

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 260
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 14, 2011, with recommendation that the Senate Committee Substitute do pass.

1312S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof four new sections relating to the endangerment of emergency workers, with penalty provisions.

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

Section A. Section 302.302, RSMo, is repealed and four new sections, to be known as sections 302.302, 304.890, 304.892, and 304.894, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303..... 2 points
(except any violation of municipal stop sign ordinance where no accident is involved..... 1 point)
- (2) Speeding
In violation of a state law..... 3 points
In violation of a county or municipal ordinance..... 2 points
- (3) Leaving the scene of an accident
in violation of section 577.060..... 12 points
In violation of any county or municipal ordinance..... 6 points
- (4) Careless and imprudent driving

21 in violation of subsection 4 of section 304.016 4 points

22 In violation of a county or

23 municipal ordinance..... 2 points

24 (5) Operating without a valid license

25 in violation of subdivision (1) or (2) of

26 subsection 1 of section 302.020:

27 (a) For the first conviction..... 2 points

28 (b) For the second conviction..... 4 points

29 (c) For the third conviction..... 6 points

30 (6) Operating with a suspended or

31 revoked license prior to restoration of

32 operating privileges..... 12 points

33 (7) Obtaining a license by

34 misrepresentation..... 12 points

35 (8) For the first conviction of driving

36 while in an intoxicated condition or

37 under the influence of controlled

38 substances or drugs..... 8 points

39 (9) For the second or subsequent

40 conviction of any of the following

41 offenses however combined:

42 driving while in an intoxicated

43 condition, driving under the

44 influence of controlled substances

45 or drugs or driving with a blood

46 alcohol content of eight-hundredths

47 of one percent or more by weight..... 12 points

48 (10) For the first conviction

49 for driving with blood alcohol

50 content eight-hundredths of one

51 percent or more by weight

52 In violation of state law..... 8 points

53 In violation of a county or

54 municipal ordinance or federal

55 law or regulation..... 8 points

56 (11) Any felony involving the

57 use of a motor vehicle..... 12 points

58 (12) Knowingly permitting

59 unlicensed operator to operate a

60 motor vehicle..... 4 points

61 (13) For a conviction for failure

62 to maintain financial responsibility

63 pursuant to county or municipal

64 ordinance or pursuant to section 303.025 4 points

65 (14) Endangerment of a highway

66 worker in violation of section 304.585 4 points

67 (15) Aggravated endangerment of

68 a highway worker in violation of

69 section 304.585..... 12 points

70 (16) For a conviction of violating

71 a municipal ordinance that prohibits

72 tow truck operators from stopping

73 at or proceeding to the scene of an

74 accident unless they have been

75 requested to stop or proceed to

76 such scene by a party involved in

77 such accident or by an officer of a

78 public safety agency..... 4 points

79 **(17) Endangerment of an emergency**

80 **responder in violation of section 304.894 4 points**

81 **(18) Aggravated endangerment of**

82 **an emergency responder in violation of**

83 **section 304.894..... 12 points**

84 2. The director shall, as provided in subdivision (5) of subsection 1 of this

85 section, assess an operator points for a conviction pursuant to subdivision (1) or

86 (2) of subsection 1 of section 302.020, when the director issues such operator a

87 license or permit pursuant to the provisions of sections 302.010 to 302.340.

88 3. An additional two points shall be assessed when personal injury or

89 property damage results from any violation listed in subdivisions (1) to (13) of

90 subsection 1 of this section and if found to be warranted and certified by the

91 reporting court.

92 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of

93 subsection 1 of this section constitutes both a violation of a state law and a
94 violation of a county or municipal ordinance, points may be assessed for either
95 violation but not for both. Notwithstanding that an offense arising out of the
96 same occurrence could be construed to be a violation of subdivisions (8), (9) and
97 (10) of subsection 1 of this section, no person shall be tried or convicted for more
98 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
99 section for offenses arising out of the same occurrence.

