

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

This bill changes the laws regarding the safety of highway workers, emergency workers, and other motorists; child passenger restraints and safety belts; and chemical testing of intoxicated drivers.

HIGHWAY WORK ZONE SAFETY

The bill 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 \$300 in addition to any other fines authorized by law. The crime of endangerment of a highway worker is created. If a person commits the crime but no injury or death results, the person will be subject to a fine of not more than \$1,000 and will have four 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 person injures or kills a highway worker in a work zone, he or she will be subject to a fine of not more than \$5,000 if there was an injury and not more than \$10,000 if a 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 in a construction or work zone 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 in a work zone 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 as specified in the bill.

FAILURE TO YIELD (CLUTCH'S LAW)

The bill 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.

MOVE-OVER LAW

The bill increases the penalty for failing to yield the right-of-way to an emergency vehicle from a class B misdemeanor to a class A misdemeanor. A person commits the crime of involuntary manslaughter in the first degree if he or she fails to move over into another lane of traffic or slow down when he or she approaches a stationary emergency vehicle and with criminal negligence causes the death of an emergency worker. A violation will be a class B felony. A person commits the crime of assault in the second degree if he or she fails to move over into another lane of traffic or slow down when he or she approaches a stationary emergency vehicle and with criminal negligence causes injury to an emergency worker performing his or her official duties. A violation will be a class C felony.

SCHOOL BUSES

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.

CHILD PASSENGER RESTRAINTS AND SAFETY BELTS

The bill 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 but less than eight 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 bill 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 seat provisions will be an infraction with a fine up to \$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 prior to or at his or her hearing that he or she has acquired a child passenger restraint system or booster seat. The bill will not apply to public carriers for hire or students four years of age or older who are passengers on a school bus designed for carrying 11 passengers or more and which is manufactured or equipped pursuant to Missouri's minimum standards for school buses.

The bill 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. Those passengers occupying the back seat location will not be in violation. 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 passenger restraint provisions of the bill will not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body or to persons operating or riding a motor vehicle being used in agricultural work-related activities.

CHEMICAL TESTING OF INTOXICATED DRIVERS

The Alan Woods Law is established which specifies that any state, county, or municipal law enforcement officer who has the power to arrest an individual for driving with excessive blood-alcohol content or driving while intoxicated and is certified under Missouri law will administer a chemical test to any person suspected of driving a motor vehicle involved in a collision which resulted in a fatality or serious physical injury.

A person who is tested will have the right to obtain full information concerning the test. Full information is limited to:

- (1) The type of test administered and the procedures followed;
- (2) The time the blood, breath, or urine sample was collected;

(3) The numerical results of the test indicating the alcohol content of the blood, breath, and urine;

(4) The type and status of any permit which was held by the person who performed the test; and

(5) The date of the most recent required maintenance of any breath-testing instrument used.

Full information will not include manuals, schematics, or software of the instrument used to test the person, any other material that is not in the actual possession of the state, or information in the possession of the manufacturer of the test instrument.

The bill becomes effective August 28, 2006, except for Section 304.351, RSMo, regarding failure to yield (Clutch's Law), which has a January 1, 2007 effective date.