

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill Nos. 53 & 60, Page 47, Section 285.575, Line 59, by inserting after all of said section  
3 and line the following:  
4

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

12 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a  
13 stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor  
14 vehicle shall:

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

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

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

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

25 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri  
26 capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement  
27 personnel of the state highways and transportation commission, police or fire department, sheriff,  
28 constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to  
29 make arrests for violations of the laws of the United States, traffic officer, ~~or~~ coroner, medical  
30 examiner, or forensic investigator of the county medical examiner's office, or by a privately owned  
31 emergency vehicle company;

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

34 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

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

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

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

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

10 (8) Any vehicle designated to perform hazardous substance emergency functions established  
11 pursuant to the provisions of sections 260.500 to 260.550;

12 (9) Any vehicle owned by the state highways and transportation commission and operated  
13 by an authorized employee of the department of transportation that is marked as a department of  
14 transportation emergency response or motorist assistance vehicle; or

15 (10) Any vehicle owned and operated by the civil support team of the Missouri National  
16 Guard while in response to or during operations involving chemical, biological, or radioactive  
17 materials or in support of official requests from the state of Missouri involving unknown substances,  
18 hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the  
19 governor.

20 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
21 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
22 responding to an emergency call or when in pursuit of an actual or suspected law violator, or when  
23 responding to, but not upon returning from, a fire.

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

25 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

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

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

30 (d) Disregard regulations governing direction of movement or turning in specified  
31 directions.

32 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this  
33 subsection shall apply only when the driver of any such vehicle while in motion sounds audible  
34 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is  
35 equipped with at least one lighted lamp displaying a red light or blue light visible under normal  
36 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

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

40 7. Violation of this section shall be deemed a class A misdemeanor."; and

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42 Further amend said bill, Page 49, Section 304.050, Line 76, by inserting after all of said section and  
43 line the following:

44  
45 "307.175. 1. Motor vehicles and equipment which are operated by any member of an  
46 organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may  
47 be operated on streets and highways in this state as an emergency vehicle under the provisions of  
48 section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or  
49 ambulance call and while using or sounding a warning siren and using or displaying thereon fixed,

1 flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide  
2 emergencies.

3 2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or  
4 display fixed, flashing, or rotating red or red and blue lights:

5 (a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

6 (b) Vehicles operated as described in subsection 1 of this section;

7 (c) Vehicles and equipment owned or leased by a contractor or subcontractor performing  
8 work for the department of transportation, except that the red or red and blue lights shall be  
9 displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when  
10 such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as  
11 defined in section 304.580, highway workers as defined in section 304.580 are present, and such  
12 work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a  
13 work zone may display fixed, flashing, or rotating lights under this subdivision;

14 (d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or  
15 forensic investigator of the county medical examiner's office or a similar entity, when responding to  
16 a crime scene, motor vehicle accident, workplace accident, or any location at which the services of  
17 such professionals have been requested by a law enforcement officer.

18 (2) The following vehicles and equipment may use or display fixed, flashing, or rotating  
19 amber or amber and white lights:

20 (a) Vehicles and equipment owned or leased by the state highways and transportation  
21 commission and operated by an authorized employee of the department of transportation;

22 (b) Vehicles and equipment owned or leased by a contractor or subcontractor performing  
23 work for the department of transportation, except that the amber or amber and white lights shall be  
24 displayed on vehicles described in this paragraph only when such vehicles or equipment are located  
25 in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are  
26 present, and such work zone is designated by a sign or signs;

27 (c) Vehicles and equipment operated by a utility worker performing work for the utility,  
28 except that the amber or amber and white lights shall be displayed on vehicles described in this  
29 paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work  
30 zone as defined in section 304.580, a utility worker is present, and such work zone is designated by  
31 a sign or signs. As used in this paragraph, the term "utility worker" means any employee while in  
32 performance of his or her job duties, including any person employed under contract of a utility that  
33 provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services,  
34 whether privately, municipally, or cooperatively owned.

35 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in  
36 writing and shall be issued and may be revoked by the chief of an organized fire department,  
37 organized ambulance association, rescue squad, or the state highways and transportation  
38 commission and no person shall use or display a siren or blue lights on a motor vehicle, fire,  
39 ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren  
40 or lights as heretofore set out does not relieve the operator of the vehicle so equipped with  
41 complying with all other traffic laws and regulations. Violation of this section constitutes a class A  
42 misdemeanor."; and

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44 Further amend said bill, Page 52, Section 455.010, Lines 63-66, by deleting said lines and inserting  
45 in lieu thereof the following:

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47 "(b) "Course of conduct" means ~~[a pattern of conduct composed of]~~ two or more acts ~~[over a~~  
48 ~~period of time, however short,]~~ that ~~[serves]~~ serve no legitimate purpose~~[- Such conduct may~~  
49 ~~include, but is not limited to, following the other person or unwanted communication or unwanted~~

1 ~~contact~~ including, but not limited to, acts in which the stalker directly, indirectly, or through a third  
2 party follows, monitors, observes, surveils, threatens, or communicates to a person by any action,  
3 method, or device."; and  
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5 Further amend said bill, Page 89, Section 575.160, Line 6, by inserting after said section and line the  
6 following:  
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8 "575.180. 1. A law enforcement officer commits the offense of failure to execute an arrest  
9 warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape,  
10 he or she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension  
11 or confinement of such person, which he or she is authorized and required by law to execute.

12 2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the  
13 offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.

14 3. It shall be an affirmative defense to prosecution under this section that the law  
15 enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a  
16 person who has committed a misdemeanor offense under chapter 301, 302, 304, or 307 or a  
17 misdemeanor traffic offense in another state."; and  
18

19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.