

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 301.3175, Line 32,
2 by inserting after all of said section and line the following:

3
4 "304.585. 1. A person shall be deemed to commit the offense of "endangerment of a
5 highway worker" upon conviction for any of the following when the offense occurs within a
6 construction zone or work zone, as defined in section 304.580:

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

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

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

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

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

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

20 (7) Striking a vehicle, trailer, or other equipment owned or operated by the department, a
21 contractor, or subcontractor, including a truck or trailer-mounted crash attenuator; or

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

24 (a) Leaving the scene of an accident in violation of section 577.060;

25 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

26 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of
27 section 302.020;

28 (d) Operating with a suspended or revoked license;

29 (e) Driving while in an intoxicated condition or under the influence of controlled substances
30 or drugs or driving with an excessive blood alcohol content;

Action Taken _____ Date _____

1 (f) Any felony involving the use of a motor vehicle.

2 2. Upon conviction or a plea of guilty for committing the offense of endangerment of a
3 highway worker under subsection 1 of this section if no injury or death to a highway worker resulted
4 from the offense, in addition to any other penalty authorized by law, the person shall be subject to a
5 fine of ~~[not more than]~~ one thousand dollars and shall have four points assessed to his or her driver's
6 license under section 302.302.

7 3. A person shall be deemed to commit the offense of "aggravated endangerment of a
8 highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this
9 section when such offense occurs in a construction zone or work zone as defined in section 304.580
10 and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for
11 committing the offense of aggravated endangerment of a highway worker, in addition to any other
12 penalty authorized by law, the person shall be subject to a fine of ~~[not more than]~~ five thousand
13 dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense
14 resulted in death to a highway worker. In addition, such person shall have twelve points assessed to
15 their driver's license under section 302.302 and shall be subject to the provisions of section 302.304
16 regarding the revocation of the person's license and driving privileges.

17 4. Except for the offense established under subdivision (6) of subsection 1 of this section, no
18 person shall be deemed to commit the offense of endangerment of a highway worker except when
19 the act or omission constituting the offense occurred when one or more highway workers were in the
20 construction zone or work zone.

21 5. No person shall be cited or convicted for endangerment of a highway worker or
22 aggravated endangerment of a highway worker, for any act or omission otherwise constituting an
23 offense under subsection 1 of this section, if such act or omission resulted in whole or in part from
24 mechanical failure of the person's vehicle ~~[or from the negligence of another person or a highway~~
25 ~~worker]~~.

26 6. (1) Notwithstanding any provision of this section or any other law to the contrary, the
27 director of the department of revenue or his or her agent shall order the revocation of a driver's
28 license upon its determination that an individual holding such license was involved in a ~~[physical~~
29 ~~accident]~~ traffic crash where his or her negligent acts or omissions contributed to his or her vehicle
30 striking a highway worker within a designated construction zone or work zone where department of
31 transportation guidelines involving notice and signage were properly implemented. The department
32 shall make its determination of these facts on the basis of the report of a law enforcement officer
33 investigating the incident and this determination shall be final unless a hearing is requested and held
34 as provided under subdivision (2) of this subsection. Upon its determination that the facts support a
35 license revocation, the department shall issue a notice of revocation which shall be mailed to the
36 person at the last known address shown on the department's records. The notice is deemed received
37 three days after mailing unless returned by postal authorities. The notice of revocation shall clearly
38 specify the reason and statutory grounds for the revocation, the effective date of the revocation

1 which shall be at least fifteen days from the date the department issued its order, the right of the
2 person to request a hearing, and the date by which the request for a hearing must be made.

3 (2) An individual who received notice of revocation from the department under this section
4 may seek reinstatement by either:

5 (a) Taking and passing the written and driving portions of the driver's license examination,
6 in which case the individual's driver's license shall be immediately reinstated; or

7 (b) Petitioning for a hearing before a circuit division or associate division of the court in the
8 county in which the work zone accident occurred. The individual may request such court to issue an
9 order staying the revocation until such time as the petition for review can be heard. If the court, in
10 its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of
11 revenue and shall send a copy of such order to the director. Such order shall serve as proof of the
12 privilege to operate a motor vehicle in this state, and the director shall maintain possession of the
13 person's license to operate a motor vehicle until the termination of any suspension under this
14 subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the
15 prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court
16 shall determine only:

17 a. Whether the person was involved in a ~~[physical accident]~~ traffic crash where his or her
18 vehicle struck a highway worker within a designated construction or work zone;

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

21 c. Whether the investigating officer had probable cause to believe the person's negligent acts
22 or omissions contributed to his or her vehicle striking a highway worker.

23
24 If the court determines subparagraph a., b., or c. of this paragraph not to be in the affirmative, the
25 court shall order the director to reinstate the license or permit to drive.

26 (3) The department of revenue administrative adjudication to reinstate a driver's license that
27 was revoked under this subsection, and any evidence provided to the department related to such
28 adjudication, shall not be produced by subpoena or any other means and made available as evidence
29 in any other administrative action, civil case, or criminal prosecution. The court's determinations
30 issued under this section, and the evidence provided to the court relating to such determinations,
31 shall not be produced by subpoena or any other means and made available in any other
32 administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be
33 construed to prevent the department from providing information to the system authorized under 49
34 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and
35 disqualification of operators of commercial motor vehicles."; and

36
37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.