

HOUSE BILL NO. 638

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RHOADS (Sponsor), FOWLER, HIGDON, HINSON,
PHILLIPS AND WILSON (Co-sponsors).

1526L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 302.302, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 302.302, 304.890, 304.892, and 304.894, to read as follows: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

4	(1) Any moving violation of a state law or county or municipal or federal traffic	
5	ordinance or regulation not listed in this section, other than a violation of vehicle	
6	equipment provisions or a court-ordered supervision as provided in	
7	section 302.303.	2 points
8	(except any violation of municipal stop sign ordinance where no accident	
9	is involved.	1 point)

10	(2) Speeding	
11	In violation of a state law.	3 points
12	In violation of a county or municipal ordinance.	2 points

13	(3) Leaving the scene of an accident in violation of section 577.060.	12 points
14	In violation of any county or municipal ordinance.	6 points

15	(4) Careless and imprudent driving in violation of subsection 4	
16	of section 304.016.	4 points

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.

- 17 In violation of a county or municipal ordinance. 2 points
- 18 (5) Operating without a valid license in violation of subdivision (1) or (2)
- 19 of subsection 1 of section 302.020:
- 20 (a) For the first conviction. 2 points
- 21 (b) For the second conviction. 4 points
- 22 (c) For the third conviction 6 points
- 23 (6) Operating with a suspended or
- 24 revoked license prior to restoration of operating privileges.. . . . 12 points
- 25 (7) Obtaining a license by misrepresentation. 12 points
- 26 (8) For the first conviction of driving while in an intoxicated condition
- 27 or under the influence of controlled substances or drugs.. . . . 8 points
- 28 (9) For the second or subsequent conviction of any of the following
- 29 offenses however combined: driving while in an intoxicated condition, driving
- 30 under the influence of controlled substances or drugs or driving with a blood
- 31 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
- 33 eight-hundredths of one percent or more by weight In violation of state law. 8 points
- 34 In violation of a county or municipal ordinance or federal law or regulation. 8 points
- 35 (11) Any felony involving the use of a motor vehicle. 12 points
- 36 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . 4 points
- 37 (13) For a conviction for failure to maintain financial responsibility
- 38 pursuant to county or municipal ordinance or pursuant to section 303.025. 4 points
- 39 (14) Endangerment of a highway worker in violation of section 304.585. . . 4 points
- 40 (15) Aggravated endangerment of a highway worker in violation of
- 41 section 304.585. 12 points
- 42 (16) For a conviction of violating a municipal ordinance that prohibits
- 43 tow truck operators from stopping at or proceeding to the scene of an accident
- 44 unless they have been requested to stop or proceed to such scene by a party
- 45 involved in such accident or by an officer of a public safety agency 4 points
- 46 **(17) Endangerment of an emergency responder in violation**
- 47 **of section 304.894. 4 points**
- 48 **(18) Aggravated endangerment of an emergency responder**
- 49 **in violation of section 304.894. 12 points**
- 50 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 51 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section

52 302.020, when the director issues such operator a license or permit pursuant to the provisions
53 of sections 302.010 to 302.340.

54 3. An additional two points shall be assessed when personal injury or property damage
55 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
56 found to be warranted and certified by the reporting court.

57 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
58 section constitutes both a violation of a state law and a violation of a county or municipal
59 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
60 offense arising out of the same occurrence could be construed to be a violation of subdivisions
61 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
62 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
63 offenses arising out of the same occurrence.

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

88 contrary notwithstanding. The director shall establish procedures for record keeping and the
89 administration of this subsection.

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 shall 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
2 **responder for any of the following offenses when the offense occurs within an active**
3 **emergency zone:**

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

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

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

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

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

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

18 **(7) Committing any of the following offenses for which points may be assessed**
19 **under section 302.302:**

20 **(a) Leaving the scene of an accident in violation of section 577.060;**

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

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

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

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

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

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

33 **3. A person commits the offense of aggravated endangerment of an emergency**
34 **responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of**

35 **this section when such offense results in the injury or death of an emergency responder.**
36 **Upon a finding of guilt or a plea of guilty for committing the offense of aggravated**
37 **endangerment of an emergency responder, in addition to any other penalty authorized by**
38 **law, the court shall assess a fine of not more than five thousand dollars if the offense**
39 **resulted in injury to an emergency responder, and ten thousand dollars if the offense**
40 **resulted in the death of an emergency responder. In addition, twelve points shall be**
41 **assessed to the operator's license under section 302.302.**

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

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

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