

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 47
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 25, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0104L.09C

AN ACT

To repeal sections 320.200, 320.271, and 320.310, RSMo, and to enact in lieu thereof seven new sections relating to fire protection.

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

Section A. Sections 320.200, 320.271, and 320.310, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 320.200, 320.271, 320.310, 320.330, 320.333, 320.336, and 320.339, to read as follows:

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the context requires otherwise, the following terms mean:

(1) "Division", the division of fire safety created in section 320.202;

(2) "Dwelling unit", one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities;

(3) **"Fire department", an agency or organization that provides fire suppression and related activities, including but not limited to, fire prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area. The term "fire department" shall include any municipal fire department or any fire protection district as defined in section 321.010,**

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.

12 **RSMo, or voluntary fire protection association as defined in section 320.300, engaging in**
13 **this type of activity;**

14 (4) "Fire loss", loss of or damage to property, or the loss of life or of personal injury, by
15 fire, lightning, or explosion;

16 [(4)] (5) "Investigator", the supervising investigators and investigators appointed under
17 sections 320.200 to 320.270;

18 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any property;

19 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for residential
20 purposes and having not more than two dwelling units;

21 [(7)] (8) "Property", property of all types, both real and personal, movable and
22 immovable;

23 [(8)] (9) "State fire marshal", the state fire marshal selected under the provisions of
24 sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer fire protection
2 associations as defined in section 320.300 shall **complete and** file with the state fire marshal
3 within sixty days after [August 13, 1988] **January 1, 2008**, and annually thereafter, [the name
4 and address of the fire protection district, fire department, or volunteer fire protection
5 association] **a fire department registration form provided by the state fire marshal. The**
6 **state fire marshal may issue a fire department identification number to each registered fire**
7 **protection district, fire department, or volunteer fire protection association based upon**
8 **such registration. The state fire marshal may conduct periodic reviews of the information**
9 **provided on each fire department registration form and may deny or revoke a fire**
10 **department identification number based upon the information provided.**

320.310. 1. All volunteer fire protection associations [may] **as defined in section**
2 **320.300 shall** identify the association's boundaries and file the same with the county
3 administrative body.

4 2. **Except as provided in section 320.090 and section 44.090, RSMo, and except for**
5 **state agencies that engage in fire suppression and related activities, those fire protection**
6 **districts, municipal fire departments, and volunteer fire protection associations, as defined**
7 **in section 320.300, shall be the sole provider of fire suppression and related activities. For**
8 **the purposes of this subsection, the term "related activities" shall mean only fire**
9 **prevention, rescue, hazardous material response, or special operation within their legally**
10 **defined boundaries.**

11 3. **Only upon approval by the governing body of a municipal fire department, fire**
12 **protection district, or volunteer fire association registered with the office of the state fire**
13 **marshal, as required by section 320.271, shall any other association, organization, group,**

14 or political subdivision be authorized to provide the fire suppression response and related
15 activities referenced in subsection 2 of this section within the legally defined boundaries
16 of any municipal fire department, fire protection district, or volunteer fire association.

17 4. Any such association, group, or political subdivision denied approval to operate
18 within the established boundaries of a fire department or volunteer fire association may
19 appeal that decision within thirty days of the decision to the circuit court having
20 jurisdiction for a trial de novo.

21 5. Notwithstanding the provisions of subsections 2 and 3 of this section, ambulance
22 services and districts which are or will be licensed, formed, or operated under chapter 190,
23 RSMo, may provide emergency medical services and nonemergency medical transport
24 within the geographic boundaries of a fire department. Nothing in this section shall
25 supersede the provisions set forth in section 67.300, RSMo, chapter 190, RSMo, or chapter
26 321, RSMo.

320.330. Sections 320.330 to 320.339 shall be known and may be cited as the
2 "Volunteer Firefighter Job Protection Act".

320.333. 1. As used in sections 320.330 to 320.339, the phrase "volunteer
2 firefighter" means any firefighter in the service of any fire department or fire protection
3 district, including but not limited to any municipal, volunteer, rural, or subscription fire
4 department or organization, or volunteer fire protection association, who receives no
5 monetary compensation for his or her services.

6 2. The term "monetary compensation" includes any economic return for services
7 and shall not include:

8 (1) Life insurance, sickness, health, disability, annuity, length of service, retirement,
9 pension, and other employee-type fringe benefits;

10 (2) De minimus compensation to pay for fuel, minor costs related to transportation,
11 and other minor operation costs.

320.336. 1. No public or private employer shall terminate an employee for joining
2 any fire department or fire protection district, including but not limited to any municipal,
3 volunteer, rural, or subscription fire department or organization, a volunteer fire
4 protection association, as a volunteer firefighter, Missouri-1 Disaster Medical Assistance
5 Team, Missouri Task Force One, or Urban Search and Rescue Team.

6 2. No public or private employer shall terminate an employee who is a volunteer
7 firefighter, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task
8 Force One, or Urban Search and Rescue Team because the employee, when acting as a
9 volunteer firefighter, a member of Missouri-1 Disaster Medical Assistance Team, Missouri
10 Task Force One, or Urban Search and Rescue Team is absent from or late to his or her

11 employment in order to respond to an emergency before the time the employee is to report
12 to his or her place of employment.

13 3. An employer may charge against the employee's regular pay any time that an
14 employee who is a volunteer firefighter, a member of Missouri-1 Disaster Medical
15 Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team loses from
16 employment because of the employee's response to an emergency in the course of
17 performing his or her duties as a volunteer firefighter, a member of Missouri-1 Disaster
18 Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team.

19 4. In the case of an employee who is a volunteer firefighter, a member of Missouri-1
20 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue
21 Team and who loses time from his or her employment in order to respond to an emergency
22 in the course of performing his or her duties as a volunteer firefighter, a member of
23 Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search
24 and Rescue Team, the employer has the right to request the employee to provide the
25 employer with a written statement from the supervisor or acting supervisor of the
26 volunteer fire department or the commander of Missouri-1 Disaster Medical Assistance
27 Team stating that the employee responded to an emergency and stating the time and date
28 of the emergency.

29 5. An employee who is a volunteer firefighter, or a member of Missouri-1 Disaster
30 Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team
31 and who may be absent from or late to his or her employment in order to respond to an
32 emergency in the course of performing his or her duties as a volunteer firefighter, or a
33 member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or
34 Urban Search and Rescue Team shall make a reasonable effort to notify his or her
35 employer that he or she may be absent or late.

 320.339. An employee who is terminated in violation of sections 320.330 to 320.339
2 may bring a civil action against his or her employer who violated sections 320.330 to
3 320.339. The employee may seek reinstatement to his or her former position, payment of
4 back wages, reinstatement of fringe benefits, and, where seniority rights are granted,
5 reinstatement of seniority rights. If the employee prevails in such an action, the employee
6 shall be entitled to an award of reasonable attorney's fees and the costs of the action. The
7 employee shall commence such an action within one year after the date of the employee's
8 termination.

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