

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1270 AND HOUSE BILL NO. 2032

91ST GENERAL ASSEMBLY

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Reported from the Committee on Transportation, April 25, 2002, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

2489S.07C

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## AN ACT

To repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.321, 304.001, 304.022, 304.027, 304.200, 304.351, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.321, 304.001, 304.022, 304.027, 304.200, 304.351, 575.010 and 575.150, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 226.1115, 300.075, 300.080, 300.100, 300.105, 300.110, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 302.130, 302.321, 304.001, 304.022, 304.027, 304.028, 304.200, 304.351, 307.205, 307.207, 307.209, 307.211, 307.213, 575.010, 575.145 and 575.150, to read as follows:

**226.1115. If the department of transportation removes property from any roadway of this state pursuant to section 304.155, RSMo, such property shall be immediately taken to the shoulder or berm of the roadway, and the department employees shall not use a wrecker, tow truck or roll-back in the removal process.**

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

300.075. 1. It shall be the duty of the officers of the police department or such  
2 officers as are assigned by the chief of police to enforce all [street] traffic laws of the city  
3 and all of the state vehicle laws applicable to [street] traffic in the city.

4 2. Officers of the police department or such officers as are assigned by the chief  
5 of police are hereby authorized to direct all traffic by voice, hand, or signal in  
6 conformance with traffic laws; provided that, in the event of a fire or other emergency  
7 or to expedite traffic or to safeguard pedestrians, officers of the police department may  
8 direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

9 3. Officers of the fire department, when at the scene of [a fire] **an incident**, may  
10 direct or assist the police in directing traffic thereat or in the immediate vicinity.

300.080. No person shall [willfully] **knowingly** fail or refuse to comply with any  
2 lawful order or direction of a police officer or fire department official.

300.100. 1. The driver of an authorized emergency vehicle, when responding to  
2 an emergency call or when in the pursuit of an actual or suspected violator of the law  
3 or when responding to but not upon returning from a fire alarm, may exercise the  
4 privileges set forth in this section, but subject to the conditions herein stated.

5 2. The driver of an authorized emergency vehicle may:

6 (1) Park or stand, irrespective of the provisions of this ordinance;

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

9 (3) Exceed the maximum speed limits so long as he does not endanger life or  
10 property;

11 (4) Disregard regulations governing direction of movement or turning in specified  
12 directions.

13 3. The exemptions herein granted to an authorized emergency vehicle shall apply  
14 only when the driver of any said vehicle while in motion sounds audible signal by [bell,  
15 siren[,] or [exhaust whistle as may be reasonably necessary, and when the vehicle is  
16 equipped with] **while having** at least one lighted lamp [displaying] **exhibiting** a red  
17 light visible under normal atmospheric conditions from a distance of five hundred feet  
18 to the front of such vehicle **or a flashing blue light authorized by section 307.175,**  
19 **RSMo.**

20 4. The foregoing provisions shall not relieve the driver of an authorized  
21 emergency vehicle from the duty to drive with due regard for the safety of all persons,  
22 nor shall such provisions protect the driver from the consequences of his reckless  
23 disregard for the safety of others.

300.105. 1. Upon the immediate approach of an authorized emergency vehicle

2 making use of audible and visual signals meeting the requirements of the laws of this  
3 state, or of a police vehicle properly and lawfully making use of an audible signal only[:

4 (1)] the driver of every other vehicle shall yield the right-of-way and shall  
5 immediately drive to a position parallel to, and as close as possible to, the right-hand  
6 edge or curb of the roadway clear of any intersection and shall stop and remain in such  
7 position until the authorized emergency vehicle has passed, except when otherwise  
8 directed by a police officer[;

9 (2) Upon the approach of an authorized emergency vehicle, as above stated, the  
10 motorman of every streetcar shall immediately stop such car clear of any intersection  
11 and keep it in such position until the authorized emergency vehicle has passed, except  
12 when otherwise directed by a police officer].

13 2. This section shall not operate to relieve the driver of an authorized emergency  
14 vehicle from the duty to drive with due regard for the safety of all persons using the  
15 highway.

300.110. The driver of a vehicle involved in an accident **within the city**  
2 resulting in injury to or death of any person or total property damage to an apparent  
3 extent of five hundred dollars or more to one person shall [immediately by the quickest  
4 means of communication] give, **or cause to be given**, notice of such accident to the  
5 police department [if such accident occurs within the city] **as soon as reasonably**  
6 **possible**.

300.160. Whenever special pedestrian control signals exhibiting the words "Walk"  
2 or "Don't Walk", **or appropriate symbols** are in place such signals shall indicate as  
3 follows:

4 (1) "Walk", pedestrians facing such signal may proceed across the roadway in the  
5 direction of the signal and shall be given the right-of-way by the drivers of all vehicles;

6 (2) "Wait" or "Don't Walk", no pedestrian shall start to cross the roadway in the  
7 direction of such signal, but any pedestrian who has partially completed his crossing on  
8 the walk signal shall proceed to a sidewalk or safety zone while the wait signal is  
9 showing.

300.215. The driver of a vehicle intending to turn at an intersection shall do so  
2 as follows:

3 (1) Right turns: Both the approach for a right turn and a right turn shall be  
4 made as close as practicable to the right-hand curb or edge of the roadway, **except**  
5 **where multiple turn lanes have been established**.

