

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 2742, Page 3, Section 302.302, Line
2 66, by inserting after said line the following:

3 "

(20)	<u>Endangerment of a pedestrian in a hospital zone in violation of section 304.1023</u>	<u>4 points</u>
(21)	<u>Aggravated endangerment of a pedestrian in a hospital zone in violation of section 304.1023</u>	<u>12 points</u>

4 "; and

5
6 Further amend said bill, Page 6, Section 304.070, Line 43, by inserting after said section and line
7 the following:

8
9 "304.1020. 1. As used in this section, "hospital zone" means any area upon or around
10 any highway as defined in section 302.010 that is visibly marked by a sign erected by a county
11 or municipality as an area where hospital-related activities are occurring. The term "hospital"
12 shall be as defined in section 190.100.

13 2. Any county or municipality that elects to establish a hospital zone designation for
14 streets surrounding a hospital may erect signs upon or around the hospital zone that are clearly
15 visible from the highway and clearly identify the boundaries of the hospital zone. Prior to
16 establishing a hospital zone, the county or municipality shall be responsible for determining the
17 boundaries of the zone and shall assume responsibility for all costs associated with establishing
18 the hospital zone. Notwithstanding any provision of law to the contrary, the maximum speed
19 limit within any designated hospital zone shall be thirty miles per hour.

20 3. Upon a conviction or a plea of guilty by any person for a moving violation as defined
21 in section 302.010, or any offense listed in section 302.302, the court may double the amount of
22 fine authorized to be imposed by law if the offense occurred within a hospital zone.

23 4. Upon a conviction or a plea of guilty by any person for a speeding violation under
24 section 304.009 or 304.010, the court may double the amount of fine authorized to be imposed
25 by law if the offense occurred within a hospital zone. However, no person assessed an additional

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1 fine under this subsection shall also be assessed an additional fine under subsection 3 of this
2 section.

3 5. The penalty authorized under subsections 3 and 4 of this section shall be assessed by
4 the court only if the county or municipality has erected signs upon or around a hospital zone that
5 are clearly visible from the highway and state substantially the following message: "Hospital
6 Zone -- Fines Doubled".

7 6. The provisions of this section shall not be construed to enhance the assessment of
8 court costs or the assessment of points under section 302.302.

9 304.1023. 1. A person shall be deemed to commit the offense of endangerment of a
10 pedestrian in a hospital zone upon conviction for any of the following when the offense occurs
11 within a hospital zone, as defined in section 304.1020:

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

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

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

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

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

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

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

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

23 2. Upon conviction or a plea of guilty for committing the offense of endangerment of a
24 pedestrian in a hospital zone under subsection 1 of this section, if no injury or death to a
25 pedestrian resulted from the offense, the person shall be subject to a fine of not more than five
26 hundred dollars and shall have four points assessed to his or her driver's license under section
27 302.302 in addition to any other penalty authorized by law.

28 3. A person shall be deemed to commit the offense of aggravated endangerment of a
29 pedestrian in a hospital zone upon conviction or a plea of guilty for any offense under subsection
30 1 of this section when such offense occurs in a hospital zone as defined in section 304.1020 and
31 results in the injury or death of a pedestrian. Upon conviction or a plea of guilty for committing
32 the offense of aggravated endangerment of a pedestrian in a hospital zone, in addition to any
33 other penalty authorized by law, the person shall be subject to a fine of not more than five
34 thousand dollars if the offense resulted in an injury to a pedestrian and ten thousand dollars if the
35 offense resulted in death of a pedestrian. In addition, such person shall have twelve points
36 assessed to their driver's license under section 302.302 and shall be subject to the provisions of
37 section 302.304 regarding the revocation of the person's license and driving privileges.

1 4. No person shall be cited or convicted for endangerment of a pedestrian in a hospital
2 zone or aggravated endangerment of a pedestrian in a hospital zone for any act or omission
3 otherwise constituting an offense under subsection 1 of this section if such act or omission
4 resulted in whole or in part from mechanical failure of the person's vehicle or from the
5 negligence of the pedestrian.

6 5. (1) Notwithstanding any provision of this section or any other law to the contrary, the
7 director of the department of revenue or his or her agent shall order the revocation of a driver's
8 license upon the director's determination that an individual holding such license was involved in
9 a physical accident where his or her negligent acts or omissions contributed to his or her vehicle
10 striking a pedestrian within a designated hospital zone where notice and signage were properly
11 implemented. The department shall make its determination of these facts on the basis of the
12 report of a law enforcement officer investigating the incident and this determination shall be
13 final unless a hearing is requested and held as provided under subdivision (2) of this subsection.
14 Upon its determination that the facts support a license revocation, the department shall issue a
15 notice of revocation, which shall be mailed to the person at the last known address shown on the
16 department's records. The notice is deemed received three days after mailing unless returned by
17 postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds
18 for the revocation, the effective date of the revocation, which shall be at least fifteen days from
19 the date the department issued its order, the right of the person to request a hearing, and the date
20 by which the request for a hearing must be made.

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

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

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

35 a. Whether the person was involved in a physical accident where his or her vehicle
36 struck a pedestrian within a designated hospital zone;

37 b. Whether guidelines involving notice and signage were properly implemented in such
38 hospital zone; and

1 c. Whether the investigating officer had probable cause to believe the person's negligent
2 acts or omissions contributed to his or her vehicle striking a pedestrian.

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

6 (3) The department of revenue administrative adjudication to reinstate a driver's license
7 that was revoked under this subsection, and any evidence provided to the department related to
8 such adjudication, shall not be produced by subpoena or any other means and made available as
9 evidence in any other administrative action, civil case, or criminal prosecution. The court's
10 determinations issued under this section, and the evidence provided to the court relating to such
11 determinations, shall not be produced by subpoena or any other means and made available in any
12 other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall
13 be construed to prevent the department from providing information to the system authorized
14 under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensure,
15 identification, and disqualification of operators of commercial motor vehicles."; and

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17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.