

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 225

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MYERS.

0321H.02P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 300.100, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof three new sections relating to law enforcement practices, with penalty provisions.

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

Section A. Section 300.100, RSMo, and section 304.022 as enacted by house bill no. 2 1606, one hundred first general assembly, second regular session, and section 304.022 as 3 enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general 4 assembly, first regular session, are repealed and three new sections enacted in lieu thereof, to 5 be known as sections 44.087, 300.100, and 304.022, to read as follows:

44.087. 1. The chief law enforcement executive for any law enforcement agency, 2 or such executive's designee, may request assistance from a law enforcement agency of 3 another jurisdiction, including a jurisdiction outside the state of Missouri but within the 4 United States.

5 2. If a law enforcement officer makes an arrest or apprehension outside such 6 officer's jurisdiction, the offender shall be delivered to the first available law 7 enforcement officer who is commissioned in the jurisdiction in which the arrest was 8 made. The officer making the initial arrest or apprehension shall assist in the 9 preparation of any affidavits filed with the complaint or based on other evidence that

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.

10 there is probable cause to believe that both a crime has been committed and the
11 defendant has committed such crime.

12 3. For the purpose of liability, workers' compensation, and any other
13 employment-related matter, law enforcement officers remain employees of their
14 respective law enforcement agency throughout any request for assistance. Qualified
15 immunity, sovereign immunity, official immunity, and the public duty rule shall apply to
16 the provisions of this section as interpreted by the federal and state courts of the
17 responding agency.

18 4. Nothing in this section shall be construed to limit the actions of law
19 enforcement officers or agencies conducted in accordance with section 44.095 or 44.098,
20 or any other mutual aid agreement made under this chapter.

21 5. The provisions of chapter 544 are applicable to any law enforcement officers
22 from jurisdictions located outside the state of Missouri, but within the United States,
23 who are acting pursuant to a request made under this section.

300.100. 1. The driver of an authorized emergency vehicle, when responding to an
2 emergency call or when in the pursuit of an actual or suspected violator of the law or when
3 responding to but not upon returning from a fire alarm, may exercise the privileges set forth in
4 this section, but subject to the conditions herein stated.

5 2. The driver of an authorized emergency vehicle may:

6 (1) Park or stand, irrespective of the provisions of this ordinance;

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

9 (3) Exceed the maximum speed limits so long as he does not endanger life or
10 property;

11 (4) Disregard regulations governing direction of movement or turning in specified
12 directions.

13 3. The exemptions herein granted to an authorized emergency vehicle shall apply
14 only when the driver of any said vehicle while in motion sounds audible signal by siren or
15 while having at least one lighted lamp exhibiting a red light visible under normal atmospheric
16 conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue
17 light authorized by section 307.175, **except that an authorized emergency vehicle operated**
18 **as a police vehicle is not required to use an audible signal or display a visual signal when**
19 **the vehicle is being used to:**

20 (1) Obtain evidence of a speeding violation on a maintained federal or state
21 highway and where the speed limit is set by state statute;

(2) Respond to a suspected crime in progress when use of an audible or visual signal, or both, could reasonably result in the destruction of evidence or escape of a suspect; or

(3) Conduct surveillance of a vehicle or the passengers of a vehicle who are suspected of involvement in a crime.

4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

~~[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 vehicle displaying lighted red or red and blue lights, or a stationary vehicle 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 adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or~~

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

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

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

~~(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state or a county or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;~~

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

36 ~~(3) Any vehicle qualifying as an emergency vehicle pursuant to~~
37 ~~section 307.175;~~

38 ~~(4) Any wrecker, or tow truck or a vehicle owned and operated by a~~
39 ~~public utility or public service corporation while performing emergency~~
40 ~~service;~~

41 ~~(5) Any vehicle transporting equipment designed to extricate human~~
42 ~~beings from the wreckage of a motor vehicle;~~

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

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

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

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

59 ~~(10) Any vehicle owned and operated by the civil support team of the~~
60 ~~Missouri National Guard while in response to or during operations involving~~
61 ~~chemical, biological, or radioactive materials or in support of official requests~~
62 ~~from the state of Missouri involving unknown substances, hazardous~~
63 ~~materials, or as may be requested by the appropriate state agency acting on~~
64 ~~behalf of the governor.~~

65 ~~5. (1) The driver of any vehicle referred to in subsection 4 of this~~
66 ~~section shall not sound the siren thereon or have the front red lights or blue~~
67 ~~lights on except when such vehicle is responding to an emergency call or when~~
68 ~~in pursuit of an actual or suspected law violator, or when responding to, but~~
69 ~~not upon returning from, a fire.~~

70 ~~(2) The driver of an emergency vehicle may:~~

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

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

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

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

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

84 ~~atmospheric conditions from a distance of five hundred feet to the front of~~
85 ~~such vehicle.~~

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

89 ~~7. Violation of this section shall be deemed a class A misdemeanor.]~~

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible
2 signal by siren or while having at least one lighted lamp exhibiting red light visible under
3 normal atmospheric conditions from a distance of five hundred feet to the front of such
4 vehicle or a flashing blue light authorized by section 307.175, the driver of every other
5 vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and
6 as far as possible to the right of, the traveled portion of the highway and thereupon stop and
7 remain in such position until such emergency vehicle has passed, except when otherwise
8 directed by a police or traffic officer.

9 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights,
10 or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every
11 motor vehicle shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (10) Any vehicle owned and operated by the civil support team of the Missouri
49 National Guard while in response to or during operations involving chemical, biological, or
50 radioactive materials or in support of official requests from the state of Missouri involving
51 unknown substances, hazardous materials, or as may be requested by the appropriate state
52 agency acting on behalf of the governor.

53 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not
54 sound the siren thereon or have the front red lights or blue lights on except when such vehicle
55 is responding to an emergency call or when in pursuit of an actual or suspected law violator,
56 or when responding to, but not upon returning from, a fire.

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

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

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

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

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

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

69 under normal atmospheric conditions from a distance of five hundred feet to the front of such
70 vehicle, **except that an authorized emergency vehicle operated as a police vehicle is not**
71 **required to use an audible signal or display a visual signal when the vehicle is being used**
72 **to:**

73 **(a) Obtain evidence of a speeding violation on a maintained federal or state**
74 **highway and where the speed limit is set by state statute;**

75 **(b) Respond to a suspected crime in progress when use of an audible or visual**
76 **signal, or both, could reasonably result in the destruction of evidence or escape of a**
77 **suspect; or**

78 **(c) Conduct surveillance of a vehicle or the passengers of a vehicle who are**
79 **suspected of involvement in a crime.**

80 6. No person shall purchase an emergency light as described in this section without
81 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
82 emergency vehicle purposes.

83 7. Violation of this section shall be deemed a class A misdemeanor.

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