

HB 638 -- Endangerment of Emergency Workers

Sponsor: Rhoads

This bill increases penalties for moving violations and traffic offenses occurring within an active emergency zone. An "active emergency zone" is defined as an area upon or around any highway that is visibly marked by emergency responders performing work for the purpose of emergency response and where an active emergency or incident removal is temporarily occurring.

The court must assess any person convicted of, found guilty of, or who pled guilty to a first moving violation or traffic offense within an active emergency zone a fine of \$35 in addition to any other fine authorized by law and \$75 in addition to any other fine authorized by law for a second or subsequent offense.

Upon the first conviction, finding of guilty, or plea of guilty by any person for a speeding violation or a passing violation, the court must assess the person a fine of \$250 in addition to any other fine authorized by law and \$300 for a second or subsequent violation. The driver of a motor vehicle must not overtake or pass another motor vehicle within an active emergency zone and a violation is a class C misdemeanor.

A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone while emergency responders are present, the person:

- (1) Exceeds the posted speed limit by 15 m.p.h. or more;
- (2) Passes another vehicle;
- (3) Fails to stop for a flagman or an emergency responder or to obey traffic control devices for purposes of controlling the flow of vehicles through the active emergency zone;
- (4) Drives through or around an active emergency zone via any lane that is not clearly designated for motorists;
- (5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument;
- (6) Intentionally strikes or moves barrels, barriers, signs, or other devices for a reason other than to avoid an obstacle, emergency, or to protect the health and safety of another person;
or
- (7) Commits specified offenses that allow for the assessment of

points under Section 302.302, RSMo.

When no injury or death results, a person who pleads guilty to, or is convicted of, endangering an emergency responder must be assessed a fine of up to \$1,000 by the court and four points must be assessed to the operator's license. If a death or injury results, the person commits aggravated endangerment of an emergency responder and the court must assess a fine of up to \$5,000 if a responder is injured and up to \$10,000 if death resulted and 12 points must be assessed to the operator's license.

If a person commits endangerment or aggravated endangerment of an emergency responder as a result of a vehicle's mechanical failure or the negligence of another person or emergency responder, the person must not be cited for or convicted of the offense.