

FIRST REGULAR SESSION

HOUSE BILL NO. 1176

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NANCE (Sponsor), LeVOTA, DUSENBERG,
MOLENDORP AND YATES (Co-sponsors).

2496L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 44.080, 227.220, 304.022, 320.300, 320.302, 320.305, 320.307, 320.310, 320.320, 320.333, 320.336, and 320.339, RSMo, and to enact in lieu thereof twenty-four new sections relating to fire protection agencies, with penalty provisions.

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

Section A. Sections 44.080, 227.220, 304.022, 320.300, 320.302, 320.305, 320.307, 2 320.310, 320.320, 320.333, 320.336, and 320.339, RSMo, are repealed and twenty-four new 3 sections enacted in lieu thereof, to be known as sections 44.080, 190.112, 227.220, 304.022, 4 320.300, 320.302, 320.303, 320.305, 320.307, 320.310, 320.320, 320.333, 320.336, 320.339, 5 320.340, 320.341, 320.342, 320.343, 320.344, 320.345, 320.346, 320.347, 320.348, and 320.349, 6 to read as follows:

- 44.080. 1. Each political subdivision of this state shall establish a local organization for 2 disaster planning in accordance with the state emergency operations plan and program. The 3 executive officer of the political subdivision shall appoint a coordinator who shall have direct 4 responsibility for the organization, administration and operation of the local emergency 5 management operations, subject to the direction and control of the executive officer or governing 6 body. Each local organization for emergency management shall be responsible for the 7 performance of emergency management functions within the territorial limits of its political 8 subdivision, and may conduct these functions outside of the territorial limits as may be required 9 pursuant to the provisions of this law.
- 10 2. In carrying out the provisions of this law, each political subdivision may:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (1) Appropriate and expend funds, make contracts, obtain and distribute equipment,
12 materials, and supplies for emergency management purposes; provide for the health and safety
13 of persons; the safety of property; and direct and coordinate the development of disaster plans
14 and programs in accordance with the policies and plans of the federal and state governments; and

15 (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and
16 other emergency operations teams, units or personnel who may serve without compensation.

17 **3. The governing body of any fire protection agency under section 320.300, RSMo,**
18 **shall establish an agency organization for emergency management and disaster planning**
19 **in accordance with the state emergency operations plan and program. The policymaking**
20 **state public safety officers appointed by the governor and functioning as members of the**
21 **governing body of a fire department under section 320.300, RSMo, as an appointing**
22 **authority shall appoint a fire protection agency civil defense coordinator who shall have**
23 **direct responsibility for the organization, administration, and operation of the local**
24 **emergency management operations, subject to the direction and control of the chief fire**
25 **officer or governing body. Fire protection agencies under section 320.300, RSMo, shall**
26 **possess the civil defense powers under subsections 1 and 2 of this section that are vested**
27 **in fire protection districts under chapter 321, RSMo.**

190.112. A fire protection agency under section 320.300, RSMo, in addition to its
2 other powers and duties and without further license or authorization, may provide ground
3 ambulance, air ambulance, and aquatic-based emergency ambulance service within the
4 area in which the agency is authorized by law to perform fire protection and related
5 services when the governing body approves a quasi-municipal ordinance to furnish such
6 service and to levy charges for the operation of an emergency ambulance service. The fire
7 protection agency shall exercise the same powers and duties in operating an emergency
8 ambulance service as the agency does in operating its fire protection service. The
9 personnel of a fire protection agency under section 320.300, RSMo, operating any ground
10 ambulance, air ambulance, or aquatic-based emergency ambulances, except for licensed
11 physicians and nurses but including all student physicians or student nurses enrolled in
12 degree-granting institutions of higher education and performing fire protection agency
13 ground ambulance, air ambulance, and aquatic-based emergency ambulance duties shall
14 be licensed as emergency medical technicians in accordance with subsection 5 of section
15 190.142.

227.220. 1. The commission is authorized to prescribe uniform marking and guide
2 boards on the state highways, and to cause to be removed all other markings and guide boards
3 and advertising signs, and to remove any other obstruction to the lawful use of a state highway,
4 including the right to remove or trim trees located within or overhanging the right-of-way of a

5 state highway, and to prohibit and regulate the erection of advertising or other signs on the
6 right-of-way of the state highways. The commission is authorized to erect, or cause to be erected
7 danger signals or warning signs at railroad crossings, highway intersections or other places along
8 the state highways which the commission deem to be dangerous. After plans and specifications
9 and estimates have been made and filed by the engineer and approved by the commission it shall
10 be the duty of the commission to advertise for bids, as is now provided for letting of contracts
11 for constructing the state highway system as provided in section 227.100, for the erection and
12 maintenance of marking signs, guide boards, danger signals or warning signs, and to authorize
13 the display of such signals, signs or guide boards advertising, which, in the opinion of the
14 commission, is not unsightly or does not obstruct the view of such signals, signs or boards, in
15 consideration of such signals, signs or boards being erected and maintained without cost of the
16 state, and the commission is authorized to prohibit the display of any other advertising matter
17 within a distance of three hundred feet of such signals, signs or boards so as not to obstruct the
18 view or impair the purpose of the same.

19 2. Any person who erects or maintains advertising signs, marking or guide boards or
20 signals on the right-of-way of any state highway without the written permission of the
21 commission, or any person who willfully damages, removes or obstructs the view of sign boards
22 or signals, erected or maintained on the highways without the written permission of the
23 commission, shall be deemed guilty of a misdemeanor; provided, that any person, firm, or
24 corporation who shall damage or destroy any part of the state highway system by the doing of
25 any act in violation of law shall be liable to such commission for the amount of such damages;
26 and such damages may be recovered by civil suit in any court of competent jurisdiction, which
27 suit may be brought in the name of the state highway commission of Missouri, as plaintiff
28 against the person, firm or corporation so causing such damage or destruction; and in the event
29 such damage or destruction shall be caused by the use of vehicles on such state highway which
30 are forbidden by law, or by the use of vehicles carrying loads in excess of the maximum weight
31 prescribed by law, or by vehicles operated at a rate of speed in excess of that prescribed by law,
32 then the owner of such vehicle shall be personally liable for the amount of such damage or
33 destruction which may be recovered in like manner; and the amount of such damages, when
34 collected, shall be deposited in and become a part of the state road fund; and provided further,
35 that nothing in this section shall be so construed as to relieve any person, firm or corporation or
36 owner of vehicles from the criminal liability which may be provided by law on account of the
37 doing of such prohibited acts.

38 **3. On and after January 1, 2015, whenever the chief officers of the qualifying**
39 **facilities under this subsection submit a written request to the district engineer, the**
40 **commission shall erect at no charge uniform lighted roadside markings having two posts,**

41 **with white letters and numerals on a green background and a red border that is one foot**
42 **in width, with uniform full color icons as the commission shall prescribe clearly indicating**
43 **the character of the facilities for which directions shall be given at five-mile, three-mile,**
44 **one-mile, three-hundred-foot, and one-hundred-foot increments which show motorists the**
45 **directions to take and the estimated distance from all state and local law enforcement**
46 **agencies, fire department stations, ambulance stations, civil defense facilities, emergency**
47 **management agency offices, hospitals and all public health facilities, national guard**
48 **armories, camps, air fields, bases, or forts, Missouri reserve military force installations,**
49 **and all court houses and arbitral halls of justice at highway intersections or other places**
50 **periodically along city streets, county roads, state highways, federal highways, and**
51 **Interstate highways. In addition, in the same manner as county lines and city limits are**
52 **marked, the commission shall mark the boundaries and emergency response areas of all**
53 **public ambulance districts, fire protection districts, and fire protection agencies.**

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

9 2. Upon approaching a stationary emergency vehicle displaying lighted red or red and
10 blue lights, the driver of every motor vehicle shall:

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

15 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17 3. The motorman of every streetcar shall immediately stop such car clear of any
18 intersection and keep it in such position until the emergency vehicle has passed, except as
19 otherwise directed by a police or traffic officer.

20 4. An "emergency vehicle" is a vehicle of any of the following types:

21 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri
22 capitol police, a conservation agent, or a state park ranger, those vehicles operated by
23 enforcement personnel of the state highways and transportation commission, police or fire

24 department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to
25 carry firearms and to make arrests for violations of the laws of the United States, traffic officer
26 or coroner or by a privately owned emergency vehicle company;

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

29 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

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

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

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

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

41 (8) Any vehicle designated to perform hazardous substance emergency functions
42 established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

43 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound
44 the siren thereon or have the front red lights or blue lights on except when such vehicle is
45 responding to an emergency call or when in pursuit of an actual or suspected law violator, or
46 when responding to, but not upon returning from, a fire.

47 (2) The driver of an emergency vehicle may:

48 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

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

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

53 (d) Disregard regulations governing direction of movement or turning in specified
54 directions.

55 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this
56 subsection shall apply only when the driver of any such vehicle while in motion sounds audible
57 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle
58 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal
59 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

60 6. No person shall purchase an emergency light as described in this section without
61 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
62 emergency vehicle purposes.

63 7. **The unauthorized installation of or wrongful operational use of one or more**
64 **flashing or rotating green lights on any motor vehicle is prohibited; except that, such**
65 **prohibition shall not apply to emergency motor vehicles and the use of any emergency**
66 **boats that are utilized for:**

67 (1) **Public safety official business;**

68 (2) **An emergency, catastrophe, or disaster response;**

69 (3) **Training exercises and civil defense drills;**

70 (4) **Use in any parade;**

71 (5) **Utilization as part of a static display or any booth at any state fair or other**
72 **public festival;**

73 (6) **Use in conjunction with public safety recruiting booth purposes; or**

74 (7) **Use in association with the funeral procession and the rendering of honors due**
75 **to a deceased member of the public safety community, or official use in conjunction with**
76 **any state funeral by supervisory and command personnel of any law enforcement agency,**
77 **fire department, ambulance service, emergency management or civil defense unit.**

78

79 **The unlawful use of a flashing or rotating green light utilized by the operator of a motor**
80 **vehicle with or without the use of a siren on any motor vehicle, implement of husbandry,**
81 **or self-propelled construction implement by a private person while on any alley, public**
82 **street, or state or federal highway in this state is a class A misdemeanor.**

83 8. **A motor vehicle utilized by a prosecuting attorney, deputy prosecuting attorney,**
84 **assistant prosecuting attorney, or any prosecuting attorney's investigator appointed and**
85 **commissioned as such by a prosecuting attorney, including but not limited to the motor**
86 **vehicles operated by the members of a prosecuting attorney's bomb squad unit, is an**
87 **emergency vehicle authorized to be equipped with a siren and at least one flashing or**
88 **rotating red and blue light directed forward. Such emergency vehicles may be utilized with**
89 **its emergency equipment activated to respond to crime scenes and from time to time, in the**
90 **sound discretion of the operator thereof, for other prosecutorial functions and criminal**
91 **justice responsibilities, or for good cause when time is of the essence or the public safety**
92 **requires it.**

93 9. Violation of this section shall be deemed a class A misdemeanor.

320.300. 1. As used in sections 320.300 to [320.310] **320.349**, the phrase "[volunteer]
2 fire protection [association] **agency**" means any fire department, including a **public safety fire**

3 **suppression organization, or a municipal fire department[,]** that performs fire service
4 **organization duties within its own city limits and in other locations as is authorized by law**
5 **or under a fire department mutual aid contract, or a fire department** which is [staffed by
6 volunteers and] organized for the purpose of combating fires in a specified **unincorporated area**
7 **of a county as a rural fire department or as an industrial fire department performing**
8 **concurrent public safety duties at certain premises and other places as is authorized herein.**
9 The provisions of sections 320.300 to [320.310] **320.349** shall apply only to [volunteer fire
10 protection associations] **the following: municipal fire departments, rural fire departments,**
11 **public safety fire suppression organizations, industrial fire departments, a reserve military**
12 **force as an emergency response agency under section 41.490, RSMo, and a disaster fire**
13 **suppression and related activities organization with fire protection agency mutual-aid**
14 **duties. For municipal fire departments, rural fire departments, and industrial fire**
15 **departments which are either partially or wholly funded by the fees authorized under**
16 **subsection 3 of section 320.302 which are paid by individuals, or insurance payments, and**
17 **are funded by membership or subscriber fees [and] , such fees shall not apply to fire protection**
18 **districts supported by local tax revenues, or to rural fire departments which have contracted**
19 **with a political subdivision to respond to fires within the area of [an association's boundaries]**
20 **a fire protection agency's emergency response boundaries under section 320.310.**

21 **2. The board of public safety and civil defense commissioners of any rural fire**
22 **department and any public safety fire suppression organization, which shall consist of an**
23 **uneven number of either three, five, or seven persons, shall be the governing body of a**
24 **rural fire department or a public safety fire suppression organization. Such board shall**
25 **be a fire protection, emergency management, and civil defense instrumentality of this state.**
26 **The members of the governing body shall not be less than twenty-one years of age and shall**
27 **not have been convicted of any felony offense. The boards shall be chosen as provided**
28 **under the articles of agreement under chapter 352, RSMo, or the fire department's by-**
29 **laws. Within ten days after delivery of a written notice from the secretary of any fire**
30 **protection agency, under oath and affirmation, that one or more members of a board of**
31 **public safety and civil defense commissioners has been chosen under article IV, section 5**
32 **of the Missouri Constitution, the members of the governing body of such fire protection**
33 **agency, whose full names, dates of birth, Social Security numbers, street address of their**
34 **places of residence in this state, and portrait photos have been certified by the secretary**
35 **of any fire protection agency, shall be appointed and commissioned by the governor to**
36 **perform duties as a state public safety officer under section 320.320; a governing body**
37 **member of a quasi-municipal policymaking fire protection, civil defense, and state public**
38 **safety instrumentality; a conservator of the peace of this state; and a member of the**

39 governing body of a fire protection agency. Members of such board of public safety and
40 civil defense commissioners shall receive a certificate of appointment and commission from
41 the executive office of the governor. Such certificate and commission shall have the
42 franked or original signatures of the governor and secretary of state, the great seal of the
43 state of Missouri affixed thereto in a manner that is suitable for framing, and an annual
44 photo identification card. Members of the governing body of such fire protection shall
45 have a bona fide duty to act in the capacity to which they are appointed and commissioned
46 until their successors are chosen and qualified under sections 320.300 to 320.349 and in
47 conformity with the applicable articles of agreement under chapter 352, RSMo, and the
48 fire protection agency's by-laws.

49 3. A rural fire department and any public safety fire suppression organization,
50 while not a political subdivision and not an administrative agency of this state as described
51 within article I, section 31 of the Missouri Constitution, is a bona fide quasi-municipal fire
52 protection, civil defense, and public safety instrumentality of this state performing
53 emergency, catastrophe, and disaster response services that benefit the state of Missouri
54 and the general public as an eleemosynary institution which is tax-exempt in accordance
55 with Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, by virtue of its
56 fire department purposes to reduce the burdens of government. Rural fire departments
57 and public safety fire suppression organizations shall be staffed by emergency response
58 personnel under section 320.320 and other staff employees and volunteers who are
59 appointed by the board of public safety and civil defense commissioners thereof. Rural fire
60 departments and public safety fire suppression organizations when not mobilized to
61 perform reserve military force disaster duties under section 41.490, RSMo, shall be
62 coordinated for all state disaster purposes by the office of the volunteer agency coordinator
63 of the department of public safety. The volunteer agency coordinator shall report to the
64 director of the state emergency management agency and shall enjoy the rank, pay, and
65 staff, of a uniformed colonel. The volunteer agency deputy coordinator shall be a
66 uniformed lieutenant colonel and the chief of staff to the volunteer agency coordinator
67 shall be a uniformed major. Three uniformed captains shall serve the several counties
68 situated within the eastern, western, and southern appellate judicial districts in this state,
69 with the eastern disaster district captain, western disaster district captain, and southern
70 disaster district captain assisting in their respective disaster districts by six uniformed
71 lieutenants for twenty-four-hour-a-day, seven-day-a-week volunteer agency coordination
72 and state disaster radio dispatch center services.

