

FIRST REGULAR SESSION

# SENATE BILL NO. 189

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

0770S.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bill no. 26 4 merged with senate bills nos. 53 & 60, one hundred first general 5 assembly, first regular session, are repealed and one new 6 section enacted in lieu thereof, to be known as section 304.022, 7 to read as follows: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  
84 or when in pursuit of an actual or suspected law violator,  
85 or when responding to, but not upon returning from, a fire.

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

87 (a) Park or stand irrespective of the provisions of  
88 sections 304.014 to 304.025;

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90 but only after slowing down as may be necessary for safe  
91 operation;

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

94 (d) Disregard regulations governing direction of  
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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