6 (2) Left turns on two-way roadways: At any intersection where traffic is  
7 permitted to move in both directions on each roadway entering the intersection, an

8 approach for a left turn shall be made in that portion of the right half of the roadway  
9 nearest the center line thereof and by passing to the right of such center line where it  
10 enters the intersection and after entering the intersection the left turn shall be made so  
11 as to leave the intersection to the right of the center line of the roadway being  
12 entered. Whenever practicable the left turn shall be made in that portion of the  
13 intersection to the left of the center of the intersection.

14 (3) Left turns on other than two-road roadways: At any intersection where traffic  
15 is restricted to one direction on one or more of the roadways, the driver of a vehicle  
16 intending to turn left at any such intersection shall approach the intersection in the  
17 extreme left-hand lane lawfully available to traffic moving in the direction of travel of  
18 such vehicle and after entering the intersection the left turn shall be made so as to leave  
19 the intersection, as nearly as practicable, in the left-hand lane lawfully available to  
20 traffic moving in such direction upon the roadway being entered, **except where**  
21 **multiple turn lanes have been established.**

22 (4) **Designated two-way left turn lanes: Where a special lane for**  
23 **making left turns by drivers proceeding in opposite directions have been**  
24 **indicated by official traffic control devices:**

25 (a) **A left turn shall not be made from any other lane;**

26 (b) **A vehicle shall not be driven in the lane except when preparing for**  
27 **or making a left turn from or into the roadway or when preparing for or**  
28 **making a u-turn when otherwise permitted by law;**

29 (c) **A vehicle shall not be driven in the lane for a distance more than**  
30 **five hundred feet.**

300.300. The driver of any vehicle other than one on official business shall not  
2 follow any [fire apparatus] **emergency vehicle** traveling in response to [a fire alarm]  
3 **an emergency call** closer than five hundred feet or drive into or park such vehicle  
4 within the block where fire apparatus has stopped in answer to a fire alarm.

300.348. 1. No person shall operate an all-terrain vehicle, as defined in section  
2 300.010, upon the streets and highways of this city, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official  
4 use;

5 (2) All-terrain vehicles operated for agricultural purposes or industrial  
6 on-premises purposes between the official sunrise and sunset on the day of operation;

7 (3) All-terrain vehicles whose operators carry a special permit issued by this city  
8 pursuant to section 304.013, RSMo.

9 2. No person shall operate an off-road vehicle, as defined in section 304.001,

10 RSMo, within any stream or river in this city, except that off-road vehicles may be  
11 operated within waterways which flow within the boundaries of land which an off-road  
12 vehicle operator owns, or for agricultural purposes within the boundaries of land which  
13 an off-road vehicle operator owns or has permission to be upon, or for the purpose of  
14 fording such stream or river of this state at such road crossings as are customary or part  
15 of the highway system. All law enforcement officials or peace officers of this state and  
16 its political subdivisions shall enforce the provisions of this subsection within the  
17 geographic area of their jurisdiction.

18 3. A person operating an all-terrain vehicle on a street or highway pursuant to  
19 an exception covered in this section shall have a valid [operator's or chauffeur's] license  
20 **issued by a state authorizing such person to operate a motor vehicle**, but shall  
21 not be required to have passed an examination for the operation of a motorcycle, and the  
22 vehicle shall be operated at speeds of less than thirty miles per hour. When operated  
23 on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which  
24 extends not less than seven feet above the ground, attached to the rear of the  
25 vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than  
26 thirty square inches and shall be day-glow in color.

27 4. No person shall operate an all-terrain vehicle:

28 (1) In any careless way so as to endanger the person or property of another;

29 (2) While under the influence of alcohol or any controlled substance; or

30 (3) Without a securely fastened safety helmet on the head of an individual who  
31 operates an all-terrain vehicle or who is being towed or otherwise propelled by an  
32 all-terrain vehicle, unless the individual is at least eighteen years of age.

33 5. No operator of an all-terrain vehicle shall carry a passenger, except for  
34 agricultural purposes.

35 6. A violation of this section shall be a class C misdemeanor.

300.350. No person riding upon any bicycle, motorized bicycle, coaster, roller  
2 skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a  
3 roadway. **Neither shall the driver of a vehicle knowingly pull a rider behind**  
4 **a vehicle.**

300.585. Whenever any motor vehicle without driver is found parked or stopped  
2 in violation of any of the restrictions imposed by ordinance of the city or by state law,  
3 the officer finding such vehicle shall take its registration number and may take any  
4 other information displayed on the vehicle which may identify its user, and shall  
5 conspicuously affix to such vehicle a uniform traffic ticket **or other citation** for the  
6 driver to answer to the charge against him within [five] **seven** days during the hours

7 and at a place specified in the traffic ticket.