73 4. Each rural fire department, public safety fire suppression organization, and
74 industrial fire department shall remain under the control of its governing body, with state

75 public safety coordination for any declared state disaster area purposes. As a public safety
76 agency and as city, town, and village police officers who are concurrently commissioned
77 as the special deputies of a county sheriff, rural fire department emergency response
78 personnel and all public safety fire suppression organizations emergency response
79 personnel are concurrently designated for all county at-large disaster response purposes
80 as a county auxiliary fire department and auxiliary police department under subdivision
81 (2) of subsection 2 of section 44.080, RSMo, with state at-large disaster response and
82 extraterritorial disaster response capabilities. The portraits provided to the governor by
83 the secretary of any such fire department of the members of the governing bodies of rural
84 fire departments and public safety fire suppression organizations under subsection 2 of this
85 section shall be utilized for the issuance of annual photo identification cards and for use
86 in the publication of the biographies of such governing body members. Such biographies
87 and portraits are authorized to appear within the official manual of the state of Missouri
88 as autonomous public safety, civil defense, and emergency management instrumentalities
89 that under the provisions of this section are included with the personnel of the department
90 of public safety. In consideration of their emergency, catastrophe, and disaster response
91 duties, during the state legislative budget and appropriations process, rural fire
92 departments and public safety fire suppression organizations shall receive due
93 consideration for financial support from this state for their placement among the several
94 state-supported eleemosynary institutions.

95 5. Each fire protection agency under this section is exempt from:

96 (1) The taxes levied by this state and any of its political subdivisions;

97 (2) The motor vehicle license plate and boat registration laws;

98 (3) All county or municipal occupation licenses, certificates of occupancy, set back
99 restrictions, or zoning ordinances; and

100 (4) The payment of the filing fees and court costs otherwise collected from the
101 general public by the county clerk, clerk of any circuit court, recorder of deeds, or the
102 secretary of state with regard to the official business of any fire protection agency.

103

104 The governing body of each fire protection agency shall be an emergency management
105 agency with authority to act as quasi-municipal fire protection, civil defense, and public
106 safety instrumentality of this state. The board of public safety and civil defense
107 commissioners of such rural fire departments or public safety fire suppression
108 organizations may declare an emergency within their emergency response boundaries upon
109 the actual occurrence of a natural or man-made disaster of major proportions within this
110 state when the safety and welfare of the inhabitants of this state are jeopardized. Rural

111 fire departments and public safety fire suppression organizations shall possess the same
112 civil defense powers that are provided under state law for fire protection districts of this
113 state under chapter 321, RSMo, in conformity with chapter 44, RSMo, to establish a local
114 organization for disaster planning in accordance with the state emergency operations plan
115 and program. The board of public safety and civil defense commissioners of a rural fire
116 department or a public safety fire suppression organization shall appoint a coordinator
117 who shall have direct responsibility for the organization, administration, and operation of
118 the fire protection agency's emergency management operations, subject to the direction
119 and control of the chief fire officer or governing body. Each agency organization for
120 emergency management shall be responsible for the performance of emergency
121 management functions within the territorial limits of its emergency response boundaries
122 or other places where it is authorized to perform public safety functions, and may conduct
123 such functions outside of the territorial limits as may be required under this act. In
124 carrying out the provisions of this act, each rural fire department or public safety fire
125 suppression organization may appropriate and expend funds, make contracts, obtain and
126 distribute equipment, materials, and supplies for emergency management purposes;
127 provide for the health and safety of persons; the safety of property; direct and coordinate
128 the development of disaster plans and programs in accordance with the policies and plans
129 of the federal and state governments; and appoint, provide, or remove rescue teams,
130 auxiliary fire and police personnel and other emergency operations team personnel who
131 except for command, supervisory, and training personnel may serve without compensation
132 in the same manner as civil defense personnel are authorized under subdivision (2) of
133 subsection 2 of section 44.080, RSMo. All such personnel shall be sworn in accordance
134 with section 44.115, RSMo, by a circuit judge. Notwithstanding the provisions of any other
135 law, the civil defense fire police officers and auxiliary police officers shall obtain the same
136 police officer state training (POST) accredited police academy training under subsection
137 1 of section 79.055, RSMo, that is required for city marshals of cities of the fourth
138 classification in this state, when the same appointment fees described in section 388.605,
139 RSMo, is paid to an agency civil defense coordinator or county civil defense coordinator,
140 and a surety bond in the same face amount as required by section 388.610, RSMo, for the
141 issuance of a railroad police commission in this state is underwritten indemnifying this
142 state, the affected county or fire protection agency, the civil defense coordinator as an
143 appointing authority, the rural fire department, public safety fire suppression
144 organization, or industrial fire department sponsoring such volunteer or employed county
145 civil defense fire police officer or such volunteer or employed agency civil defense auxiliary

146 **police officer. Fire protection agencies may appoint sheriff's deputies and city police**
147 **officers as its auxiliary police officers.**

148 **6. Notwithstanding the provisions of section 85.012 or 321.506, RSMo, rural fire**
149 **departments and industrial fire departments as fire departments may be established under**
150 **this act to enter into any fire department mutual aid contract. Public safety fire**
151 **suppression organizations are authorized in a city or county of this state that has no**
152 **unincorporated areas with respect to cities, towns, villages, and fire protection districts for**
153 **fire suppression and related activities. Except for requiring unincorporated areas as its**
154 **primary emergency response boundaries, laws applicable to rural fire departments shall**
155 **also apply to a public safety fire suppression organization, which fire department shall be**
156 **organized for fire protection, public safety, and as a civil defense instrumentality, and an**
157 **eleemosynary institution under Section 501(c)(3) of the Internal Revenue Code of 1986, as**
158 **amended, with articles of agreement under chapter 352, RSMo, with Internal Revenue**
159 **Service Publication 557 charitable purposes that reduce the burdens of government.**

160 **7. All rural fire departments and public safety fire suppression organizations in**
161 **their capacity as fire protection agencies shall have first responder public safety agency**
162 **status, with all of the reasonably apportioned fire department premises, fire rescue**
163 **uniforms, equipment, fire apparatus, fire rescue aircraft, fire boats, ground-based, aquatic-**
164 **based, and air ambulances being acquired, maintained, and utilized for fire department,**
165 **public safety, and search and rescue, training, and other public safety, civil defense, and**
166 **fire department purposes, as the governing body authorizes.**

167 **8. The term "fire protection association" shall be referred to as "fire protection**
168 **agency". The revisor of statutes of the state of Missouri is authorized and instructed to**
169 **make the appropriate changes to all such references in the revised statutes.**

170 **9. Notwithstanding the provision of section 85.012 or 321.506, RSMo, or any other**
171 **law, a tax-exempt quasi-municipal industrial fire department may be sponsored by any**
172 **munitions plant; liquid petroleum or natural gas facility; chemical or petroleum products**
173 **wholesaler; participating residents of any unincorporated town; port authority; public**
174 **monument; grain elevator; public zoo or private zoological foundation; consular post or**
175 **consular officers association; special business district; homeowners association;**
176 **pharmaceutical plant; biohazardous, biological or nuclear facility; public or private**
177 **university, college, or school; hospital; amusement theme park; battered women's shelter;**
178 **race track; railroad; transit authority or bus line service; distillery; or wherever**
179 **dangerous, combustible, or explosive materials are stockpiled; or any other place where**
180 **in the sound discretion of a circuit judge by the entry of a decree of incorporation under**
181 **chapter 352, RSMo, of an industrial fire department when the court agrees that it is**

182 foreseeable that fires, explosions, or personal injuries from time to time may occur or
183 where providing additional public safety personnel is prudent. The principal purpose of
184 an industrial fire department is to protect the parties, premises, personnel, invitees,
185 licensees, trespassers and the general public within up to one hundred feet from or upon
186 the real estate of the authorized sponsor of such fire departments and the real estate where
187 such fire protection agency's endowment trust fund has an interest. The governing body
188 of an industrial fire department shall be an industrial fire department board of fire rescue
189 and civil defense commissioners, to be chosen in the manner prescribed by its bylaws or
190 the articles of agreement under chapter 352, RSMo, having Internal Revenue Code Section
191 501(c)(3) eleemosynary public safety purposes to reduce the burdens of government. The
192 governing body members and personnel of an industrial fire department, who shall be
193 twenty-one years of age or older and have not been previously convicted of any felony
194 offense, shall be, while not state public safety officers under section 320.320, concurrently
195 appointed and commissioned by the emergency management coordinator or civil defense
196 coordinator in the county or city where such industrial fire department is situated and be
197 sworn in, in accordance with section 44.115, RSMo, by a circuit judge as ex officio
198 personnel of a county civil defense auxiliary fire and police department under subdivision
199 (2) of subsection 2 of section 44.080, RSMo. Notwithstanding the provisions of any other
200 law, civil defense fire police officers shall each obtain the same police officer state training
201 (POST) accredited police academy training under subsection 1 of section 79.055, RSMo,
202 required for city marshals of cities of the fourth classification in this state. Industrial fire
203 department personnel may equip their firefighter boats and personally-owned motor
204 vehicles on the passenger side with flashing or rotating amber and purple quasi-emergency
205 vehicle lights, on the driver's side with blue and white quasi-emergency vehicle lights, and
206 a klaxon siren. Industrial fire department-owned fire apparatuses are qualified as
207 emergency vehicles. Industrial fire department-owned fire boats are emergency boats.
208 Industrial fire department public safety personnel, all private detectives, private security
209 personnel, and loss prevention personnel shall exclusively utilize a square badge. The
210 governing body members, chief fire officers, and industrial fire department supervisory
211 personnel may utilize a badge that is generally in the shape of a square with a surmounted
212 eagle at the top with a civil defense emblem as its center seal. The personnel of an
213 industrial fire department shall be considered as being the volunteers or employees of the
214 sponsoring industry for all payroll, pension, and fringe benefit purposes. The county civil
215 defense plan shall include the contemplation of the emergency response capabilities and
216 public safety services of all industrial fire departments that may be situated within the
217 county by means of a mutual-aid contract between an industrial fire department and the

218 **county emergency preparedness coordinator for a county-at-large emergency response, or**
219 **a state-at-large emergency response may be made under the authority of the department**
220 **of public safety volunteer agency coordinator upon the actual occurrence of a natural or**
221 **man-made disaster of major proportions within this state when the safety and welfare of**
222 **the inhabitants of Missouri are jeopardized.**

320.302. 1. [Volunteer] Fire protection [associations] **agencies** may respond to any
2 emergency within its area regardless of whether the property owner or individual is a member
3 of or subscriber to the [association] **rural fire department or industrial fire department.**

4 2. (1) In responding to emergencies of nonmembers or nonsubscribers of the
5 [association] **rural fire department**, the [association] **fire protection agency as an institution**
6 and its firefighters [shall be subject to the same liabilities for claims for death or injury to persons
7 or property as those subjected to when responding to emergencies of members or subscribers]
8 **, in the same manner as immunity extended to civil defense responders under section**
9 **44.045, RSMo, a rural fire department and its firefighters and public safety personnel, a**
10 **public safety fire suppression organization and its firefighters and public safety personnel,**
11 **and an industrial fire department and its firefighters and public safety personnel shall not**
12 **be liable for any civil damages or administrative sanctions for property damages due to**
13 **actions taken as a public safety agency or any failure in the delivery of emergency health**
14 **care necessitated by the emergency, catastrophe, or disaster to exercise the skill and**
15 **learning of an ordinarily careful health care provider in similar circumstances, but shall**
16 **be liable for damages due to willful and wanton acts or omissions in rendering such care**
17 **for claims for death or injury to persons or property when responding to emergencies of**
18 **members, subscribers, or sponsors, and when responding and providing public safety**
19 **agency emergency, catastrophe, or disaster response services to any nonmembers.**

20 (2) In responding to emergencies, catastrophes, and disasters as a rural fire
21 **department under any fire department mutual-aid contract, when rural fire departments**
22 **or a public safety fire suppression organization responds to the premises of any of its**
23 **ancillary principal members, when industrial fire departments respond to emergencies,**
24 **catastrophes, and disasters at the premises of its sponsors, or when county civil defense**
25 **auxiliary fire departments under subdivision (2) of subsection 2 of section 44.080, RSMo,**
26 **make a response to any declared disaster area, the primary jurisdictional municipal fire**
27 **department or the primary jurisdictional fire department of any fire protection district**
28 **under chapter 321, RSMo, shall retain all tactical and incident command powers with**
29 **regard to any such fire department emergency, catastrophe, or disaster response. In the**
30 **same manner, when any municipal fire department or the fire department of any fire**
31 **protection district under chapter 321, RSMo, an industrial fire department, or a county**

32 **civil defense auxiliary fire department under subdivision (2) of subsection 2 of section**
33 **44.080, RSMo, makes a mutual-aid response or any declared disaster response within the**
34 **boundaries of a rural fire department under section 320.310, the affected rural fire**
35 **department as the primary jurisdictional fire department shall retain all tactical and**
36 **incident command powers with regard to any such fire department emergency,**
37 **catastrophe, or disaster response. Notwithstanding its concurrent jurisdictional**
38 **emergency, catastrophe, and disaster response purposes, an industrial fire department and**
39 **public safety fire suppression organization as an ancillary public safety autonomous**
40 **instrumentality of this state attached to the department of public safety of this state**
41 **performing concurrent public safety duties at certain premises and other places as is**
42 **authorized herein is not a primary jurisdictional fire department.**

43 3. In responding to emergencies of nonmembers or nonsubscribers, the [volunteer] fire
44 protection [association] **agencies that are the rural fire departments, a public safety fire**
45 **suppression organization, and the industrial fire department, when making an emergency**
46 **response in their area or performing concurrent public safety duties at certain premises**
47 **and other places as is authorized herein and when making any mutual-aid contract**
48 **emergency response or any disaster area emergency response, may charge up to the**
49 following fees:

50 (1) **(a) One hundred dollars for responding to an emergency for each fire engine, fire**
51 **boat, other piece of fire apparatus, fire rescue ambulance, fire rescue wrecker, or mobile**
52 **command post; and**

53 **(b) Five hundred dollars for responding to an emergency for each responding fire**
54 **department aircraft, plus two hundred fifty dollars as an emergency responder's allowance**
55 **for each personally-owned firefighter's aircraft; and**

56 **(c) Fifty dollars as an emergency responder's allowance for each personally-owned**
57 **firefighter's emergency vehicle, each chief firefighter's emergency vehicle, each personally-**
58 **owned firefighter's emergency boat, or each personally-owned chief firefighter's**
59 **emergency boat**

60

61 **responding to any emergency, catastrophe, or disaster area location;**

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

64 (3) An amount equal to one year's subscription or membership fees. [No property owner
65 or individual shall be liable for fees or charges under this subsection if said property owner or
66 individual notifies the volunteer fire protection association in writing, prior to the occurrence of
67 an emergency, not to respond to an emergency on or involving his property.]

68 4. Upon payment of the charges and fees set forth in subsection 3 of this section, the
69 property owner or individual shall be deemed to be a member or subscriber in good standing
70 until membership or subscriber payments are again due as prescribed by [association] **fire**
71 **protection agency** rules and regulations **which shall be adopted in like manner as state**
72 **administrative rules are promulgated.**

73 5. **Notwithstanding the provisions of section 85.012 or 321.506, RSMo, with respect**
74 **to any emergency, catastrophe, or disaster, or rural fire department response, any person**
75 **who enters into the boundaries of a rural fire department under section 320.310, or who**
76 **enters upon the premises of any rural fire department's or public safety fire suppression**
77 **organization's ancillary principal members, or who enters onto any department of**
78 **transportation right-of-way or any waterways of this state within the county where a fire**
79 **department is situated shall be deemed to have consented to receive the fire rescue, public**
80 **safety, law enforcement, and civil defense services of such fire protection agency, and each**
81 **such person shall strictly observe and obey the public safety and fire codes of such fire**
82 **protection agency that are filed for record, and shall promptly defray all fire department**
83 **fees, as the rules require, including but not limited to fire rescue ambulance fees or fire**
84 **rescue wrecker fees, fire boat fees, or a fire department aircraft emergency response when**
85 **such fees are invoiced.**

320.303. An industrial fire department may levy the charges and fees under
2 **subsection 3 of section 320.302 for an emergency, catastrophe, or disaster response**
3 **occurring on the premises of its sponsors. Such fees may be paid by a self-insuring**
4 **industrial fire department's sponsor at the time of each occurrence or, in the alternative,**
5 **the industrial fire department's charges and fees under subsection 3 of section 320.302 may**
6 **be defrayed by the casualty insurance carrier of the responding industrial fire**
7 **department's sponsor. With regard to any mutual-aid contract or declared disaster area**
8 **emergency response, industrial fire department fees may be paid by the casualty insurance**
9 **carrier of an insured party or by the uninsured party provisions of an insurance policy.**
10 **The sponsor of an industrial fire department is encouraged to utilize the Internal Revenue**
11 **Code provision authorizing an operating expense deduction of up to ten percent of the**
12 **profit of a corporation with regard to corporate charitable contributions made to a quasi-**
13 **municipal fire protection agency that reduces the burdens of government and as a**
14 **statutory county auxiliary fire department under subdivision (2) of subsection 2 of section**
15 **44.080, RSMo, that is organized and operated exclusively as a public safety, civil defense,**
16 **and fire rescue Internal Revenue Code Section 501(c)(3) eleemosynary institution.**
17 **Employees of an industrial fire department's sponsor and their friends may in writing**
18 **direct that their United Way voluntary contributions be distributed to a tax-exempt fire**

19 **protection agency. Charges and fees under subsection 3 of section 320.302 paid to fire**
20 **protection agency for an emergency, catastrophe, or disaster, fire department, and public**
21 **safety agency response is a general operating expense and not a charitable contribution.**

320.305. 1. When making a claim for a loss to property, each owner of an insured
2 property, who is not a member or subscriber of [an association] **a rural fire department, public**
3 **safety fire suppression organization, or industrial fire department**, but who received
4 **emergency response** services from [a volunteer] **any such** fire protection [association] **agency**,
5 shall notify his **or her** property or casualty insurance company of the name, address and billing
6 statement from the [volunteer] fire protection [association] **agency** which responded to a call for
7 emergency assistance at such property **or which responded to a call for emergency assistance**
8 **for the benefit of any person in need of a prompt fire department and public safety agency**
9 **emergency, catastrophe, or disaster response.**

10 2. Failure to comply with the provisions of subsection 1 of this section is a class A
11 misdemeanor.

12 3. In paying a claim to an insured who received the services of a [volunteer] fire
13 protection [association] **agency which is a rural fire department, public safety fire**
14 **suppression organization, or industrial fire department**, any property or casualty insurance
15 company shall make checks payable to the order of both the insured and the [volunteer] fire
16 protection [association] **agency**, and the property owner or individual shall make full payment
17 to the [association] **fire protection agency** within thirty days after receipt of a loss settlement
18 check from an insurance carrier; **or a policyholder suffering a loss may execute a notarized**
19 **fire department assignment of benefits form approved by the director of the department**
20 **of insurance, financial institutions and professional registration to be provided to all**
21 **policyholders by their insurance agents or insurance brokers authorizing the claims**
22 **department of a casualty insurance company to make a separate payment directly to the**
23 **responding fire department for the sum of its claims up to the limits of the med pay and**
24 **also casualty policy with regard to its coverage for fees due and payable for emergency**
25 **response services rendered for an insured person or property or for uninsured parties or**
26 **property by a fire protection agency under section 320.300, public safety fire suppression**
27 **organization, or industrial fire department.**

28 4. Failure to comply with the provisions of subsection 3 of this section shall be deemed
29 to be a class A misdemeanor.

30 5. (1) **Due to the potential for incurring liability to pay fire department fees for any**
31 **peril constituting an emergency, catastrophe, or disaster on the part of uninsured**
32 **motorists, uninsured boat operators, or uninsured pilots of any aircraft, or the uninsured**
33 **John Doe or Mary Roe personal injury victims, or John Doe or Mary Roe owners of any**

34 **uninsured property incurring a casualty loss, including property damage, personal injury,**
35 **or death, for which a subscription fire department invoice is issued for any uninsured**
36 **personal injury and uninsured property casualty loss purposes, the fire protection agency**
37 **fire department fees invoice shall be submitted to a subscription fire rescue uninsured**
38 **pooled claims fund to be administered by the director of the department of insurance,**
39 **financial institutions and professional registration. Each of the casualty insurance**
40 **companies authorized to do business in this state shall equally and jointly participate with**
41 **regard to the payment of claims for such uninsured subscription fire department fees**
42 **under subsection 3 of section 320.302. Casualty insurance companies doing business in this**
43 **state shall, within forty-five days of the date the director prorates and submits the assigned**
44 **joint and equal participation sum to an individual casualty insurance company, pay**
45 **subscription fire department fee invoices submitted to the subscription fire rescue**
46 **uninsured pooled claims fund. Each casualty insurance company shall remit in full its**
47 **participatory sum for such claims, and shall defray the fire department charges and fees**
48 **by sending certified funds via the United States postal service, with first class postage**
49 **prepaid and affixed thereto, a check up to the sum of twenty-five thousand dollars per**
50 **person and per casualty occurrence to be made payable to and mailed to the subscription**
51 **fire rescue uninsured pooled claims fund. A casualty insurance company's certified funds**
52 **paid to the subscription fire rescue uninsured pooled claims fund shall have the following**
53 **noted thereon: the director's claim number, the name and invoice number of the fire**
54 **protection agency under section 320.300, the date the invoice for the subscription fire**
55 **department fee under subsection 3 of section 320.302 was submitted to the subscription fire**
56 **rescue uninsured pooled claims fund, the last date for timely payment of the obligation as**
57 **the director has determined to be the individual obligation of the payer casualty insurance**
58 **company, and the postal address or scene where the related fire rescue services were**
59 **performed. Checks shall be paid out from the fund on the fifteenth day of each month and**
60 **shall be made payable to a fire protection agency from the subscription fire rescue**
61 **uninsured pooled claims fund. A limited release of liability shall appear on the reverse side**
62 **of each payment check regarding the discrete claims liability of a casualty insurance**
63 **company to the subscription fire rescue uninsured pooled claims fund with regard to a**
64 **single fire protection agency's fees invoice. Directly under the text of the limited release**
65 **of liability, the payee fire protection agency's endorsement stamp shall be placed when**
66 **depositing subscription fire rescue uninsured pooled claims fund checks in the fire**
67 **protection agency's account at a financial institution. Casualty insurance companies**
68 **making such payments shall also provide the claimant fire protection agency with a voided**

69 duplicate copy of each such check not more than three business days after payment is
70 mailed to the subscription fire rescue uninsured pooled claims fund.

71 (2) In accordance with the public policy of this state, subscription fire department
72 fees under subsection 3 of section 320.302 shall be defrayed by the proceeds of insurance
73 policy benefits or the tender of personal funds to the accounts receivable division of a
74 responding fire department. With respect to Missouri residents, all casualty insurance
75 policyholders shall purchase pooled state at-large associate memberships within each of
76 the several rural fire departments under section 320.300 and public safety fire suppression
77 organizations in this state. Such associate memberships shall authorize the state at-large
78 fire protection agency associate membership residents of this state, but not uninsured
79 persons, to receive a twenty percent discount from the statutory emergency response fees
80 under subsection 3 of section 320.302. Each such casualty insurance policy shall protect
81 certain individuals and at least one discrete item of property for which such associate
82 membership within each of the several rural fire departments and public safety fire
83 suppression organizations in this state shall apply. In order for persons who are situated
84 within a rural fire department's emergency response boundaries under section 320.310
85 who are eligible for rural fire department principal membership, and all rural fire
86 department or a public safety fire suppression organization's ancillary principal members
87 to enjoy full fire protection agency membership benefits under subdivision (3) of subsection
88 3 of section 320.302 after an emergency, catastrophe, or disaster response has been made
89 by a responding fire protection agency, the party who is liable for such payments shall pay
90 the responding fire protection agency's treasury the monetary difference between a rural
91 fire department primary membership dues or when appropriate, shall pay the responding
92 fire protection agency's treasury the monetary difference between a rural fire department
93 ancillary principal members annual dues or a public safety fire suppression organization's
94 ancillary principal member's annual dues, and the prorated sums that shall be determined
95 by subtracting the sums that have been paid in that calendar year when making insurance
96 policy membership annual dues surcharges to each of the fire protection agencies that did
97 not participate in making an emergency, catastrophe, or disaster response benefiting an
98 individual policyholder. Accordingly, the residents of this state shall be indemnified with
99 regard to the issuance of all casualty insurance policies, insuring themselves, their owned
100 real estate, leasehold tenancies, or various personal properties, and any uninsured persons
101 or uninsured properties that may be involved in a med pay or casualty loss occurrence
102 against the peril of incurring fire protection agency fees under subsection 3 of section
103 320.302 for an emergency, catastrophe, or disaster and public safety agency response up
104 to the sum of twenty-five thousand dollars per person for treatments as med pay and the

105 same sum as property casualty occurrence for each unit of coverage indemnifying
106 policyholders, and any uninsured parties and uninsured properties that are involved in the
107 same emergency, catastrophe, or disaster occurrence against the peril of incurring fire
108 protection agency fees under subsection 3 of section 320.302. A fire protection agency may
109 levy its appropriate membership dues on all protected persons and for the protected real
110 estate or personal properties of its principal members and on all protected persons and the
111 protected real estate or personal properties of the rural fire department's ancillary
112 principal members, if any, and in the same manner with regard to any uninsured property
113 or persons benefiting from such fire protection agency emergency, catastrophe, or disaster
114 response.

115 (3) After the effective date of this section, all casualty insurance companies licensed
116 to do business in this state shall include a mandatory rider of twenty-five thousand dollars
117 combined unit of coverage for both med pay and coverage for the fire protection agency
118 under section 320.300 dues and statutory fees, fire rescue ambulance fees, or fire rescue
119 wrecker fees that are levied by the fire protection agencies, with coverage also provided for
120 any uninsured motorist, boater, airman or air passenger, and with regard to each
121 policyholder whose business is located or who is a resident of a county or city. The face
122 amount of such mandated dual coverage for twenty-five thousand dollars in med pay
123 coverage and an additional twenty-five thousand dollars coverage for any peril that may
124 incur the fire protection agency statutory fees under subsection 3 of section 320.302 as
125 casualty insurance coverage and including its related same units of coverage for uninsured
126 persons and property provisions shall be adjusted for inflation biennially by the director
127 of the department of insurance, financial institutions and professional registration on or
128 before the fifteenth day of January in each even numbered year. Each of the casualty
129 insurance companies shall underwrite at least one unit of such dual coverage med pay
130 insurance and the same sum property casualty insurance with regard to any peril that may
131 incur liability for the payment of the fees which are payable to a fire protection agency,
132 including any accumulated interest at the rate of ten percent per annum on the unpaid
133 balance of such fees. Such coverage shall be underwritten within the provisions of any
134 homeowner's insurance, renter's insurance, fire insurance, commercial public liability
135 business policy, or casualty insurance policy insuring any self-propelled implement of
136 husbandry, or self-propelled construction implement, aircraft, automobile, truck,
137 motorcycle, trailer, or boat. The premiums for such coverage shall be equalized among all
138 policyholders in this state. Pooled reserve military force disaster endowment and rural fire
139 department pooled state at-large associate membership initiation fees in the combined sum
140 of ten dollars for each new casualty insurance policy to be paid in the same manner as an

141 insurance company collects its policy fees, and for each casualty insurance policy that is
142 issued and outstanding on the effective date of this act, and a recurring pooled reserve
143 military force statutory mutual-aid contract and disaster endowment and rural fire
144 department or public safety fire suppression organization pooled state at-large associate
145 membership dues surcharge of ten dollars shall be collected in each premium payment
146 billing period. All casualty insurance policies shall specifically provide insurance coverage
147 to defray the fire protection agency fees under subsection 3 of section 320.302 when a fire
148 protection agency responds to the policyholder's property when the insured or his or her
149 insured property is situated in a state or federal disaster area, and for the benefit of
150 persons who are members or invitees of their household, and when such persons or
151 property is situated upon any lake, river, stream or other state waterway, or when situated
152 upon the right-of-way of the department of transportation or the right-of-way of any
153 county highway. Commercial casualty insurance policies shall provide twenty-five
154 thousand dollars combined unit of coverage for both med pay and coverage for the fire
155 protection agency statutory emergency, catastrophe, or disaster response fees, fire rescue
156 ambulance fees, or fire rescue wrecker fees that are levied by the rural fire departments,
157 insuring themselves and uninsured persons against the peril of incurring fire protection
158 agency fees under subsection 3 of section 320.302 with respect to the insured, the members
159 of an insured's household, and their guests or trespassers, and for any business, its
160 employees, invitees, licensees, visitors, and trespassers to any area occupied by or under
161 the control of the insured policyholder, and shall provide such dual coverage to any other
162 place where insured persons may be situated where it is lawful for a fire protection agency
163 to perform its functions as a fire protection, civil defense, and emergency management,
164 emergency, catastrophe, or disaster response autonomous public safety instrumentality of
165 this state.

166 (4) There is hereby created in the state treasury the "Missouri Rural Fire
167 Suppression and Related Activities Trust Fund". Casualty insurance companies
168 authorized to do business in this state as a fiduciary collection agent for their policyholders
169 shall on the first day of each succeeding month deposit with the state treasurer as the
170 statutory trustee of the fund all of the rural fire department or public safety fire
171 suppression organization associate membership dues paid by its policyholders during the
172 previous month as authorized insurance policy surcharges that such casualty insurance
173 company has collected. All such new policy fees and rural fire department or public safety
174 fire suppression organization pooled associate membership dues surcharges payable by
175 each policyholder in each premium payment billing period shall be collected by the billing
176 department of a casualty insurance company from all casualty insurance policyholders in

177 **this state. Such new policy and periodic associate membership dues, insurance policy**
178 **premium surcharges are not taxes, and as organization dues under chapter 352, RSMo,**
179 **rather than being a tax or a fee that is paid to this state, an administrative agency, or a**
180 **political subdivision of this state shall not subject to a Hancock Amendment vote of the**
181 **people. Such organization dues shall be annually adjusted for inflation under an**
182 **administrative rule to be promulgated in the month of January in each succeeding year by**
183 **the director of the department of insurance, financial institutions and professional**
184 **registration. Half of the corpus of the trust fund shall be equally prorated per capita and**
185 **distributed by the trustee exclusively on the fifteenth day of each month as discretionary**
186 **spending funds among the several rural fire departments and public safety fire suppression**
187 **organizations of this state that deliver to the trustee of the trust fund a certified copy of its**
188 **decree of incorporation under chapter 352, RSMo, issued by a circuit court for rural fire**
189 **department, public safety fire suppression organization, fire rescue squad, or fire**
190 **protection agency, or subscription fire department purposes in order to obtain standing**
191 **as a qualified beneficiary of the trust fund; except that, any industrial fire department**
192 **established to serve any discrete premises that is sponsored by the firm or person that**
193 **creates or joins them and all municipal fire departments that are tax supported by the**
194 **treasury of any city, town, or village shall not be a qualified beneficiary of the trust fund.**
195 **The rural fire departments and public safety fire suppression organizations that qualify**
196 **to receive distributions from the trust fund are the quasi-municipal public safety, civil**
197 **defense, fire protection agencies described in sections 320.300 to 320.349 that shall**
198 **constitute the prescribed class of beneficiaries of the trust fund. After the effective date of**
199 **this act, any previously organized fire protection association under this chapter that is not**
200 **a municipal fire department, or was organized as a nonprofit corporation under chapter**
201 **355, RSMo, or did not secure a decree of incorporation under chapter 352, RSMo, from**
202 **a circuit court shall reincorporate or be merged as rural fire departments under chapter**
203 **352, RSMo, with eleemosynary articles of agreement that conforms to Internal Revenue**
204 **Code Section 501(c)(3) to secure a decree of incorporation issued by a circuit court as a**
205 **rural fire department, public safety fire suppression organization, or prior to the effective**
206 **date of this act, with rural, subscription, volunteer fire department, or fire rescue squad**
207 **purposes. Such rural fire departments shall define emergency response boundaries for fire**
208 **suppression and related activities that, except where otherwise authorized, do not include**
209 **territory within a municipality's city limits or inside the boundaries of any fire protection**
210 **district, except the public safety fire suppression organizations that are situated in a city**
211 **or a county that has no unincorporated area as described in subsection 6 of section 320.300**
212 **authorized to make a concurrent emergency, catastrophe, or disaster response to the**

213 premises of its ancillary principal members on any state waterway, any department of
214 transportation right-of-way within a city or county that has no unincorporated area as
215 described in subsection 6 of section 320.300 when filing its boundaries with a county clerk
216 is exempt from the requirement to define emergency response boundaries as a primary
217 jurisdictional fire department that, except as is otherwise authorized herein, do not include
218 territory within a municipality's city limits or inside the boundaries of any fire protection
219 district in order to qualify within the class of exclusive beneficiaries of the Missouri rural
220 fire suppression and related activities trust fund.

221 (5) Half of the rural fire department pooled associate membership dues surcharges
222 constituting the corpus of the Missouri rural fire suppression and related activities trust
223 fund, after having been constructively received by the several rural fire departments or
224 public safety fire suppression organizations, shall also be distributed to the Missouri
225 reserve military force on the fifteenth of each month by the trustee, acting as the statutory
226 disbursement agent for the several rural fire departments. Such trust fund moneys shall
227 be perpetually disbursed as constructively paid statutory fire department mutual-aid
228 contract monthly payments made to the Missouri reserve military force under section
229 41.490, RSMo, that under such statutory mutual-aid contract shall be mobilized at no
230 further charge or further consideration to assist any rural fire department or public safety
231 fire suppression organization in its fire suppression and related activities duties. The
232 reserve military force shall also be mobilized independently at the direction of the governor
233 to perform its duties as a corps of the military department of this state under chapter 41,
234 RSMo, at the expense of the state disaster fund for the duration of each declared state of
235 emergency and for all martial law purposes, or as the governor shall determine that the
236 public convenience and necessity requires to perform the reserve military force statutory
237 duties to provide emergency relief to distressed areas in the event of earthquake, flood,
238 tornado, or public catastrophe creating conditions of distress or hazard to public health
239 and safety beyond the capacity of local or established agencies.

240 (6) Notwithstanding the provisions of sections 85.012 or 321.506, RSMo, or any
241 other law, in consideration of receiving the monthly standing mutual-aid statutory mutual-
242 aid contract and endowment payments, the Missouri reserve military force shall upon
243 request assist Missouri rural fire departments combat structure fires, perform urban,
244 suburban, rural, brushfire, crop fire, forest fire, and wilderness fire suppression and
245 related activities, including urban, suburban, rural, and wilderness search and rescue
246 operations, medevac emergency medical response activities, conduct airborne, land-based,
247 or marine public safety patrols, and perform disaster fire suppression and related
248 activities.

249 **(7) Casualty insurance companies doing business in this state shall within forty-five**
250 **days pay the charges and fees that are shown on the rural fire department or public safety**
251 **fire suppression organization emergency, catastrophe, or disaster response invoices as**
252 **submitted from time to time, up to the sum of twenty-five thousand dollars per person and**
253 **per occurrence, or up to the face amount of any such coverage which shall be adjusted for**
254 **inflation as described herein; except that, an insured may elect to purchase two or more**
255 **units of such coverage to decrease his or her exposure for each casualty occurrence.**
256 **Claims not paid in a timely manner shall be subject to a fifteen percent vexatious delay tort**
257 **fee in compensation for negligence, with the court authorized to award reasonable**
258 **attorney's fees and tax costs. The insured policyholder or policyholders may elect to**
259 **execute and submit to the claims departments of his or her insurer written assignments of**
260 **benefits from time to time, and if so, the insurance company shall make the proceeds of the**
261 **loss payable benefits, up to the amount of such fire protection agency emergency response**
262 **invoices within the policy limits of each such policy, payable exclusively to the rural fire**
263 **department or public safety fire suppression organization providing the emergency**
264 **response rather than being required to issue checks jointly in the name of the fire**
265 **department and the insured party or parties. Insurance agents shall offer such assignment**
266 **of benefits forms for an insurance applicant's signature when an application for insurance**
267 **is executed. A rural fire department, disaster fire suppression organization, or industrial**
268 **fire department invoice is a priority item to be accelerated and fully paid before any sums**
269 **are distributed to any mortgage holder or to the insured party suffering a loss. If it**
270 **becomes necessary to litigate for the recovery of fees, such fire protection agencies shall be**
271 **awarded reasonable attorney's fees, with court costs being assessed against its judgment**
272 **debtors.**

 320.307. If payment is not made [pursuant to] **under subsection 3 of section 320.305**[,
2 a volunteer] **to a fire protection [association] agency which is a rural fire department, public**
3 **safety fire suppression organization, or an industrial fire department that responded to a**
4 **call for emergency assistance, such fire department** shall have a cause of action against the
5 property owner or individual for full payment and for additional damages not to exceed [ten]
6 **twenty-five thousand dollars, as exemplary damages, with judgment for the costs of the civil**
7 **action and ten percent post-petition interest, and the award of the fire department's**
8 **reasonable attorney's fees.**

 320.310. 1. All [volunteer] fire protection [associations] **agencies, being rural fire**
2 **departments or industrial fire departments** as defined in section 320.300 shall identify the
3 [association's] **response** boundaries and file the same with the county [administrative body]
4 **clerk.**

5 2. Except as provided in section 320.090 and section 44.090, RSMo, and **in any city or**
6 **county having no unincorporated area as described in subsection 6 of section 320.300 and**
7 **having a public safety fire suppression organization that concurrently responds to**
8 **emergencies at the premises of its ancillary principal members, on state waterways, on**
9 **department of transportation right-of-ways, and for all mutual-aid situations and domestic**
10 **or extraterritorial declared disaster area purposes, and** except for state agencies that engage
11 in fire suppression and related activities, those fire protection districts, municipal fire
12 departments, and [volunteer] fire protection [associations] **agencies**, as defined in section
13 320.300, **except that industrial fire departments possess concurrent authority to make a**
14 **specific premises emergency response**, shall be the sole provider of fire suppression and related
15 activities. For the purposes of this subsection, the term "related activities" shall mean only fire
16 prevention, rescue, hazardous material response, or special operation within their legally defined
17 boundaries, **or at other places that are areas that a fire protection agency may perform such**
18 **duties in the manner that is prescribed by state or federal law.**

19 3. Only upon approval by the governing body of a municipal fire department, fire
20 protection district, or [volunteer] fire [association] **protection agency** registered with the office
21 of the state fire marshal, as required by section 320.271, [shall any other association] **except for**
22 **any fire department mutual-aid contract or state or federal declared disaster area**
23 **emergency, catastrophe, or disaster response, and except for a concurrent emergency**
24 **response made to specific premises as authorized by law, and with regard to a concurrent**
25 **emergency, catastrophe, or disaster response made to the right-of-ways of the department**
26 **of transportation or any state waterway where such responses are otherwise authorized by**
27 **law, shall any other fire protection agency, organization, group, or political subdivision be**
28 authorized to provide the fire suppression response and related activities referenced in subsection
29 2 of this section within the legally defined boundaries of any municipal fire department, fire
30 protection district, or [volunteer fire association] **protection agency. The state fire marshal**
31 **shall not orally or in writing deceptively induce or wrongfully authorize any fire**
32 **department to not annually register with the office of the state fire marshal as required by**
33 **section 320.271.**

34 4. Any such [association] **rural fire department, group, public safety fire suppression**
35 **organization**, or political subdivision denied approval to operate within the established
36 boundaries of a fire department or [volunteer fire association] **fire protection agency** may appeal
37 that decision within thirty days of the decision to the circuit court having jurisdiction for a trial
38 de novo. **The approval to operate within the established boundaries of a fire department**
39 **to provide fire suppression and related activities shall be deemed to be granted for any**
40 **state or federal declared disaster area emergency, catastrophe, or disaster response that**

41 **is made in accordance with the state disaster plan or under the authority of the state**
42 **department of public safety volunteer agency coordinator, or under a mutual-aid contract**
43 **that is in force between any fire department and an emergency preparedness coordinator**
44 **of any county or city where a declared state or federal disaster area is situated.**

45 5. Notwithstanding the provisions of subsections 2 and 3 of this section, ambulance
46 services and districts which are or will be licensed, formed, or operated under chapter 190,
47 RSMo, may **concurrently, along with any fire rescue ambulances which are hereby**
48 **authorized by operation of law to perform their emergency duties within the geographic**
49 **boundaries of a fire department**, provide emergency medical services and nonemergency
50 medical transport within the geographic boundaries of a fire department. Nothing in this section
51 shall **otherwise** supersede the provisions set forth in section 67.300, RSMo, chapter 190, RSMo,
52 or chapter 321, RSMo.

53 6. Notwithstanding any other provision of law, in addition to making a fire service
54 **organization response within its emergency response boundaries under this subsection, the**
55 **rural fire departments or, in a city or county having no unincorporated area as described**
56 **in subsection 6 of section 320.300, a public safety fire suppression organization may make**
57 **an emergency, catastrophe, or disaster response with fire apparatuses, fire rescue**
58 **wreckers, or any ground-based, aquatic-based, or air fire rescue ambulances or other fire**
59 **department aircraft, or fire boats, as state public safety officers under section 320.320 at**
60 **any specific premises where such public safety services are authorized by law or anywhere**
61 **within the county in which the rural fire department emergency response boundaries may**
62 **be situated for the benefit of victims who are situated upon any lake, river, stream or other**
63 **state waterway, or the victims are on the right-of-way of the transportation department or**
64 **the right-of-way of any county highway. All fire boats, firefighter boats, and chief**
65 **firefighter boats are exempt from engine size limitations on any waterway.**

66 7. Notwithstanding the provisions of section 85.012 or 321.506, RSMo, or any other
67 law, rural fire departments, public safety fire suppression organizations, and industrial fire
68 departments are authorized to provide an emergency response and to charge fees under
69 subsection 3 of section 320.302 within any state or federal disaster area within a county or
70 city when making an emergency response under the authority of the department of public
71 safety volunteer agency coordinator, or in any other area of this state when responding
72 under any fire department mutual-aid contract, or extraterritorially within any other state,
73 commonwealth, territory, or possession of the United States when responding to a federal
74 disaster area, or a disaster area that has been declared by any other state, the District of
75 Columbia, commonwealth, or United States territory as a responding Missouri fire
76 protection agency.

77 **8. The county civil defense plan shall include the contemplation of the emergency**
78 **response services of the rural fire departments or public safety fire suppression**
79 **organizations, if any, that are situated within the county or city by means of a mutual-aid**
80 **contract between the rural fire departments or public safety fire suppression organizations**
81 **that are situated in the county, if any, and the city or county emergency preparedness**
82 **coordinator.**

83 **9. Rural fire departments and public safety fire suppression organizations may**
84 **provide emergency management, fire protection, fire rescue wrecker services, ground-**
85 **based, aquatic-based, and air ambulance services when concurrently responding to any**
86 **emergency which may occur on the premises of places where supplementary fire protection**
87 **services are offered and provided by a fire protection agency or a public safety fire**
88 **suppression organization to its ancillary principal members. Such ancillary principal**
89 **members shall be the operators of any private airport, private lake homes association,**
90 **dealers in either wholesale or retail fireworks, places storing or utilizing any radioactive**
91 **substance, the real estate in which a fire protection agency endowment trust fund has any**
92 **interest, and places where people congregate, including any riverboat casino, fair, circus,**
93 **festival, civic auditorium, arena, sports stadium, flea market, farmer's market, rodeo, or**
94 **other public performance that may be situated within a county or city. All such ancillary**
95 **principal members by reason of the enhanced public safety risks that they each naturally**
96 **possess shall join the adopting fire protection agency and pay ancillary dues and fees for**
97 **the supplementary fire protection and public safety services that are offered and provided**
98 **by a rural fire department or public safety fire suppression organization that adopts them**
99 **by the enactment of a quasi-municipal ordinance enacted by the governing body of the**
100 **rural fire department or public safety fire suppression organization having the closest fire**
101 **station, with a notice of public safety adoption filed with the county clerk by a rural fire**
102 **department or public safety fire suppression organization describing the street address and**
103 **owner of record and the tenants under any lease, if any, of each such adopted ancillary**
104 **principal member's premises.**

105 **10. A rural fire department and public safety fire suppression organization may**
106 **make an emergency response and conduct patrols with firefighter frogmen fireboats, fire**
107 **rescue ambulances, and fire police boats upon any lake, river, stream, or body of water**
108 **constituting a state waterway, and perform fire suppression and related activities that**
109 **benefit the state or the general public on lands situated within one hundred feet of the**
110 **shoreline of any lake, river, stream, or other waterway of this state.**

111 **11. In consideration of their state public safety and fire service organization**
112 **purposes as an instrumentality of this state, the rural fire departments or any public safety**

113 **fire suppression organization within a county or city shall by operation of law enjoy a**
114 **discretionary public safety easement-in-gross for its fire boat stations, fire boat personnel,**
115 **fire rescue frogmen, fire rescue amphibious aircraft, fire boats, aquatic fire rescue**
116 **ambulances, and fire police boats in the county in which they are situated, on any river,**
117 **lake, or stream or other body of water constituting a Missouri state waterway and**
118 **including the islands of this state under subsection 1 of section 241.291, RSMo. The rural**
119 **fire departments and public safety fire suppression organizations shall have a discretionary**
120 **public safety easement in gross upon the premises of any state department of**
121 **transportation right-of-way in the county or city where such fire department's emergency**
122 **response boundaries under section 320.310 are situated to facilitate the establishment of**
123 **a rural fire department's or public safety fire suppression organization's fire stations,**
124 **ground ambulance stations, aquatic fire rescue stations, or air ambulance and search and**
125 **rescue helipads, and fire rescue airdromes, public safety, law enforcement, and civil**
126 **defense facilities in a manner that, except to an insubstantial degree, shall not**
127 **unreasonably obstruct the movement of motor vehicle traffic or watercraft, boat, or barge**
128 **navigation.**

129 **12. Notwithstanding any other provision of law or local ordinance to the contrary,**
130 **the off-duty personnel of a rural fire department or public safety fire suppression**
131 **organization who witness an emergency situation or incident where life or property are in**
132 **jeopardy and the prompt summoning of aid is essential may render public safety aid and**
133 **assistance and apply the fees under subsection 3 of section 320.302 to the property or**
134 **persons receiving such public safety services and mitigate the clear and present jeopardy**
135 **to life or property wherever in this state such state public safety officers may be found**
136 **from time to time.**

137 **13. Notwithstanding any other provision of law or local ordinance to the contrary,**
138 **the off-duty personnel of an industrial fire department who witness an emergency situation**
139 **or incident where life or property are in jeopardy and the prompt summoning of aid is**
140 **essential may render public safety aid and assistance and apply the fees under subsection**
141 **3 of section 320.302 to the property or persons receiving their public safety services and**
142 **mitigate the clear and present jeopardy to life or property wherever in this state such**
143 **industrial fire department public safety officers may be found from time to time.**

320.320. 1. A [volunteer] firefighter or other personnel serving a rural, volunteer or
2 subscription fire department or **public safety fire suppression** organization is serving the state
3 of Missouri in an official capacity as a fire protection [volunteer] **agency responder or support**
4 **personnel** and is hereby declared to be a public safety officer of the state of Missouri serving
5 **with compensation or** without wages, salary or certain other employee-type fringe benefits

6 described in subsection 3 of this section. **The personnel of rural fire departments or public**
7 **safety fire suppression organizations shall be at least twenty-one years of age and shall not**
8 **have been previously convicted of any felony offense.**

9 2. The designation of a [volunteer] **fire protection agency, public safety fire**
10 **suppression organization, or rural fire department personnel or** firefighter as a public safety
11 officer of the state of Missouri in subsection 1 of this section does not entitle a [volunteer] **fire**
12 **protection agency** firefighter to any rights, privileges or benefits provided to an employee [or
13 official] of the state of Missouri, including retirement benefits and participation in the state legal
14 defense fund, except as provided in [subsection 3 of this section] **this act.**

15 3. Notwithstanding the provisions of subsection 2 of this section, any rural, volunteer
16 or subscription fire department or **public safety fire suppression** organization, or [volunteer]
17 fire protection [association] **agency** as defined in section 320.300, may provide life insurance,
18 accident, sickness, health, disability, annuity, length of service, retirement, pension and other
19 employee-type fringe benefits, subject to the provisions of section 70.615, RSMo, for volunteer
20 firefighters who are members of any such department, organization or association and such other
21 benefits for their spouses and eligible unemancipated children as the governing board deems
22 appropriate, either through a contributory or noncontributory plan, or both. [For purposes of this
23 section, "eligible unemancipated child" means a natural or adopted child of an insured, or a
24 stepchild of an insured who is domiciled with the insured, who is less than twenty-three years
25 of age, who is not married, not employed on a full-time basis, not maintaining a separate
26 residence except for full-time students in an accredited school or institution of higher learning,
27 and who is dependent on parents or guardians for at least fifty percent of his or her support.] The
28 type and extent of such benefits shall be determined by the governing board of the department,
29 organization or association, whichever is applicable. The provision and receipt of such benefits
30 shall not make the recipient an employee of the district, association or organization. Directors
31 or board members who are also volunteer firefighters may receive such benefits while serving
32 as a director or board member of the [district, association or] **fire service** organization.

33 4. **The fringe benefits under subsection 3 of this section, and the administrative,**
34 **payroll and fringe benefit expenses of the qualifying rural fire department or public safety**
35 **fire suppression organization under this subsection may provide housing, educational**
36 **stipend, tuition, books, student activity or lab fees, and other employee-type fringe benefits**
37 **for both paid personnel and volunteer firefighters who are members of any such fire**
38 **protection agency, and such other benefits for the personnel, their spouses, and eligible**
39 **unemancipated children as the governing body deems appropriate, either through a**
40 **contributory or noncontributory plan, or both. For purposes of this section, "eligible**
41 **unemancipated child" means a natural or adopted child of an insured or a stepchild of an**

42 insured who is domiciled with the insured who, except for a mentally retarded or totally
43 disabled child of any age, is less than twenty-three years of age, not married, not employed
44 on a full-time basis, not maintaining a separate residence except for full-time students in
45 an accredited school or institution of higher education, and is dependent on parents or
46 guardians for at least fifty percent of his or her support. The type and extent of such
47 benefits shall be determined by the governing board of the fire protection agency. The
48 provision and receipt of such benefits shall not make the recipient an employee of the fire
49 protection agency. Members of a fire protection agency's board of public safety and civil
50 defense commissioners who are volunteer firefighters or civil defense responders may
51 receive such benefits while serving as a member of the board of public safety and civil
52 defense commissioners of a rural fire department or disaster fire protection organization.
53 All uniforms, administrative, payroll, training, and educational expenses of a qualifying
54 fire protection agency which are not excluded by the terms of this subsection shall be
55 defrayed from distributions made by the trustee of a Missouri rural fire suppression and
56 related activities trust fund; however, the governing body of a rural fire department or
57 public safety fire suppression organization may bolster the distributions from the Missouri
58 rural fire suppression and related activities trust fund by augmenting such distributions
59 to pay for any expenditure, including but not limited to any de minimis compensation to
60 pay for fuel, minor costs related to transportation, and other minor operation costs from
61 the revenues obtained from the fire protection agency's authorized fees earned from
62 performing fire suppression and related activities, and from the available revenues from
63 its endowment portfolio incomes or endowment trust earnings. With respect to volunteer
64 firefighters who do not receive monetary compensation, "monetary compensation"
65 includes any economic return for services and shall not include any life insurance, sickness,
66 health, disability, annuity, length of service, retirement, pension, educational benefits,
67 public safety barracks housing, and other employee-type fringe benefits; de minimis
68 compensation to pay for fuel, minor costs related to transportation, and other minor
69 operation costs. Notwithstanding the provisions of any other law, public policy,
70 institutional practice, or a third-party's regulation, all fire protection agency volunteer
71 personnel when presenting a letter from the secretary of a fire protection agency certifying
72 their status as a volunteer shall have guaranteed admission to the undergraduate or post-
73 graduate degree program of the individual fire protection agency volunteer's choice that
74 is offered by any public community college, state college, or state university when the
75 affected student's tuition and other educational fees are fully paid.

76 5. In addition to his or her status as a Missouri state public safety officer, the chief
77 fire officer of a rural fire department, the chief fire officer of any public safety fire

78 suppression organization, and the chief fire officer of a industrial fire department, if any,
79 within a county or city is designated as a gratuitous ex officio county civil defense special
80 deputy coordinator and a statutory aide de camp with a part-time duty of not less than
81 four hours in each succeeding week being provided for forty-eight weeks of each
82 succeeding year to make a material contribution to the county civil defense coordinator for
83 all emergency, catastrophe, and disaster response and disaster management purposes.

84 6. Each rural fire department and public safety fire suppression organization may
85 compensate its governing body and employ paid command, supervisory, and training
86 personnel, with its rank and file volunteer firefighters and fire rescue ground-based.
87 Aquatic-based or air-based ambulance personnel also constituting the ex officio personnel
88 of a county auxiliary fire department under subdivision (2) of subsection 2 of section
89 44.080, RSMo. A review of expenditures made by the governing body of a county or city
90 for the use and benefit of each such rural fire department, public safety fire suppression
91 organization, or industrial fire department in their capacities as a county auxiliary fire
92 department under subdivision (2) of subsection 2 of section 44.080, RSMo, that may
93 materially assist it to make a domestic emergency, catastrophe, or disaster response or
94 make a federal or state declared disaster area response to any other state, the district of
95 Columbia, any United States commonwealth, or other United States territory, or foreign
96 disaster area site shall be made annually by the county auditor.

97 7. Notwithstanding the provisions of any other law, the rural fire department's or
98 public safety fire suppression organization's agency fire marshal and such agency's deputy
99 fire marshals, and its fire department bomb squad personnel, if any, whether or not such
100 personnel are compensated by a rural fire department or public safety fire suppression
101 organization, shall make a material contribution to reduce the burdens of the county
102 prosecuting attorney by each being appointed and commissioned as ex officio volunteer
103 armed special investigators authorized to conduct investigations and make arrests and
104 acting by operation of law as the gratuitous arson and bomb squad unit of the prosecuting
105 attorney of a county or city. The agency fire marshal of a fire protection agency shall
106 promptly notify the state fire marshal of all fires or explosions of suspicious origin and as
107 a continuation of the emergency response of such agency fire marshal, he or she shall stand
108 by and, to the best of his or her ability, protect from contamination any fire scene or
109 explosion site constituting a suspected crime scene pending the arrival of and subsequent
110 situation briefing of the investigators from the office of the state fire marshal. Such rural
111 fire department's or public safety fire suppression organization's agency fire marshal and
112 such agency's deputy fire marshals, together with any rural fire department or public
113 safety fire suppression organization's fire police officers, auxiliary police officers, and fire

114 inspectors shall enforce the public safety and fire codes that provide for fire prevention
115 and fire protection, or the health and safety of persons that are within the boundaries of
116 a rural fire department or who are otherwise in any area where a rural fire department
117 or public safety fire suppression organization is authorized to perform its fire service
118 organization duties. Such public safety and fire codes shall be adopted and revised from
119 time to time by the governing body of a fire protection agency. An associate circuit court
120 or an arbitrator conducting binding arbitration proceedings at an arbitral hall of justice
121 that is situated in some public place, in accordance with this act and chapter 435, RSMo,
122 whichever forum shall be chosen by the parties at the time a violation citation is issued or
123 by a court order after a case has been engrossed in civil litigation, may enter a final
124 judgment or award for the collection of a fire protection agency violation penalty as a debt
125 due and payable to a fire protection agency of not less than ten dollars nor more than five
126 hundred dollars, plus the costs of bringing each such action, payable exclusively to the
127 treasury of a fire protection agency by offenders for each violation of the fire protection
128 agency's public safety and fire codes that may be perpetrated by the general public
129 wherever each such fire protection agency is authorized by this act to perform its fire
130 service organization fire safety, fire prevention, or emergency, catastrophe, and disaster
131 response functions, including but not limited to enforcing the state statutes with regard to
132 any observed violation under section 67.318, RSMo, of numbers of street addresses not
133 conspicuously posted; hazardous substance release under subsection 1 of section 260.546,
134 RSMo; an act of a motor vehicle crossing over any fire hose violations under section
135 300.305, RSMo; blasting notice violations under section 319.342, RSMo; the littering of any
136 flaming incendiary or burning item from any motor vehicle or while on foot as a
137 pedestrian; any violation of a posted fire lane no parking or no standing regulatory sign,
138 or in the same manner, for unlawfully parking or standing where the curb is painted red
139 or yellow indicating a no parking fire lane, or any similar restricted parking anywhere at
140 large within a county or city where a fire protection agency may be situated.

320.333. 1. As used in sections 320.330 to [320.339] **320.349**, the phrase "volunteer
2 firefighter" means any firefighter in the service of any fire department or fire protection district,
3 including but not limited to any municipal, volunteer, rural, or subscription fire department or
4 **public safety suppression** organization, or [volunteer] fire protection [association] **agency**, who
5 receives no monetary compensation for his or her services.

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

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

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

320.336. 1. No public or private employer shall terminate an employee for joining any
2 fire department or fire protection district, including but not limited to any municipal, volunteer,
3 rural, or subscription fire department or **public safety fire suppression** organization or any
4 [volunteer] fire protection [association] **agency, or industrial fire department**, as a volunteer
5 firefighter, or the Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or
6 Urban Search and Rescue Team, or being activated to a national disaster response by the Federal
7 Emergency Management Agency (FEMA).

8 2. No public or private employer shall terminate an employee who is a volunteer
9 firefighter, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force
10 One, or Urban Search and Rescue Team because the employee, when acting as a volunteer
11 firefighter, or as a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task
12 Force One, Urban Search and Rescue Team, or FEMA is absent from or late to his or her
13 employment in order to respond to an emergency before the time the employee is to report to his
14 or her place of employment.

15 3. An employer may charge against the employee's regular pay, **but shall not charge**
16 **against an employer's fixed salary**, any employment time lost by an employee who is a
17 volunteer firefighter, **firefighter of a rural fire department, public safety fire suppression**
18 **organization, or industrial fire department**, or a member of Missouri-1 Disaster Medical
19 Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA because
20 of the employee's response to an emergency in the course of performing his or her duties as a
21 volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri
22 Task Force One, Urban Search and Rescue Team, or FEMA.

23 4. In the case of an employee who is a volunteer firefighter, or a member of Missouri-1
24 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team,
25 or FEMA, **or a firefighter of a fire protection agency**, and who loses time from his or her
26 employment in order to respond to an emergency in the course of performing his or her duties
27 as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team,
28 Missouri Task Force One, Urban Search and Rescue Team, or FEMA, the employer has the right
29 to request the employee to provide the employer with a written statement from the supervisor or
30 acting supervisor of the volunteer fire department or the commander of Missouri-1 Disaster
31 Medical Assistance Team or the FEMA supervisor stating that the employee responded to an
32 emergency and stating the time and date of the emergency. **Such statement may also be**
33 **provided by the dispatcher of any fire department sending a post card, fax, or e-mail which**
34 **may be sent to an employer as verification of an employee's emergency response duties.**

35 5. An employee who is a volunteer firefighter, or a member of Missouri-1 Disaster
36 Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA,
37 **or a firefighter of a fire protection agency**, and who may be absent from or late to his or her
38 employment in order to respond to an emergency in the course of performing his or her duties
39 as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team,
40 Missouri Task Force One, Urban Search and Rescue Team, or FEMA shall make a reasonable
41 effort to notify his or her employer that he or she may be absent or late, **in the manner**
42 **described in subsection 4 of this section.**

43 6. **It is unlawful to discriminate against hiring a volunteer firefighter for original**
44 **employment purposes or to discriminate against a volunteer firefighter by refusal to**
45 **promote an employee or refusal to grant raises in pay to an employee, or by reducing the**
46 **working hours of an employee who is a volunteer firefighter or a member of Missouri-1**
47 **Disaster Medical Assistance Team, Missouri Task Force One, a firefighter of a fire**
48 **protection agency, or a member of an Urban Search and Rescue Team, or a civil defense**
49 **unit. A prima facie discrimination case exists when the adverse treatment of volunteers**
50 **-serving as a firefighter, volunteer emergency medical response personnel, or volunteer civil**
51 **defense unit personnel differs from the treatment of other firm's employees.**

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

 320.340. 1. **The governing body of each rural fire department and public safety fire**
2 **suppression organization shall have the power of eminent domain in the manner that is**
3 **prescribed by law to acquire land in fee simple, rights in land and easements upon, over,**
4 **or across land, including aerial easements, surface easements, and subterranean easements,**
5 **and including leasehold interests in land and tangible and intangible personal property**
6 **used or useful for the location, establishment, maintenance, development, expansion,**
7 **extension or improvement of any of its public safety facilities and rural fire department**
8 **endowment trust fund assets. The acquisition may be by dedication, purchase, gift,**
9 **agreement, lease, use or adverse possession.**

10 2. **Upon the request of the governing body, any rural fire department or public**
11 **safety fire suppression organization, in consideration of the nominal consideration of one**

12 dollar and the further other valuable considerations being its emergency management, fire
13 protection, civil defense, public safety, emergency, catastrophe, and disaster response
14 purposes, a fire protection agency shall obtain good and marketable title, free and clear of
15 all encumbrances with regard to the surplus real estate of this state or of any board,
16 bureau, commission, or agency thereof, or with respect to any real estate constituting the
17 inventory of any county land trust, to be utilized exclusively for the purposes of its fire
18 department facilities, or for the authorized purposes of a fire protection agency endowment
19 trust portfolio that may be created by the governing body of a fire protection agency where
20 such fire protection agency is the exclusive beneficiary for the net proceeds after all
21 reasonable expenses are paid, of any periodic rents, royalties, dividends, interest, or capital
22 gains return on investment incomes. Rural fire department endowment trust funds
23 required to be utilized by Internal Revenue Service charitable organizations due to
24 unrelated business income tax regulations shall be a tax free trust as a quasi-municipal fire
25 department instrumentality.

