

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILLS NOS. 280, 69,
497 & 689**
91ST GENERAL ASSEMBLY

Taken up for Perfection April 18, 2001.

House Substitute for House Committee Substitute for House Bills Nos. 280, 69, 497 & 689 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

0852L.07P

AN ACT

To repeal sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 320.091, 320.094, 321.130, 321.190, 321.300 and 355.066, RSMo 2000, relating to the provision of emergency services, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109,
2 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 320.091, 320.094,
3 321.130, 321.190, 321.300 and 355.066, RSMo 2000, are repealed and forty-eight new sections
4 enacted in lieu thereof, to be known as sections 67.2100, 144.526, 190.050, 190.051, 190.053,
5 190.054, 190.072, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.111, 190.120,
6 190.142, 190.143, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.248,
7 190.525, 190.528, 190.531, 190.534, 190.537, 191.938, 320.091, 320.094, 320.097, 320.098,
8 321.130, 321.190, 321.247, 321.300, 355.066, 650.390, 650.393, 650.396, 650.399, 650.402,
9 650.405, 650.408 and 650.411, to read as follows:

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

67.2100. 1. The governing body of any ambulance district or the governing body
 2 of any municipality having a municipal ambulance service may impose a sales tax in an
 3 amount of up to one-fourth of one percent on all retail sales made in such ambulance
 4 district or municipality which are subject to taxation pursuant to the provisions of sections
 5 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any
 6 and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the
 7 provisions of this section shall be effective unless the governing body of the ambulance
 8 district or municipality submits to the voters of such ambulance district or municipality,
 9 at a county or state general, primary or special election, a proposal to authorize the
 10 governing body of the ambulance district or municipality to impose a tax.

11 2. The ballot of submission shall contain, but need not be limited to, the following
 12 language:

13 Shall (insert name of district or municipality) impose a sales tax of
 14(insert rate of tax) for the purpose of providing revenues for the operation of the
 15 (insert ambulance district or municipal ambulance services)?

16 YES NO

17

18 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
 19 favor of the proposal, then the sales tax authorized in this section shall be in effect. If a
 20 majority of the votes cast by the qualified voters voting are opposed to the proposal, then
 21 the governing body of the ambulance district or municipality shall not impose the sales tax
 22 authorized in this section unless and until the governing body of such ambulance district
 23 or municipality resubmits a proposal to authorize the governing body of the ambulance
 24 district or municipality to impose the sales tax authorized by this section and such proposal
 25 is approved by a majority of the qualified voters voting thereon.

26 3. All revenue received by an ambulance district or municipality from the tax
 27 authorized pursuant to the provisions of this section shall be deposited in a special trust
 28 fund and shall be used solely for the operation of the ambulance district or the municipal
 29 ambulance services.

144.526. In addition to the sales tax levied pursuant to sections 144.010 to 144.525
 2 on sales of fireworks regulated by sections 320.106 to 320.161, RSMo, there shall be an
 3 additional sales tax in the amount of one percent levied on all sales of such fireworks which
 4 shall be distributed as provided in section 320.094, RSMo.

190.050. 1. After the ambulance district has been declared organized, the declaring
 2 county commission, except in counties of the second class having more than one hundred five
 3 thousand inhabitants located adjacent to a county of the first class having a charter form of

4 government which has a population of over nine hundred thousand inhabitants, shall divide the
5 district into six election districts as equal in population as possible, and shall by lot number the
6 districts from one to six inclusive. The county commission shall cause an election to be held in
7 the ambulance district within ninety days after the order establishing the ambulance district to
8 elect ambulance district directors. Each voter shall vote for one director from the ambulance
9 election district in which the voter resides. The directors elected from districts one and four shall
10 serve for a term of one year, the directors elected from districts two and five shall serve for a
11 term of two years, and the directors from districts three and six shall serve for a term of three
12 years; thereafter, the terms of all directors shall be three years. All directors shall serve the term
13 to which they were elected or appointed, and until their successors are elected and qualified,
14 except in cases of resignation or disqualification. The county commission shall reapportion the
15 ambulance districts within sixty days after the population of the county is reported to the
16 governor for each decennial census of the United States. Notwithstanding any other provision
17 of law, if the number of candidates for the office of director is no greater than the number of
18 directors to be elected, no election shall be held, and the candidates shall assume the
19 responsibilities of their offices at the same time and in the same manner as if they have been
20 elected.

21 2. In all counties of the second class having more than one hundred five thousand
22 inhabitants located adjacent to a county of the first class having a charter form of government
23 which has a population of over nine hundred thousand inhabitants, the voters shall vote for six
24 directors elected at large from within the district for a term of three years. Those directors
25 holding office in any district in such a county on August 13, 1976, shall continue to hold office
26 until the expiration of their terms, and their successors shall be elected from the district at large
27 for a term of three years. In any district formed in such counties after August 13, 1976, the
28 governing body of the county shall cause an election to be held in that district within ninety days
29 after the order establishing the ambulance district to elect ambulance district directors. Each
30 voter shall vote for six directors. The two candidates receiving the highest number of votes at
31 such election shall be elected for a term of three years, the two candidates receiving the third and
32 fourth highest number of votes shall be elected for a term of two years, the two candidates
33 receiving the fifth and sixth highest number of votes shall be elected for a term of one year;
34 thereafter, the term of all directors shall be three years.

35 3. A candidate for director of the ambulance district shall, at the time of filing, be a
36 citizen of the United States, a qualified voter of the election district as provided in subsection 1
37 of this section, a resident of the [state for one year] **district for two years** next preceding the
38 election, and shall be at least [twenty-one] **twenty-four** years of age. In an established district
39 which is located within the jurisdiction of more than one election authority, the candidate shall

40 file his **or her** declaration of candidacy with the secretary of the board. In all other districts, a
 41 candidate shall file [his] **a** declaration of candidacy with the county clerk of the county in which
 42 he **or she** resides. A candidate shall file a statement under oath that he **or she** possesses the
 43 required qualifications. No candidate's name shall be printed on any official ballot unless the
 44 candidate has filed a written declaration of candidacy pursuant to subsection 5 of section
 45 115.127, RSMo. If the time between the county commission's call for a special election and the
 46 date of the election is not sufficient to allow compliance with subsection 5 of section 115.127,
 47 RSMo, the county commission shall, at the time it calls the special election, set the closing date
 48 for filing declarations of candidacy.

**190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the
 2 contrary, upon a motion by the board of directors in districts where there are six-member
 3 boards, and upon approval by the voters in the district, the number of directors may be
 4 increased to seven with one board member running district wide, or decreased to five or
 5 three board members. The ballot to be used for the approval of the voters to increase or
 6 decrease the number of members on the board of directors of the ambulance district shall
 7 be substantially in the following form:**

8 **Shall the number of members of the board of directors of the (Insert name
 9 of district) Ambulance District be (increased to seven members/decreased to five
 10 members/decreased to three members)?**

11 **YES** **NO**

12 **2. If a majority of the voters voting on a proposition to increase the number of
 13 board members to seven vote in favor of the proposition, then at the next election of board
 14 members after the voters vote to increase the number of directors, the voters shall select
 15 one person to serve in addition to the existing six directors as the member who shall run
 16 district wide.**

17 **3. If a majority of the voters voting on a proposition to decrease the number of
 18 board members vote in favor of the proposition, then the county clerk shall redraw the
 19 district into the resulting number of subdistricts with equal population bases and hold
 20 elections by subdistricts pursuant to section 190.050. Thereafter, members of the board
 21 shall be elected to serve terms of three years and until their successors are duly elected and
 22 qualified.**

23 **4. Members of the board of directors in office on the date of an election pursuant
 24 to this section to increase or decrease the number of members of the board of directors
 25 shall serve the term to which they were elected or appointed and until their successors are
 26 elected and qualified.**

190.053. 1. Each member of an ambulance district board shall be subject to recall

2 from office by the registered voters of the subdistrict from which he or she was elected.
3 Proceedings may be commenced for the recall of any ambulance district board member by
4 the filing of a notice of intention to circulate a recall petition pursuant to this section and
5 section 190.054.

6 2. Proceedings may not be commenced against any member if, at the time of
7 commencement, that member:

8 (1) Has not held office during his or her current term for a period of more than one
9 hundred eighty days; or

10 (2) Has one hundred eighty days or less remaining in his or her term; or

11 (3) Has had a recall election determined in his or her favor within the current term
12 of office.

13 3. The notice of intention to circulate a recall petition shall be served personally,
14 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
15 filed, along with an affidavit of the time and manner of service, with the election authority,
16 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member
17 sought to be recalled and shall contain all of the following:

18 (1) The name of the board member sought to be recalled;

19 (2) A statement, not exceeding two hundred words in length, of the reasons for the
20 proposed recall;

21 (3) The names and business or residence addresses of at least one and not more
22 than five proponents of the recall.

23 4. Within seven days after the filing of the notice of intention, the board member
24 may file with the election authority a statement, not exceeding two hundred words in
25 length, in answer to the statement of the proponents. If an answer is filed, the board
26 member shall also serve a copy of it, personally or by certified mail, on one of the
27 proponents named in the notice of intention. The statement and answer are intended solely
28 for the information of the voters. No insufficiency in form or substance of such statements
29 shall affect the validity of the election proceedings.

30 5. Before any signature may be affixed to a recall petition, the petition must bear
31 all of the following:

32 (1) A request that an election be called to elect a successor to the board member;

33 (2) A copy of the notice of intention, including the statement of grounds for recall;

34 (3) The answer of the board member sought to be recalled, if any. If the board
35 member has not answered, the petition shall so state; and

36 (4) A place for each signer to affix his or her signature, printed name and residence
37 address, including city or unincorporated community.

38 **6. Each section of the petition, when submitted to the election authority, shall have**
39 **attached to it an affidavit signed by the circulation of that section, setting forth all of the**
40 **following:**

41 **(1) The printed name of the affiant;**

42 **(2) The residence address of the affiant;**

43 **(3) That the affiant circulated that section and saw the appended signatures be**
44 **written;**

45 **(4) That according to the best information and belief of the affiant, each signature**
46 **is the genuine signature of the person whose name it purports to be;**

47 **(5) That the affiant is a registered voter of the subdistrict of the board member**
48 **sought to be recalled; and**

49 **(6) The dates between which all the signatures to the petition were obtained.**

50 **7. A recall petition shall be filed with the election authority not more than one**
51 **hundred eighty days after the filing of the notice of intention.**

52 **8. The number of qualified signatures required in order to recall a board member**
53 **shall be equal in number to at least twenty-five percent of the number of voters who voted**
54 **in the most recent gubernatorial election in that subdistrict.**

55 **9. Within twenty days from the filing of the recall petition the election authority**
56 **shall determine whether or not the petition was signed by the required number of qualified**
57 **signatures. The election authority shall file with the petition a certificate showing the**
58 **results of the examination. The authority shall give the proponents a copy of the certificate**
59 **upon their request.**

60 **10. If the election authority certifies the petition to be insufficient, it may be**
61 **supplemented within ten days of the date of certificate by filing additional petition sections**
62 **containing all of the information required by this section. Within ten days after the**
63 **supplemental copies are filed, the election authority shall file with it a certificate stating**
64 **whether or not the petition as supplemented is sufficient.**

65 **11. If the certificate shows that the petition as supplemented is insufficient, no**
66 **action shall be taken on it; however, the petition shall remain on file.**

190.054. 1. If the election authority finds the signatures on the petition described
2 **in section 190.053, together with the supplementary petition sections, if any, to be**
3 **sufficient, it shall submit its certificate as to the sufficiency of the petition to the ambulance**
4 **district board prior to its next meeting. The certificate shall contain:**

5 **(1) The name of the member whose recall is sought;**

6 **(2) The number of signatures required by law;**

7 **(3) The total number of signatures on the petition; and**

8 **(4) The number of valid signatures on the petition.**

9 **2. Following the ambulance district board's receipt of the certificate, the election**
10 **authority shall order an election to be held on one of the election days specified in section**
11 **115.123, RSMo. The election shall be held not less than forty-five days nor more than one**
12 **hundred twenty days after the ambulance district board receives the petition. Nominations**
13 **pursuant to this section shall be made by filing a statement of candidacy with the election**
14 **authority.**

15 **3. At any time prior to forty-two days before the election, the member sought to be**
16 **recalled may offer his or her resignation. If his or her resignation is offered, the recall**
17 **question shall be removed from the ballot and the office declared vacant. The member**
18 **who resigned may not fill the vacancy, which shall be filled as provided by law.**

19 **4. The provisions of chapter 115, RSMo, governing the conduct of elections shall**
20 **apply, where appropriate, to recall elections held pursuant to this section. The costs of the**
21 **election shall be paid as provided in chapter 115, RSMo.**

190.072. 1. Any two or more contiguous ambulance districts may, by a majority
2 **vote of the governing body of each district or by a petition signed by at least seventy-five**
3 **percent of the owners of real property in the affected area, provide for territory located in**
4 **one district to be annexed and served by a contiguous district. Notice of the proposed**
5 **annexation shall be filed with the circuit court in the county in which the affected area is**
6 **located, or in the circuit court of the county in which the greater physical portion of the**
7 **affected area is located in the event that such area is located in more than one county. The**
8 **court shall set a date for a hearing on the proposed annexation and shall cause notice to be**
9 **published in the same manner as section 190.020.**

10 **2. If the court, after the hearing, finds that the proposed annexation would not be**
11 **in the public interest, it shall order that the annexation not be allowed. If the court finds**
12 **the proposed annexation to be in the public interest, it shall approve the annexation and**
13 **the territory shall be detached from one or more districts and annexed to the other district**
14 **or districts. The court shall not approve any boundary changes pursuant to this section**
15 **until all districts involved in such change have provided for, and agreed upon, a plan of**
16 **compensation for, or assumption of, the outstanding debt attributable to the affected area**
17 **to be annexed.**

18 **3. After the annexation is approved, each district shall amend its decree of**
19 **incorporation to reflect the change in its boundaries as a result of the annexation, and the**
20 **governing body of the county shall, prior to any subsequent election for ambulance district**
21 **board members, redivide any election districts established pursuant to section 190.050. A**
22 **certified copy of the amended decree showing the boundary change and the new**

23 **subdistricts shall be filed in the office of the recorder of deeds, in the office of the county**
24 **clerk in each county having territory in the district and in the office of the secretary of**
25 **state.**

26 **4. The costs incurred in the enlargement or extension of the district shall be taxed**
27 **to the district being enlarged or extended, unless otherwise provided by the districts in an**
28 **agreement approved by the circuit court; provided that, no costs shall be taxed to the**
29 **directors of the district.**

190.092. 1. [For purposes of this section, "first responder" shall be defined as a person
2 who has successfully completed an emergency first response course meeting or exceeding the
3 national curriculum of the United States Department of Transportation and any modifications
4 to such curricula specified by the department through rules adopted pursuant to sections 190.001
5 to 190.180 and who provides emergency medical care through employment by, or in association
6 with, an emergency medical response agency. Any rule or portion of a rule, as that term is
7 defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall
8 become effective only if the agency has fully complied with all of the requirements of chapter
9 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28,
10 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and
11 repealed as of August 28, 1998, however nothing in this section shall be interpreted to repeal or
12 affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the
13 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
14 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
15 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
16 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
17 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
18 section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

19 2. Any county, municipality or fire protection district may establish a program to allow
20 the use of automated external defibrillators by any person properly qualified who follows
21 medical protocol for use of the device or member of a fire, police, ambulance service, emergency
22 medical response agency or first responder agency provided that such person has completed a
23 course certified by the American Red Cross or American Heart Association that includes
24 cardiopulmonary resuscitation training and demonstrated proficiency in the use of such
25 automated external defibrillators.

26 3.] A person or entity who acquires an automated external defibrillator shall ensure that:

27 (1) Expected defibrillator users receive training by the American Red Cross or American
28 Heart Association in cardiopulmonary resuscitation and the use of automated external
29 defibrillators, or an equivalent nationally recognized course in defibrillator use and

30 cardiopulmonary resuscitation;

31 (2) The defibrillator is maintained and tested according to the manufacturer's operational
32 guidelines;

33 (3) Any person who renders emergency care or treatment on a person in cardiac arrest
34 by using an automated external defibrillator activates the emergency medical services system as
35 soon as possible; and

36 (4) Any person **or entity** that owns an automated external defibrillator that is for use
37 outside of a health care facility shall have a physician [provide medical protocol for the use of
38 the device] **review and approve the clinical protocol for the use of the defibrillator, review
39 and advise regarding the training and skill maintenance of the intended users of the
40 defibrillator and assure proper review of all situations when the defibrillator is used to
41 render emergency care.**

42 [4.] **2.** Any person or entity who acquires an automated external defibrillator shall notify
43 the emergency communications district or the ambulance dispatch center of the primary provider
44 of emergency medical services where the automated external defibrillator is to be located.

45 [5.] **3.** Any person who has had appropriate training, including a course in
46 cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated
47 external defibrillator, and who gratuitously and in good faith renders emergency care when
48 medically appropriate by use of or provision of an automated external defibrillator, without
49 objection of the injured victim or victims thereof, shall not be held liable for any civil damages
50 as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent
51 person, or with regard to a health care professional, as a reasonably prudent and careful health
52 care provider would have acted, under the same or similar circumstances. Nothing in this section
53 shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

190.094. In any county of the second classification containing part of a city which is
2 located in four counties and any county bordering said county on the east and south and in any
3 county of the third classification with a population of at least eight thousand four hundred but
4 less than eight thousand five hundred inhabitants containing part of a lake of nine hundred
5 fifty-eight miles of shoreline but less than one thousand miles of shoreline each ambulance, when
6 in use as an ambulance, shall be staffed with a minimum of one emergency medical technician
7 and one other crew member as set forth in rules adopted by the department. When transporting
8 a patient, at least one licensed emergency medical technician, [mobile emergency medical
9 technician,] registered nurse or physician shall be in attendance with the patient in the patient
10 compartment at all times.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult

3 and pediatric patient such as defined by national curricula, and any modifications to that curricula
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise
8 incapacitated or helpless, or who require the presence of medical equipment being used on such
9 individuals, but the term does not include any motor vehicle specially designed, constructed or
10 converted for the regular transportation of persons who are disabled, handicapped, normally
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

15 (4) "Ambulance service area", a specific geographic area in which an ambulance service
16 has been authorized to operate;

17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
18 patient as defined by national curricula, and any modifications to that curricula specified in rules
19 adopted by the department pursuant to sections 190.001 to 190.245;

20 (6) "Council", the state advisory council on emergency medical services;

21 (7) "Department", the department of health, state of Missouri;

22 (8) "Director", the director of the department of health or the director's duly authorized
23 representative;

24 (9) "Dispatch agency", any person or organization that receives requests for emergency
25 medical services from the public, by telephone or other means, and is responsible for dispatching
26 emergency medical services;

27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition
28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
29 possessing an average knowledge of health and medicine, to believe that the absence of
30 immediate medical care could result in:

31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
32 woman or her unborn child, in significant jeopardy;

33 (b) Serious impairment to a bodily function;

34 (c) Serious dysfunction of any bodily organ or part;

35 (d) Inadequately controlled pain;

36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the
37 public and has successfully completed an emergency medical dispatcher course, meeting or
38 exceeding the national curriculum of the United States Department of Transportation and any

39 modifications to such curricula specified by the department through rules adopted pursuant to
40 sections 190.001 to 190.245;

41 (12) "Emergency medical response agency", any person that regularly provides a level
42 of care that includes first response, basic life support or advanced life support, exclusive of
43 patient transportation;

44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
46 medical services required in prevention and management of incidents which occur as a result of
47 a medical emergency or of an injury event, natural disaster or similar situation;

48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,
49 facilities and equipment for the effective and coordinated delivery of emergency medical services
50 required in prevention and management of incidents occurring as a result of an illness, injury,
51 natural disaster or similar situation;

52 (15) "Emergency medical technician", a person licensed in emergency medical care in
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
56 completed a course of instruction in basic life support as prescribed by the department and is
57 licensed by the department in accordance with standards prescribed by sections 190.001 to
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) "Emergency medical technician-paramedic" or "EMT-P", a person who has
60 successfully completed a course of instruction in advanced life support care as prescribed by the
61 department and is licensed by the department in accordance with sections 190.001 to 190.245
62 and rules adopted by the department pursuant to sections 190.001 to 190.245;

63 (18) "Emergency services", health care items and services furnished or required to screen
64 and stabilize an emergency which may include, but shall not be limited to, health care services
65 that are provided in a licensed hospital's emergency facility by an appropriate provider or by an
66 ambulance service or emergency medical response agency;

67 (19) "First responder", a person who has successfully completed an emergency first
68 response course meeting or exceeding the national curriculum of the United States Department
69 of Transportation and any modifications to such curricula specified by the department through
70 rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care
71 through employment by or in association with an emergency medical response agency;

72 (20) "Health care facility", a hospital, nursing home, physician's office or other fixed
73 location at which medical and health care services are performed;

74 (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2

75 of section 197.020, RSMo, or a hospital operated by the state;

76 (22) "Medical control", supervision provided by or under the direction of physicians to
77 providers by written or verbal communications;

78 (23) "Medical direction", medical guidance and supervision provided by a physician to
79 an emergency services provider or emergency medical services system;

80 (24) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated
81 by the ambulance service or emergency medical response agency and who meets criteria
82 specified by the department by rules pursuant to sections 190.001 to 190.245;

83 (25) "Memorandum of understanding", an agreement between an emergency medical
84 response agency or dispatch agency and an ambulance service or services within whose territory
85 the agency operates, in order to coordinate emergency medical services;

86 (26) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
87 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
88 between private or public institutions, homes or cemeteries, and individuals declared dead prior
89 to the time an ambulance is called for assistance;

90 (27) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
91 any individual, firm, partnership, copartnership, joint venture, association, cooperative
92 organization, corporation, municipal or private, and whether organized for profit or not, state,
93 county, political subdivision, state department, commission, board, bureau or fraternal
94 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
95 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

96 (28) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

97 (29) "Political subdivision", any municipality, city, county, city not within a county,
98 ambulance district or fire protection district located in this state which provides or has authority
99 to provide ambulance service;

100 (30) "Professional organization", any organized group or association with an ongoing
101 interest regarding emergency medical services. Such groups and associations could include those
102 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
103 communications specialists and instructors. Organizations could also represent the interests of
104 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
105 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
106 control services;

107 (31) "**Proof of financial responsibility", proof of ability to respond to damages for**
108 **liability, on account of accidents occurring subsequent to the effective date of such proof,**
109 **arising out of the ownership, maintenance or use of a motor vehicle in the financial amount**
110 **set in rules promulgated by the department, but in no event less than the statutory**

111 **minimum required for motor vehicles. Proof of financial responsibility shall be used as**
112 **proof of self-insurance;**

113 (32) "Protocol", a predetermined, written medical care guideline, which may include
114 standing orders;

115 [(32)] (33) "Regional EMS advisory committee", a committee formed within an
116 emergency medical services (EMS) region to advise ambulance services, the state advisory
117 council on EMS and the department;

118 [(33)] (34) "Stabilize", with respect to an emergency, the provision of such medical
119 treatment as may be necessary to attempt to assure within reasonable medical probability that no
120 material deterioration of an individual's medical condition is likely to result from or occur during
121 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

122 [(34)] (35) "State advisory council on emergency medical services", a committee formed
123 to advise the department on policy affecting emergency medical service throughout the state;

124 [(35)] (36) "State EMS medical directors advisory committee", a subcommittee of the
125 state advisory council on emergency medical services formed to advise the state advisory council
126 on emergency medical services and the department on medical issues;

127 [(36)] (37) "Trauma", an injury to human tissues and organs resulting from the transfer
128 of energy from the environment;

129 [(37)] (38) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
130 services for major single system or multisystem injuries that potentially require immediate
131 medical or surgical intervention or treatment;

132 [(38)] (39) "Trauma center", a hospital that is currently designated as such by the
133 department.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any
4 public way or place of the state of Missouri unless such person holds a currently valid license
5 from the department for an ambulance service issued pursuant to the provisions of sections
6 190.001 to 190.245.

