

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 85

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REDMON.

0161H.01P

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 public utility 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Section A. Section 304.022, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.022, to read as follows: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 or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation displaying lighted amber or amber and white lights, **or a stationary vehicle operated by a utility worker displaying lighted amber or amber and white lights**, the driver of every motor vehicle shall:

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.

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

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

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

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

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

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

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

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

36 (5) Any vehicle transporting equipment designed to extricate human beings from the  
37 wreckage of a motor vehicle;

38 (6) Any vehicle designated to perform emergency functions for a civil defense or  
39 emergency management agency established pursuant to the provisions of chapter 44;

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

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

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

50           5. As used in this section, the term "utility worker" means any employee while in  
51 performance of his or her job duties, including any person employed under contract of a  
52 utility that provides gas, heat, electricity, water, steam, telecommunications services, or  
53 sewer services, whether privately, municipally, or cooperatively owned.

54           6. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
55 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
56 responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
57 when responding to, but not upon returning from, a fire.

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

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

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

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

64           (d) Disregard regulations governing direction of movement or turning in specified  
65 directions.

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

71           [6-] 7. No person shall purchase an emergency light as described in this section without  
72 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
73 emergency vehicle purposes.

74           [7-] 8. Violation of this section shall be deemed a class A misdemeanor.

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