100 5. The director of revenue shall put into effect a system for staying the
101 assessment of points against an operator. The system shall provide that the
102 satisfactory completion of a driver-improvement program or, in the case of
103 violations committed while operating a motorcycle, a motorcycle-rider training
104 course approved by the state highways and transportation commission, by an
105 operator, when so ordered and verified by any court having jurisdiction over any
106 law of this state or county or municipal ordinance, regulating motor vehicles,
107 other than a violation committed in a commercial motor vehicle as defined in
108 section 302.700 or a violation committed by an individual who has been issued a
109 commercial driver's license or is required to obtain a commercial driver's license
110 in this state or any other state, shall be accepted by the director in lieu of the
111 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of
112 subsection 1 of this section or pursuant to subsection 3 of this section. A court
113 using a centralized violation bureau established under section 476.385 may elect
114 to have the bureau order and verify completion of a driver-improvement program
115 or motorcycle-rider training course as prescribed by order of the court. For the
116 purposes of this subsection, the driver-improvement program shall meet or exceed
117 the standards of the National Safety Council's eight-hour "Defensive Driving
118 Course" or, in the case of a violation which occurred during the operation of a
119 motorcycle, the program shall meet the standards established by the state
120 highways and transportation commission pursuant to sections 302.133 to
121 302.137. The completion of a driver-improvement program or a motorcycle-rider
122 training course shall not be accepted in lieu of points more than one time in any
123 thirty-six-month period and shall be completed within sixty days of the date of
124 conviction in order to be accepted in lieu of the assessment of points. Every court
125 having jurisdiction pursuant to the provisions of this subsection shall, within
126 fifteen days after completion of the driver-improvement program or
127 motorcycle-rider training course by an operator, forward a record of the
128 completion to the director, all other provisions of the law to the contrary

129 notwithstanding. The director shall establish procedures for record keeping and
130 the administration of this subsection.

**304.890. As used in sections 304.890 to 304.894, the following
2 terms shall mean:**

3 **(1) "Active emergency", any incident occurring on a highway, as**
4 **the term "highway" is defined in section 302.010, that requires**
5 **emergency services from any emergency responder;**

6 **(2) "Active emergency zone", any area upon or around any**
7 **highway, which is visibly marked by emergency responders performing**
8 **work for the purpose of emergency response, and where an active**
9 **emergency, or incident removal, is temporarily occurring. This area**
10 **includes the lanes of highway leading up to an active emergency or**
11 **incident removal, beginning within three hundred feet of visual**
12 **sighting of:**

13 **(a) Appropriate signs or traffic control devices posted or placed**
14 **by emergency responders; or**

15 **(b) An emergency vehicle displaying active emergency lights or**
16 **signals;**

17 **(3) "Emergency responder", any law enforcement officer, paid or**
18 **volunteer firefighter, first responder, emergency medical worker, tow**
19 **truck operator, or other emergency personnel responding to an**
20 **emergency on a highway.**

304.892. 1. Upon the first conviction, finding of guilt, or plea of
2 **guilty by any person for a moving violation, as the term "moving**
3 **violation" is defined in section 302.010, or any offense listed in section**
4 **302.302, other than a violation described in subsection 2 of this section,**
5 **when the violation or offense occurs within an active emergency zone,**
6 **the court shall assess a fine of thirty-five dollars in addition to any**
7 **other fine authorized by law. Upon a second or subsequent conviction,**
8 **finding of guilt, or plea of guilty, the court shall assess a fine of**
9 **seventy-five dollars in addition to any other fine authorized by law.**

10 **2. Upon the first conviction, finding of guilt, or plea of guilty by**
11 **any person for a speeding violation under either section 304.009 or**
12 **304.010, or a passing violation under subsection 3 of this section, when**
13 **the violation or offense occurs within an active emergency zone and**
14 **emergency responders were present in such zone at the time of the**
15 **offense or violation, the court shall assess a fine of two hundred fifty**

16 dollars in addition to any other fine authorized by law. Upon a second
17 or subsequent conviction, finding of guilt, or plea of guilty, the court
18 shall assess a fine of three hundred dollars in addition to any other fine
19 authorized by law. However, no person assessed an additional fine
20 under this subsection shall also be assessed an additional fine under
21 subsection 1 of this section.