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician [except that].
11 Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed
12 physician be required to hold an emergency medical technician's license. Each ambulance
13 service is responsible for assuring that any person driving its ambulance is competent in

14 emergency vehicle operations and has a safe driving record. **Each ground ambulance shall be**
15 **staffed with at least two licensed individuals when transporting a patient, except as**
16 **provided in section 190.094.**

17 3. No license shall be required for an ambulance service, or for the attendant of an
18 ambulance, which:

19 (1) Is rendering assistance in the case of an emergency, major catastrophe or any other
20 unforeseen event or series of events which jeopardizes the ability of the local ambulance service
21 to promptly respond to emergencies; or

22 (2) Is operated from a location or headquarters outside of Missouri in order to transport
23 patients who are picked up beyond the limits of Missouri to locations within or outside of
24 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
25 transportation to locations within Missouri, except as provided in subdivision (1) of this
26 subsection.

27 4. The issuance of a license [under] **pursuant to** the provisions of sections 190.001 to
28 190.245 shall not be construed so as to authorize any person to provide ambulance services or
29 to operate any ambulances without a franchise in any city not within a county or in a political
30 subdivision in any county with a population of over nine hundred thousand inhabitants, or a
31 franchise, contract or mutual-aid agreement in any other political subdivision which has enacted
32 an ordinance making it unlawful to do so.

33 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
34 regulation not in conflict with such sections by any city not within a county, or at least as strict
35 as such sections by any county, municipality or political subdivision except that no such
36 regulations or ordinances shall be adopted by a political subdivision in a county with a
37 population of over nine hundred thousand inhabitants except by the county's governing body.

38 6. In a county with a population of over nine hundred thousand inhabitants, the
39 governing body of the county shall set the standards for all ambulance services which shall
40 comply with subsection 5 of this section. All such ambulance services must be licensed by the
41 department. The governing body of such county shall not prohibit a licensed ambulance service
42 from operating in the county, as long as the ambulance service meets county standards.

43 7. An ambulance service or vehicle when operated for the purpose of transporting
44 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or
45 contract carrier under the jurisdiction of the Missouri [public service commission] **division of**
46 **motor carrier and railroad safety.**

47 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
48 vehicle used by an employer for the transportation of such employer's employees whose illness
49 or injury occurs on private property, and not on a public highway or property, nor to any person

50 operating such a motor vehicle.

51 9. A political subdivision that is authorized to operate a licensed ambulance service may
52 establish, operate, maintain and manage its ambulance service, and select and contract with a
53 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
54 service.

55 10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or
56 subsection 2 of section 190.109, shall be construed to authorize any municipality or county
57 which is located within an ambulance district or a fire protection district that is authorized to
58 provide ambulance service to promulgate laws, ordinances or regulations related to the provision
59 of ambulance services. This provision shall not apply to any municipality or county which
60 operates an ambulance service established prior to August 28, 1998.

61 11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be
62 construed to authorize any municipality or county which is located within an ambulance district
63 or a fire protection district that is authorized to provide ambulance service to operate an
64 ambulance service without a franchise in an ambulance district or a fire protection district that
65 is authorized to provide ambulance service which has enacted an ordinance making it unlawful
66 to do so. This provision shall not apply to any municipality or county which operates an
67 ambulance service established prior to August 28, 1998.

68 12. No provider of ambulance service within the state of Missouri which is licensed by
69 the department to provide such service shall discriminate regarding treatment or transportation
70 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national
71 origin, ancestry, handicap, medical condition or ability to pay.

72 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,
73 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter
74 or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and
75 villages pursuant to chapter 67, RSMo.

76 **14. Upon the sale or transfer of any ambulance service ownership, the owner of**
77 **such service shall notify the department of the change in ownership within thirty days**
78 **prior to the sale or transfer. After receipt of such notice, the department shall conduct an**
79 **inspection of the ambulance service to verify compliance with the licensure standards of**
80 **sections 190.100 to 190.245.**

190.108. 1. The department shall, within a reasonable time after receipt of an
2 application, cause such investigation as the department deems necessary to be made of the
3 applicant for an air ambulance license.

4 2. The department shall have the authority and responsibility to license an air ambulance
5 service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted

6 by the department pursuant to sections 190.001 to 190.245. The department may promulgate
7 rules relating to the requirements for an air ambulance license including, but not limited to:

- 8 (1) Medical control plans;
- 9 (2) Medical director qualifications;
- 10 (3) Air medical staff qualifications;
- 11 (4) Response and operations standards to assure that the health and safety needs of the
12 public are met;
- 13 (5) Standards for air medical communications;
- 14 (6) Criteria for compliance with licensure requirements;
- 15 (7) Records and forms;
- 16 (8) Equipment requirements;
- 17 (9) Five-year license renewal;
- 18 (10) Quality improvement committees; and
- 19 (11) Response time, patient care and transportation standards.

20 3. Application for an air ambulance service license shall be made upon such forms as
21 prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The
22 application form shall contain such information as the department deems necessary to make a
23 determination as to whether the air ambulance service meets all the requirements of sections
24 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

25 **4. Upon the sale or transfer of any ambulance service ownership, the owner of such**
26 **service shall notify the department of the change in ownership within thirty days prior to**
27 **the sale or transfer. After receipt of such notice, the department shall conduct an**
28 **inspection of the ambulance service to verify compliance with the licensure standards of**
29 **sections 190.100 to 190.245.**

190.109. 1. The department shall, within a reasonable time after receipt of an
2 application, cause such investigation as the department deems necessary to be made of the
3 applicant for a ground ambulance license.

4 2. Any person that owned and operated a licensed ambulance on December 31, 1997,
5 shall receive an ambulance service license from the department, unless suspended, revoked or
6 terminated, for that ambulance service area which was, on December 31, 1997, described and
7 filed with the department as the primary service area for its licensed ambulances on August 28,
8 1998, provided that the person makes application and adheres to the rules and regulations
9 promulgated by the department pursuant to sections 190.001 to 190.245.

10 3. The department shall issue a new ground ambulance service license to an ambulance
11 service that is not currently licensed by the department, or is currently licensed by the department
12 and is seeking to expand its ambulance service area, except as provided in subsection 4 of this

13 section, to be valid for a period of five years, unless suspended, revoked or terminated, when the
14 director finds that the applicant meets the requirements of ambulance service licensure
15 established pursuant to sections 190.100 to 190.245 and the rules adopted by the department
16 pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service
17 license, an ambulance service shall submit to the department a letter of endorsement from each
18 ambulance district or fire protection district that is authorized to provide ambulance service, or
19 from each municipality not within an ambulance district or fire protection district that is
20 authorized to provide ambulance service, in which the ambulance service proposes to operate.
21 If an ambulance service proposes to operate in unincorporated portions of a county not within
22 an ambulance district or fire protection district that is authorized to provide ambulance service,
23 in order to be considered for a new ambulance service license, the ambulance service shall
24 submit to the department a letter of endorsement from the county. Any letter of endorsement
25 **required pursuant to this section** shall verify that the political subdivision has conducted a
26 public hearing regarding the endorsement and that the governing body of the political subdivision
27 has adopted a resolution approving the endorsement. **The letter of endorsement shall**
28 **affirmatively state that the proposed ambulance service:**

- 29 **(1) Will provide a benefit to public health that outweighs the associated costs;**
30 **(2) Will maintain or enhance the public's access to ambulance services;**
31 **(3) Will maintain or improve the public health and promote the continued**
32 **development of the regional emergency medical service system;**
33 **(4) Has demonstrated the appropriate expertise in the operation of ambulance**
34 **services; and**
35 **(5) Has demonstrated the financial resources necessary for the operation of the**
36 **proposed ambulance service.**

37 4. A contract between a political subdivision and a licensed ambulance service for the
38 provision of ambulance services for that political subdivision shall expand, without further action
39 by the department, the ambulance service area of the licensed ambulance service to include the
40 jurisdictional boundaries of the political subdivision. The termination of the aforementioned
41 contract shall result in a reduction of the licensed ambulance service's ambulance service area
42 by removing the geographic area of the political subdivision from its ambulance service area.

43 5. The department shall renew a ground ambulance service license if the applicant meets
44 the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by
45 the department pursuant to sections 190.001 to 190.245.

46 6. The department shall promulgate rules relating to the requirements for a ground
47 ambulance service license including, but not limited to:

- 48 (1) Vehicle design, specification, operation and maintenance standards;

- 49 (2) Equipment requirements;
50 (3) Staffing requirements;
51 (4) Five-year license renewal;
52 (5) Records and forms;
53 (6) Medical control plans;
54 (7) Medical director qualifications;
55 (8) Standards for medical communications;
56 (9) Memorandums of understanding with emergency medical response agencies that
57 provide advanced life support;
58 (10) Quality improvement committees; and
59 (11) Response time, patient care and transportation standards.

60 7. Application for a ground ambulance service license shall be made upon such forms
61 as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The
62 application form shall contain such information as the department deems necessary to make a
63 determination as to whether the ground ambulance service meets all the requirements of sections
64 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

65 **8. Any non profit, public benefit corporation that owned and operated a licensed**
66 **ambulance service on December 31, 1997, and converts to a for profit corporation, limited**
67 **liability company, patnership or related entity (the “New Entity”) subsequent to December**
68 **31, 2000, be selling substantially all of its assets to such New Entity shall receive an**
69 **ambulance service license from the department for the same service area, unless the license**
70 **of the non profit, public benefit corporation was suspended, revoked or terminated prior**
71 **to such sale, conversion or similar transaction, upon application of the New Entity to the**
72 **department and adherence to the rules and regulations of the department promulgated**
73 **pursuant to sections 190.001 to 190.245 as if the New Entity had operated on December 31,**
74 **1997.**

190.111. 1. Notwithstanding any other provisions of law, the department may grant
2 **a temporary ambulance service license to the Firefighter's Association of Missouri to**
3 **operate an ambulance service at the annual Missouri state fair provided that they meet the**
4 **following requirements:**

5 (1) **Have submitted a complete application upon such forms as prescribed by the**
6 **department in rules adopted pursuant to sections 190.001 to 190.245;**

7 (2) **Have not been disciplined pursuant to sections 190.001 to 190.245 and the rules**
8 **promulgated thereunder; and**

9 (3) **Meet all the requirements of rules promulgated pursuant to sections 190.001 to**
10 **190.245.**

11 **2. This temporary ambulance service license shall only authorize the licensee to**
12 **provide ambulance service under the temporary requirements established by the**
13 **department in the geographic area established by the department.**

14 **3. This temporary ambulance service license shall have an expiration date, as**
15 **determined by the department.**

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001
2 to 190.245, nor shall such license be valid after issuance, nor shall any ambulance be operated
3 in Missouri unless there is at all times in force and effect insurance coverage [issued by an
4 insurance company] **or proof of financial responsibility with adequate reserves maintained**
5 for each and every ambulance owned or operated by or for the applicant or licensee[, or unless
6 any city not within a county which owns or operates the license has at all times sufficient
7 self-insurance coverage] to provide for the payment of damages in an amount as prescribed in
8 regulation:

9 (1) For injury to or death of individuals in accidents resulting from any cause for which
10 the owner of [said] **such** vehicle would be liable on account of liability imposed on him **or her**
11 by law, regardless of whether the ambulance was being driven by the owner or the owner's agent;
12 and

13 (2) For the loss of or damage to the property of another, including personal property,
14 under like circumstances.

