

HCS SS SCS SB 872, 754 & 669 -- SAFE OPERATION OF MOTOR VEHICLES

SPONSOR: Gibbons (St. Onge)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 12 to 0.

This substitute changes the laws regarding the safety of highway workers, emergency workers, and other motorists and child safety restraints.

The substitute increases various penalties for offenses occurring within highway work zones or construction zones. Any person convicted of a second or subsequent moving violation within a work zone will be assessed a fine of \$75. A person convicted of speeding or passing a vehicle within a work zone when a highway worker is present a second or subsequent time will be assessed a fine of \$300 in addition to any other fine authorized by law. The crime of endangerment of a highway worker is created. If a person commits the crime of endangerment of a highway worker in which no injury or death results, the person will be subject to a fine of not more than \$1,000 and will have eight points assessed against his or her driver's license. A person will be guilty of aggravated endangerment of a highway worker if a death or injury results. If a highway worker is injured or killed in a work zone, the person will be subject to a fine of not more than \$5,000 for an injury and not more than \$10,000 if death resulted and will have 12 points assessed against his or her driver's license.

A person commits the crime of endangerment of a highway worker if the motorist:

- (1) Exceeds the posted speed limit by 15 miles per hour or more;
- (2) Passes another vehicle in a work zone causing the death or injury of a highway worker;
- (3) Fails to stop for a work zone flagman or fails to obey traffic control signals erected in the work zone;
- (4) Physically assaults or attempts to assault a highway worker with a motor vehicle or other instrument;
- (5) Intentionally strikes or moves barrels, barriers, signs, or other devices erected to control the flow of traffic for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of another person; or
- (6) Commits various offenses in which points may be assessed.

The substitute imposes an additional penalty and driver's license suspension on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person.

The penalty for motorists who fail to move over when approached by an oncoming emergency vehicle or when approaching a stationary emergency vehicle is increased from a class B misdemeanor to a class A misdemeanor.

The penalties for motorists who fail to stop for school buses that are loading or unloading children are increased. Any person who fails to properly yield for a school bus and the failure results in the injury of any child will be guilty of a class D felony. Any person who fails to properly yield for a school bus causing the death of a child will be guilty of a class C felony.

The substitute repeals the duty of a streetcar motorman to stop or yield the streetcar to passing emergency vehicles.

The substitute requires children of certain ages, weights, and heights to be restrained by either a child passenger restraint system, booster seat, or safety belt.

Children younger than four years of age, regardless of weight, are required to use an appropriate child passenger restraint system. Children weighing less than 40 pounds, regardless of age, are required to be secured in a child passenger restraint system appropriate for the child. Children who are four to seven years of age and who weigh at least 40 pounds but less than 80 pounds and are less than four feet nine inches tall must be secured in a child passenger restraint system or booster seat appropriate for the child. Children who weigh at least 80 pounds or children taller than four feet nine inches must be secured by a vehicle safety belt or booster seat appropriate for the child.

The substitute allows a child to be transported in the back seat without a booster seat if the child is secured with a lap belt when the vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

A violation of the child passenger restraint/booster provisions will be an infraction, and the fine will be \$50 plus court costs. The fine for violating the safety belt provision will be \$10. Charges for violating the child passenger restraint and booster seat provisions will be dismissed or withdrawn if the driver provides evidence that he or she acquired a child passenger restraint system or booster seat prior to or at his or her hearing. The substitute does not apply to public carriers for hire or students four years of age or older who are passengers on

a school bus.

The substitute specifies that if there are more persons than there are seat belts in the enclosed area of a motor vehicle, the passengers who are unable to wear seat belts must sit in the area behind the front seat unless the vehicle is designed only for a front-seated area. This provision does not apply to passengers who are accompanying an intermediate driver's license holder. Currently, all passengers accompanying an intermediate driver's license holder must be properly restrained. The seat belt and child restraint provisions of the substitute will not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body or applicable to persons operating or riding a motor vehicle being used in agricultural work-related activities.

The substitute contains an emergency clause for the failure to yield provisions.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a cost of \$192,721 to \$292,721 in FY 2007, a cost of \$269,091 to an income of Unknown in FY 2008, and a cost of \$272,918 to an income of Unknown in FY 2009. Estimated Income on Other State Funds of \$141,703 in FY 2007, \$188,940 in FY 2008, and \$188,940 in FY 2009.

PROPONENTS: Supporters say that will provide greater safety for highway workers as well as motorists in work zone areas. Motor vehicle crashes remain the leading cause of death and disability for children between the ages of four and eight years old and the number one killer of teens in Missouri.

Testifying for the bill were Senator Gibbons; Missouri State Troopers Association; State Highway Patrol; Associated General Contractors of St. Louis; Heavy Constructors Association of Greater Kansas City; Associated General Contractors of Missouri, Incorporated; SITE Improvement Association; Missouri Laborers' Legislative Committee; Highway and Transportation Employees' Association; Department of Transportation; Missouri AFL-CIO; and Freedom of Road Riders.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst