

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1449

98TH GENERAL ASSEMBLY

4866H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to public utility vehicles, with penalty provisions.

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

Section A. Section 304.022, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.022, to read as follows: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 emergency vehicle displaying lighted red or red and blue lights, [or] a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, **a stationary vehicle operated by a utility worker, as defined in section 565.081, displaying lighted amber or amber and white lights, or any other stationary vehicle located on the side of the roadway**, 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

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.

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

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

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

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

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

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

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

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

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

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

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

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

49 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound
50 the siren thereon or have the front red lights or blue lights on except when such vehicle is
51 responding to an emergency call or when in pursuit of an actual or suspected law violator, or
52 when responding to, but not upon returning from, a fire.

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

- 54 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;
- 55 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may
- 56 be necessary for safe operation;
- 57 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or
- 58 property;
- 59 (d) Disregard regulations governing direction of movement or turning in specified
- 60 directions.
- 61 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this
- 62 subsection shall apply only when the driver of any such vehicle while in motion sounds audible
- 63 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle
- 64 is equipped with at least one lighted lamp displaying a red light or blue light visible under
- 65 normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.
- 66 6. No person shall purchase an emergency light as described in this section without
- 67 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
- 68 emergency vehicle purposes.
- 69 7. Violation of this section shall be deemed a class A misdemeanor.

✓