26 3. Upon the request of the governing body of any fire protection agency that is
27 situated in a county or public safety fire suppression organization that is situated in a city
28 or county having no unincorporated area as defined in subsection 6 of section 320.300 and
29 notwithstanding the provisions of any other law, a fire protection agency endowment trust
30 fund which may have a home office and branch locations and whose settlor and sole
31 beneficiary is a fire protection agency, shall be appointed as a fee agent of the department
32 of revenue for the issuance of driver's licenses and motor vehicle and trailer license plates;
33 the conservation commission for the issuance of hunting and fishing licenses, the county
34 sheriff for the taking of applications for a concealed weapons permit, and the county
35 collector of revenue for real estate and personal property tax collection purposes, with an
36 initial fee of six dollars added as the fee due to it as a fee agent for each application for a
37 sheriff's concealed weapons permit and for each paid real estate tax or personal property
38 tax bill collected as a fee agent of a county collector of revenue. The fees earned by a rural
39 fire department endowment trust fund as a fee agent shall be annually adjusted for
40 inflation under an administrative rule promulgated in the month of January in each
41 succeeding year by the state auditor.

42 4. The governing body of each fire protection agency may issue quasi-municipal tax
43 free revenue, equipment, debenture, and real estate mortgage bonds, with the return of
44 capital and all interest incomes tax-exempt with regard to Missouri taxation; however,
45 except as otherwise provided for herein with regard to the annexation of the emergency
46 response territory of a rural fire department, neither the state of Missouri nor any political
47 subdivision of this state shall be liable for the payment of the debts of any rural fire

48 department which is not a political subdivision of this state. Each industrial fire
49 department is exempt from the taxes levied by this state and any of its political
50 subdivisions. In addition, the governing body of an industrial fire department may issue
51 quasi-municipal tax free revenue, equipment, debenture, and real estate mortgage bonds,
52 with the return of capital and all interest incomes tax-exempt with regard to state taxation;
53 however, the state of Missouri and any political subdivisions of this state shall not be liable
54 for the payment of the debts of any industrial fire department which is not a political
55 subdivision of this state and the quasi-municipal tax free bonds authorized to be issued by
56 the governing body of such industrial fire department shall display thereon a disclaimer
57 in panels to be situated on the top and bottom borders of each such certificate in twelve-
58 point bolded type as follows: "The return of capital or payment of interest relating to these
59 bonds are not guaranteed to the holders by either the State of Missouri, nor by any of the
60 political subdivisions of this state". The governing body of an industrial fire department
61 may establish and maintain an endowment trust fund portfolio where such industrial fire
62 department is the exclusive beneficiary for any periodic rents, royalties, dividends, interest,
63 or capital gains incomes from the proceeds after all reasonable expenses are defrayed by
64 such tax free trust fund.

65 5. The governing body of a rural fire department or public safety fire suppression
66 organization, in addition to the fire department personnel rules and membership
67 regulations, may adopt public safety and fire codes that shall be in full force and effect
68 within the area of a fire protection agency's boundaries. Notwithstanding the provisions
69 of section 85.012 or 321.506, RSMo, such public safety and fire codes shall be in effect
70 within the county where a fire department is situated upon the premises of its ancillary
71 principal members' real estate, on the department of transportation right-of-way in any
72 county or city in which a rural fire department or public safety fire suppression
73 organization is situated, and on state waterways within the county where a fire department
74 is situated. The public safety and fire codes adopted by a rural fire department shall be
75 perfected by giving the general public ten days' constructive notice by filing the same for
76 record with the county clerk within and for the county or city, where each such rural fire
77 department maintains its constituted emergency response area under section 320.310, and
78 by posting the same on the official web site that shall be established and maintained by
79 each such rural fire department or public safety fire suppression organization.

80 6. Rural fire departments or public safety fire suppression organizations may
81 establish and maintain public safety citadels to consolidate the functions of a fire station,
82 police station, civil defense facilities, emergency operations center, emergency medical

83 center, a disaster community shelter and cafeteria, and for the incidental purposes of fire
84 protection agency endowment trust facilities.

85 7. The fire boats, aquatic fire rescue ambulances, and fire police boats of a rural
86 fire department or public safety fire suppression organization are exempt from the boat
87 licensing laws of this state and shall be equipped with one or more water pumps, fire hoses,
88 red and blue rotating or flashing emergency lights, and siren as an emergency boat. The
89 chief fire officer of a rural fire department may issue blue light and siren permits to its
90 emergency response personnel in order for such personnel to operate firefighter boats in
91 this state. The firefighter boats shall be emergency boats. The clerk or secretary of the
92 governing body of a rural fire department may, with regard to the chief fire officer, deputy
93 chief fire officer, assistant chief fire officer, battalion chief fire officer, squadron chief fire
94 officer, or any other command or supervisory personnel having chief in his or her official
95 title of office as a public servant, issue flashing or rotating red and blue emergency light
96 and siren written permits to its chief fire officer emergency response personnel in order for
97 such personnel to operate chief firefighter boats and chief firefighter personally owned
98 emergency motor vehicles in this state. The chief firefighter boats shall be emergency
99 boats. The general public shall yield the right-of-way to any fire boat, firefighter boat, or
100 chief firefighter boat when such emergency boat has activated its flashing or rotating
101 emergency lights and siren.

 320.341. The county prosecutor in his or her capacity as an attorney at law and all
2 deputy and assistant county prosecutors shall each have a duty to provide pro bono legal
3 counsel and assistance for the benefit of all county civil defense auxiliary fire and police
4 units and their public safety personnel, including the members of any disaster teams, rural
5 fire departments and industrial fire departments and their personnel. Each such
6 prosecuting attorney's professional obligation to perform pro bono legal counsel in any
7 other matter is fully extinguished.

 320.342. 1. There shall be no discrimination between paid fire departments, civil
2 defense auxiliary fire departments, volunteer fire departments public safety fire
3 suppression organizations, and the reserve military force in this state, nor shall any rural
4 fire department, public safety fire suppression organization, industrial fire department,
5 civil defense auxiliary fire department, or the reserve military force of this state be
6 oppressed by any public servant by reason of its status of not being the regular fire
7 department of a political subdivision or by reason of its not being a unionized fire
8 department, or due to the status of its firefighter personnel being state public safety
9 officers or Missouri reserve military force personnel rather than being the personnel of any
10 political subdivision of this state, nor due to the poverty, if any, of any such fire department

11 or disaster organization. All paid or unionized firefighters that publicly demean or
12 discriminate against the services provided by the civil defense auxiliary fire departments,
13 the volunteer firefighters of this state, or the reserve military force of this state, are guilty
14 of conduct unbecoming a fire service organization officer and written verified complaints
15 shall be subject to mediation under chapter 435, RSMo, on the written complaint made to
16 the director of public safety by any offended party. In all such cases, the director of public
17 safety shall determine who shall act as the mediator. All public servants in this state shall
18 give full faith and credit to the reserve military force of this state, as a constituted
19 emergency response agency and a disaster organization under subsection 6 of section
20 44.090, RSMo, that is authorized to perform fire suppression and related activities duties,
21 and to a decree of incorporation under chapter 352, RSMo, entered by a circuit court
22 establishing a fire service organization that by law has perpetual succession. Any such
23 court order is binding and controlling upon all public servants of this state with respect to
24 the formation of a fire department, its statutory status as a body corporate and politic of
25 this state, and the duty shared by all public servants of this state that such judicial decree
26 requires recognition of the status of a rural fire department authorized to perform fire
27 suppression and related activities as a constituted emergency response agency and a
28 disaster organization under subsection 6 of section 44.090, RSMo.

29 2. The state fire marshal shall not direct, supervise, or control the fire department
30 of any county, city, town, village, fire protection district under chapter 321, RSMo, fire
31 departments under this chapter, or civil defense auxiliary fire department under chapter
32 44, RSMo. The governing bodies and chief fire officers of all such fire departments shall
33 exclusively direct, supervise, and control such fire service organizations. The state fire
34 marshal shall not have power to revoke the fire department identification number of any
35 fire department of any county, city, town, village, fire protection district rural fire
36 department, public safety fire suppression organization, or industrial fire department
37 within a county or city without first having filed an adversary action before the
38 administrative hearing commission alleging that such fire department no longer has
39 perpetual succession by law and has ceased to exist due to voluntary dissolution, merger,
40 or consolidation, or in the alternative, that an industrial fire department has failed to file
41 its discrete premises emergency response boundaries with a county clerk, or that a rural
42 fire department has failed to file with a county clerk its emergency response boundaries
43 that describes a discrete territory that is not within the lawful boundaries of any city, town,
44 village, or fire protection district fire department. Public safety fire suppression
45 organizations and industrial fire departments shall file with the county clerk the specific
46 premises where its fire suppression and related activities shall be performed. However, the

47 misfeasance, malfeasance, or misconduct of individual fire department personnel, if any,
48 does not constitute grounds to revoke a fire department identification number or to
49 dissolve a fire department in this state. Upon findings of fact and conclusions of law
50 entered by the administrative hearing commission, in accordance with due process of law
51 after an adversarial hearing has been conducted on the merits of the issues, where the right
52 to be properly served with a notice of hearing, the right to make an appearance and be
53 represented by legal counsel has been afforded, and by a preponderance of evidence
54 finding that a rural fire department has ceased to exist due to voluntary dissolution,
55 merger, or consolidation, or in the alternative, that a rural fire department or industrial
56 fire department has not filed its emergency response boundaries with the county clerk that
57 describes a qualified discrete territory or area in which to make an authorized emergency
58 response, the state fire marshal may exercise his or her authority to revoke a fire
59 department identification number notwithstanding any other provision of law to the
60 contrary.

61 **3. It is an act of malfeasance in office for a state fire marshal:**

62 **(1) To revoke a fire department identification number without an order from the**
63 **administrative hearing commission with findings of fact and conclusions of law that there**
64 **are grounds to revoke a fire department identification number;**

65 **(2) To revoke a fire department identification number by reason of misfeasance,**
66 **malfeasance, or misconduct of individual fire department personnel;**

67 **(3) To revoke a fire department identification number by reason of the poverty of**
68 **any rural fire department or public safety fire suppression organization having an**
69 **emergency response area that has a population of less than one hundred inhabitants, which**
70 **as a matter of law is insufficient to organize a fire protection district under chapter 321,**
71 **RSMo, or is situated in an unincorporated area of any county that is outside any city limits**
72 **and is beyond the lawful boundaries of a fire protection district, or for a lack of fire**
73 **apparatus, fire rescue equipment, or a fire station, which evidence a clear and present need**
74 **for a rural fire department's acquisition of grants, loans, and general financial assistance**
75 **or a fire department mutual-aid contract in support of its public safety mission for the**
76 **interim period in which the rural fire department or public safety fire suppression**
77 **organization is seeking to obtain adequate public or private loans or grant funding, or is**
78 **seeking federal or state legislative relief for laws and programs to provide funding for fire**
79 **apparatus, fire rescue equipment, fire rescue manpower, firefighter training, or a fire**
80 **station;**

81 **(4) To revoke a fire department identification number when a fire department does**
82 **not annually register with the state fire marshal, if by an act of malfeasance in office, the**

83 state fire marshal has orally or in writing deceptively induced or wrongfully authorized
84 any fire department in possession of a fire department identification number to not
85 annually register with the office of the state fire marshal as required by section 320.271.

86

87 No revocation of a fire department identification number for the reasons listed in this
88 subsection or for any other frivolous rationale shall be sustained by the administrative
89 hearing commission on the basis that it is the public policy of this state to foster and
90 encourage the formation of volunteer, paid, and auxiliary fire departments as a local public
91 safety amenity, and to provide for the benefit of the state of Missouri and the general
92 public additional emergency, catastrophe, and disaster area response manpower and
93 equipment for an emergency, catastrophe, or disaster response within the state-at-large
94 upon the actual occurrence of a natural or man-made disaster of major proportions when
95 the safety and welfare of the inhabitants of this state are jeopardized, and to make an
96 emergency, catastrophe, or disaster response extraterritorially upon the request of the
97 public safety authorities and emergency management personnel of any other state,
98 commonwealth, or territory of the United States, to provide the public safety authorities
99 and emergency management personnel aid and assistance and assist them to recover from
100 a natural or man-made disaster of major proportions under a federal, state, or
101 commonwealth disaster declaration. Cancellations of any fire department identification
102 numbers by the state fire marshal, if any, prior to the statute authorizing the state fire
103 marshal to revoke a fire department identification number and cancellations of any fire
104 department identification numbers by the state fire marshal without benefit of any due
105 process of law hearings being conducted with notice and an opportunity to be heard are
106 null and void.

