

HCS HB 1205 -- PUBLIC SAFETY

SPONSOR: Bruns (Schad)

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Safety by a vote of 10 to 1.

This substitute changes the laws regarding public safety. In its main provisions, the substitute:

(1) Authorizes the City of Kansas City to impose, upon voter approval, a sales tax of one-eighth, one-fourth, three-eighths, or one-half of 1% for public safety activities, including operations and capital improvements, and for the retirement of bonded indebtedness (Section 94.577, RSMo);

(2) Specifies that a candidate who files for a public office will be disqualified from running if he or she owes any delinquent city taxes or municipal user fees to the appropriate local taxing authority (Section 115.342);

(3) Allows any ambulance district established under Chapter 190 on or after August 28, 2010, to impose, upon voter approval, a sales tax in lieu of a property tax to fund the district. A petition to establish an ambulance district must state whether it will be funded by a property or a sales tax (Sections 190.015, 190.035, and 190.040);

(4) Requires the chief law enforcement official responsible for a municipal detention facility or a county or regional jail or the chief administrator of a private jail to notify the Missouri Uniform Law Enforcement System (MULES) as soon as reasonably possible but no later than five hours after an escape of a prisoner who has been convicted of a dangerous felony or who is being held on suspicion of having committed a dangerous felony. The notification must include the name, description, and photograph of the prisoner as well as other relevant facts (Section 221.505);

(5) Requires any political subdivision or the owner of a private property parking lot, when restriping an existing lot or constructing a new parking lot, to designate one out of every four spaces as accessible, with at least one having an access aisle which is a minimum of 96 inches wide and designated "lift van accessible only" with signs that comply with the federal Americans with Disabilities Act (Section 301.143);

(6) Prohibits anyone, regardless of age, from sending, reading, or writing a text message or electronic message from a hand-held electronic wireless communications device while operating a

moving motor vehicle on any highway in this state and specifies that two points will be assessed against a person's driver's license for these violations and one point for any violation where no accident was involved. Currently, an individual 21 years of age or younger is prohibited from these activities with no points assessed against his or her driver's license (Sections 302.302 and 304.820);

(7) Requires a nonresident motorist operating or who allows another person to operate a vehicle within the state to maintain financial responsibility that meets the requirements of his or her state (Section 303.025);

(8) Creates the crime of motorcycle stunt driving when a person operates or is a passenger on a motorcycle on the roadways of the state and performs a dangerous stunt as specified in the substitute. Stunt driving will be a class C misdemeanor for a first offense or a class A misdemeanor if the motorcycle did not have a license plate. A second offense will be a class A misdemeanor or a class D felony if the motorcycle did not have a license plate. A third or subsequent offense will be a class D felony (Section 304.667);

(9) Specifies that a person will be guilty of the crime of endangerment of emergency personnel or emergency responder if, while in an active emergency zone as defined in the substitute, the person commits certain specified acts. Any person who commits this crime will be fined up to \$1,000 and have four points assessed against his or her driver's license in addition to any other penalty authorized by law. If the offense results in the injury or death of an emergency responder or emergency personnel, the person will be guilty of aggravated endangerment of an emergency responder and subject to a fine of up to \$5,000 for an injury and up to \$10,000 for a death with 12 points assessed against the person's driver's license. The substitute also increases the amount of the fine assessed for certain traffic violations if the violation occurred in an active emergency zone (Sections 304.890, 304.892, and 304.894);

(10) Prohibits any county, city, town, village, municipality, state agency, or other political subdivision from using an automated speed enforcement system as specified in the substitute to enforce speeding violations. The system may be used in a school, construction, or work zone. Warning signs must be installed within 500 feet of the system indicating its operation (Section 304.900);

(11) Repeals the provision which requires moneys collected for the State Water Patrol Fund to be deposited into the General Revenue Fund if the state's net general revenue did not increase

by 2% or more during the immediate previous fiscal year (Section 306.185);

(12) Prohibits a person contracting to provide professional accounting and legal services to a fire protection district from receiving compensation after the termination of the contract, except for services actually rendered (Section 321.018);

(13) Specifies that the director of a fire protection district who has been found guilty of or pled guilty to a felony will immediately forfeit the office (Section 321.130);

