

SECOND REGULAR SESSION

# HOUSE BILL NO. 2201

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLY.

Read 1st time February 19, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4373L.02I

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### AN ACT

To repeal section 320.302, RSMo, and to enact in lieu thereof one new section relating to fire protection association fees.

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

Section A. Section 320.302, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.302, to read as follows:

320.302. 1. Volunteer fire protection associations may respond to any emergency within its area regardless of whether the property owner or individual is a member of or subscriber to the association.

2. In responding to emergencies of nonmembers or nonsubscribers of the association, the association and its firefighters shall be subject to the same liabilities for claims for death or injury to persons or property as those subjected to when responding to emergencies of members or subscribers.

3. In responding to emergencies of nonmembers or nonsubscribers, the volunteer fire protection association may charge up to the following fees:

(1) One hundred dollars for responding to an emergency;

(2) Five hundred dollars for each hour or a proportional sum for each quarter hour spent in providing emergency services; plus

(3) An amount equal to one year's subscription or membership fees. No property owner or individual shall be liable for fees or charges under this subsection if said property owner 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.

15 individual notifies the volunteer fire protection association in writing, prior to the occurrence of  
16 an emergency, not to respond to an emergency on or involving his property.

17 4. Upon payment of the charges and fees set forth in subsection 3 of this section, the  
18 property owner or individual shall be deemed to be a member or subscriber in good standing  
19 until membership or subscriber payments are again due as prescribed by association rules and  
20 regulations.

21 **5. (1) Whenever the governing body of the county in which a volunteer fire**  
22 **protection association is located receives a petition, signed by at least one hundred**  
23 **registered voters residing within the association's boundaries and stating the amount of the**  
24 **association's subscription or membership fees, to add such fees to the personal property**  
25 **tax lists of the residents served by the association and to have such fees collected by the**  
26 **county collector, the governing body shall submit to the voters residing within the**  
27 **association's boundaries a proposal to add the fees to the personal property lists and have**  
28 **the fees collected by the county. If a majority of the votes cast on the question by the**  
29 **qualified voters voting thereon are in favor of the question, then the proposal shall become**  
30 **effective. If a majority of the votes cast on the question by the qualified voters voting**  
31 **thereon are opposed to the question, then the proposal shall not become effective unless**  
32 **and until the question is resubmitted under this section to the qualified voters residing**  
33 **within the association's boundaries and such question is approved by a majority of the**  
34 **qualified voters voting on the question.**

35 **(2) In any county that has adopted the plan for the listing and collection of**  
36 **volunteer fire protection association subscriber or membership fees authorized in this**  
37 **section, whenever the governing body of the county receives a petition, signed by at least**  
38 **one hundred association subscribers or members, calling for an election to discontinue the**  
39 **listing and collection of fees by the county, the governing body shall submit to the voters**  
40 **residing within the association's boundaries a proposal to discontinue the listing and**  
41 **collection of fees. If a majority of the votes cast on the question by the qualified voters**  
42 **voting thereon are in favor of the discontinuation, that discontinuation shall become**  
43 **effective on December thirty-first of the calendar year in which such discontinuation was**  
44 **approved. If a majority of the votes cast on the question by the qualified voters voting**  
45 **thereon are opposed to the discontinuation, then the listing and collection of fees shall**  
46 **remain effective until the question is resubmitted under this section to the qualified voters**  
47 **residing within the association's boundaries and the discontinuation is approved by a**  
48 **majority of the qualified voters voting on the question.**

49           **6. Any subscriber or membership fees listed on personal property tax lists and**  
50 **collected by the county under this section shall be disbursed to the association. The**  
51 **association board of directors shall control all fees and assets collected by the county.**

52           **7. Subscription or membership fees shall be assessed to all owners of habitable**  
53 **residences and real property without habitable residences within the association's**  
54 **boundaries. No owner of more than one habitable residence or real property shall be**  
55 **assessed for each habitable residence or real property owned within the association's**  
56 **boundaries if such residence or real property is unoccupied, but shall be assessed once as**  
57 **an owner within such boundaries. If any owner owns more than one occupied habitable**  
58 **residence or real property parcel, such owner shall be assessed once for each occupied**  
59 **residence or property. Subscription or membership fees shall be assessed annually.**

60           **8. No proposal to increase subscriber or membership fees shall be adopted without**  
61 **approval by a majority of the qualified subscribers or members of the association, nor shall**  
62 **be presented less than two years from the last increase in fees. No fees shall be increased**  
63 **by more than one-half of one percent in any proposal to increase such fees. No**  
64 **subscription or membership fees shall be changed unless the governing body of the county**  
65 **submits a proposal to change the fees to the voters residing within the association's**  
66 **boundaries. If a majority of the votes cast on the question by the qualified voters voting**  
67 **thereon are in favor of the question, then the proposal shall become effective. If a majority**  
68 **of the votes cast on the question by the qualified voters voting thereon are opposed to the**  
69 **question, then the proposal shall not become effective unless and until the question is**  
70 **resubmitted under this section to the qualified voters residing within the association's**  
71 **boundaries and such question is approved by a majority of the qualified voters voting on**  
72 **the question.**

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