15 2. The insurance policy[, or in the case of a self-insured city not within a county, proof
16 of self-insurance,] **or proof of financial responsibility** shall be submitted by all licensees
17 required to provide such insurance pursuant to sections 190.001 to 190.245. The insurance
18 policy, or proof of the existence of [self-insurance of a city not within a county,] **financial**
19 **responsibility**, shall be submitted to the director, in such form as the director may specify, for
20 the director's approval prior to the issuance of each ambulance service license.

21 3. Every insurance policy **or proof of financial responsibility document** required by
22 the provisions of this section shall contain [or in the case of a self-insured city not within a
23 county shall have] proof of a provision for a continuing liability thereunder to the full amount
24 thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be
25 affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked
26 the insurance company or self-insured [city not within a county] **licensee or entity** will not be
27 relieved from liability on account of nonpayment of premium, failure to renew license at the end
28 of the year, or any act or omission of the named assured. Such policy of insurance or
29 self-insurance shall be further conditioned for the payment of any judgments up to the limits of
30 [said] **such** policy, recovered against any person other than the owner, the owner's agent or
31 employee, who may operate the same with the consent of the owner.

32 4. Every insurance policy or self-insured [city not within a county] **licensee or entity** as
33 required by the provisions of this section shall extend for the period to be covered by the license
34 applied for and the insurer shall be obligated to give not less than thirty days' written notice to
35 the director and to the insured before any cancellation or termination thereof earlier than its
36 expiration date, and the cancellation or other termination of any such policy shall automatically
37 revoke and terminate the licenses issued for the ambulance service covered by such policy unless
38 covered by another insurance policy in compliance with sections 190.001 to 190.245.

190.142. 1. The department shall, within a reasonable time after receipt of an
2 application, cause such investigation as it deems necessary to be made of the applicant for an
3 emergency medical technician's license. The director may authorize investigations into criminal
4 records in other states for any applicant.

5 2. The department shall issue a license to all levels of emergency medical technicians,
6 for a period of five years, if the applicant meets the requirements established pursuant to sections
7 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to
8 190.245. The department may promulgate rules relating to the requirements for an emergency
9 medical technician including but not limited to:

10 (1) Age requirements;

11 (2) Education and training requirements based on respective national curricula of the
12 United States Department of Transportation and any modification to such curricula specified by
13 the department through rules adopted pursuant to sections 190.001 to 190.245;

14 (3) Initial licensure testing requirements;

15 (4) Continuing education and relicensure requirements; and

16 (5) Ability to speak, read and write the English language.

17 3. Application for all levels of emergency medical technician license shall be made upon
18 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
19 190.245. The application form shall contain such information as the department deems
20 necessary to make a determination as to whether the emergency medical technician meets all the
21 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
22 to 190.245.

23 4. All levels of emergency medical technicians may perform only that patient care which
24 is:

25 (1) Consistent with the training, education and experience of the particular emergency
26 medical technician; and

27 (2) Ordered by a physician or set forth in protocols approved by the medical director.

28 5. No person shall hold themselves out as an emergency medical technician or provide
29 the services of an emergency medical technician unless such person is licensed by the

30 department.

31 [6. All patients transported in a supine position in a vehicle other than an ambulance
32 shall receive an appropriate level of care. The department shall promulgate rules regarding the
33 provisions of this section. This subsection shall only apply to vehicles transporting patients for
34 a fee.]

**190.143. 1. Notwithstanding any other provisions of law, the department may grant
2 a temporary emergency medical technician license to all levels of emergency medical
3 technicians who meet the following:**

4 **(1) Can demonstrate that they have, or will have, employment requiring an
5 emergency medical technician license;**

6 **(2) Are not currently licensed as an emergency medical technician in Missouri and
7 fingerprints need to be submitted to the Federal Bureau of Investigation to verify the
8 existence or absence of a criminal history, or they are currently licensed and the license will
9 expire before a verification can be completed of the existence or absence of a criminal
10 history;**

11 **(3) Have submitted a complete application upon such forms as prescribed by the
12 department in rules adopted pursuant to sections 190.001 to 190.245;**

13 **(4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;**

15 **(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.**

17 **2. A temporary emergency medical technician license shall only authorize the
18 licensee to practice while under the immediate supervision of a licensed emergency medical
19 technician-basic, emergency medical technician-paramedic, registered nurse or physician
20 who is currently licensed, without restrictions, to practice in Missouri.**

21 **3. A temporary emergency medical technician license shall automatically expire
22 either ninety days from the date of issuance or upon the issuance of a five-year emergency
23 medical technician license.**

190.160. The renewal of any license shall require conformance with sections 190.001
2 to 190.245 and sections 190.525 to 190.537, and rules adopted by the department pursuant to
3 sections 190.001 to 190.245 and sections 190.525 to 190.537.

190.165. 1. The department may refuse to issue or deny renewal of any certificate,
2 permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the
3 provisions of [this act] sections 190.100 to 190.245 or any lawful regulations promulgated by
4 the department to implement its provisions as described in subsection 2 of this section. The
5 department shall notify the applicant in writing of the reasons for the refusal and shall advise the

6 applicant of his or her right to file a complaint with the administrative hearing commission as
7 provided by chapter 621, RSMo.

8 2. The department may cause a complaint to be filed with the administrative hearing
9 commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or
10 license required by sections 190.100 to 190.245 or any person who has failed to renew or has
11 surrendered his or her certificate, permit or license for failure to comply with the provisions of
12 sections 190.100 to 190.245 or any lawful regulations promulgated by the department to
13 implement such sections. Those regulations shall be limited to the following:

14 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
15 RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the
16 work of any activity licensed or regulated by sections 190.100 to 190.245;

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
22 or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,
24 permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to
25 take any examination given or required pursuant to sections 190.100 to 190.245;

26 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
27 fraud, deception or misrepresentation;

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
29 in the performance of the functions or duties of any activity licensed or regulated by sections
30 190.100 to 190.245;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
33 sections 190.100 to 190.245;

34 (7) Impersonation of any person holding a certificate, permit or license or allowing any
35 person to use his or her certificate, permit, license or diploma from any school;

36 (8) Disciplinary action against the holder of a license or other right to practice any
37 activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal
38 agency or country upon grounds for which revocation or suspension is authorized in this state;

39 (9) For an individual being finally adjudged insane or incompetent by a court of
40 competent jurisdiction;

41 (10) Assisting or enabling any person to practice or offer to practice any activity licensed

42 or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice
43 pursuant to sections 190.100 to 190.245;

44 (11) Issuance of a certificate, permit or license based upon a material mistake of fact;

45 (12) Violation of any professional trust or confidence;

46 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to
47 the general public or persons to whom the advertisement or solicitation is primarily directed;

48 (14) Violation of the drug laws or rules and regulations of this state, any other state or
49 the federal government[.];

50 **(15) Refusal of any applicant or licensee to cooperate with the department of health**
51 **during any investigation;**

52 **(16) Any conduct or practice which is or might be harmful or dangerous to the**
53 **mental or physical health of a patient or the public;**

54 **(17) Gross negligence or repeated negligence in the performance of the functions**
55 **or duties of any activity licensed by this chapter.**

56 3. After the filing of such complaint, the proceedings shall be conducted in accordance
57 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
58 commission that the grounds, provided in subsection 2 of this section, for disciplinary action are
59 met, the department may, singly or in combination, censure or place the person named in the
60 complaint on probation on such terms and conditions as the department deems appropriate for
61 a period not to exceed five years, or may suspend, for a period not to exceed three years, or
62 revoke the license, certificate or permit.

63 4. An individual whose license has been revoked shall wait one year from the date of
64 revocation to apply for relicensure. Relicensure shall be at the discretion of the department after
65 compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of
66 an applicant for the first time. **Any individual whose license has been revoked twice within**
67 **a ten-year period shall not be eligible for relicensure.**

68 5. The department may notify the proper licensing authority of any other state in which
69 the person whose license was suspended or revoked was also licensed of the suspension or
70 revocation.

71 6. Any person, organization, association or corporation who reports or provides
72 information to the department pursuant to the provisions of sections 190.100 to 190.245 and who
73 does so in good faith shall not be subject to an action for civil damages as a result thereof.

74 7. The department of health may suspend any certificate, permit or license required
75 pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the
76 administrative hearing commission as set forth in subsection 2 of this section, if the department
77 finds that there is an imminent threat to the public health. The notice of suspension shall include

78 the basis of the suspension and notice of the right to appeal such suspension. The licensee may
79 appeal the decision to suspend the license, certificate or permit to the department. The appeal
80 shall be filed within ten days from the date of the filing of the complaint. A hearing shall be
81 conducted by the department within ten days from the date the appeal is filed. The suspension
82 shall continue in effect until the conclusion of the proceedings, including review thereof, unless
83 sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by
84 the administrative hearing commission.

190.171. Any person aggrieved by an official action of the department of health affecting
2 the licensed status of a person [under] **pursuant to** the provisions of sections 190.001 to 190.245
3 **and sections 190.525 to 190.537**, including the refusal to grant, the grant, the revocation, the
4 suspension, or the failure to renew a license, may seek a determination thereon by the
5 administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and
6 it shall not be a condition to such determination that the person aggrieved seek a reconsideration,
7 a rehearing, or exhaust any other procedure within the department of health or the department
8 of social services.

190.172. Notwithstanding the provisions of subdivision (3) of subsection 3 of section
2 **621.045, RSMo, to the contrary, if no contested case has been filed against the licensee, the**
3 **agency shall submit a copy of the settlement agreement signed by all of the parties within**
4 **fifteen days after signature to the administrative hearing commission for determination**
5 **that the facts agreed to by the parties to the settlement constitute grounds for denying or**
6 **disciplining the license of the licensee. Any person is directly harmed by the specific**
7 **conduct for which the discipline is sought may submit a written impact statement to the**
8 **administrative hearing commission for consideration in connection with the commission's**
9 **review of the settlement agreement.**

190.175. 1. Each ambulance service licensee or emergency medical response agency
2 licensee shall maintain accurate records, which contain information concerning the care and, if
3 applicable, the transportation of each patient.

4 2. Records will be retained by the ambulance service licensees and emergency medical
5 response agency licensees for five years, readily available for inspection by the department,
6 notwithstanding transfer, sale or discontinuance of the ambulance services or business.

7 3. [An ambulance] **A patient care** report, approved by the department, shall be
8 completed for each ambulance run on which are entered pertinent remarks by the emergency
9 medical technician, **registered nurse or physician** and such other items as specified by rules
10 promulgated by the department.

11 **4. A written or electronic patient care document shall be completed and given to**
12 **the ambulance service personnel by the health care facility when a patient is transferred**

13 **between health care facilities. Such patient care record shall contain such information**
14 **pertinent to the continued care of the patient as well as the health and safety of the**
15 **ambulance service personnel during the transport. Nothing in this section shall be**
16 **construed as to limit the reporting requirements established in federal law relating to the**
17 **transfer of patients between health care facilities.**

18 [4.] **5.** Such records shall be available for inspection by the department at any reasonable
19 time during business hours.

19 190.185. The department shall adopt, amend, promulgate, and enforce such rules,
2 regulations and standards with respect to the provisions of this chapter as may be designed to
3 further the accomplishment of the purpose of this law in promoting state-of-the-art emergency
4 medical services in the interest of public health, safety and welfare. When promulgating such
5 rules and regulations, the department shall consider the recommendations of the state advisory
6 council on emergency medical services. No rule or portion of a rule promulgated pursuant to the
7 authority of sections 190.001 to 190.245, **or sections 190.525 to 190.537**, shall become effective
8 unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

190.196. 1. No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 2. Any person or entity that employs or supervises a person's activities as a first
6 responder [or], emergency medical dispatcher, **EMT-basic, EMT-paramedic, registered nurse**
7 **or physician** shall cooperate with the department's efforts to monitor and enforce compliance
8 by those individuals subject to the requirements of sections 190.001 to 190.245.