320.343. Annexation elections conducted by the political subdivisions of this state
2 shall not adversely affect the creditors or personnel of a rural fire department. If a
3 political subdivision annexes any part or all of the territory described within the
4 emergency response boundaries under section 320.310 of a fire protection agency, the
5 annexing political subdivision shall by operation of law, upon the certification of the
6 annexation election, adopt an ordinance that as guarantor assumes liability to pay all of
7 the previously existing debt instruments and outstanding unpaid obligations of any rural
8 fire department whose emergency response area has been annexed, as such debt
9 instruments and outstanding unpaid obligations exist on the day the annexation election
10 is certified. Any such annexing political subdivision shall extend to the public safety
11 personnel of the affected rural fire department who are willing to be integrated, the right
12 to be integrated into the fire, police, or emergency medical response ranks of the annexing

13 political subdivision, with the same lateral-entry positions and ranks that such rural fire
14 department personnel held within their fire protection agency prior to the annexation
15 election being conducted and without any reduction in pay or diminution of allowances.
16 If the pay and allowances of the political subdivision are greater than the compensation
17 that was paid by a rural fire department, the higher pay and allowances of the political
18 subdivision shall be paid. All such personnel who by operation of law are integrated into
19 the fire, police, or emergency medical response ranks of the annexing political subdivision
20 shall have the same longevity of service, time in grade, and other emoluments as was held
21 when such personnel were affiliated with the rural fire department whose emergency
22 response area has been annexed. All such integrated personnel shall not be terminated by
23 the annexing political subdivision, except in cases of gross insubordination or the
24 commission of crime. The provisions of this subsection shall waive any charter, ordinance,
25 policy provision, or other personnel rules or other ancillary aspects of the annexing
26 political subdivision with regard to any residency, age, educational or experience
27 specifications, time in grade, physical fitness, health, or other qualifications with regard
28 to the integrated personnel from a rural fire department. Disputes, if any, relating to a
29 rural fire department's debts existing on the date the annexation election is certified, issues
30 regarding lateral-entry and the political subdivision's integration of a rural fire
31 department's personnel, and allegations of unfair working conditions, discrimination, or
32 the political subdivision's use of any trick or artifice for the purpose of inducing the
33 integrated rural fire department's former personnel to resign, seek other employment,
34 refusal to promote, harassment, unfair termination, or for maintaining a hostile
35 environment against the peace and dignity of the integrated rural fire department's former
36 personnel shall be subject to binding arbitration under chapter 435, RSMo, with three
37 arbitrators sitting en banc from the administrative hearing commission acting as the
38 arbitrators. Relief shall include reinstatement, back wages, pension or fringe benefits or
39 promotions awarded, orders to abate any hostile environment in the work place, award of
40 benefits, reversal of any wrongful demotion, vacation of any wrongful discipline,
41 expunging the personnel records of unfair or unreasonable derogatory remarks, the award
42 of actual damages and triple exemplary damages, including the award of the reasonable
43 attorney's fees of the prevailing party, together with such other relief as the board of
44 arbitrators determines to be equitable and just, with the preponderance of the evidence
45 and given the totality of the circumstances.

320.344. 1. Any aircraft while operated for official business purposes by any
2 regular or reserve component of the Armed Forces of the United States, the United States
3 Coast Guard, National Guard, state militia, reserve military force, the Army, Navy,

4 **Marines or Air Force Junior or Senior Reserve Officer Training Corps Program, the**
5 **cadets of any fire academy or police academy, or the personnel of any fire department, law**
6 **enforcement agency, civil defense unit, the United States Civil Air Patrol, or the United**
7 **States Coast Guard Auxiliary shall be exempt from the aircraft landing prohibitions and**
8 **tort provisions otherwise defined for the landing of flying boats or pontoon equipped**
9 **aircraft on any lake, river, or stream constituting a waterway in this state, or on privately**
10 **owned lands described in section 305.330, RSMo.**

11 **2. Notwithstanding the provisions of subsection 1 of section 300.100, RSMo, or any**
12 **other provision of law to the contrary, it shall be lawful for any fire apparatus operator,**
13 **ambulance driver, or other emergency vehicle operator to utilize flashing or rotating**
14 **emergency lights and siren to stop traffic on any public street, alley, or highway to safely**
15 **facilitate a return to base when backing into a fire station or other public safety or civil**
16 **defense facility.**

320.345. 1. For any declared state of emergency and all martial law purposes, the
2 **emergency response personnel of the rural fire departments, public safety fire suppression**
3 **organizations, industrial fire departments, the individuals constituting each of the several**
4 **community emergency response teams, the personnel of the civil defense units of the**
5 **counties, cities, town, villages under subdivision (2) of subsection 2 of section 44.080,**
6 **RSMo, and fire protection districts of this state, the senior R.O.T.C. cadets enrolled in the**
7 **military science program of any college or university of this state, the fire service cadets**
8 **enrolled in any fire department academy, the police cadets enrolled in the highway patrol**
9 **academy or in any other police academy in this state, and all private detectives, private**
10 **security personnel, loss prevention personnel, tow truck drivers, the owner-operators of**
11 **heavy construction equipment, tree surgeons and the employees of any tree cutting service,**
12 **private pilots that are licensed by the Federal Aviation Administration to operate aircraft,**
13 **the owner-operators of motor boats, medical technicians, nursing assistants, pharmacy**
14 **assistants, medical technician students, nursing students, school crossing guards, the senior**
15 **members of the Missouri wing of the Civil Air Patrol, the adult members of the young**
16 **marines, sea cadets, sea scouts, and the adult scouters associated with the police explorer**
17 **posts and fire explorer posts in this state, the elected officers of all military veteran's local**
18 **posts and military veteran's state organizations, and the employees of all funeral directors**
19 **and embalmers including their funeral motorcade escorts residing within the state of**
20 **Missouri, being individuals in possession of an existing standing military obligation under**
21 **the laws of this state, described in chapter 41, RSMo, as constituted members of the**
22 **unorganized militia of the state of Missouri for the duration of their respective various**
23 **qualifying affiliations described in this subsection shall as equally as is possible be divided**

24 into a red, blue, and gold disaster team for the purposes of being integrated and mobilized
25 for standby, on-call, and emergency, catastrophe, and disaster response duty purposes,
26 with their existing respective equivalent military ranks as ex officio ancillary personnel of
27 the Missouri reserve military force under section 41.490, RSMo. The Missouri reserve
28 military force shall be comprised of such other reserve and auxiliary personnel as defined
29 by law or as the governor determines necessary or convenient. The commandant of the
30 Missouri reserve military force may conduct background investigations and defer persons
31 with verifiable hardships or disabilities or who are members of the Missouri highway
32 patrol, the paid employees of the department of public safety, persons possessing any active
33 duty or reserve component service within the Armed Forces of the United States, and shall
34 bar from Missouri reserve military force service those persons who are currently held in
35 close custody in places for the detention of persons accused or convicted of crimes,
36 previously convicted felons, and those with mental disabilities, and shall discharge persons
37 from participating in Missouri reserve military service duties for cause with respect to any
38 person described in this subsection under the sound discretion of the commandant of the
39 Missouri reserve military force. When being mobilized, the commandant of the Missouri
40 reserve military force shall specify whether he or she is calling forth the members of the
41 red, blue, or gold teams as a class, and may activate any two teams or all three color-coded
42 teams as the governor directs or within the sound discretion of the commandant of the
43 Missouri reserve military force as he or she determines necessary or convenient.

44 2. Such red, blue, or gold team personnel of the rural fire departments, public
45 safety fire suppression organizations, industrial fire departments, the individuals
46 constituting each of the several community emergency response teams, the personnel of the
47 civil defense units of the counties, cities, towns, villages, and fire protection districts under
48 subdivision (2) of subsection 2 of section 44.080, RSMo, the senior R.O.T.C. cadets enrolled
49 in the military science program of any college or university of this state, the fire service
50 cadets enrolled in any fire department academy, the police cadets enrolled in the highway
51 patrol academy or in any other police academy in this state, and all private detectives,
52 private security personnel, and loss prevention personnel, tow truck drivers, the owner-
53 operators of heavy construction equipment, tree surgeons and the employees of any tree
54 cutting service, private pilots licensed by the Federal Aviation Administration to operate
55 aircraft, the owner-operators of motor boats, medical technicians, nursing assistants,
56 pharmacy assistants, medical technician students, nursing students, school crossing guards,
57 the senior members of the Missouri wing of the Civil Air Patrol, the adult members of the
58 young marines, sea cadets, sea scouts, and the adult scouters associated with the police
59 explorer posts and fire explorer posts in this state, the elected officers of all military

60 veteran's local posts and military veteran's state organizations, and the employees of all
61 funeral directors and embalmers including their funeral motorcade escorts residing within
62 the state of Missouri and whose name and address appear on the roster as ancillary
63 Missouri reserve military force personnel with prior emergency response skills or other
64 useful training shall be an existing cache of an easily regimented corps of available disaster
65 responders. If any of the red, blue, or gold team personnel are also an honorably
66 discharged military veteran, such person shall be promoted one grade in rank from the
67 rank shown on their DD-214 military separation document when mustered into either the
68 Missouri Army, Navy, Marines, Air Force, or Coast Guard divisions of the state's reserve
69 military force whenever such persons are mobilized for training or when making a disaster
70 response as the ex officio ancillary personnel of the Missouri reserve military force under
71 section 41.490, RSMo.

72 3. The Missouri reserve military force shall be mobilized at the direction of the
73 governor for the duration of each declared state of emergency and for all martial law
74 purposes, or as the governor determines necessary or for the public convenience to perform
75 state militia duties as is prescribed by law to provide emergency relief to distressed areas
76 in the event of earthquake, flood, tornado, or public catastrophe creating conditions of
77 distress or hazard to public health and safety beyond the capacity of local or established
78 agencies and in consideration of the reserve military force receiving fifty percent of the
79 rural fire department associate membership dues payments from the rural fire suppression
80 and related activities trust fund, upon the request of their governing bodies or chief fire
81 officers, to provide statutory mutual-aid assistance to the rural fire departments and public
82 safety fire suppression organizations, and to independently combat structure fires and
83 perform urban, suburban, rural, brushfire, crop fire, forest fire, and wilderness fire
84 suppression and related activities, including urban, suburban, rural, and wilderness search
85 and rescue operations, medevac emergency medical response activities, airborne, land-
86 based, or marine training patrols, and disaster fire suppression and related activities, or
87 as a Missouri reserve military force provost marshal military police/shore patrol force that
88 executes the laws of this state and to suppress lawlessness, whenever such persons are
89 called upon to perform such Missouri reserve military force reserve police duties.

90 4. The director of the institute for rural emergency management at the University
91 of Central Missouri and his or her successors in office, and each member of a Missouri fire
92 protection agency's governing body shall be appointed and commissioned to the honorary
93 military staff of the governor as a military colonel under section 41.130, RSMo, or
94 alternatively, at the option of such director as a brevet naval captain. Such director of the
95 institute for rural emergency management, together with the director's nominees who each

96 perform significant institute duties shall be appointed and commissioned upon the request
97 of the director to the honorary military staff of the governor as an honorary military
98 colonel under section 41.130, RSMo, or alternatively, at the option of such person as a
99 brevet naval captain, and may wear Missouri reserve military force uniforms with any
100 earned ribbons or awarded medals. Such director, together with such director's nominees
101 shall be attached to serve in a consultative capacity, to the office of the commandant of the
102 Missouri reserve military force under section 41.490, RSMo, which part-time position is
103 hereby created in the military department of this state as a major general or as a rear
104 admiral, who shall be confirmed in office by the Missouri senate. The commandant of the
105 Missouri military force shall have an office in the Humphreys Building or at some other
106 convenient location at the University of Central Missouri, and shall remain subordinate
107 to the adjutant general of this state.

108 5. The Missouri reserve military force commandant shall be an honorably
109 discharged veteran with the previous rank of a colonel or a naval captain or Coast Guard
110 captain, or of any higher rank, having prior Armed Forces of the United States, National
111 Guard, or Coast Guard experience, and prior experience in fire suppression and related
112 activities, law enforcement, or emergency medical service. The Missouri reserve military
113 force commandant, together with the colonel or naval captain serving as the director of the
114 institute for rural emergency management at the University of Central Missouri and with
115 such director's volunteer assistants, shall establish and maintain a continuing education
116 program for emergency, catastrophe, and disaster response purposes. All of the personnel
117 of the civil defense units of the counties, cities, towns, villages, and fire protection districts
118 under subdivision (2) of subsection 2 of section 44.080, RSMo, the rural fire departments,
119 the industrial fire departments, the individuals constituting each of the several community
120 emergency response teams in this state, the senior R.O.T.C. cadets enrolled in the military
121 science program of any college or university of this state, the fire service cadets enrolled
122 in any fire department academy, and the police cadets enrolled in the highway patrol
123 academy or any other police academy in this state in each calendar quarter and as the
124 personnel of the Missouri reserve military force under section 41.490, RSMo, shall be
125 mobilized to participate in a state-at-large emergency management drill under the auspices
126 of the director of the department of public safety to be simultaneously conducted in each
127 county and city of Missouri, and for continuing education seminar purposes. The
128 commandant may promulgate administrative rules for the governance of the Missouri
129 reserve military force to prescribe unique military patches and Missouri reserve military
130 force emblems and uniforms that do not unlawfully infringe on the emblems, buttons,
131 patches, or uniforms of the active duty and reserve components of the Armed Forces of the

132 United States in order to uniquely identify the uniformed personnel serving within the
133 Missouri reserve military force. The Missouri reserve military force may receive state
134 surplus properties. The commandant of the Missouri reserve military force shall establish
135 and maintain a Missouri reserve military force roster, an officer candidate school program,
136 make meritorious promotions, and issue brevet officer's commissions, warrant officer's
137 appointments, and noncommissioned officer's enlisted personnel grades as the
138 commandant determines in his or her discretion to be meritoriously reasonable and
139 proper.

140 **6. The commandant of the Missouri reserve military force shall be appointed by**
141 **and shall serve at the pleasure of the governor, subject to the advice and consent of the**
142 **Missouri senate. The commandant of the Missouri reserve military force shall assemble**
143 **a command and general staff consisting of:**

144 **(1) A subordinate major general or rear admiral who shall be confirmed by the**
145 **Missouri senate to serve as the deputy commandant of the Missouri reserve military force;**

146 **(2) Five persons who as a subordinate major general or rear admiral shall be**
147 **confirmed by the Missouri senate to serve as the division commanders of the Missouri**
148 **Army, Navy, Marines, Air Force, and Coast Guard divisions of the Missouri reserve**
149 **military force;**

150 **(3) Five brigadiers general or commodores who shall be confirmed by the Missouri**
151 **senate to serve as the deputy division commanders of the Missouri Army, Navy, Marines,**
152 **Air Force, or Coast Guard divisions of the Missouri reserve military force;**

153 **(4) A brigadier general or commodore who shall be confirmed by the Missouri**
154 **senate to serve as the executive officer to the commandant of the Missouri military force;**

155 **(5) A brigadier general or commodore who shall be confirmed by the Missouri**
156 **senate to serve as the executive officer to each of the several division commanders;**

157 **(6) A brigadier general or commodore who shall be confirmed by the Missouri**
158 **senate to serve as the commander of the continuing education unit of the Missouri reserve**
159 **military force;**

160 **(7) A brigadier general or commodore who shall be confirmed by the Missouri**
161 **senate to serve as the superintendant of the Missouri reserve military force officer**
162 **candidate school program;**

163 **(8) A brigadier general or commodore who shall be confirmed by the Missouri**
164 **senate to serve as the bursar of the Missouri reserve military force;**

165 **(9) A brigadier general or commodore who shall be confirmed by the Missouri**
166 **senate to serve as the commanding officer of the personnel and records unit;**

167 **(10) A brigadier general or commodore who shall be confirmed by the Missouri**
168 **senate to serve as the commanding officer of the quartermaster/stores unit;**

169 **(11) A brigadier general or commodore who shall be confirmed by the Missouri**
170 **senate to serve as the commanding officer of the joint motor pool unit;**

171 **(12) A brigadier general or commodore who shall be confirmed by the Missouri**
172 **senate to serve as the commanding officer of the disaster mess unit;**

173 **(13) A brigadier general or commodore who shall be confirmed by the Missouri**
174 **senate to serve as the commanding officer of the fire suppression unit;**

175 **(14) A brigadier general or commodore who shall be confirmed by the Missouri**
176 **senate to serve as the commanding officer of the provost marshal's military police/shore**
177 **patrol unit;**

178 **(15) A brigadier general or commodore who shall be confirmed by the Missouri**
179 **senate to serve as the commanding officer of the search and rescue unit;**

180 **(16) A brigadier general who shall be confirmed by the Missouri senate to serve as**
181 **the commanding officer of the mobile army surgical hospital M.A.S.H. unit;**

182 **(17) A brigadier general or commodore who shall be confirmed by the Missouri**
183 **senate to serve as the commanding officer of the corps of engineers/construction battalion**
184 **unit;**

185 **(18) A brigadier general or commodore who shall be confirmed by the Missouri**
186 **senate to serve as the commanding officer of the displaced persons disaster evacuation unit;**

187 **(19) A brigadier general or commodore who shall be confirmed by the Missouri**
188 **senate to serve as the commanding officer of the airborne joint operations unit; and**

189 **(20) A brigadier general or commodore who shall be confirmed by the Missouri**
190 **senate to serve as the commanding officer of the aquatic joint operations unit.**

191 **7. The commandant of the Missouri reserve military force shall establish and**
192 **maintain brigadiers general, colonels, lieutenant colonels, and majors, or commodores,**
193 **captains, commanders, and lieutenant commanders as staff officers assisting in the office**
194 **of the commandant. The division commanders of the Army, Navy, Marines, Air Force, and**
195 **Coast Guard divisions of the Missouri reserve military force shall likewise establish and**
196 **maintain brigadiers general, colonels, lieutenant colonels, and majors, or commodores,**
197 **captains, commanders, and lieutenant commanders as staff officers assisting in the offices**
198 **of the division commanders, regimental commanders, battalion commanders, brigade**
199 **commanders, and company commanders of the Missouri Army, Navy, Marines, Air Force,**
200 **and Coast Guard divisions of the Missouri reserve military force. The commandant of the**
201 **Missouri reserve military force shall also establish and maintain field grade officers,**

202 warrant officers, noncommissioned officers, and enlisted grade personnel of the Missouri
203 reserve military force.

