

SENATE BILL NO. 1476

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

5938S.01I

KRISTINA MARTIN, Secretary

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, with a penalty provision.

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. 2 1606, one hundred first general assembly, second regular 3 session, and section 304.022 as enacted by senate bill no. 26 4 merged with senate bills nos. 53 & 60, one hundred first general 5 assembly, first regular session, are repealed and one new 6 section enacted in lieu thereof, to be known as section 304.022, 7 to read as follows:

2 [304.022. 1. Upon the immediate approach
3 of an emergency vehicle giving audible signal by
4 siren or while having at least one lighted lamp
5 exhibiting red light visible under normal
6 atmospheric conditions from a distance of five
7 hundred feet to the front of such vehicle or a
8 flashing blue light authorized by section
9 307.175, the driver of every other vehicle shall
10 yield the right-of-way and shall immediately
11 drive to a position parallel to, and as far as
12 possible to the right of, the traveled portion
13 of the highway and thereupon stop and remain in
such position until such emergency vehicle has

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 passed, except when otherwise directed by a
15 police or traffic officer.

16 2. Upon approaching a stationary vehicle
17 displaying lighted red or red and blue lights,
18 or a stationary vehicle displaying lighted amber
19 or amber and white lights, the driver of every
20 motor vehicle shall:

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

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

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

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

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

55 (2) A vehicle operated as an ambulance or
56 operated commercially for the purpose of

57 transporting emergency medical supplies or
58 organs;

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

61 (4) Any wrecker, or tow truck or a vehicle
62 owned and operated by a public utility or public
63 service corporation while performing emergency
64 service;

65 (5) Any vehicle transporting equipment
66 designed to extricate human beings from the
67 wreckage of a motor vehicle;

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

72 (7) Any vehicle operated by an authorized
73 employee of the department of corrections who,
74 as part of the employee's official duties, is
75 responding to a riot, disturbance, hostage
76 incident, escape or other critical situation
77 where there is the threat of serious physical
78 injury or death, responding to mutual aid call
79 from another criminal justice agency, or in
80 accompanying an ambulance which is transporting
81 an offender to a medical facility;

82 (8) Any vehicle designated to perform
83 hazardous substance emergency functions
84 established pursuant to the provisions of
85 sections 260.500 to 260.550;

86 (9) Any vehicle owned by the state
87 highways and transportation commission and
88 operated by an authorized employee of the
89 department of transportation that is marked as a
90 department of transportation emergency response
91 or motorist assistance vehicle; or

92 (10) Any vehicle owned and operated by the
93 civil support team of the Missouri National
94 Guard while in response to or during operations
95 involving chemical, biological, or radioactive
96 materials or in support of official requests
97 from the state of Missouri involving unknown
98 substances, hazardous materials, or as may be
99 requested by the appropriate state agency acting
100 on behalf of the governor.

101 5. (1) The driver of any vehicle referred
102 to in subsection 4 of this section shall not
103 sound the siren thereon or have the front red
104 lights or blue lights on except when such
105 vehicle is responding to an emergency call or
106 when in pursuit of an actual or suspected law
107 violator, or when responding to, but not upon
108 returning from, a fire.

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

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

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

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

118 (d) Disregard regulations governing
119 direction of movement or turning in specified
120 directions.

121 (3) The exemptions granted to an emergency
122 vehicle pursuant to subdivision (2) of this
123 subsection shall apply only when the driver of
124 any such vehicle while in motion sounds audible
125 signal by bell, siren, or exhaust whistle as may
126 be reasonably necessary, and when the vehicle is
127 equipped with at least one lighted lamp
128 displaying a red light or blue light visible
129 under normal atmospheric conditions from a
130 distance of five hundred feet to the front of
131 such vehicle.

132 6. No person shall purchase an emergency
133 light as described in this section without
134 furnishing the seller of such light an affidavit
135 stating that the light will be used exclusively
136 for emergency vehicle purposes.

137 7. Violation of this section shall be
138 deemed a class A misdemeanor.]

304.022. 1. Upon the immediate approach of an
2 emergency vehicle giving audible signal by siren or while
3 having at least one lighted lamp exhibiting red light
4 visible under normal atmospheric conditions from a distance

5 of five hundred feet to the front of such vehicle or a
6 flashing blue light authorized by section 307.175, the
7 driver of every other vehicle shall yield the right-of-way
8 and shall immediately drive to a position parallel to, and
9 as far as possible to the right of, the traveled portion of
10 the highway and thereupon stop and remain in such position
11 until such emergency vehicle has passed, except when
12 otherwise directed by a police or traffic officer.

13 2. Upon approaching a stationary vehicle displaying
14 lighted red or red and blue lights, or a stationary vehicle
15 displaying lighted amber or amber and white lights, the
16 driver of every motor vehicle shall:

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

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

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

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

32 (1) A vehicle operated by the state highway patrol,
33 the state water patrol, the Missouri capitol police, a
34 conservation agent, or a state, **county, or municipal** park
35 ranger, those vehicles operated by enforcement personnel of
36 the state highways and transportation commission, police or

37 fire department, sheriff, constable or deputy sheriff,
38 federal law enforcement officer authorized to carry firearms
39 and to make arrests for violations of the laws of the United
40 States, traffic officer, coroner, medical examiner, or
41 forensic investigator of the county medical examiner's
42 office, or by a privately owned emergency vehicle company;

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

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

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

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

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

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

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

67 (9) Any vehicle owned by the state highways and
68 transportation commission and operated by an authorized

69 employee of the department of transportation that is marked
70 as a department of transportation emergency response or
71 motorist assistance vehicle; or

72 (10) Any vehicle owned and operated by the civil
73 support team of the Missouri National Guard while in
74 response to or during operations involving chemical,
75 biological, or radioactive materials or in support of
76 official requests from the state of Missouri involving
77 unknown substances, hazardous materials, or as may be
78 requested by the appropriate state agency acting on behalf
79 of the governor.

80 5. (1) The driver of any vehicle referred to in
81 subsection 4 of this section shall not sound the siren
82 thereon or have the front red lights or blue lights on
83 except when such vehicle is responding to an emergency call
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85 or when responding to, but not upon returning from, a fire.

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93 driver does not endanger life or property;

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95 movement or turning in specified directions.

96 (3) The exemptions granted to an emergency vehicle
97 pursuant to subdivision (2) of this subsection shall apply
98 only when the driver of any such vehicle while in motion
99 sounds audible signal by bell, siren, or exhaust whistle as
100 may be reasonably necessary, and when the vehicle is

101 equipped with at least one lighted lamp displaying a red
102 light or blue light visible under normal atmospheric
103 conditions from a distance of five hundred feet to the front
104 of such vehicle.

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

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

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