9 3. **Any person or entity who employs individuals licensed by the department**
10 **pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two**
11 **hours of their having knowledge of any charges filed against a licensee in their employ for**
12 **possible criminal action involving the following felony offenses:**

13 (1) **Child abuse or sexual abuse of a child;**

14 (2) **Crimes of violence; or**

15 (3) **Rape or sexual abuse.**

16 4. **Any licensee who has charges filed against him or her for the felony offenses in**
17 **subsection 3 of this section shall report such an occurrence to the department within**
18 **seventy-two hours of the charges being filed.**

19 5. **The department will monitor these reports for possible licensure action**
20 **authorized pursuant to section 190.165.**

190.248. 1. **All investigations conducted in response to allegations of violations of**

2 sections 190.100 to 190.245 shall be completed within six months of receipt of the
3 allegation.

4 2. In the course of an investigation the department shall have access to all records
5 directly related to the alleged violations from persons or entities licensed pursuant to this
6 chapter or chapter 197 or 198, RSMo.

7 3. Any department of health investigations that involve other administrative or law
8 enforcement agencies shall be completed within six months of notification and final
9 determination by such administrative or law enforcement agencies.

190.525. As used in sections 190.525 to 190.537, the following terms mean:

2 (1) "Department", the department of health;

3 (2) "Director", the director of the department of health or the director's duly
4 authorized representative;

5 (3) "Passenger", an individual needing transportation in a supine position who
6 does not require medical monitoring, observation, aid, care or treatment during
7 transportation, with the exception of self-administered oxygen as ordered by a physician
8 during transportation;

9 (4) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
10 incapacitated or helpless, and who may require medical monitoring, medical observation,
11 aid, care or treatment during transportation, with the exception of self-administered
12 oxygen as ordered by a physician;

13 (5) "Person", any individual, firm, partnership, copartnership, joint venture,
14 association, cooperative organization, corporation, municipal or private, and whether
15 organized for profit or not, state, county, political subdivision, state department,
16 commission, board, bureau or fraternal organization, estate, public trust, business or
17 common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in
18 bankruptcy, or any other service user or provider;

19 (6) "Stretcher van", any vehicle other than an ambulance designed and equipped
20 to transport passengers in a supine position. No such vehicle shall be used to provide
21 medical services;

22 (7) "Stretcher van service", any person or agency that provides stretcher van
23 transportation to passengers who are confined to stretchers and whose conditions are such
24 that they do not need and are not likely to need medical attention during transportation.

190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the
3 business or service of the transportation of passengers by stretcher van upon the streets,
4 alleys, or any public way or place of the state of Missouri unless such person holds a

5 currently valid license from the department for a stretcher van service issued pursuant to
6 the provision of section 190.525 to 190.537 notwithstanding any provisions of chapter 390
7 or 622, RSMo, to the contrary.

8 2. Subsection 1 of this section shall not preclude any political subdivision that is
9 authorized to operate a licensed ambulance service from adopting any law, ordinance or
10 regulation governing the operation of stretcher vans that is at least as strict as the
11 minimum state standards, except that no such regulations or ordinances shall be adopted
12 by a political subdivision in a county with a population of over nine hundred thousand
13 inhabitants except by the county's governing body and no such regulations or ordinances
14 shall prohibit stretcher van services that were legally picking up passengers within a
15 political subdivision prior to January 1, 2001, from continuing to operate within that
16 political subdivision and no political subdivision which did not regulate or prohibit
17 stretcher van services as of January 1, 2001, shall implement unreasonable regulations or
18 ordinances to prevent the establishment and operation of such services.

19 3. In a county with a population of over nine hundred thousand inhabitants, the
20 governing body of the county shall set reasonable standards for all stretcher van services
21 which shall comply with subsection 2 of this section. All such stretcher van services must
22 be licensed by the department. The governing body of such county shall not prohibit a
23 licensed stretcher van service from operating in the county, as long as the stretcher van
24 service meets county standards.

25 4. Nothing shall preclude the enforcement of any laws, ordinances or regulations
26 of any political subdivision authorized to operate a licensed ambulance service that were
27 in effect prior to August 28, 2001.

28 5. Stretcher van services may transport passengers.

29 6. A stretcher van shall be staffed by at least two individuals when transporting
30 passengers.

31 7. The crew of the stretcher van is required to immediately contact the appropriate
32 ground ambulance service if a passenger's condition deteriorates.

33 8. Stretcher van services shall not transport patients, persons currently admitted
34 to a hospital or persons being transported to a hospital for admission or emergency
35 treatment.

36 9. The department of health shall promulgate regulations, including but not limited
37 to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle
38 specifications, vehicle communications, passenger safety and records and reports.

39 10. The department of health shall issue service licenses for a period of no more
40 than five years for each service meeting the established rules.

41 **11. Application for a stretcher van license shall be made upon such forms as**
42 **prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537.**
43 **The application form shall contain such information as the department deems necessary**
44 **to make a determination as to whether the stretcher van agency meets all the requirements**
45 **of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to**
46 **190.537. The department shall conduct an inspection of the stretcher van service to verify**
47 **compliance with the licensure standards of sections 190.525 to 190.537.**

48 **12. Upon the sale or transfer of any stretcher van service ownership, the owner of**
49 **the stretcher van service shall notify the department of the change in ownership within**
50 **thirty days prior to the sale or transfer. The department shall conduct an inspection of the**
51 **stretcher van service to verify compliance with the licensure standards of sections 190.525**
52 **to 190.537.**

53 **13. Ambulance services licensed pursuant to this chapter or any rules promulgated**
54 **by the department of health pursuant to this chapter may provide stretcher van and wheel**
55 **chair transportation services pursuant to sections 190.525 to 190.537.**

190.531. 1. The department may refuse to issue or deny renewal of any license
2 **required pursuant to sections 190.525 to 190.537 for failure to comply with the provisions**
3 **of sections 190.525 to 190.537 or any lawful regulations promulgated by the department**
4 **to implement the provisions of sections 190.525 to 190.537. The department shall notify**
5 **the applicant in writing of the reasons for the refusal and shall advise the applicant of his**
6 **or her right to file a complaint with the administrative hearing commission as provided by**
7 **chapter 621, RSMo.**

8 **2. The department may cause a complaint to be filed with the administrative**
9 **hearing commission as provided by chapter 621, RSMo, against any holder of any license**
10 **required by sections 190.525 to 190.537 or any person who has failed to renew or has**
11 **surrendered his or her license for failure to comply with the provisions of sections 190.525**
12 **to 190.537 or any lawful regulations promulgated by the department to implement such**
13 **sections. Those regulations shall be limited to the following:**

14 **(1) Use or unlawful possession of any controlled substance, as defined in chapter**
15 **195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to**
16 **perform the work of any activity licensed or regulated by sections 190.525 to 190.537;**

17 **(2) Being finally adjudicated and found guilty, or having entered a plea of guilty**
18 **or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the**
19 **United States, for any offense reasonably related to the qualifications, functions or duties**
20 **of any activity licensed or regulated pursuant to sections 190.525 to 190.537, for any offense**
21 **an essential element of which is fraud, dishonesty or an act of violence, or for any offense**

22 involving moral turpitude, whether or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,
24 permit or license issued pursuant to sections 190.525 to 190.537 or in obtaining permission
25 to take any examination given or required pursuant to sections 190.537 to 190.540;

26 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
27 compensation by fraud, deception or misrepresentation;

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or
29 dishonesty in the performance of the functions or duties of any activity licensed or
30 regulated by sections 190.525 to 190.537;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of
32 sections 190.525 to 190.537, or of any lawful rule or regulation adopted by the department
33 pursuant to sections 190.525 to 190.537;

34 (7) Impersonation of any person holding a license or allowing any person to use his
35 or her license;

36 (8) Disciplinary action against the holder of a license or other right to practice any
37 activity regulated by sections 190.525 to 190.537 granted by another state, territory, federal
38 agency or country upon grounds for which revocation or suspension is authorized in this
39 state;

40 (9) For an individual, being finally adjudged insane or incompetent by a court of
41 competent jurisdiction;

42 (10) Issuance of a license based upon a material mistake of fact;

43 (11) Violation of any professional trust or confidence;

44 (12) Use of any advertisement or solicitation which is false, misleading or deceptive
45 to the general public or persons to whom the advertisement or solicitation is primarily
46 directed;

47 (13) Violation of the drug laws or rules and regulations of this state, any other state
48 or the federal government;

49 (14) Refusal of any applicant or licensee, to cooperate with the department of health
50 during any investigation;

51 (15) Any conduct or practice which is or might be harmful or dangerous to the
52 mental or physical health of a patient or the public;

53 (16) Gross negligence or repeated negligence in the performance of the functions
54 or duties of any activity licensed by this chapter.

55 3. After the filing of such complaint, the proceedings shall be conducted in
56 accordance with the provisions of chapter 621, RSMo. Upon a finding by the
57 administrative hearing commission that the grounds, as provided in subsection 2 of this

58 section, for disciplinary action are met, the department may, singly or in combination,
59 censure or place the person named in the complaint on probation on such terms and
60 conditions as the department deems appropriate for a period not to exceed five years, or
61 may suspend, for a period not to exceed three years, or revoke the license.

62 **4. An individual whose license has been revoked shall wait one year from the date**
63 **of revocation to apply for relicensure. Relicensure shall be at the discretion of the**
64 **department after compliance with all the requirements of sections 190.525 to 190.537**
65 **relative to the licensing of an applicant for the first time.**

66 **5. The department may notify the proper licensing authority of any other state in**
67 **which the person whose license was suspended or revoked was also licensed, of the**
68 **suspension or revocation.**

69 **6. Any person, organization, association or corporation who reports or provides**
70 **information to the department pursuant to the provisions of sections 190.525 to 190.537**
71 **and who does so in good faith and without negligence shall not be subject to an action for**
72 **civil damages as a result thereof.**

73 **7. The department of health may suspend any license required pursuant to sections**
74 **190.525 to 190.537 simultaneously with the filing of the complaint with the administrative**
75 **hearing commission as set forth in subsection 2 of this section, if the department finds that**
76 **there is an imminent threat to the public health. The notice of suspension shall include the**
77 **basis of the suspension and notice of the right to appeal such suspension. The licensee may**
78 **appeal the decision to suspend the license to the department. The appeal shall be filed**
79 **within ten days from the date of the filing of the complaint. A hearing shall be conducted**
80 **by the department within ten days from the date the appeal is filed. The suspension shall**
81 **continue in effect until the conclusion of the proceedings, including review thereof, unless**
82 **sooner withdrawn by the department, dissolved by a court of competent jurisdiction or**
83 **stayed by the administrative hearing commission.**

190.534. 1. Any person violating, or failing to comply with, the provisions of section
2 **190.525 to 190.537 is guilty of a class B misdemeanor.**

3 **2. Each day that any violation of, or failure to comply with, sections 190.525 to**
4 **190.537 is committed or permitted to continue shall constitute a separate and distinct**
5 **offense, and shall be punishable as a separate offense pursuant to this section; but the court**
6 **may, in appropriate cases, stay the cumulation of penalties.**

7 **3. The attorney general shall have concurrent jurisdiction with any and all**
8 **prosecuting attorneys to prosecute persons in violation of sections 190.525 to 190.537, and**
9 **the attorney general or prosecuting attorney may institute injunctive proceedings against**
10 **any person operating in violation of sections 190.525 to 190.537.**

190.537. No rule or portion of a rule promulgated pursuant to the authority of sections 190.525 to 190.537 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

191.938. 1. There is hereby established an "Automated External Defibrillator Advisory Committee". The committee shall advise the department of health, the office of administration and the general assembly on the advisability of placing automated external defibrillators (AEDs) in public buildings, especially in public buildings owned by the state of Missouri or housing employees of the state of Missouri with special consideration to state office buildings accessible to the public.