(14) Specifies that all moneys derived from a central fire and emergency dispatching services tax, including any existing surplus funds, may be used by any city, town, village, county, or fire protection district or a central fire and emergency services board for the purpose of establishing and providing the joint services except in St. Louis County where the funds are used for equipment and services by cities, towns, villages, counties, or fire protection districts which contract with the joint central fire and emergency dispatching services except for salaries, wages, and benefits. Currently, existing surplus funds are not allowed to be used for these purposes. The substitute also specifies that in charter counties no revenue derived from the tax can be used for any purpose other than the stated purposes, unless and until a proposal is submitted to and approved by the voters of the fire protection district to use the revenue for general revenue purposes (Section 321.243);

(15) Reduces the number of signatures required to recall a fire protection district officer from 25% to 20% of the number of voters who voted in the last gubernatorial election in the district (Section 321.711);

(16) Requires contract carriers who are paid to transport railroad employees to equip all vehicles purchased, leased, or otherwise newly placed into service after February 28, 2011, with one or more oscillating amber or white strobe lights mounted to the rear one-third of the roof or integrated into the rear bumper of the vehicle. The light must be used to provide warning to other motorists whenever the vehicle has stopped on or directly adjacent to a roadway for the loading or unloading of passengers or equipment (Section 389.1150);

(17) Specifies that any search and rescue operation medical assistant or tactical operation medical assistant rendering care or treatment, without additional pay, during a search and rescue or tactical operation to the level for which he or she has been trained will not be liable for civil damages for an act or omission other than gross negligence or willful or wanton acts or

omissions (Section 537.037);

(18) Establishes Susie's Law which prohibits any child younger than 18 years of age from riding as a passenger on any machinery or heavy equipment not manufactured for passengers, excluding farm machinery as defined in Section 32.085. Any operator who violates this provision will be subject to a fine of \$100 for the first violation and \$500 for any subsequent violation (Section 578.275);

(19) Adds any record or document regarding internal investigations by law enforcement agencies into the fitness and conduct of a law enforcement officer and any record or document regarding a law enforcement officer's employment status to the list of records that can be closed under the Open Meetings and Records Law, commonly known as the Sunshine Law (Section 610.010);

(20) Adds any record or document regarding a police shooting to the list of records that can be closed if it contains the name of the officer who did the shooting unless the officer has been charged with a crime as a result of the shooting (Section 610.021);

(21) Prohibits any law enforcement agency from disclosing the name of any officer who was the shooter or one of the shooters involved in a police shooting unless the officer has been charged with a crime as a result of the shooting (Sections 610.055 and 610.100);

(22) Requires any employee of the state or any political subdivision to be given a leave of absence with pay, if the employee is a duly authorized representative of an employee organization and affiliated with the Fraternal Order of Police or the International Association of Firefighters, to attend any state or national convention of the organization. The number of representatives who are allowed to attend is specified based on the number of organization members unless negotiated otherwise by the employer and the representatives of the employee association. The leave of absence must be for a period inclusive of the duration of the convention and a reasonable travel time but cannot be for more than three days. Upon request by the employer, a certificate of attendance must be submitted by the attending representative (Section 650.035); and

(23) Adds one active member of the Missouri Deputy Sheriff's Association to the Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART). The taskforce member will serve a two-year term and be appointed by the Governor from a list of five names submitted by the association (Section 650.350).

The substitute contains an emergency clause for the provisions regarding the authorization of the additional sales tax in Kansas City for public safety activities.

FISCAL NOTE: Estimated Cost on General Revenue Fund of More than \$105,467 or More than \$2,605,467 in FY 2011, More than \$75,706 or More than \$2,575,706 in FY 2012, and More than \$77,978 or More than \$2,577,978 in FY 2013. Estimated Effect on Other State Funds of a cost of Unknown to an income of More than \$2,500,000 in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill will save lives because of the many accidents occurring when a driver is distracted while using his or her cell phone to text or email.

Testifying for the bill were Representative Schaaf; Missouri Insurance Coalition; Brent Butler, Farmers Insurance Group; State Farm Insurance Companies; Missouri State Troopers Association; Missouri Municipal League; AT&T, Incorporated and Affiliates; Bill Trimm, Silver Haired Legislature of Missouri; Missouri State Medical Association; Missouri Trucking Association; and Department of Transportation.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that last year there were over 155,000 crashes, almost 41,000 of which were due to driver inattention, with around 1,700 of those being directly attributed to cell phone use while driving. Since the enactment of last year's legislation, the State Highway Patrol has given 13 citations.

Testifying on the bill was State Highway Patrol.