

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 282
97TH GENERAL ASSEMBLY

1480H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 174.700, 174.703, 174.706, 302.302, 302.341, and 544.157, RSMo, and to enact in lieu thereof eleven new sections relating to the regulation of motor vehicles, with penalty provisions.

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

Section A. Sections 174.700, 174.703, 174.706, 302.302, 302.341, and 544.157, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 174.700, 174.703, 174.706, 174.709, 174.712, 302.302, 302.341, 304.890, 304.892, 304.894, and 544.157, to read as follows:

174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall

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.

6 empower him or her with the same authority to maintain order, preserve peace and make arrests
7 as is now held by peace officers.

8 **2. The college or university police officers shall have the authority to enforce the**
9 **regulations established in section 174.709 and general motor vehicle laws in accordance**
10 **with section 174.712 on the campus as prescribed in chapter 304.** The college or university
11 police officer may in addition expel from the public buildings, campuses, and grounds, persons
12 violating the rules and regulations that may be prescribed by the board or others under the
13 authority of the board.

14 **3.** Such officer or employee of the state college or university as may be designated by
15 the board shall have immediate charge, control and supervision of police officers appointed by
16 authority of this section. Such college or university police officers shall have satisfactorily
17 completed before appointment a training course for police officers as prescribed by chapter 590
18 for state peace officers or, by virtue of previous experience or training, have met the
19 requirements of chapter 590, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board
2 the right to appoint guards or watchmen who shall not be given the authority and powers
3 authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare
2 **and to protect life and property, the board of regents or board of governors of any state**
3 **college or university may establish regulations to control vehicular traffic, including speed**
4 **regulations, on any thoroughfare owned or maintained by the state college or university**
5 **and located within any of its campuses. Such regulations shall be consistent with the**
6 **provisions of the general motor vehicle laws of this state. Upon adoption of such**
7 **regulations, the state college or university shall have the authority to place official traffic**
8 **control signals, as defined in section 300.010, on campus property.**

9 **2. The regulations established by the board of regents or board of governors of any**
10 **state college or university under subsection 1 of this section shall be codified, printed, and**
11 **distributed for public use. Adequate signs displaying the speed limit shall be posted along**
12 **such thoroughfares.**

13 **3. Violations of any regulation established under this section shall have the same**
14 **effect as a violation of municipal ordinances adopted under section 304.120, with penalty**
15 **provisions as provided in section 304.570. Points assessed against any person under section**
16 **302.302, for a violation of this section shall be the same as provided for a violation of a**
17 **county or municipal ordinance.**

18 **4. The provisions of this section shall apply only to moving violations.**

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by a state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.

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 in violation of subsection 4 of section 304.016. 4 points
 - In violation of a county or municipal ordinance. 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
 - (a) For the first conviction. 2 points
 - (b) For the second conviction. 4 points
 - (c) For the third conviction. 6 points
- (6) Operating with a suspended or revoked license prior to restoration of operating privileges. 12 points
- (7) Obtaining a license by misrepresentation. 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. 12 points

- 32 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
- 33 one percent or more by weight
- 34 In violation of state law. 8 points
- 35 In violation of a county or municipal ordinance or federal law or regulation. 8 points
- 36 (11) Any felony involving the use of a motor vehicle. 12 points
- 37 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . . 4 points
- 38 (13) For a conviction for failure to maintain financial responsibility pursuant to county
- 39 or municipal ordinance or pursuant to section 303.025. 4 points
- 40 (14) Endangerment of a highway worker in violation of section 304.585. . . . 4 points
- 41 (15) Aggravated endangerment of a highway worker in violation of
- 42 section 304.585. 12 points
- 43 (16) For a conviction of violating a municipal ordinance that prohibits tow truck
- 44 operators from stopping at or proceeding to the scene of an accident unless they have been
- 45 requested to stop or proceed to such scene by a party involved in such accident or by an officer
- 46 of a public safety agency. 4 points
- 47 **(17) Endangerment of an emergency responder in violation of**
- 48 **section 304.894. 4 points**
- 49 **(18) Aggravated endangerment of an emergency responder in violation of section**
- 50 **304.894. 12 points**
- 51 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 52 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
- 53 302.020, when the director issues such operator a license or permit pursuant to the provisions
- 54 of sections 302.010 to 302.340.
- 55 3. An additional two points shall be assessed when personal injury or property damage
- 56 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
- 57 found to be warranted and certified by the reporting court.
- 58 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
- 59 section constitutes both a violation of a state law and a violation of a county or municipal
- 60 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
- 61 offense arising out of the same occurrence could be construed to be a violation of subdivisions
- 62 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
- 63 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
- 64 offenses arising out of the same occurrence.
- 65 5. The director of revenue shall put into effect a system for staying the assessment of
- 66 points against an operator. The system shall provide that the satisfactory completion of a
- 67 driver-improvement program or, in the case of violations committed while operating a