302.130. 1. Any person at least fifteen years of age who, except for age or lack  
2 of instruction in operating a motor vehicle, would otherwise be qualified to obtain a  
3 license pursuant to sections 302.010 to 302.340 may apply for and the director shall  
4 issue a temporary instruction permit entitling the applicant, while having such permit  
5 in the applicant's immediate possession, to drive a motor vehicle of the appropriate class  
6 upon the highways for a period of twelve months, but any such person, except when  
7 operating a motorcycle or motortricycle, must be accompanied by a licensed operator for  
8 the type of motor vehicle being operated who is actually occupying a seat beside the  
9 driver for the purpose of giving instruction in driving the motor vehicle, who is at least  
10 twenty-one years of age, and in the case of any driver under sixteen years of age, the  
11 licensed operator occupying the seat beside the driver shall be a grandparent, parent,  
12 guardian, a driver training instructor holding a valid driver education endorsement on  
13 a teaching certificate issued by the department of elementary and secondary education  
14 or a qualified instructor of a private drivers' education program who has a valid driver's  
15 license. Beginning January 1, 2001, an applicant for a temporary instruction permit  
16 shall successfully complete a vision test and a test of the applicant's ability to  
17 understand highway signs which regulate, warn or direct traffic and practical knowledge  
18 of the traffic laws of this state, pursuant to section 302.173. In addition, beginning  
19 January 1, 2001, no permit shall be granted pursuant to this subsection unless a parent  
20 or legal guardian gives written permission by signing the application and in so signing,  
21 state they, or their designee as set forth in subsection 2 of this section, will provide a  
22 minimum of twenty hours of behind-the-wheel driving instruction. The twenty hours of  
23 behind-the-wheel driving instruction that is completed pursuant to this subsection may  
24 include any time that the holder of an instruction permit has spent operating a motor  
25 vehicle in a driver training program taught by a driver training instructor holding a  
26 valid driver education endorsement on a teaching certificate issued by the department  
27 of elementary and secondary education or by a qualified instructor of a private drivers'  
28 education program. If the applicant for a permit is enrolled in a federal residential job  
29 training program, the instructor, as defined in subsection 5 of this section, is authorized  
30 to sign the application stating that the applicant will receive the behind-the-wheel  
31 driving instruction required by this section.

32 2. In the event the parent, grandparent or guardian of the person under sixteen  
33 years of age has a physical disability which prohibits or disqualifies said parent,  
34 grandparent or guardian from being a qualified licensed operator pursuant to this  
35 section, said parent, grandparent or guardian may designate a maximum of two

36 individuals authorized to accompany the applicant for the purpose of giving instruction  
37 in driving the motor vehicle. An authorized designee must be a licensed operator for the  
38 type of motor vehicle being operated and have attained twenty-one years of age. At least  
39 one of the designees must occupy the seat beside the applicant while giving instruction  
40 in driving the motor vehicle. The name of the authorized designees must be provided to  
41 the department of revenue by the parent, grandparent or guardian at the time of  
42 application for the temporary instruction permit. The name of each authorized designee  
43 shall be printed on the temporary instruction permit, however, the director may delay  
44 the time at which permits are printed bearing such names until the inventories of blank  
45 permits and related forms existing on August 28, 1998, are exhausted.

46         3. The director, upon proper application on a form prescribed by the director, in  
47 his or her discretion, may issue a restricted instruction permit effective for a school year  
48 or more restricted period to an applicant who is enrolled in a high school driver training  
49 program taught by a driver training instructor holding a valid driver education  
50 endorsement on a teaching certificate issued by the state department of elementary and  
51 secondary education even though the applicant has not reached the age of sixteen years  
52 but has passed the age of fifteen years. Such instruction permit shall entitle the  
53 applicant, when the applicant has such permit in his or her immediate possession, to  
54 operate a motor vehicle on the highways, but only when a driver training instructor  
55 holding a valid driver education endorsement on a teaching certificate issued by the  
56 state department of elementary and secondary education is occupying a seat beside the  
57 driver.

58         4. The director, in his or her discretion, may issue a temporary driver's permit  
59 to an applicant who is otherwise qualified for a license permitting the applicant to  
60 operate a motor vehicle while the director is completing the director's investigation and  
61 determination of all facts relative to such applicant's rights to receive a license. Such  
62 permit must be in the applicant's immediate possession while operating a motor vehicle,  
63 and it shall be invalid when the applicant's license has been issued or for good cause has  
64 been refused.

65         5. In the event that the applicant for a temporary instruction permit described  
66 in subsection 1 of this section is a participant in a federal residential job training  
67 program, the permittee may operate a motor vehicle accompanied by a driver training  
68 instructor who holds a valid driver education endorsement issued by the department of  
69 elementary and secondary education and a valid driver's license.

70         6. A person at least fifteen years of age may operate a motor vehicle as part of  
71 a driver training program taught by a driver training instructor holding a valid driver

72 education endorsement on a teaching certificate issued by the department of elementary  
73 and secondary education or a qualified instructor of a private drivers' education program.

74       **7. Beginning January 1, 2003, the director shall issue with every**  
75 **temporary instruction permit issued pursuant to subsection 1 of this section**  
76 **a sticker or sign bearing the words "PERMIT DRIVER". The design and size**  
77 **of such sticker or sign shall be determined by the director by**  
78 **regulation. Every applicant issued a temporary instruction permit and**  
79 **sticker on or after January 1, 2003, may display or affix the sticker or sign on**  
80 **the rear window of the motor vehicle. Such sticker or sign may be displayed**  
81 **on the rear window of the motor vehicle whenever the holder of the**  
82 **instruction permit operates a motor vehicle during his or her temporary**  
83 **permit licensure period.**

84       **8.** The director may adopt rules and regulations necessary to carry out the  
85 provisions of this section.

302.321. 1. A person commits the crime of driving while revoked if he operates  
2 a motor vehicle on a highway when his license or driving privilege has been canceled,  
3 suspended or revoked under the laws of this state **or any other state** and acts with  
4 criminal negligence with respect to knowledge of the fact that his driving privilege has  
5 been canceled, suspended or revoked.

