

FIRST REGULAR SESSION

# HOUSE BILL NO. 691

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), JONES (117), CONWAY (14),  
RUZICKA AND CIERPIOT (Co-sponsors).

0917L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 304, RSMo, by adding thereto three new sections relating to endangerment of emergency workers, with penalty provisions.

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

Section A. Chapter 304, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 304.890, 304.892, and 304.894, to read as follows:

304.890. As used in sections 304.890 to 304.894, the term "active emergency zone"  
2 is defined as any area upon or around any highway as defined in section 302.010 which is  
3 visibly marked by emergency personnel performing work for the purpose of emergency  
4 response as an area where an active emergency or incident removal, is temporarily  
5 occurring. The term "active emergency zone" also includes the lanes of highway leading  
6 up to the area upon which an activity described in this subsection is being performed,  
7 beginning at the point where appropriate signs or traffic control devices are posted or  
8 placed. As used in sections 304.890 to 304.894, the term "active emergency" means any  
9 incident occurring on a public highway or the right-of-way of a public highway that  
10 requires emergency services from police or highway patrol officers, firefighters, first  
11 responders, emergency medical workers, tow truck operators, or other emergency  
12 personnel. The terms "emergency personnel" or "emergency responder" as used in  
13 sections 304.890 to 304.894 shall mean any police officer, firefighter, highway patrol  
14 officer, first responder, emergency medical worker, tow truck operator or other emergency  
15 personnel responding to an emergency on a public highway or the right-of-way of a public  
16 highway.

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.

**304.892. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within an active emergency zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.**

**2. Upon the first conviction or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were any emergency personnel or emergency responders in such zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section, and no person shall be assessed an additional fine under this subsection if the area is not visibly marked by emergency personnel under subsection 3 of this section.**

**3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the emergency personnel or emergency responder has visibly marked the active emergency zone.**

**4. The driver of a motor vehicle may not overtake or pass another motor vehicle within an active emergency zone as provided in this subsection. Violation of this subsection is a class C misdemeanor.**

**5. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.**

**304.894. 1. A person shall be deemed to commit the offense of endangerment of emergency personnel or emergency responder upon conviction for any of the following when the offense occurs within an active emergency zone, as defined in section 304.890:**

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;**
- (2) Passing in violation of subsection 4 of section 304.892;**
- (3) Failure to stop for an active emergency zone flagman or emergency personnel, or failure to obey traffic control devices erected or personnel posted in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;**
- (4) Driving through or around an active emergency zone by any lane not clearly designated to motorists for the flow of traffic through or around the active emergency zone;**

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

15           (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other  
16 devices erected to control the flow of traffic to protect emergency responders and motorists  
17 in the active emergency zone for a reason other than avoidance of an obstacle, an  
18 emergency, or to protect the health and safety of an occupant of the motor vehicle or of  
19 another person; or

20           (7) Committing any of the following offenses for which points may be assessed  
21 under section 302.302:

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

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

24           (c) Operating without a valid license in violation of subdivision (1) or (2) of  
25 subsection 1 of section 302.020;

26           (d) Operating with a suspended or revoked license in violation of section 302.321;

27           (e) Driving while in an intoxicated condition or under the influence of controlled  
28 substances or drugs or driving with an excessive blood alcohol content in violation of  
29 sections 577.010 and 577.012;

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

31           2. Upon conviction or a plea of guilty for committing the offense of endangerment  
32 of an emergency responder under subsection 1 of this section if no injury or death to an  
33 emergency responder resulted from the offense, in addition to any other penalty authorized  
34 by law, the person shall be subject to a fine of not more than one thousand dollars and  
35 shall have four points assessed to his or her driver's license under section 302.302.

36           3. A person shall be deemed to commit the offense of aggravated endangerment of  
37 an emergency responder upon conviction or a plea of guilty for any offense under  
38 subsection 1 of this section when such offense occurs in an active emergency zone as  
39 defined in section 304.890 and results in the injury or death of an emergency responder.  
40 Upon conviction or a plea of guilty for committing the offense of aggravated endangerment  
41 of an emergency responder, in addition to any other penalty authorized by law, the person  
42 shall be subject to a fine of not more than five thousand dollars if the offense resulted in  
43 injury to an emergency responder and ten thousand dollars if the offense resulted in death  
44 to an emergency responder. In addition, such person shall have twelve points assessed to  
45 their driver's license under section 302.302 and shall be subject to the provisions of section  
46 302.304 regarding the revocation of the person's license and driving privileges.

47           **4. Except for the offense established under subdivision (6) of subsection 1 of this**  
48 **section, no person shall be deemed to commit the offense of endangerment of an emergency**  
49 **responder except when the act or omission constituting the offense occurred when one or**  
50 **more emergency responders were responding to an active emergency as defined in section**  
51 **304.890.**

52           **5. No person shall be cited or convicted for endangerment of an emergency**  
53 **responder or aggravated endangerment of an emergency responder, for any act or**  
54 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**  
55 **omission resulted in whole or in part from mechanical failure of the person's vehicle or**  
56 **from the negligence of another person or emergency responder.**