

FIRST REGULAR SESSION

HOUSE BILL NO. 693

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOUGH (Sponsor), HOSKINS,
LANT AND KORMAN (Co-sponsors).

1663L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 304.022 and 304.154, RSMo, and to enact in lieu thereof three new sections relating to emergency vehicles, with a penalty provision.

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

Section A. Sections 304.022 and 304.154, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 304.022, 304.153, and 304.154, to read as
3 follows:

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

8 2. Upon approaching a stationary emergency vehicle displaying lighted [red or red and
9 blue lights] **red, yellow, blue, or white lights, or any combination thereof**, or a stationary
10 vehicle owned by the state highways and transportation commission and operated by an
11 authorized employee of the department of transportation displaying lighted amber or amber and
12 white lights, the driver of every motor vehicle shall:

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

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.

17 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
18 speed for road conditions, if changing lanes would be 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 as
21 otherwise directed by a police or traffic officer.

22 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, the Missouri
24 capitol police, a conservation agent, or a state park ranger, those vehicles operated by
25 enforcement personnel of the state highways and transportation commission, police or fire
26 department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to
27 carry firearms and to make arrests for violations of the laws of the United States, traffic officer
28 or coroner or by a privately owned emergency vehicle company;

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

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

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

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

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

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

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

45 (9) Any vehicle owned by the state highways and transportation commission and
46 operated by an authorized employee of the department of transportation that is marked as a
47 department of transportation emergency response or motorist assistance vehicle.

48 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound
49 the siren thereon or have the front red lights or blue lights on except when such vehicle is
50 responding to an emergency call or when in pursuit of an actual or suspected law violator, or
51 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 304.025;

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

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

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

60 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this
61 subsection shall apply only when the driver of any such vehicle while in motion sounds audible
62 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle
63 is equipped with 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 6. No person shall purchase an emergency light as described in this section without
66 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
67 emergency vehicle purposes.

68 7. Violation of this section shall be deemed a class A misdemeanor.

**304.153. 1. Notwithstanding any other provision of law, the Missouri state highway
2 patrol shall establish a rotation list procedure to be followed by law enforcement agencies
3 for requesting wrecker or towing services for the removal of a vehicle from property for
4 reasons listed in section 304.155 or 304.157.**

5 2. As used in this section, the following terms mean:

6 (1) "First responder", any person defined as a first responder in section 192.800;

**7 (2) "Law enforcement agency", the Missouri state highway patrol, the sheriff of
8 each county, and the police department or sheriff of each city, town, or village.**

**9 3. Each law enforcement agency shall establish a rotation list of towing truck
10 companies to be called to tow or remove disabled vehicles within such law enforcement
11 agency's jurisdiction. Such towing truck companies shall comply with all criteria
12 established by the law enforcement agency for inclusion on the law enforcement agency's
13 rotation list. Such criteria shall include the following requirements:**

**14 (1) That no towing truck company called to tow or remove a disabled vehicle has
15 any connection to any first responder at the location of the disabled vehicle;**

**16 (2) That no towing truck company shall respond to the location of a disabled
17 vehicle if such towing truck company was called to the location by any first responder
18 other than an employee of the law enforcement agency with jurisdiction over the location
19 of the disabled vehicle;**

**20 (3) That no towing truck company shall respond to the location of a disabled
21 vehicle as a result of monitoring emergency radio transmissions;**

22 **(4) That no towing truck company shall be included on the rotation list or shall be**
23 **called to respond to the location of a disabled vehicle if such towing truck company is**
24 **unable to respond within a reasonable time;**

25 **(5) That the towing truck company has the necessary equipment and qualified**
26 **personnel to respond to calls.**

27 **4. Any towing truck company that violates the criteria established for inclusion on**
28 **the rotation list shall be removed from the rotation list of the law enforcement agency with**
29 **jurisdiction over the location of the disabled vehicle as follows:**

30 **(1) The first violation of this subsection shall result in a six-month removal;**

31 **(2) The second violation of this subsection shall result in a one-year removal;**

32 **(3) The third violation of this subsection shall result in a three-year removal;**

33 **(4) The fourth and following violations of this subsection shall result in a five-year**
34 **removal.**

35 **5. Each law enforcement agency shall provide a procedure by which a towing truck**
36 **company may appeal any exclusion or removal from the rotation list.**

37 **6. No law enforcement agency shall call a towing truck company from the rotation**
38 **list if the owner of the disabled vehicle requests a specific towing truck company.**

39 **7. The department of public safety may promulgate all necessary rules for the**
40 **administration of this section. Any rule or portion of a rule, as that term is defined in**
41 **section 536.010, that is created under the authority delegated in this section shall become**
42 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
43 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
44 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
45 **the effective date, or to disapprove and annul a rule are subsequently held**
46 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
47 **after August 28, 2013, shall be invalid and void.**

 304.154. 1. Beginning January 1, 2005, a towing company operating a tow truck
2 pursuant to the authority granted in section 304.155 or 304.157 shall:

3 **(1) Have and occupy a verifiable business address and display such address in a**
4 **location visible from the street;**

5 **(2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the**
6 **storage of motor vehicles, with a total area for storing vehicles, either inside or outside, of**
7 **at least two thousand square feet, and fencing a minimum of seven feet high;**

8 **(3) Maintain regular business hours for the business office of 8:00 a.m. to 5:00 p.m.,**
9 **Monday through Friday, for customers or their authorized agent to view and retrieve**
10 **vehicles, with no additional fees charged to view or retrieve a vehicle during these regular**
11 **business hours;**

12 **(4)** Be available twenty-four hours a day, seven days a week. Availability shall mean
13 that an employee of the towing company or an answering service answered by a person is able
14 to respond to a tow request;

15 **(5) Have and maintain an operational land-line phone at the place of business;**

16 ~~[(4)]~~ **(6)** Maintain a valid insurance policy issued by an insurer authorized to do business
17 in this state, or a bond or other acceptable surety providing coverage for the death of, or injury
18 to, persons and damage to property for each accident or occurrence in the amount [of at least five
19 hundred thousand dollars per incident] **prescribed by the United States Department of**
20 **Transportation;**

21 **(7) Maintain liability insurance as follows: garage coverage liability of one million**
22 **dollars per occurrence with an aggregate of two million dollars or greater, garage keeper**
23 **policy with a fifty thousand dollar minimum, and hook and cargo insurance with a fifty**
24 **thousand dollar minimum;**

25 ~~[(5)]~~ **(8)** Provide workers' compensation insurance for all employees of the towing
26 company if required by chapter 287; [and]

27 ~~[(6)]~~ **(9)** Maintain current motor vehicle registrations on all tow trucks currently operated
28 within the towing company fleet;

29 **(10) Provide a twenty-five thousand dollar surety bond by a company licensed to**
30 **do business in the state, or provide an irrevocable letter of credit from a financial**
31 **institution licensed to do business in the state; and**

32 **(11) Require tow drivers to be certified by the Towing and Recovery Association**
33 **of America (TRAA), or any state or federally funded program, as follows:**

34 **(a) Beginning August 28, 2014, light-duty operators shall have at least TRAA Level**
35 **1 Certification or equivalent;**

36 **(b) Beginning March 1, 2015, medium-duty operators shall have at least TRAA**
37 **Level 2 Certification or equivalent; and**

38 **(c) Beginning August 28, 2015, heavy-duty operators shall have at least TRAA**
39 **Level 3 Certification or equivalent.**

40 2. Counties may adopt ordinances with respect to towing company standards in addition
41 to the minimum standards contained in this section. [A towing company located in a county of
42 the second, third, and fourth classification is exempt from the provisions of this section.]

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