2. The committee shall issue an initial report no later than June 1, 2002, and a final report no later than December 31, 2002, to the department of health, the office of administration and the governor's office. The issues to be addressed in the report shall include, but not be limited to:

(1) The advisability of placing AEDs in public buildings and the determination of the criteria as to which public buildings should have AEDs and how such AED placement should be accomplished;

(2) Projections of the cost of the purchase, placement and maintenance of any recommended AED placement;

(3) Discussion of the need for, and cost of, training personnel in the use of AEDs and in cardiopulmonary resuscitation; and

(4) The integration of AEDs with existing emergency services.

3. The committee shall be composed of the following members appointed by the director of the department of health:

(1) A representative of the department of health;

(2) A representative of the division of facilities management in the office of administration;

(3) A representative of the American Red Cross;

(4) A representative of the American Heart Association; and

(5) A physician who has experience in the emergency care of patients.

4. The department of health member shall be the chair of the first meeting of the committee. At the first meeting, the committee shall elect a chairperson from its membership. The committee shall meet at the call of the chairperson, but not less than four times a year.

5. The department of health shall provide technical and administrative support services as required by the committee. The office of administration shall provide technical support to the committee in the form of information and research on the number, size, use

34 **and occupancy of buildings in which employees of the state of Missouri work.**

35 **6. Members of the committee shall receive no compensation for their services as**
36 **members, but shall be reimbursed for expenses incurred as a result of their duties as**
37 **members of the committee.**

38 **7. The committee shall adopt written bylaws to govern its activities.**

39 **8. The automated external defibrillator advisory committee shall be terminated on**
40 **June 1, 2003.**

320.091. There shall be no cause of action against any fire protection district, volunteer
2 fire protection association, or any fire department of any political subdivision which donates
3 [used personal protection] equipment [and] **used to suppress fire or** fire protection clothing to
4 another department, association or district if **the following conditions are met:**

5 **(1) Such equipment is approved by the state fire marshal or [his] the state fire marshal's**
6 **designee;**

7 **(2) Motor vehicles so donated must pass a safety inspection by the Missouri state**
8 **highway patrol;**

9 **(3) The receiving agency demonstrates to the state fire marshal's office that the**
10 **equipment received works properly; and**

11 **(4) The donor agency informs the receiving agency in writing of any defects in the**
12 **equipment about which it knows.**

13

14 This immunity shall apply only to causes of action directly related to the equipment mentioned
15 [herein] **in this section.**

320.094. 1. The state treasurer shall annually transfer an amount prescribed in
2 subsection 2 of this section out of the state revenues derived from premium taxes levied on
3 insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by
4 the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, **and**
5 **state revenues derived from the portion of sales tax levied pursuant to section 144.526,**
6 **RSMo, on sales of fireworks regulated by sections 320.106 to 320.161,** in a fund hereby
7 created in the state treasury, to be known as the "Fire Education Fund". Any interest earned from
8 investment of moneys in the fund shall be credited to the fund. The state treasurer shall
9 administer the fund, and the moneys in such fund shall be used solely as prescribed in this
10 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in
11 the fire education fund at the end of any biennium shall not be transferred to the credit of the
12 general revenue fund.

13 2. Beginning July 1, [1998, three] **2002, five-tenths of one** percent of the amount of
14 premium taxes collected in the immediately preceding fiscal year pursuant to sections 148.310

15 to 148.461, RSMo, which are deposited in the general revenue fund [that exceeds the amount of
16 premium taxes which were deposited in the general revenue fund in the 1997 fiscal year] shall
17 be transferred from the general revenue fund to the credit of the fire education fund. [At the end
18 of each fiscal year, the commissioner of administration shall determine the amount transferred
19 to the credit of the fire education fund in each fiscal year by computing the premium taxes
20 deposited in the general revenue fund in the prior fiscal year and comparing such amount to the
21 amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year.] An
22 amount equal to [three] **five-tenths of one** percent [of the increase computed pursuant to this
23 section] shall be transferred by the state treasurer to the credit of the fire education fund;
24 however, such transfer in any fiscal year shall not exceed one million five hundred thousand
25 dollars; **provided, however, that each fiscal year fifty-five percent of the money transferred**
26 **to the fire education fund shall be utilized for fire education. Twenty-five percent of the**
27 **money transferred shall be deposited into the fire district equipment fund, a subaccount**
28 **of the fire education fund pursuant to section 320.097.**

29 **3. Beginning July 1, 2002, all state revenues derived from the portion of sales tax**
30 **levied pursuant to section 144.526, RSMo, on sales of fireworks regulated by sections**
31 **320.106 to 320.161 shall be transferred from the general revenue fund to the credit of the**
32 **fire education fund established in subsection 1 of this section. The commissioner of**
33 **administration shall make such transfer at the end of each fiscal year.**

34 **4.** There is hereby established a special trust fund, to be known as the "Missouri Fire
35 Education Trust Fund", which shall consist of all moneys transferred to the fund from the fire
36 education fund pursuant to this subsection and any earnings resulting from the investment of
37 moneys in the fund. Each fiscal year, an amount equal to [forty] **twenty** percent of the moneys
38 transferred to the fire education fund shall be transferred by the state treasurer to the credit of the
39 Missouri fire education trust fund. The fund shall be administered by a board of trustees,
40 consisting of the state treasurer, two members of the senate appointed by the president pro tem
41 of the senate, two members of the house of representatives appointed by the speaker of the house,
42 and two members appointed by the governor with the advice and consent of the senate. Any
43 member appointed due to such person's membership in the senate or house of representatives
44 shall serve only as long as such person holds the office referenced in this section. The state
45 treasurer shall invest moneys in the fund in a manner as provided by law. Subject to
46 appropriations, moneys in the fund shall be used solely for the purposes described in this section,
47 but such appropriations shall be made only if the board recommends to the general assembly that
48 such moneys are needed in that fiscal year to adequately fund the activities described in this
49 section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys
50 in the fund can adequately support the activities described in this section, as determined by the

51 board. At such time, the board may recommend that the general assembly adjust or eliminate
52 the funding mechanism described in this section. Notwithstanding the provisions of section
53 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the end of any
54 biennium shall not be transferred to the credit of the general revenue fund.

55 [4.] 5. The moneys in the fire education fund, after any distribution pursuant to
56 subsection 3 of this section, shall be distributed to the University of Missouri Fire & Rescue
57 Training Institute and the institute shall use the moneys received [under] **pursuant to** this
58 subsection to coordinate education needs in cooperation with community colleges, colleges,
59 regional training facilities, and universities of this state and shall provide training and continuing
60 education to firefighters in this state relating to fire department operations and the personal safety
61 of firefighters while performing fire department activities. Programs and activities funded
62 [under] **pursuant to** this subsection must be approved by the Missouri fire education
63 commission established in subsection 5 of this section. These funds shall primarily be used to
64 provide field education throughout the state, with not more than two percent of funds [under]
65 **pursuant to** this subsection expended on administrative costs.

66 [5.] 6. There is established the "Missouri Fire Education Commission", to be domiciled
67 in the division of fire safety within the department of public safety. The commission shall be
68 composed of five members appointed by the governor with the advice and consent of the senate,
69 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one
70 full-time firefighter employed by a [recognized] fire department or fire protection district, one
71 firefighter training officer, one person serving as the chief of a volunteer fire protection
72 association, and one chief fire officer from a [recognized] fire department or fire protection
73 district. No more than three members appointed by the governor shall be of the same political
74 party. The terms of office for the members appointed by the governor shall be four years and
75 until their successors are selected and qualified, except that, of those first appointed, two shall
76 have a term of four years, two shall have a term of three years and one shall have a term of two
77 years. There is no limitation on the number of terms an appointed member may serve. The
78 governor may appoint a member for the remaining portion of the unexpired term created by a
79 vacancy. The governor may remove any appointed member for cause. The members shall at
80 their initial meeting select a chairman. All members of the commission shall serve without
81 compensation for their duties, but shall be reimbursed for necessary travel and other expenses
82 incurred in the performance of their official duties. The commission shall meet at least quarterly
83 at the call of the chairman and shall review and determine appropriate programs and activities
84 for which funds may be expended [under] **pursuant to** subsection 4 of this section.

320.097. 1. There is hereby established, as a subaccount of the fire education fund
2 **as established in subsection 1 of section 320.094, the "Fire District Equipment Fund",**

3 which shall be maintained and accounted for separately, and which shall consist of all
4 moneys transferred pursuant to subsection 2 of section 320.094 and moneys from all lawful
5 public and private sources. Moneys in the subaccount shall be used to provide funds to fire
6 departments with less than ten thousand dollars in revenue per year, fire protection
7 districts with less than ten thousand dollars in revenue per year and volunteer fire
8 protection associations serving an area having a population of less than ten thousand.
9 Moneys in the subaccount may be used only for purposes authorized by the Missouri fire
10 education commission and the Missouri division of fire safety.

11 2. The fire education commission shall annually prepare an intended use plan for
12 the funds available in the subaccount.

13 3. The division of fire safety with approval by the fire education commission may
14 make direct grants to aid in funding equipment of any fire department with less than ten
15 thousand dollars in revenue per year, any fire protection district with less than ten
16 thousand dollars in revenue per year or any volunteer fire protection association serving
17 a population of less than ten thousand. The grants may be made to supplement funds from
18 loan proceeds or other private or public sources. Grants may be used to match federal
19 matching grant programs.

 320.098. 1. Fire departments with less than ten thousand dollars in revenue per
2 year, fire protection districts with less than ten thousand dollars in revenue per year or
3 volunteer fire protection associations serving an area having a population of less than ten
4 thousand shall first apply with the division of fire safety for a grant pursuant to section
5 320.097. The division of fire safety shall make the necessary rules and regulations for the
6 consideration and processing of all grant requests, which shall generally conform to those
7 used by federal grant and loan agencies, which rules shall be filed in the office of the
8 secretary of state. The division of fire safety shall adopt rules necessary to implement the
9 grant program established pursuant to section 320.097. No rule or portion of a rule
10 promulgated pursuant to this section shall become effective unless it has been promulgated
11 pursuant to chapter 536, RSMo. Such rules shall contain, but shall not be limited to the
12 following criteria:

13 (1) The type of equipment requested by the fire department, fire protection district
14 or volunteer fire protection association;

15 (2) The urgency and importance of such equipment to a district or association;

16 (3) The cost of the equipment requested by the fire department, fire protection
17 district or volunteer fire protection association;

18 (4) The financial resources of the fire department, fire protection district or
19 volunteer fire protection association;

20 **(5) Require the fire department, fire protection district or volunteer fire protection**
21 **association to use the most currently adopted fire incident report system when reporting**
22 **to the state fire marshal's office;**

23 **(6) Require the adoption and implementation of a minimum basic firefighter**
24 **training approved by the state fire marshal's office by fire departments, fire protection**
25 **districts or volunteer fire protection associations; and**

26 **(7) Require fire departments, fire protection districts or volunteer fire protection**
27 **associations to keep basic firefighter training records for auditing purposes.**

28 **2. All grant determinations made by the division of fire safety shall be final.**

29 **3. In order to qualify for training, education or grant money pursuant to sections**
30 **320.094 and 320.097, all fire departments, fire protection districts or volunteer fire**
31 **protection associations must comply with the provisions of section 320.271.**

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least two years prior to his **or her** election or appointment and be over the age of [twenty-five]
3 **twenty-four** years; except as provided in subsections 2 and 3 of this section. Nominations and
4 declarations of candidacy shall be filed at the headquarters of the fire protection district by
5 paying a ten dollar filing fee and filing a statement under oath that such person possesses the
6 required qualifications.