68 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
69 commission, by an operator, when so ordered and verified by any court having jurisdiction over
70 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
71 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
72 committed by an individual who has been issued a commercial driver's license or is required to
73 obtain a commercial driver's license in this state or any other state, shall be accepted by the
74 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
75 of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a
76 centralized violation bureau established under section 476.385 may elect to have the bureau order
77 and verify completion of a driver-improvement program or motorcycle-rider training course as
78 prescribed by order of the court. For the purposes of this subsection, the driver-improvement
79 program shall meet or exceed the standards of the National Safety Council's eight-hour
80 "Defensive Driving Course" or, in the case of a violation which occurred during the operation
81 of a motorcycle, the program shall meet the standards established by the state highways and
82 transportation commission pursuant to sections 302.133 to 302.137. The completion of a
83 driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu
84 of points more than one time in any thirty-six-month period and shall be completed within sixty
85 days of the date of conviction in order to be accepted in lieu of the assessment of points. Every
86 court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days
87 after completion of the driver-improvement program or motorcycle-rider training course by an
88 operator, forward a record of the completion to the director, all other provisions of the law to the
89 contrary notwithstanding. The director shall establish procedures for record keeping and the
90 administration of this subsection.

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or
2 any county or municipality of this state fails to dispose of the charges of which the resident is
3 accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the

14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. [Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall return the license and remove the suspension from the individual's driving
22 record if the individual was not operating a commercial motor vehicle or a commercial driver's
23 license holder at the time of the offense.] The filing of financial responsibility with the bureau
24 of safety responsibility, department of revenue, shall not be required as a condition of
25 reinstatement of a driver's license suspended solely under the provisions of this section.

26 2. If any city, town or village receives more than thirty-five percent of its annual general
27 operating revenue from fines and court costs for traffic violations occurring on state highways,
28 all revenues from such violations in excess of thirty-five percent of the annual general operating
29 revenue of the city, town or village shall be sent to the director of the department of revenue and
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
32 distributed. For the purpose of this section the words "state highways" shall mean any state or
33 federal highway, including any such highway continuing through the boundaries of a city, town
34 or village with a designated street name other than the state highway number. The director of the
35 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth
36 above shall be sent to the department of revenue. If any city, town, or village disputes a
37 determination that it has received excess revenues required to be sent to the department of
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
40 that term is defined in section 536.010, that is created under the authority delegated in this
41 section shall become effective only if it complies with and is subject to all of the provisions of
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
46 be invalid and void.

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

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

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

10 (a) Appropriate signs or traffic control devices posted or placed by emergency
11 responders; or

12 (b) An emergency vehicle displaying active emergency lights or signals;

13 (3) "Emergency responder", any law enforcement officer, paid or volunteer
14 firefighter, first responder, emergency medical worker, tow truck operator, or other
15 emergency personnel responding to an emergency on a highway.

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

8 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a
9 speeding violation under either section 304.009 or 304.010, or a passing violation under
10 subsection 3 of this section, when the violation or offense occurs within an active
11 emergency zone and emergency responders were present in such zone at the time of the
12 offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to
13 any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt,
14 or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any
15 other fine authorized by law. However, no person assessed an additional fine under this
16 subsection shall also be assessed an additional fine under subsection 1 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

36 **5. No person shall be cited for, or found guilty of, endangerment of an emergency**
37 **responder or aggravated endangerment of an emergency responder, for any act or**
38 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**
39 **omission resulted in whole or in part from mechanical failure of the person's vehicle, or**
40 **from the negligence of another person or emergency responder.**

544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any
2 political subdivision of this state, any authorized agent of the department of conservation, any
3 commissioned member of the Missouri capitol police, **any college or university police officer,**
4 and any commissioned member of the Missouri state park rangers in fresh pursuit of a person
5 who is reasonably believed by such officer to have committed a felony in this state or who has
6 committed, or attempted to commit, in the presence of such officer or agent, any criminal offense
7 or violation of a municipal or county ordinance, or for whom such officer holds a warrant of
8 arrest for a criminal offense, shall have the authority to arrest and hold in custody such person
9 anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace
10 officer's, conservation agent's, capitol police officer's, **college or university police officer's,** or
11 state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside
12 of such officer's jurisdiction and has lost contact with the person being pursued. If the offense
13 is a traffic violation, the uniform traffic ticket shall be used as if the violator had been
14 apprehended in the municipality or county in which the offense occurred.

15 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall
16 be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic
17 ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;
18 if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court
19 with original criminal jurisdiction in the county wherein such arrest was made or before a
20 municipal judge thereof having original jurisdiction to try such offense, who may release the
21 person as provided in section 544.455, conditioned upon such person's appearance before the
22 court having jurisdiction to try the offense. The person so arrested need not be taken before a
23 judge as herein set out if given a summons by the arresting officer.

24 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as
25 defined by the common law and also the pursuit of a person who has committed a felony or is
26 reasonably suspected of having committed a felony in this state, or who has committed or
27 attempted to commit in this state a criminal offense or violation of municipal or county ordinance
28 in the presence of the arresting officer referred to in subsection 1 of this section or for whom
29 such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of
30 a person suspected of having committed a supposed felony in this state, though no felony has

31 actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used
32 herein shall imply instant pursuit.

33 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe
34 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum
35 standards:

36 (1) There shall be supervisory control of the pursuit;

37 (2) There shall be procedures for designating the primary pursuit vehicle and for
38 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

39 (3) There shall be procedures for coordinating operation with other jurisdictions; and

40 (4) There shall be guidelines for determining when the interests of public safety and
41 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be
42 initiated or should be terminated.

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