6       2. Any person convicted of driving while revoked is guilty of a class A  
7 misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined  
8 in section 302.525, convicted a fourth or subsequent time of driving while revoked **or a**  
9 **county or municipal ordinance of driving while suspended or revoked where**  
10 **the judge in such case was an attorney and the defendant was represented by**  
11 **or waived the right to an attorney in writing** and any person with a prior  
12 alcohol-related enforcement contact as defined in section 302.525, convicted a third or  
13 subsequent time of driving while revoked **or a county or municipal ordinance of**  
14 **driving while suspended or revoked where the judge in such case was an**  
15 **attorney and the defendant was represented by or waived the right to an**  
16 **attorney in writing** is guilty of a class D felony. No court shall suspend the imposition  
17 of sentence as to such a person nor sentence such person to pay a fine in lieu of a term  
18 of imprisonment, nor shall such person be eligible for parole or probation until he has  
19 served a minimum of forty-eight consecutive hours of imprisonment, unless as a  
20 condition of such parole or probation, such person performs at least ten days involving  
21 at least forty hours of community service under the supervision of the court in those  
22 jurisdictions which have a recognized program for community service. Driving while



23 revoked is a class D felony on the second or subsequent conviction pursuant to section  
24 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

304.001. As used in this chapter and chapter 307, RSMo, the following terms  
2 shall mean:

3 (1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain  
4 vehicle, outboard motor or vessel removed or subject to removal from public or private  
5 property as provided in sections 304.155 and 304.157, whether or not operational **or any**  
6 **motor vehicle involved in an accident whereby a law enforcement official**  
7 **requests such vehicle to be removed from the scene because the operator or**  
8 **owner is unable to arrange for the abandoned property's timely removal;**

9 (2) "Commercial vehicle enforcement officers", employees of the Missouri state  
10 highway patrol who are not members of the patrol but who are appointed by the  
11 superintendent of the highway patrol to enforce the laws, rules, and regulations  
12 pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such  
13 vehicles;

14 (3) "Commercial vehicle inspectors", employees of the Missouri state highway  
15 patrol who are not members of the patrol but who are appointed by the superintendent  
16 of the highway patrol to supervise or operate permanent or portable weigh stations in  
17 the enforcement of commercial vehicle laws;

18 (4) "Commission", the state highways and transportation commission;

19 (5) "Department", the state transportation department;

20 (6) "Freeway", a divided state highway with four or more lanes, with no access  
21 to the throughways except the established interchanges and with no at-grade crossings;

22 (7) "Interstate highway", a state highway included in the national system of  
23 interstate highways located within the boundaries of Missouri, as officially designated  
24 or as may be hereafter designated by the state highways and transportation commission  
25 with the approval of the Secretary of Transportation, pursuant to Title 23, U.S.C., as  
26 amended;

27 (8) "Members of the patrol", the superintendent, lieutenant colonel, majors,  
28 captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the  
29 Missouri state highway patrol;

30 (9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel  
31 on or immediately over land, water, ice, snow, marsh, swampland, or other natural  
32 terrain without benefit of a road or trail:

33 (a) Including, without limitation, the following:

34 a. Jeeps;

35           b. All-terrain vehicles;  
36           c. Dune buggies;  
37           d. Multiwheel drive or low-pressure tire vehicles;  
38           e. Vehicle using an endless belt, or tread or treads, or a combination of tread and  
39 low-pressure tires;  
40           f. Motorcycles, trail bikes, minibikes and related vehicles;  
41           g. Any other means of transportation deriving power from any source other than  
42 muscle or wind; and  
43           (b) Excluding the following:  
44           a. Registered motorboats;  
45           b. Aircraft;  
46           c. Any military, fire or law enforcement vehicle;  
47           d. Farm-type tractors and other self-propelled equipment for harvesting and  
48 transporting farm or forest products;  
49           e. Any vehicle being used for farm purposes, earth moving, or construction while  
50 being used for such purposes on the work site;  
51           f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while  
52 being used exclusively for their designed purpose; and  
53           g. Any vehicle being used for the purpose of transporting a handicapped person;  
54           (10) "Person", any natural person, corporation, or other legal entity;  
55           (11) "Right-of-way", the entire width of land between the boundary lines of a  
56 state highway, including any roadway;  
57           (12) "Roadway", that portion of a state highway ordinarily used for vehicular  
58 travel, exclusive of the berm or shoulder;  
59           (13) "State highway", a highway constructed or maintained by the state highways  
60 and transportation commission with the aid of state funds or United States government  
61 funds, or any highway included by authority of law in the state highway system,  
62 including all right-of-way;  
63           (14) "Towing company", any person or entity which tows, removes or stores  
64 abandoned property;  
65           (15) "Urbanized area", an area with a population of fifty thousand or more  
66 designated by the Bureau of the Census, within boundaries to be fixed by the state  
67 highways and transportation commission and local officials in cooperation with each  
68 other and approved by the Secretary of Transportation. The boundary of an urbanized  
69 area shall, at a minimum, encompass the entire urbanized area as designed by the  
70 Bureau of the Census.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible  
2 signal by siren or while having at least one lighted lamp exhibiting red light visible  
3 under normal atmospheric conditions from a distance of five hundred feet to the front  
4 of such vehicle or a flashing blue light authorized by section 307.175, RSMo, the driver  
5 of every other vehicle shall yield the right-of-way and shall immediately drive to a  
6 position parallel to, and as far as possible to the right of, the traveled portion of the  
7 highway and thereupon stop and remain in such position until such emergency vehicle  
8 has passed, except when otherwise directed by a police or traffic officer.

