

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 85

99TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, Infrastructure and Public Safety, March 30, 2017, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

0161S.02C

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Section A. Section 304.022, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.022, to read as follows: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

(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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 adjacent to that of the stationary vehicle, if on a roadway having at least four  
21 lanes with not less than two lanes proceeding in the same direction as the  
22 approaching vehicle; or

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

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

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

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

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

39 (3) Any vehicle qualifying as an emergency vehicle pursuant to section  
40 307.175;

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

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

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

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

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

56 or

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

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

66 6. (1) The driver of any vehicle referred to in subsection 4 of this section  
67 shall not sound the siren thereon or have the front red lights or blue lights on  
68 except when such vehicle is responding to an emergency call or when in pursuit  
69 of an actual or suspected law violator, or when responding to, but not upon  
70 returning from, a fire.

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

72 (a) Park or stand irrespective of the provisions of sections 304.014 to  
73 304.025;

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

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

78 (d) Disregard regulations governing direction of movement or turning in  
79 specified directions.

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

87 [6.] 7. No person shall purchase an emergency light as described in this  
88 section without furnishing the seller of such light an affidavit stating that the  
89 light will be used exclusively for emergency vehicle purposes.

90 [7.] 8. Violation of this section shall be deemed a class A misdemeanor.

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