204 **8. The personnel of the rural fire departments, public safety fire suppression**
205 **organizations, industrial fire departments, the senior R.O.T.C. cadets enrolled in the**
206 **military science program of any college or university of this state, the fire service cadets**
207 **enrolled in any fire service academy, and the police cadets enrolled in the highway patrol**
208 **academy or any other police academy in this state, and other constituted ancillary**
209 **personnel of the Missouri reserve military force, when activated to perform duties as the**
210 **Missouri reserve military force, shall be mobilized to perform state disaster plan**
211 **responsibilities and such other duties that are prescribed by law or order of the governor,**
212 **or by the Missouri reserve military force regulations, and such persons shall be activated**
213 **for service in the military department of the state of Missouri to supplement the Missouri**
214 **National Guard or replace it whenever the Missouri National Guard is mobilized in federal**
215 **service and is activated to provide services beyond the boundaries of the state of Missouri.**

216 **9. Notwithstanding the provisions of any other law, the law enforcement personnel**
217 **of the provost marshal's military police/shore patrol unit of the Missouri reserve military**
218 **force shall each obtain the same police officer state training (POST) accredited police**
219 **academy training under subsection 1 of section 79.055, RSMo, that is required for city**
220 **marshals of cities of the fourth classification. The governor may utilize his or her**
221 **discretion to order the commandant of the Missouri reserve military force to deploy the**
222 **provost marshal's military police/shore patrol unit of the Missouri reserve military force**
223 **to conduct patrols within any high crime area of this state, to perform state police**
224 **extradition duties when especially appointed by the governor to do so, and in any county**
225 **or city to suppress riots, conduct investigations, and make arrests with respect to the**
226 **commission of sensational crimes, provide crowd control duties at any public event,**
227 **parade, or for dignitary protection purposes, deter acts of terrorism, conduct manhunts**
228 **for fugitives and escapee convicted offenders, search for missing persons, or upon request,**
229 **to assist the Missouri state highway patrol, state conservation agents, sheriffs, or other law**
230 **enforcement officers in the performance of their official duties, for conducting cold case**
231 **felony investigations, law enforcement training, and other state public safety police reserve**
232 **purposes.**

233 **10. The commandant of the Missouri reserve military force may establish and**
234 **maintain a uniformed auxiliary cadre of Missouri reserve military force personnel**
235 **obtained from the voluntary annual enlistments among the honorably discharged veterans**
236 **of the active duty and reserve components of the Armed Forces of the United States, the**
237 **National Guard of any state, the United States Coast Guard, and also with respect to any**

238 other person between eighteen and seventy-five years of age who has never been convicted
239 of a felony offense and is desiring to make a material contribution to the success and
240 mission of the Missouri reserve military force.

241 **11. Missouri reserve military force uniformed auxiliary cadre personnel obtained**
242 **from the voluntary enlistments among the honorably discharged veterans of the Armed**
243 **Forces of the United States, the National Guard, and Coast Guard shall be promoted one**
244 **grade in rank from the rank shown on their DD-214 military separation document when**
245 **enlisted into either the Missouri Army, Navy, Marines, Air Force, or Coast Guard divisions**
246 **of the state's reserve military force. Missouri reserve military force personnel may wear**
247 **on their uniforms all medals and ribbons or badges awarded to them by the Armed Forces**
248 **of the United States, the Coast Guard, Coast Guard Auxiliary, Civil Air Patrol, or that are**
249 **awarded by any police department, fire department, or civil defense unit, and**
250 **commemorative medals that are popularly worn or displayed by veterans by reason of any**
251 **previous service.**

252 **12. The commandant of the Missouri reserve military force shall promulgate rules**
253 **describing the requirements and authorizing the voluntary transfer of personnel from the**
254 **uniformed auxiliary cadre of Missouri reserve military force, to the main body of the**
255 **Missouri reserve military force, or from one division of the reserve military force to**
256 **another such division. The commandant shall also promulgate rules regulating the**
257 **mobilization of the uniformed auxiliary cadre of Missouri reserve military force upon the**
258 **actual occurrence of a natural or man-made disaster of major proportions when the safety**
259 **and welfare of the inhabitants of this state are jeopardized.**

260 **13. The commandant of the Missouri reserve military force may promulgate rules**
261 **governing the utilization of the emergency, catastrophe, and disaster services of the**
262 **members of the unorganized militia of this state constituting the organized search and**
263 **rescue teams, licensed amateur radio emergency communications teams, CB radio clubs,**
264 **and during any time of any state of emergency or federal or state disaster declaration, for**
265 **the reserve military force corps of cadets to make a material contribution by coordinating**
266 **the volunteer services of the residents of this state among the civil air patrol cadets, sea**
267 **cadets, sea scouts, young marines, junior deputy sheriffs, explorer scouts, school safety**
268 **patrol members, and other youth groups whose leaders and personnel desire to render**
269 **adult supervised and age-appropriate aide, comfort, and assistance to the disaster victims**
270 **of this state, and to perform such other perceived nonhazardous duties as the state disaster**
271 **plan shall make provision for.**

272 **14. The commandant of the Missouri reserve military force may establish and**
273 **maintain an integrated uniformed cadet program of the Missouri reserve military force for**

274 the benefit of persons between the ages of thirteen and seventeen years having the consent
275 of their parents or guardians to participate in such activity. Each public school district
276 shall provide adequate and gratuitous meeting facilities for the periodic scheduled use of
277 the cadet program of the Missouri reserve military force.

278 **15. Honorably discharged personnel from the Missouri reserve military force**
279 **uniformed cadet program who after attaining the age of eighteen years or more who**
280 **thereafter voluntarily enlist in the uniformed auxiliary cadre of the Missouri reserve**
281 **military force shall be meritoriously promoted to the rank of E-3 immediately upon**
282 **enlistment and shall be meritoriously promoted to the rank of E-4 upon completion of the**
283 **Missouri reserve military force basic training, or the Missouri reserve military force boot**
284 **camp training, within the auxiliary cadre of the Missouri reserve military force.**
285 **Honorably discharged personnel from the Missouri reserve military force uniformed cadet**
286 **program who voluntarily enlist in the uniformed auxiliary cadre of the Missouri reserve**
287 **military force shall be awarded preference with respect to selection for the warrant officer**
288 **training program and for selection for placement in the Missouri reserve military force**
289 **officer's candidate school.**

290 **16. The honorably discharged personnel from the Missouri reserve military force**
291 **uniformed cadet program who enter into any junior or senior reserve officer training corps**
292 **program at any educational institution in this state shall be meritoriously promoted to the**
293 **rank of E-5 upon demonstrating outstanding proficiency in his or her acquired experiential**
294 **learning of military science skills to the satisfaction of the reserve officer training corps**
295 **faculty at any educational institution in this state. Such reserve officer training corps**
296 **personnel from the Missouri reserve military force uniformed cadet program shall be**
297 **awarded preference, with respect to selection for placement in the cadet field officer's or**
298 **cadet staff officer's ranks, at any reserve officer training corps educational institution in**
299 **this state.**

300 **17. The honorably discharged personnel from the Missouri reserve military force**
301 **uniformed cadet program shall be awarded preference with respect to selection for**
302 **placement in any fire department training academy or law enforcement training academy**
303 **in this state.**

304 **18. The honorably discharged personnel from the Missouri reserve military force**
305 **uniformed cadet program shall also be awarded preference with respect to selection for**
306 **service in the Missouri National Guard.**

320.346. 1. All personnel of the Missouri reserve military force, the senior R.O.T.C.
2 cadets enrolled in the military science program of any college or university of this state, the
3 fire service cadets enrolled in any fire department academy, and also the police cadets

4 enrolled in the highway patrol academy or any other police academy in this state, all
5 private detectives, private security personnel, and loss prevention personnel, and all other
6 constituted ancillary Missouri reserve military force personnel residing within the state of
7 Missouri shall annually undertake and successfully complete the community emergency
8 response team course of instruction and the United States Weather Bureau's severe
9 weather observer class. The commandant of the Missouri reserve military force shall
10 create a ribbon that is authorized to be worn on state militia uniforms evidencing
11 completion of the community emergency response team course of instruction and a ribbon
12 evidencing completion of the United States Weather Bureau's severe weather observer
13 class and shall keep records of all satisfactorily completed training. The commandant of
14 the Missouri reserve military force shall take all reasonable measures, in concert with
15 school officials and licensing authorities, to enforce the provisions of this subsection.

16 2. All tow truck drivers, school bus operators, taxi cab or limousine operators,
17 medical technicians, nursing assistants, pharmacy assistants, medical technician students,
18 nursing students, school crossing guards, the senior members of the Missouri wing of the
19 civil air patrol, the adult members of the young marines, sea cadets, sea scouts, and the
20 adult scouters associated with the police explorer posts and fire explorer posts in this state,
21 the elected officers of all military veteran's local posts and military veteran's state
22 organizations, and the employees of all funeral directors and embalmers, including their
23 funeral motorcade escorts residing within the State of Missouri or doing business in this
24 state shall annually undertake and successfully complete the community emergency
25 response team course of instruction and the United States Weather Bureau's severe
26 weather observer class. The commandant of the Missouri reserve military force shall keep
27 records of all such satisfactorily completed public safety training and shall take all
28 reasonable measures, in concert with school officials, military veteran's state and national
29 organizations, and the commander of the Missouri wing of the civil air patrol, the
30 authorities of the United States Navy League, Boy Scout Councils, and the state licensing
31 authority for funeral directors and embalmers, to enforce the provisions of this subsection;
32 however the school bus operators, and taxi cab or limousine operators shall not be ex
33 officio ancillary Missouri reserve military force members unless they shall volunteer for
34 such duties.

320.347. 1. All Missouri rural fire departments, all industrial fire departments in
2 this state, and the Missouri reserve military force shall belong to and participate in the
3 rural fire protection and related activities professional society, the Missouri rural fire
4 suppression council.

5 **2. For the purposes of this chapter, a rural fire department shall include in its**
6 **contemplation any fire rescue squad under chapter 352, RSMo, or fire protection agency,**
7 **or within a city, any disaster fire service organization under chapter 352, RSMo.**

320.348. 1. For the purposes of this act, the fire protection agency membership
2 **dues funding mechanism and the private moneys paid to private eleemosynary fire**
3 **protection agencies under chapter 352, RSMo, as membership dues are not taxes or fees**
4 **that require a vote of the people under the provisions of the Hancock Amendment to the**
5 **Missouri Constitution. The associate fire protection agency membership private dues that**
6 **are authorized insurance policy surcharges collected by the trustee of the Missouri rural**
7 **fire suppression and related activities trust fund, and the distributions paid to fire**
8 **protection agencies by the trustee of the Missouri rural fire suppression and related**
9 **activities trust fund are not deemed to be state expenditures.**

10 **2. The fire rescue wreckers operated by a fire protection agency shall be exempt**
11 **from the provisions of subsection 1 of section 304.154, RSMo. Fire protection agencies**
12 **shall establish public safety motor vehicle impound lots, charges for towed motor vehicles,**
13 **trailers, and boats, and charges for impounded motor vehicles, trailers, and boats for**
14 **storage purposes.**

320.349. As used in sections 320.300 to 320.349 and section 569.070, RSMo, the
2 **following terms shall mean:**

3 **(1) "Catastrophe", death or serious physical injury to ten or more people or**
4 **substantial damage to five or more buildings or inhabitable structures or substantial**
5 **damage to a vital public facility which seriously impairs its usefulness or operation. The**
6 **governing body of a political subdivision or the governing body of a rural fire department**
7 **may designate a vital public facility and shall by ordinance require a warning sign to be**
8 **posted on the premises of each vital public facility, to be located within twenty feet of each**
9 **curb cut or driveway entrance, and to post at each doorway, onto any street or highway**
10 **a warning sign stating that "Subsection 1 of Section 569.070, RSMo, imposes criminal**
11 **penalties for any act causing death or serious physical injury to ten or more people or**
12 **substantial damage to a vital public facility". Substantial damage to a vital public facility**
13 **which seriously impairs its usefulness or operation shall be, in the aggregate, five hundred**
14 **dollars or more in combined necessary labor costs and materials purchased for any**
15 **required repairs occasioned by any criminal act causing a catastrophe;**

16 **(2) "Disasters", disasters which may result from terrorism, including bioterrorism,**
17 **or from fire, wind, flood, earthquake, or other natural or man-made cause;**

18 **(3) "Emergency", situations where life or property are in jeopardy and the prompt**
19 **summoning of aid is essential or any state of emergency declared by proclamation by the**

20 governor, or by resolution of the legislature under sections 44.010 to 44.130, RSMo, or any
21 declaration of emergency under subsection 5 of section 320.300 emanating from the
22 governing body of a fire protection agency upon the actual occurrence of a natural or man-
23 made disaster of major proportions within this state when the safety and welfare of the
24 inhabitants of this state are jeopardized. Emergency response agencies shall include fire
25 service organizations, law enforcement agencies, emergency medical service organizations,
26 public health and medical personnel, emergency management officials, infrastructure
27 departments, public works agencies, and those other agencies, organizations, and
28 departments that have personnel with special skills or training that are needed to provide
29 services during an emergency or disaster, including but not limited to those persons who
30 possess a personal or industrial civil defense or Missouri reserve military force duty to
31 perform emergency management functions or an actual state disaster response.

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