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

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

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

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

22       [3.] 4. An "emergency vehicle" is a vehicle of any of the following types:

23       (1) A vehicle operated by the state highway patrol, the state water patrol or a  
24 state park ranger, those vehicles operated by enforcement personnel by the division of  
25 motor carrier and railroad safety of the department of economic development, police or  
26 fire department, sheriff, constable or deputy sheriff, federal law enforcement officer  
27 authorized to carry firearms and to make arrests for violations of the laws of the United  
28 States, traffic officer or coroner or by a privately owned emergency vehicle company;

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

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

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

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

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

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

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

48 [4.] 5. (1) The driver of any vehicle referred to in subsection [3] 4 of this section  
49 shall not sound the siren thereon or have the front red lights or blue lights on except  
50 when such vehicle is responding to an emergency call or when in pursuit of an actual or  
51 suspected law violator, or when responding to, but not upon returning from, a fire;

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

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

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

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

58 (d) Disregard regulations governing direction of movement or turning in specified  
59 directions;

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

65 [5.] 6. No person shall purchase an emergency light as described in this section  
66 without furnishing the seller of such light an affidavit stating that the light will be used  
67 exclusively for emergency vehicle purposes.

68 [6.] 7. Violation of this section shall be deemed a class C misdemeanor.

304.027. 1. There is hereby created in the state treasury for use by the board of  
2 curators of the University of Missouri a fund to be known as the "Spinal Cord Injury  
3 Fund". All judgments collected pursuant to this section, appropriations of the general  
4 assembly, federal grants, private donations and any other moneys designated for the

5 spinal cord injury fund established pursuant to sections 302.133 to 302.138, RSMo, shall  
6 be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the  
7 general assembly to the board of curators, be received and expended by the board for the  
8 purpose of funding research projects that promote an advancement of knowledge in the  
9 area of spinal cord injury. Notwithstanding the provisions of section 33.080, RSMo, to  
10 the contrary, any unexpended balance in the spinal cord injury fund at the end of any  
11 biennium shall not be transferred to the general revenue fund.

12       2. [Any person who is convicted of an intoxication-related offense, as defined by  
13 section 577.023, RSMo, shall have a judgment entered against the defendant in favor of  
14 the spinal cord injury fund, in the amount of twenty- five dollars.

15       3.] **In all criminal cases including violations of any county ordinance**  
16 **or any violation of criminal or traffic laws of this state, including an**  
17 **infraction, there shall be assessed as costs a surcharge in the amount of two**  
18 **dollars. No such surcharge shall be collected in any proceeding involving a**  
19 **violation of an ordinance or state law when the proceeding or defendant has**  
20 **been dismissed by the court or when costs are to be paid by the state, county**  
21 **or municipality. Such surcharge shall be collected and disbursed by the clerk**  
22 **of the court as provided by sections 488.010 to 488.020.** The [judgments]  
23 **surcharge** collected pursuant to this section shall be paid into the state treasury to the  
24 credit of the spinal cord injury fund created in this section. [Any court clerk receiving  
25 funds pursuant to judgments entered pursuant to this section shall collect and disburse  
26 such amounts as provided in sections 488.010 to 488.020, RSMo.]

**304.028. 1. There is hereby created in the state treasury for use by the**  
2 **Missouri Head Injury Advisory Council a fund to be known as the "Head**  
3 **Injury Fund". All judgments collected pursuant to this section, federal grants,**  
4 **private donations and any other moneys designated for the head injury fund**  
5 **shall be deposited in the fund. Moneys deposited in the fund shall, upon**  
6 **appropriation by the general assembly to the office of administration, be**  
7 **received and expended by the council for the purpose of transition and**  
8 **integration of medical, social and educational services or activities for**  
9 **purposes of outreach and short-term supports to enable individuals with**  
10 **traumatic head injury and their families to live in the community, including**  
11 **counseling and mentoring the families. Notwithstanding the provisions of**  
12 **section 33.080, RSMo, to the contrary, any unexpended balance in the head**  
13 **injury fund at the end of any biennium shall not be transferred to the general**  
14 **revenue fund.**

15           **2. In all criminal cases including violations of any county ordinance or**  
16 **any violation of criminal or traffic laws of this state, including an infraction,**  
17 **there shall be assessed as costs a surcharge in the amount of two dollars. No**  
18 **such surcharge shall be collected in any proceeding involving a violation of**  
19 **an ordinance or state law when the proceeding or defendant has been**  
20 **dismissed by the court or when costs are to be paid by the state, county or**  
21 **municipality.**

22           **3. Such surcharge shall be collected and distributed by the clerk of the**  
23 **court as provided in sections 488.010 to 488.020, RSMo. The surcharge**  
24 **collected pursuant to this section shall be paid to the state treasury to the**  
25 **credit of the head injury fund established in this section.**

304.200. 1. The chief engineer of the state department of transportation, for good  
2 cause shown and when the public safety or public interest so justifies, shall issue special  
3 permits for vehicles or equipment exceeding the limitations on width, length, height and  
4 weight herein specified, or which are unable to maintain minimum speed limits. Such  
5 permits shall be issued only for a single trip or for a definite period, not beyond the date  
6 of expiration of the vehicle registration, and shall designate the highways and bridges  
7 which may be used pursuant to the authority of such permit.

8           2. The chief engineer of the state department of transportation shall upon proper  
9 application and at no charge issue a special permit to any person allowing the movement  
10 on state and federal highways of farm products between sunset and sunrise not in excess  
11 of fourteen feet in width. Special permits allowing movement of oversize loads of farm  
12 products shall allow for movement between sunset and sunrise, subject to appropriate  
13 requirements for safety lighting on the load, appropriate limits on load dimensions and  
14 appropriate consideration of high traffic density between sunset and sunrise on the route  
15 to be traveled. [The chief engineer may also issue upon proper application a special  
16 permit to any person allowing the movement on the state and federal highways of  
17 vehicles hauling lumber products and earth-moving equipment not in excess of fourteen  
18 feet in width.] The chief engineer may also issue upon proper application a special  
19 permit to any person allowing the movement on the state and federal highways of  
20 concrete pump trucks or well-drillers equipment. For the purposes of this section, "farm  
21 products" shall have the same meaning as provided in section 400.9-109, RSMo.