7 2. In any fire protection district located in more than one county one of which is a first
8 class county without a charter form of government having a population of more than one hundred
9 ninety-eight thousand and not adjoining any other first class county or located wholly within a
10 first class county as described herein, a resident shall have been a resident of the district for more
11 than one year to be qualified to serve as a director.

12 3. In any fire protection district located in a county of the third or fourth classification,
13 a person to be qualified to serve as a director shall be over the age of [twenty-five] **twenty-four**
14 years and shall be a voter of the county in which the district is located for more than two years
15 prior to his **or her** election or appointment, except that for the first board of directors in such
16 district, a person need only be a voter of the county in which the district is located for one year
17 prior to his **or her** election or appointment.

18 4. A person desiring to become a candidate for the first board of directors of the
19 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and
20 shall file with the election authority a statement under oath that he possesses all of the
21 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such
22 candidate shall have his **or her** name placed on the ballot as a candidate for director.

321.190. Each member of the board may receive an attendance fee not to exceed one
2 hundred dollars for attending each regularly called board meeting, or special meeting, but shall

3 not be paid for attending more than two in any calendar month, except that in a county of the first
4 class having a charter form of government, [he] **a member** shall not be paid for attending more
5 than four in any calendar month. In addition, the chairman of the board of directors may receive
6 fifty dollars for attending each regularly or specially called board meeting, but shall not be paid
7 the additional fee for attending more than two meetings in any calendar month. **In addition to**
8 **receiving fees for attending up to four meetings in any calendar month pursuant to this**
9 **section, for fire protection districts located in a county of the first classification with a**
10 **charter form of government, each member of any such fire protection district board may**
11 **receive an additional attendance fee not to exceed one hundred dollars for attending each**
12 **such meeting of the board. No board members shall be paid such additional fee for**
13 **attending more than four such meetings in any calendar month.** Each member of the board
14 shall be reimbursed for his **or her** actual expenditures in the performance of his **or her** duties
15 on behalf of the district. The secretary and the treasurer, if members of the board of directors,
16 may each receive such additional compensation for the performance of their respective duties
17 as secretary and treasurer as the board shall deem reasonable and necessary, not to exceed one
18 thousand dollars per year. The circuit court having jurisdiction over the district shall have power
19 to remove directors or any of them for good cause shown upon a petition, notice and hearing.

321.247. 1. The governing body of any fire protection district, which provides
2 **emergency services pursuant to chapter 190, RSMo, or chapter 321, RSMo, to a**
3 **redevelopment project in a redevelopment area as these terms are defined in section 99.805,**
4 **RSMo, may impose a sales tax in an amount up to one-half of one percent on all retail sales**
5 **made in such fire protection district which is subject to taxation pursuant to sections**
6 **144.010 to 144.525, RSMo, provided that such sales tax is accompanied by a property tax**
7 **reduction as described in this section for each year in which the sales tax is imposed. The**
8 **tax authorized by this section shall be in addition to any and all other sales taxes provided**
9 **by law, except that:**

10 (1) **No sales tax imposed pursuant to this section shall take effect unless the**
11 **governing body of the fire protection district submits to the voters of such fire protection**
12 **district, at a municipal, county or state general, primary or special election, a proposal to**
13 **authorize the governing body of the fire protection district to impose a tax and reduce**
14 **property taxes pursuant to this section; and**

15 (2) **No governing body defined in this subsection, if such governing body has not**
16 **imposed a sales tax for fire protection prior to August 28, 2000, shall impose any new sales**
17 **tax for fire protection other than the sales tax provided in this section.**

18 **2. The ballot of submission shall contain, but need not be limited to, the following**
19 **language:**

56 **5. All sales taxes collected by the director of revenue pursuant to this section on**
57 **behalf of any fire protection district, less one percent for cost of collection which shall be**
58 **deposited in the state's general revenue fund after payment of premiums for surety bonds**
59 **as provided in section 32.087, RSMo, shall be deposited in the fire protection sales tax trust**
60 **fund created in section 321.242 and shall be administered pursuant to subsections 4 to 6**
61 **of section 321.242.**

 321.300. 1. The boundaries of any district organized pursuant to the provisions of this
2 chapter may be changed in the manner prescribed in this section; but any change of boundaries
3 of the district shall not impair or affect its organization or its rights in or to property, or any of
4 its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract,
5 obligation, lien or charge for or upon which it might be liable or chargeable had any change of
6 boundaries not been made.

7 2. The boundaries may be changed as follows:

8 (1) Twenty-five percent of the number of voters who voted in the most recent
9 gubernatorial election in the area to be annexed may file with the board a petition in writing
10 praying that such real property be included within the district; provided that in the case of a
11 municipality having less than twenty percent of its total population in one fire protection district,
12 the entire remaining portion may be included in another district so that none of the city is outside
13 of a fire protection district at the time. The petition shall describe the property to be included in
14 the district and shall describe the property owned by the petitioners and shall be deemed to give
15 assent of the petitioners to the inclusion in the district of the property described in the petition;
16 and such petition shall be in substantially the form set forth in section 321.495 dealing with
17 referendums and verified in like manner; provided, however, that in the event that there are more
18 than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed
19 sufficient description of their property in the petition as required in this section to list the
20 addresses of such property; or

21 (2) All of the owners of any territory or tract of land near or adjacent to a fire protection
22 district who own all of the real estate in such territory or tract of land may file a petition with the
23 board praying that such real property be included in the district. The petition shall describe the
24 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
25 inclusion in the district of the property described in the petition;

26 (3) Notwithstanding any provision of law to the contrary, in any fire protection district
27 which is partly or wholly located in a noncharter county of the first classification with a
28 population of less than one hundred thousand which adjoins any county of the first classification
29 with a charter form of government with a population of nine hundred thousand or more
30 inhabitants, if such fire protection district serves any portion of a city which is located in both

31 such counties, the boundaries of the district may be expanded so as to include the entire city
32 within the fire protection district, but the boundaries of the district shall not be expanded beyond
33 the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such
34 change in the boundaries of the district shall be accomplished only if twenty-five percent of the
35 number of voters who voted in the most recent gubernatorial election in the area to be annexed
36 file with the board a petition in writing praying that such real property be included within the
37 district. The petition shall describe the property to be included in the district and shall describe
38 the property owned by the petitioners and shall be deemed to give assent of the petitioners to the
39 inclusion in the district of the property described in the petition; and such petition shall be in
40 substantially the form set forth in section 321.495 dealing with referendums and verified in like
41 manner.

42 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant
43 to this section to be given and published in the county in which the property is located, which
44 notice shall recite the filing of such petition, the number of petitioners, a general description of
45 the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice
46 to all persons interested to appear at the office of the board at the time named in the notice and
47 show cause in writing, if any they have, why the petition should not be granted. The board shall
48 at the time and place mentioned, or at such time or times to which the hearing may be adjourned,
49 proceed to hear the petition and all objections thereto presented in writing by any person showing
50 cause why the petition should not be granted. The failure of any person interested to show cause
51 in writing why such petition shall not be granted shall be deemed as an assent on his part to the
52 inclusion of such lands in the district as prayed for in the petition.

53 4. If the board deems it for the best interest of the district, it shall grant the petition, but
54 if the board determines that some portion of the property mentioned in the petition cannot as a
55 practical matter be served by the district, or if it deems it for the best interest of the district that
56 some portion of the property in the petition not be included in the district, then the board shall
57 grant the petition in part only. If the petition is granted, the board shall make an order to that
58 effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction
59 over the district, the property shall be included in the district. If the petition contains the
60 signatures of all the owners of the property pursuant to the provisions of subdivision (2) of
61 subsection 2 of this section, the property shall be included in the district upon the order of the
62 court. If the petition contains the signatures of twenty-five percent of the number of voters who
63 voted in the most recent gubernatorial election in the area to be annexed pursuant to subdivision
64 (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district
65 subject to the election provided in section 321.301. The circuit court having jurisdiction over
66 the district shall proceed to make any such order including such additional property within the

67 district as is provided in the order of the board, unless the court shall find that such order of the
68 board was not authorized by law or that such order of the board was not supported by competent
69 and substantial evidence.

70 **5. Any city annexing an area protected by an existing fire district shall reimburse**
71 **such district for any outstanding obligations and equipment which was attributable to or**
72 **was used for providing fire protection service in such area annexed.**

73 [5.] 6. Any person aggrieved by any decision of the board made pursuant to the
74 provisions of this section may appeal that decision to the circuit court of the county in which the
75 property is located within thirty days of the decision by the board.

76 [6.] 7. No fire protection district, or employee thereof, in which territory is annexed
77 pursuant to this section shall be required to comply with any prescribed firefighter training
78 program or regimen which would not otherwise apply to the district or its employees, but for the
79 requirements applicable to the annexed territory.

355.066. Unless the context otherwise requires or unless otherwise indicated, as used
2 in this chapter the following terms mean:

3 (1) "Approved by or approval by the members", approved or ratified by the affirmative
4 vote of a majority of the voters represented and voting at a duly held meeting at which a quorum
5 is present, which affirmative votes also constitute a majority of the required quorum, or by a
6 written ballot or written consent in conformity with this chapter, or by the affirmative vote,
7 written ballot or written consent of such greater proportion, including the votes of all the
8 members of any class, unit or grouping as may be provided in the articles, bylaws or this chapter
9 for any specified member action;

10 (2) "Articles of incorporation" or "articles", amended and restated articles of
11 incorporation and articles of merger;

12 (3) "Board" or "board of directors", the board of directors except that no person or group
13 of persons is the board of directors because of powers delegated to that person or group pursuant
14 to section 355.316;

15 (4) "Bylaws", the code or codes of rules, other than the articles, adopted pursuant to this
16 chapter for the regulation or management of the affairs of the corporation, irrespective of the
17 name or names by which such rules are designated. Bylaws shall not include legally enforceable
18 covenants, declarations, indentures or restrictions imposed upon members by validly recorded
19 indentures, declarations, covenants, restrictions or other recorded instruments, as they apply to
20 real property;

21 (5) "Class", a group of memberships which have the same rights with respect to voting,
22 dissolution, redemption and transfer. For the purpose of this section, "rights" shall be considered
23 the same if they are determined by a formula applied uniformly;

- 24 (6) "Corporation", public benefit and mutual benefit corporations;
- 25 (7) "Delegates", those persons elected or appointed to vote in a representative assembly
26 for the election of a director or directors or on other matters;
- 27 (8) "Deliver" includes mail;
- 28 (9) "Directors", individuals, designated in the articles or bylaws or elected by the
29 incorporator or incorporators, and their successors and individuals elected or appointed by any
30 other name or title to act as members of the board;
- 31 (10) "Distribution", the payment of a dividend or any part of the income or profit of a
32 corporation to its members, directors or officers;
- 33 (11) "Domestic corporation", a Missouri corporation;
- 34 (12) "Effective date of notice" is defined in section 355.071;
- 35 (13) "Employee" does not include an officer or director who is not otherwise employed
36 by the corporation;
- 37 (14) "Entity", domestic corporations and foreign corporations, business corporations and
38 foreign business corporations, for-profit and nonprofit unincorporated associations, business
39 trusts, estates, partnerships, trusts, and two or more persons having a joint or common economic
40 interest, and a state, the United States, and foreign governments;
- 41 (15) "File", "filed" or "filing", filed in the office of the secretary of state;
- 42 (16) "Foreign corporation", a corporation organized under a law other than the laws of
43 this state which would be a nonprofit corporation if formed under the laws of this state;
- 44 (17) "Governmental subdivision" includes authority, county, district, and municipality;
- 45 (18) "Includes" denotes a partial definition;
- 46 (19) "Individual", a natural person;
- 47 (20) "Means" denotes a complete definition;
- 48 (21) "Member", without regard to what a person is called in the articles or bylaws, any
49 person or persons who on more than one occasion, pursuant to a provision of a corporation's
50 articles or bylaws, have the right to vote for the election of a director or directors; but a person
51 is not a member by virtue of any of the following:
- 52 (a) Any rights such person has as a delegate;
- 53 (b) Any rights such person has to designate a director or directors; or
- 54 (c) Any rights such person has as a director;
- 55 (22) "Membership", the rights and obligations a member or members have pursuant to
56 a corporation's articles, bylaws and this chapter;
- 57 (23) "Mutual benefit corporation", a domestic corporation which is formed as a mutual
58 benefit corporation pursuant to sections 355.096 to 355.121 or is required to be a mutual benefit
59 corporation pursuant to section 355.881;

