

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2287
99TH GENERAL ASSEMBLY

5394H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.585, RSMo, and to enact in lieu thereof one new section relating to accidents occurring in work zones, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 304.585, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.585, to read as follows:

304.585. 1. A person shall be deemed to commit the offense of "endangerment of a highway worker" upon conviction for any of the following when the offense occurs within a construction zone or work zone, as defined in section 304.580:

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

(2) Passing in violation of subsection 4 of section 304.582;

(3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;

(5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;

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

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

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.

- 19 (a) Leaving the scene of an accident in violation of section 577.060;
20 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
21 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection
22 1 of section 302.020;
23 (d) Operating with a suspended or revoked license;
24 (e) Driving while in an intoxicated condition or under the influence of controlled
25 substances or drugs or driving with an excessive blood alcohol content;
26 (f) Any felony involving the use of a motor vehicle.
- 27 2. Upon conviction or a plea of guilty for committing the offense of endangerment of a
28 highway worker under subsection 1 of this section if no injury or death to a highway worker
29 resulted from the offense, in addition to any other penalty authorized by law, the person shall be
30 subject to a fine of not more than one thousand dollars and shall have four points assessed to his
31 or her driver's license under section 302.302.
- 32 3. A person shall be deemed to commit the offense of "aggravated endangerment of a
33 highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this
34 section when such offense occurs in a construction zone or work zone as defined in section
35 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of
36 guilty for committing the offense of aggravated endangerment of a highway worker, in addition
37 to any other penalty authorized by law, the person shall be subject to a fine of not more than five
38 thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars
39 if the offense resulted in death to a highway worker. In addition, such person shall have twelve
40 points assessed to their driver's license under section 302.302 and shall be subject to the
41 provisions of section 302.304 regarding the revocation of the person's license and driving
42 privileges.
- 43 4. Except for the offense established under subdivision (6) of subsection 1 of this
44 section, no person shall be deemed to commit the offense of endangerment of a highway worker
45 except when the act or omission constituting the offense occurred when one or more highway
46 workers were in the construction zone or work zone.
- 47 5. No person shall be cited or convicted for endangerment of a highway worker or
48 aggravated endangerment of a highway worker, for any act or omission otherwise constituting
49 an offense under subsection 1 of this section, if such act or omission resulted in whole or in part
50 from mechanical failure of the person's vehicle or from the negligence of another person or a
51 highway worker.
- 52 **6. (1) Notwithstanding any provision of this section or any other law to the**
53 **contrary, the director of the department of revenue or his or her agent shall have power**
54 **to order the immediate suspension of a driver's license upon notification that an individual**

55 holding such license was involved in a physical accident where his or her vehicle struck a
56 highway worker within a designated construction zone or work zone where department
57 of transportation guidelines involving notice and signage were properly implemented and
58 were attested to by the department in its communications with the director of the
59 department of revenue or his or her agents.

60 (2) An individual whose driver's license is subject to suspension under this
61 subsection may seek reinstatement by either:

62 (a) Taking and passing the written and driving portions of the driver's license
63 examination, in which case the individual's driver's license shall be immediately reinstated.
64 No evidence from any administrative adjudication involving the reinstatement of driver's
65 licenses under this subsection shall be made available for any other administrative action,
66 civil case, or criminal adjudication. The records from a driver's license examination and
67 the fact of passage or failure of such examination is a closed public record and not subject
68 to subpoena for any purpose; or

69 (b) Petitioning for a hearing before a circuit division or associate division of the
70 court in the county in which the work zone accident occurred and such petitions shall be
71 placed at the head of the docket of the court wherein filed. The individual may request
72 such court to issue an order staying the suspension until such time as the petition for
73 review can be heard. If the court, in its discretion, grants such stay, it shall enter the order
74 upon a form prescribed by the director of revenue and shall send a copy of such order to
75 the director. Such order shall serve as proof of the privilege to operate a motor vehicle in
76 this state and the director shall maintain possession of the person's license to operate a
77 motor vehicle until the termination of any suspension under this subsection. The clerk of
78 the court shall notify the prosecuting attorney of the county and the prosecutor shall
79 appear at the hearing on behalf of the director of revenue. At the hearing the court shall
80 determine only:

81 a. Whether the person was involved in a physical accident where his or her vehicle
82 struck a highway worker within a designated construction or work zone;

83 b. Whether the department of transportation guidelines involving notice and
84 signage were properly implemented in such work zone; and

85 c. If the court determines any issue not to be in the affirmative, the court shall
86 order the director to reinstate the license or permit to drive.

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