22           3. Rules and regulations for the issuance of special permits shall be prescribed  
23 by the state highways and transportation commission and filed with the secretary of  
24 state. No rule or portion of a rule promulgated pursuant to the authority of section  
25 304.010 and this section shall become effective unless it has been promulgated pursuant

26 to the provisions of chapter 536, RSMo.

27 4. The officer in charge of the maintenance of the streets of any municipality may  
28 issue such permits for the use of the streets by such vehicles within the limits of such  
29 municipalities.

30 5. In order to transport manufactured homes, as defined in section 700.010,  
31 RSMo, on the roads, highways, bridges and other thoroughfares within this state, only  
32 the applicable permits required by this section shall be obtained.

304.351. 1. The driver of a vehicle approaching an intersection shall yield the  
2 right-of-way to a vehicle which has entered the intersection from a different highway,  
3 provided, however, there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at  
5 approximately the same time, the driver of the vehicle on the left shall yield the  
6 right-of-way to the driver of the vehicle on the right. This subsection shall not apply to  
7 vehicles approaching each other from opposite directions when the driver of one of such  
8 vehicles is attempting to or is making a left turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall  
10 yield the right-of-way to any vehicle approaching from the opposite direction which is  
11 within the intersection or so close thereto as to constitute an immediate hazard.

12 4. **(1)** The state highways and transportation commission with reference to state  
13 highways and local authorities with reference to other highways under their jurisdiction  
14 may designate through highways and erect stop signs or yield signs at specified  
15 entrances thereto, or may designate any intersection as a stop intersection or as a yield  
16 intersection and erect stop signs or yield signs at one or more entrances to such  
17 intersection.

18 **[(1)] (2)** Preferential right-of-way at an intersection may be indicated by stop  
19 signs or yield signs as authorized in this section:

20 (a) Except when directed to proceed by a police officer or traffic-control signal,  
21 every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall  
22 stop at a clearly marked stop line, but if none, before entering the crosswalk on the near  
23 side of the intersection, or if none, then at the point nearest the intersecting roadway  
24 where the driver has a view of approaching traffic in the intersecting roadway before  
25 entering the intersection. After having stopped, the driver shall yield the right-of-way  
26 to any vehicle which has entered the intersection from another highway or which is  
27 approaching so closely on the highway as to constitute an immediate hazard during the  
28 time when such driver is moving across or within the intersection.

29 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign

30 slow down to a speed reasonable to the existing conditions and, if required for safety to  
31 stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the  
32 intersecting roadway where the driver has a view of approaching traffic on the  
33 intersecting roadway. After slowing or stopping the driver shall yield the right-of-way  
34 to any vehicle in the intersection or approaching on another highway so closely as to  
35 constitute an immediate hazard during the time such traffic is moving across or within  
36 the intersection.

37         5. The driver of a vehicle about to enter or cross a highway from an alley,  
38 building or any private road or driveway shall yield the right-of-way to all vehicles  
39 approaching on the highway to be entered.

40         6. The driver of a vehicle intending to make a left turn into an alley, private road  
41 or driveway shall yield the right-of-way to any vehicle approaching from the opposite  
42 direction when the making of such left turn would create a traffic hazard.

43         7. The state highways and transportation commission or local authorities with  
44 respect to roads under their respective jurisdictions, on any section where construction  
45 or major maintenance operations are being effected, may fix a speed limit in such areas  
46 by posting of appropriate signs, and the operation of a motor vehicle in excess of such  
47 speed limit in the area so posted shall be deemed prima facie evidence of careless and  
48 imprudent driving and a violation of section 304.010.

49         8. Notwithstanding the provisions of section 304.361, violation of this section  
50 shall be deemed a class C misdemeanor.

51         **9. In addition to the penalty specified in subsection 8 of this section**  
52 **any person who pleads guilty to or is found guilty of a violation of this section**  
53 **in which the offender is found to have caused physical injury shall be**  
54 **assessed a court cost of two hundred dollars and may have their driver's**  
55 **license, commercial driver's license, permit, or nonresident operating**  
56 **privilege suspended for a period of thirty days.**

57         **10. In addition to the penalty specified in subsection 8 of this section**  
58 **any person who pleads guilty to or is found guilty of a violation of this section**  
59 **in which the offender is found to have caused serious physical injury shall be**  
60 **assessed a court cost of five hundred dollars and may have their driver's**  
61 **license, commercial driver's license, permit, or nonresident operating**  
62 **privilege suspended for a period of ninety days.**

63         **11. In addition to the penalty specified in subsection 8 of this section**  
64 **any person who pleads guilty to or is found guilty of a violation of this section**  
65 **in which the offender is found to have caused a fatality shall be assessed a**



66 court cost of one thousand dollars and may have their driver's license,  
67 commercial driver's license, permit, or nonresident operating privilege  
68 suspended for a period of six months.

