

41 4. Except for the offense established under subdivision (6) of subsection 1 of this section, no

1 person shall be deemed to have committed the offense of endangerment of an emergency responder
2 except when the act or omission constituting the offense occurred when one or more emergency
3 responders were responding to an active emergency.

4 5. No person shall be cited for, or found guilty of, endangerment of an emergency responder
5 or aggravated endangerment of an emergency responder, for any act or omission otherwise
6 constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or
7 in part from mechanical failure of the person's vehicle, or from the negligence of another person or
8 emergency responder."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.