

SECOND REGULAR SESSION

SENATE BILL NO. 872

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS GIBBONS, CHAMPION AND STOUFFER.

Read 1st time January 12, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3937S.02I

AN ACT

To repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to motor vehicle drivers who fail to properly respond to emergency 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Section A. Section 304.022, RSMo, is repealed and one new section
2 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
2 audible signal by siren or while having at least one lighted lamp exhibiting red
3 light visible under normal atmospheric conditions from a distance of five hundred
4 feet to the front of such vehicle or a flashing blue light authorized by section
5 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and
6 shall immediately drive to a position parallel to, and as far as possible to the
7 right of, the traveled portion of the highway and thereupon stop and remain in
8 such position until such emergency vehicle has passed, except when otherwise
9 directed by a police or traffic officer.

10 2. Upon approaching a stationary emergency vehicle displaying lighted
11 red or red and blue lights, the driver of every motor vehicle shall:

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

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

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

19 or impossible.

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

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

33 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
34 307.175, RSMo;

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

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

39 (6) Any vehicle designated to perform emergency functions for a civil
40 defense or emergency management agency established pursuant to the provisions
41 of chapter 44, RSMo;

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

48 (8) Any vehicle designated to perform hazardous substance emergency
49 functions established pursuant to the provisions of sections 260.500 to 260.550,
50 RSMo.

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

55 returning from, a fire.

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

57 (a) Park or stand irrespective of the provisions of sections 304.014 to
58 304.026;

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

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

63 (d) Disregard regulations governing direction of movement or turning in
64 specified directions.

65 (3) The exemptions granted to an emergency vehicle pursuant to
66 subdivision (2) of this subsection shall apply only when the driver of any such
67 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
68 as may be reasonably necessary, and when the vehicle is equipped with at least
69 one lighted lamp displaying a red light or blue light visible under normal
70 atmospheric conditions from a distance of five hundred feet to the front of such
71 vehicle.

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

75 7. Violation of this section shall be deemed a class [B] A misdemeanor.

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