69       **12. Notwithstanding the provisions of any other law to the contrary all**  
70 **court costs collected pursuant to subsections 9, 10, and 11 of this section shall**  
71 **be deposited in the motorcycle safety trust fund established under section**  
72 **302.137, RSMo.**

73       **13. The provisions of subsections 9, 10, 11 and 12 shall only apply to a**  
74 **person who fails to yield the right-of-way to a vehicle at an intersection**  
75 **marked with a traffic-control signal.**

**307.205. 1. For the purposes of sections 307.205 to 307.213, "electric**  
2 **personal assistive mobility device" (EPAMD) shall mean a self-balancing, two**  
3 **nontandem wheeled device, designed to transport only one person, with an**  
4 **electric propulsion system with an average power of seven hundred fifty**  
5 **watts (one horsepower), whose maximum speed on a paved level surface,**  
6 **when powered solely by such a propulsion system while ridden by an operator**  
7 **who weighs one hundred seventy pounds, is less than twenty miles per hour.**

8       **2. An electric personal assistive mobility device may be operated upon**  
9 **a street, highway, sidewalk, and bicycle path. Every person operating such**  
10 **a device shall be granted all of the rights and be subject to all of the duties**  
11 **applicable to a pedestrian pursuant to chapter 304, RSMo.**

12       **3. Persons under sixteen years of age shall not operate an electric**  
13 **personal assistive mobility device, except for an operator with a mobility-**  
14 **related disability.**

15       **4. An electric personal assistive mobility device shall be operated only**  
16 **on roadways with a speed limit of forty-five miles per hour or less. This shall**  
17 **not prohibit the use of such device when crossing roadways with speed limits**  
18 **in excess of forty-five miles per hour.**

**307.207. Every electric personal assistive mobility device (EPAMD)**  
2 **when in use on a roadway during the period from one-half hour after sunset**  
3 **to one-half hour before sunrise shall be equipped with the following:**

4       **(1) A front-facing lamp on the front or carried by the rider which shall**  
5 **emit a white light visible at night under normal atmospheric conditions on a**  
6 **straight, level, unlighted roadway at five hundred feet;**

7       **(2) A rear-facing red reflector, at least two square inches in reflective**  
8 **surface area, or a rear-facing red lamp, on the rear which shall be visible at**  
9 **night under normal atmospheric conditions on a straight, level, unlighted**

10 roadway when viewed by a vehicle driver under the lower beams of vehicle  
11 headlights at six hundred feet.

**307.209. Every person operating an electric personal assistive mobility  
2 device (EPAMD) at less than the posted speed or slower than the flow of  
3 traffic upon a street or highway shall ride as near to the right side of the  
4 roadway as safe, exercising due care when passing a standing vehicle or one  
5 proceeding in the same direction, except when making a left turn, when  
6 avoiding hazardous conditions, when the lane is too narrow to share with  
7 another vehicle, or when on a one-way street.**

**307.211. Any person seventeen years of age or older who violates any  
2 provision of sections 307.205 to 307.211 is guilty of an infraction and, upon  
3 conviction thereof, shall be punished by a fine of not less than five dollars nor  
4 more than twenty-five dollars. Such an infraction does not constitute a crime  
5 and conviction shall not give rise to any disability or legal disadvantage  
6 based on conviction of a criminal offense. If any person under seventeen  
7 years of age violates any provision of section 307.205 to 307.211 in the  
8 presence of a peace officer possessing the duty and power of arrest for  
9 violation of the general criminal laws of the state or for violation of  
10 ordinances of counties or municipalities of the state, said officer may  
11 impound the electric personal assistive mobility device (EPAMD) involved for  
12 a period not to exceed five days upon issuance of a receipt to the child riding  
13 it or to its owner.**

**307.213. Notwithstanding the provisions of sections 307.205 to 307.211,  
2 any city or county may adopt regulations or ordinances with respect to  
3 electric personal assistive mobility devices which are more restrictive with  
4 respect to speed, area of operation, and other safety measures.**

2 575.010. The following definitions shall apply to chapters 575 and 576, RSMo:

3 (1) "Affidavit" means any written statement which is authorized or required by  
4 law to be made under oath, and which is sworn to before a person authorized to  
5 administer oaths;

6 (2) "Government" means any branch or agency of the government of this state or  
7 of any political subdivision thereof;

8 (3) "Highway", means any public road or thoroughfare for vehicles,  
9 including state roads, county roads and public streets, avenues, boulevards,  
10 parkways or alleys in any municipality;

11 [(3)] (4) "Judicial proceeding" means any official proceeding in court, or any  
12 proceeding authorized by or held under the supervision of a court;

13            [(4)] (5) "Juror" means a grand or petit juror, including a person who has been  
14 drawn or summoned to attend as a prospective juror;

15            [(5)] (6) "Jury" means a grand or petit jury, including any panel which has been  
16 drawn or summoned to attend as prospective jurors;

17            [(6)] (7) "Official proceeding" means any cause, matter, or proceeding where the  
18 laws of this state require that evidence considered therein be under oath or affirmation;

19            [(7)] (8) "Police animal" means a dog, horse or other animal used in law  
20 enforcement or a correctional facility, or by a municipal police department, fire  
21 department, search and rescue unit or agency, whether the animal is on duty or not on  
22 duty. The term shall include, but not be limited to, accelerant detection dogs, bomb  
23 detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;

24            [(8)] (9) "Public record" means any document which a public servant is required  
25 by law to keep;

26            [(9)] (10) "Testimony" means any oral statement under oath or affirmation;

27            [(10)] (11) "Victim" means any natural person against whom any crime is  
28 deemed to have been perpetrated or attempted;

29            [(11)] (12) "Witness" means any natural person:

30            (a) Having knowledge of the existence or nonexistence of facts relating to any  
31 crime; or

32            (b) Whose declaration under oath is received as evidence for any purpose; or

33            (c) Who has reported any crime to any peace officer or prosecutor; or

34            (d) Who has been served with a subpoena issued under the authority of any court  
35 of this state.

