

SECOND REGULAR SESSION

HOUSE BILL NO. 1308

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILLIAMS, HOSMER, LOWE, BOWMAN, BOUCHER,
MYERS AND REINHART (Co-sponsors).

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TED WEDEL, Chief Clerk

2684L.011

AN ACT

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Section A. Section 304.022, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.022, to read as follows: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

2. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

3. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol or a state park ranger, those vehicles operated by enforcement personnel by the division of motor carrier and railroad safety of the department of economic development, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to

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

17 make arrests for violations of the laws of the United States, traffic officer or coroner or by a
18 privately owned emergency vehicle company;

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

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

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

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

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

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

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

35 4. (1) The driver of any vehicle referred to in subsection 3 of this section shall not sound
36 the siren thereon or have the front red lights or blue lights on except when such vehicle is
37 responding to an emergency call or when in pursuit of an actual or suspected law violator, or
38 when responding to, but not upon returning from, a fire;

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

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

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

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

45 (d) Disregard regulations governing direction of movement or turning in specified
46 directions;

47 (3) The exemptions herein granted to an emergency vehicle shall apply only when the
48 driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
49 as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp
50 displaying a red light or blue light visible under normal atmospheric conditions from a distance
51 of five hundred feet to the front of such vehicle.

52 **5. Upon approaching a stationary emergency vehicle located on the shoulder of a**

53 roadway and that is making use of its emergency lights, the driver of every motor vehicle
54 shall:

55 (1) Proceed with caution and, if possible with due regard to safety and traffic
56 conditions, make a lane change into a lane not adjacent to that of the stationary emergency
57 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding
58 in the same direction as the approaching vehicle; or

59 (2) Proceed with caution and, if traveling on a roadway having two lanes that are
60 carrying traffic in opposite directions, the driver shall not overtake and pass another
61 vehicle when approaching within one hundred feet of the stationary emergency vehicle.
62 The driver shall also reduce the speed of the vehicle, maintaining a safe speed for road
63 conditions.

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

67 [6.] 7. Violation of this section shall be deemed a class C misdemeanor.