- 60 (24) "Notice" is defined in section 355.071;
- 61 (25) "Person" includes any individual or entity;
- 62 (26) "Principal office", the office, in or out of this state, so designated in the annual
63 report filed pursuant to section 355.856 where the principal offices of a domestic or foreign
64 corporation are located;
- 65 (27) "Proceeding" includes civil suits and criminal, administrative, and investigatory
66 actions;
- 67 (28) "Public benefit corporation", a domestic corporation which is formed as a public
68 benefit corporation pursuant to sections 355.096 to 355.121, or is required to be a public benefit
69 corporation pursuant to section 355.881, **or any not-for-profit entity which is an ambulance
70 service and is created as a trust for the use and benefit of a city with a population of more
71 than four hundred thousand inhabitants located in more than one county;**
- 72 (29) "Record date", the date established pursuant to sections 355.181 to 355.311 on
73 which a corporation determines the identity of its members for the purposes of this chapter;
- 74 (30) "Resident", a full-time resident of a long-term care facility or residential care
75 facility;
- 76 (31) "Secretary", the corporate officer to whom the board of directors has delegated
77 responsibility pursuant to subsection 2 of section 355.431 for custody of the minutes of the
78 directors' and members' meetings and for authenticating the records of the corporation;
- 79 (32) "State", when referring to a part of the United States, includes a state or
80 commonwealth, and its agencies and governmental subdivisions, and any territory or insular
81 possession, and its agencies and governmental subdivisions, of the United States;
- 82 (33) "United States" includes any agency of the United States;
- 83 (34) "Vote" includes authorization by written ballot and written consent; and
- 84 (35) "Voting power", the total number of votes entitled to be cast for the election of
85 directors at the time the determination of voting power is made, excluding a vote which is
86 contingent upon the happening of a condition or event that has not occurred at the time. Where
87 a class is entitled to vote as a class for directors, the determination of voting power of the class
88 shall be based on the percentage of the number of directors the class is entitled to elect out of the
89 total number of authorized directors.

**650.390. As used in sections 650.390 to 650.411, the following words and terms
2 mean:**

- 3 (1) **"Board of commissioners", a board appointed by the chief executive officer of
4 the governing body within a service area for the purpose of administering a county
5 emergency communications system. No board of commissioners established pursuant to
6 sections 650.390 to 650.411 shall have jurisdiction over local emergency or police**

7 **dispatching agencies;**

8 **(2) "County", any charter county with a population of more than nine hundred**
9 **thousand inhabitants;**

10 **(3) "Emergency communications system", a wireless radio communication**
11 **network, including infrastructure hardware and software, providing communications links**
12 **that permit participating governmental or public safety entities to communicate within the**
13 **area served by such system which is coterminous with the geographic boundaries of the**
14 **county in which the emergency communications system is situated;**

15 **(4) "Governing body", the legislative body of any county with a charter form of**
16 **government and a population of more than nine hundred thousand inhabitants.**

650.393. 1. The governing body of a county may establish an emergency
2 **communications system commission within the geographical boundaries of such county.**
3 **Each such commission shall be composed of seven commissioners appointed by the chief**
4 **executive officer of the county in which the commission is established.**

5 **2. The commission shall include a chief of police of a municipality located within**
6 **the county, the chief of the police or the sheriff of the county, a chief of a municipal fire**
7 **department located within the county, a chief of a fire protection district located within the**
8 **county, and three at-large commissioners, who shall be residents of the county, all subject**
9 **to the confirmation of the governing body of the county. Where applicable, the member**
10 **who is a municipal chief of police shall be chosen from those persons nominated by a local**
11 **police chiefs association. The members who are chiefs of either a municipal fire**
12 **department or a fire protection district shall be chosen from those persons nominated by**
13 **a local fire chiefs association. One at-large commissioner shall be chosen from those**
14 **persons nominated by a local municipal league or organization. At least two of the at-large**
15 **commissioners shall be persons who are not employed by a fire department or district, a**
16 **police or sheriff's department, or any emergency medical system, or who are not elected**
17 **or appointed officials of a political subdivision of the state or are not employed by the state**
18 **of Missouri.**

19 **3. The terms of office of the commissioner who is a chief of police or sheriff of the**
20 **county shall be coterminous with such person's term of office as chief of police or sheriff.**
21 **At the first meeting of the commission, the other commissioners shall choose the length of**
22 **their terms, with two commissioners serving for two years, three commissioners serving for**
23 **three years and one commissioner serving for four years. All succeeding commissioners**
24 **shall serve for five years. Terms shall end on December thirty-first of the respective year.**
25 **No commissioner shall serve for more than two consecutive full terms. A commissioner**
26 **who is not an at-large commissioner shall remain in office only so long as he or she retains**

27 office with the department or district that such commissioner served at the time such
28 person was appointed to the board of commissioners. Vacancies on the board of
29 commissioners shall be filled by persons appointed by the chief executive officer of the
30 county in the same manner by which the commissioner whose office is vacant was first
31 appointed.

650.396. A county in which an emergency communications system commission has
2 been established may, by a majority vote of the qualified voters voting thereon, levy and
3 collect either a tax on the taxable real property in the district, not to exceed six cents per
4 one hundred dollars of assessed valuation or a sales tax not to exceed one-tenth of one
5 percent, to accomplish any of the following purposes:

6 (1) The provision of necessary funds to establish, operate and maintain an
7 emergency communications system to serve the county in which the commission is located;
8 and

9 (2) The provision of funds to supplement existing funds for the operation and
10 maintenance of an existing emergency communications system in the county in which the
11 commission is located.

650.399. 1. The board of commissioners may, by a majority vote of its members
2 present, request that the governing body of the county submit to the qualified voters of
3 such county at a general, primary or special election either of the questions contained in
4 subsection 2 of this section. The governing body may approve or deny such request. The
5 governing body may also vote to submit such question without a request of the board of
6 commissioners. The county election official shall give legal notice of the election pursuant
7 to chapter 115, RSMo.

8 2. The questions shall be put in substantially the following form:

9 (1) "Shall (name of county) establish an emergency communications system fund
10 to establish (and/or) maintain an emergency communications system, and for which the
11 county shall levy a tax of (insert exact amount, not to exceed six cents) per each one
12 hundred dollars assessed valuation therefor, to be paid into the fund for that purpose?"

13 YES

NO; or

14 (2) "Shall (name of county) establish an emergency communications system fund
15 to establish (and/or) maintain an emergency communications system, and for which the
16 county shall levy a sales tax of (insert exact amount, not to exceed one-tenth of one
17 percent), to be paid into the fund for that purpose?"

18 YES

NO; or

19 (3) "Shall (name of county) establish an emergency communications system fund
20 to establish (and/or) maintain an emergency communications system fund to establish

21 (and/or) maintain an emergency communications system, and for which the county shall
22 levy a tax (insert exact amount) or assess a fee for (describe exact amount), to be paid into
23 the fund for that purpose?"

24 YES

NO

25 3. The election shall be conducted and vote canvassed in the same manner as other
26 county elections. If the majority of the qualified voters voting thereon vote in favor of such
27 tax, then the county shall levy such tax in the specified amount, beginning in the tax year
28 immediately following its approval. The tax so levied shall be collected along with other
29 county taxes in the manner provided by law. If the majority of the qualified voters voting
30 thereon vote against such tax, then such tax shall not be imposed unless such tax is
31 resubmitted to the voters and a majority of the qualified voters voting thereon approve
32 such tax.

650.402. All funds collected from any tax approved pursuant to section 650.399
2 shall be deposited in a special county fund, to be designated the "Emergency
3 Communications System Fund". The fund shall be held and managed in the same manner
4 as all other funds of such county. The fund shall be administered by the board of
5 commissioners to accomplish the purposes set out in sections 650.396, 650.405 and 650.411,
6 and shall be used for no other purpose.

650.405. The board of commissioners shall have the following powers and
2 responsibilities:

3 (1) To supervise and administer, within the acquisition and purchasing procedures
4 of the county, the building, acquisitions by purchase or otherwise, construction and
5 operation of an emergency communications system for the county in which the commission
6 is located;

7 (2) To administratively control and manage the emergency communications system;

8 (3) To negotiate and recommend to the governing body that the county contract
9 with such companies or other business or governmental entities, which in the opinion of
10 the board of commissioners are necessary to provide equipment, material and professional
11 services to establish, construct and maintain an emergency communications system and
12 conduct the business of the commission;

13 (4) To promulgate an annual report of the financial condition and operation of the
14 commission and the emergency communications system;

15 (5) To recommend to the governing body that county purchase or acquire by gift
16 such real estate and equipment and materials necessary to accomplish the purposes of the
17 commission and the emergency communications system; and

18 (6) To adopt such bylaws, rules and regulations as in the opinion of the board of

36 on warrants drawn by the president or vice president of the board of commissioners and
37 attested by the secretary. The proceeds of the sale of such bonds shall be used for the
38 purpose only of paying the cost of holding such election, and constructing, repairing and
39 maintaining the emergency communication system and its appurtenances.

40 7. Such bonds shall be payable and collectible only out of moneys derived from tax
41 revenues authorized by section 650.399, from the sale of such bonds or from interest that
42 may accrue on funds so derived while on deposit with any county depository. The county
43 treasurer shall hold in reserve, for payment of interest on such bonds, a sufficient amount
44 of the money so derived that may come into his or her hands in excess of the amount then
45 necessary to pay all bonds and interest then past due, to pay all interest that will become
46 payable before the next installment of such special tax becomes payable, and three percent
47 of the principal amount of the bonds not then due. The county treasurer shall, whenever
48 any of the bonds or interest thereon become due, apply such money as may be in his or her
49 custody and applicable thereto, or that may thereafter come into his or her custody and be
50 applicable thereto, to payment of such bonds and interest as may be due and unpaid.

51 8. All money derived from the tax authorized pursuant to section 650.399 shall be
52 used in paying the bonds and the interest thereon, except that the money that may be
53 collected pursuant to such tax in excess of the amount necessary to pay all bonds then past
54 due and such bonds and interest as will become payable before another assessment of such
55 tax becomes payable may, less an amount equal to three percent of the principal amount
56 of the bonds not then due, be used for the purposes authorized in section 650.411.

57 9. The county treasurer shall, as such bonds are sold, deliver them to the purchaser
58 upon being ordered to do so by the commissioners. The county treasurer shall cancel
59 bonds as such bonds are paid, and shall deliver them to the clerk of the county.

650.411. All money derived from the sale of bonds pursuant to section 650.408
2 except such portion as is required to be reserved pursuant to subsections 7 and 8 of section
3 650.408, all money collected on any tax authorized according to section 650.399 and all
4 interest that may accrue on moneys so derived while deposited with any county depository
5 and not required to be used in paying such bonds or interest thereon, shall be used, and
6 warrants drawn on the treasurer therefor, to pay:

7 (1) The cost and expenses incurred by the county maintaining any real or personal
8 property used in the operation of the emergency communications system; and

9 (2) Such working, administrative and incidental expenses, not otherwise provided
10 by law, as may be incurred in operating such emergency communications system.