22 3. The driver of a motor vehicle may not overtake or pass
23 another motor vehicle within an active emergency zone. Violation of
24 this subsection is a class C misdemeanor.

25 4. The additional fines imposed by this section shall not be
26 construed to enhance the assessment of court costs or the assessment
27 of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an
2 emergency responder for any of the following offenses when the offense
3 occurs within an active emergency zone:

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

6 (2) Passing in violation of subsection 3 of section 304.892;

7 (3) Failure to stop for an active emergency zone flagman or
8 emergency responder, or failure to obey traffic control devices erected,
9 or personnel posted, in the active emergency zone for purposes of
10 controlling the flow of motor vehicles through the zone;

11 (4) Driving through or around an active emergency zone via any
12 lane not clearly designated for motorists to control the flow of traffic
13 through or around the active emergency zone;

14 (5) Physically assaulting, attempting to assault, or threatening
15 to assault an emergency responder with a motor vehicle or other
16 instrument;

17 (6) Intentionally striking, moving, or altering barrels, barriers,
18 signs, or other devices erected to control the flow of traffic to protect
19 emergency responders and motorists unless the action was necessary
20 to avoid an obstacle, an emergency, or to protect the health and safety
21 of an occupant of the motor vehicle or of another person; or

22 (7) Committing any of the following offenses for which points
23 may be assessed under section 302.302:

24 (a) Leaving the scene of an accident in violation of section
25 577.060;

26 **(b) Careless and imprudent driving in violation of subsection 4**
27 **of section 304.016;**

28 **(c) Operating without a valid license in violation of subdivision**
29 **(1) or (2) of subsection 1 of section 302.020;**

30 **(d) Operating with a suspended or revoked license;**

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

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

35 **2. Upon a finding of guilt or a plea of guilty for committing the**
36 **offense of endangerment of an emergency responder under subsection**
37 **1 of this section, if no injury or death to an emergency responder**
38 **resulted from the offense, the court shall assess a fine of not more than**
39 **one thousand dollars, and four points shall be assessed to the operator's**
40 **license pursuant to section 302.302.**

41 **3. A person commits the offense of aggravated endangerment of**
42 **an emergency responder upon a finding of guilt or a plea of guilty for**
43 **any offense under subsection 1 of this section when such offense results**
44 **in the injury or death of an emergency responder. Upon a finding of**
45 **guilt or a plea of guilty for committing the offense of aggravated**
46 **endangerment of an emergency responder, in addition to any other**
47 **penalty authorized by law, the court shall assess a fine of not more**
48 **than five thousand dollars if the offense resulted in injury to an**
49 **emergency responder, and ten thousand dollars if the offense resulted**
50 **in the death of an emergency responder. In addition, twelve points**
51 **shall be assessed to the operator's license pursuant to section 302.302.**

52 **4. Except for the offense established under subdivision (6) of**
53 **subsection 1 of this section, no person shall be deemed to have**
54 **committed the offense of endangerment of an emergency responder**
55 **except when the act or omission constituting the offense occurred when**
56 **one or more emergency responders were responding to an active**
57 **emergency.**

58 **5. No person shall be cited for, or found guilty of, endangerment**
59 **of an emergency responder or aggravated endangerment of an**
60 **emergency responder, for any act or omission otherwise constituting**
61 **an offense under subsection 1 of this section, if such act or omission**
62 **resulted in whole or in part from mechanical failure of the person's**

63 vehicle, or from the negligence of another person or emergency
64 responder.

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