**575.145. It shall be the duty of the operator or driver of any vehicle or  
2 the rider of any animal traveling on the highways of this state to stop on  
3 signal of any sheriff or deputy sheriff and to obey any other reasonable signal  
4 or direction of such sheriff or deputy sheriff given in directing the movement  
5 of traffic on the highways. Any person who willfully fails or refuses to obey  
6 such signals or directions or who willfully resists or opposes a sheriff or  
7 deputy sheriff in the proper discharge of his or her duties shall be guilty of  
8 a class A misdemeanor and on conviction thereof shall be punished as  
9 provided by law for such offenses.**

          575.150. 1. A person commits the crime of resisting or interfering with arrest,  
2 **detention, or stop** if, knowing that a law enforcement officer is making an arrest, or  
3 attempting to lawfully detain or stop an individual or vehicle, or the person reasonably  
4 should know that a law enforcement officer is making an arrest or attempting to lawfully

5 detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer  
6 from effecting the arrest, stop or detention, the person:

7 (1) Resists the arrest, stop or detention of such person by using or threatening  
8 the use of violence or physical force or by fleeing from such officer; or

9 (2) Interferes with the arrest, stop or detention of another person by using or  
10 threatening the use of violence, physical force or physical interference.

11 2. This section applies to arrests, stops or detentions with or without warrants  
12 and to arrests, stops or detentions for any crime, infraction or ordinance violation.

13 3. **A person is presumed to be fleeing a vehicle stop if that person**  
14 **continues to operate a motor vehicle after that person has seen or should**  
15 **have seen clearly visible emergency lights or has heard or should have heard**  
16 **an audible signal emanating from the law enforcement vehicle pursuing that**  
17 **person.**

18 4. It is no defense to a prosecution pursuant to subsection 1 of this section that  
19 the law enforcement officer was acting unlawfully in making the arrest. However,  
20 nothing in this section shall be construed to bar civil suits for unlawful arrest.

21 [4. Resisting, by means other than flight, or interfering with an arrest for a  
22 felony, is a class D felony; otherwise, resisting or interfering with arrest is a class A  
23 misdemeanor.]

24 5. **Resisting or interfering with an arrest for a felony is a class D**  
25 **felony; otherwise, resisting or interfering with an arrest, detention or stop is**  
26 **a class A misdemeanor.**

2 [61.021. The county highway administrator shall be a resident of  
the state of Missouri.]

3 [300.125. 1. All written reports made by persons involved in  
4 accidents or by garages shall be without prejudice to the individual so  
5 reporting and shall be for the confidential use of the police department or  
6 other governmental agencies having use for the records for accident  
7 prevention purposes, except that the police department or other  
8 governmental agency may disclose the identity of a person involved in an  
9 accident when such identity is not otherwise known or when such person  
10 denies his presence at such accident.

11 2. No written reports forwarded under the provisions of this  
12 section shall be used as evidence in any trial, civil or criminal, arising out  
of an accident except that the police department shall furnish upon  
demand of any party to such trial, or upon demand of any court, a

13 certificate showing that a specified accident report has or has not been  
14 made to the department in compliance with law, and, if such report has  
15 been made, the date, time and location of the accident, the names and  
16 addresses of the drivers, the owners of the vehicles involved, and the  
17 investigating officers.]

[300.595. 1. Members of the police department are authorized to  
2 remove a vehicle from a street or highway to the nearest garage or other  
3 place of safety, or to a garage designated or maintained by the police  
4 department, or otherwise maintained by the city under the circumstances  
5 hereinafter enumerated:

6 (1) When any vehicle is left unattended upon any bridge, viaduct,  
7 or causeway, or in any tube or tunnel where such vehicle constitutes an  
8 obstruction to traffic;

9 (2) When a vehicle upon a highway is so disabled as to constitute  
10 an obstruction to traffic and the person in charge of the vehicle is by  
11 reason of physical injury incapacitated to such an extent as to be unable  
12 to provide its custody or removal;

13 (3) When any vehicle is left unattended upon a street and is so  
14 parked illegally as to constitute a definite hazard or obstruction to the  
15 normal movement of traffic.

16 2. Whenever an officer removes a vehicle from a street as  
17 authorized in this section and the officer knows or is able to ascertain  
18 from the registration records in the vehicle the name and address of the  
19 owner thereof, such officer shall immediately give or cause to be given  
20 notice in writing to such owner of the fact of such removal and the reasons  
21 therefor and of the place to which such vehicle has been removed. In the  
22 event any such vehicle is stored in a public garage, a copy of such notice  
23 shall be given to the proprietor of such garage.

24 3. Whenever an officer removes a vehicle from a street under this  
25 section and does not know and is not able to ascertain the name of the  
26 owner, or for any other reason is unable to give the notice to the owner as  
27 hereinbefore provided, and in the event the vehicle is not returned to the  
28 owner within a period of three days, then and in that event the officer  
29 shall immediately send or cause to be sent a written report of such  
30 removal by mail to the state department whose duty it is to register motor  
31 vehicles, and shall file a copy of such notice with the proprietor of any

32           public garage in which the vehicle may be stored. Such notice shall  
33           include a complete description of the vehicle, the date, time, and place  
34           from which removed, the reasons for such removal, and the name of the  
35           garage or place where the vehicle is stored.]

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