

HOUSE BILL NO. 316

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

1335H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal 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 one new section relating to emergency vehicles.

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

Section A. 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bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 304.022, to read as follows: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 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~~

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

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

21 3. The motorman of every streetcar shall immediately stop such car
22 clear of any intersection and keep it in such position until the emergency
23 vehicle has passed, except as 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
26 patrol, the Missouri capitol police, a conservation agent, or a state or a county
27 or municipal park ranger, those vehicles operated by enforcement personnel of
28 the state highways and transportation commission, police or fire department,
29 sheriff, constable or deputy sheriff, federal law enforcement officer authorized
30 to carry firearms and to make arrests for violations of the laws of the United
31 States, traffic officer, coroner, medical examiner, or forensic investigator of the
32 county medical examiner's office, or by a privately owned emergency vehicle
33 company;

34 (2) A vehicle operated as an ambulance or operated commercially for
35 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.

71 6. 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. Violation of this section shall be deemed a class A misdemeanor.

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