

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 0510, Page 9,
2 Section 137.076, Line 5, by inserting after all of said section and line, the following:

3
4 _____ “[650.325.] 190.411. There is hereby established within the department of public safety the
5 “[Advisory Committee for] 911 Service Oversight Board” which is charged with assisting and advising the
6 state in ensuring the availability, implementation and enhancement of a statewide emergency telephone
7 number common to all jurisdictions through research, planning, training and education. The [committee
8 for] 911 service oversight board shall represent all entities and jurisdictions before appropriate
9 policy-making authorities and the general assembly and shall strive toward the immediate access to
10 emergency services for all citizens of this state.

11 _____ [650.330.] 190.415. 1. The [committee for] 911 service oversight board shall consist of [sixteen]
12 seven members, one of [which] whom shall be [chosen from] the director of the department of public
13 safety or the director's designee, who shall serve as chair of the [committee] board and only vote in the
14 instance of a tie vote among the other members, and the other members shall be selected as follows:

15 (1) [One member chosen to represent an association domiciled in this state whose primary
16 interest relates to counties;

17 (2) One member chosen to represent the Missouri public service commission;

18 (3) One member chosen to represent emergency medical services;

19 [(4)] (2) One member chosen to represent an association with a chapter domiciled in this state
20 whose primary interest relates to a national emergency number;

21 [(5)] (3) One member chosen to represent an association whose primary interest relates to issues
22 pertaining to fire chiefs;

23 [(6)] (4) One member chosen to represent an association with a chapter domiciled in this state
24 whose primary interest relates to issues pertaining to public safety communications officers;

25 [(7)] (5) One member chosen to represent an association whose primary interest relates to issues
26 pertaining to [police chiefs] law enforcement officials; and

27 [(8) One member chosen to represent a league or association domiciled in this state whose
28 primary interest relates to issues pertaining to municipalities;

29 (9) One member chosen to represent an association domiciled in this state whose primary interest
30 relates to issues pertaining to sheriffs;

1 (10) One member chosen to represent 911 service providers in counties of the second, third and
2 fourth classification;

3 (11) One member chosen to represent 911 service providers in counties of the first classification,
4 with and without charter forms of government, and cities not within a county;

5 (12)] (6) One member chosen to represent telecommunications service providers with [at least
6 one hundred thousand] access lines located within Missouri[;

7 (13) One member chosen to represent telecommunications service providers with less than one
8 hundred thousand access lines located within Missouri;

9 (14) One member chosen to represent a professional association of physicians who conduct with
10 emergency care; and

11 (15) One member chosen to represent the general public of Missouri who represents an
12 association whose primary interest relates to education and training, including that of 911, police and fire
13 dispatchers].

14 2. Each of the members of the [committee for] 911 service oversight board shall be appointed by
15 the governor with the advice and consent of the senate for a term of four years[; except that, of those
16 members first appointed, four members shall be appointed to serve for one year, four members shall be
17 appointed to serve for two years, four members shall be appointed to serve for three years and four
18 members shall be appointed to serve for four years]. Members of the [committee] board may serve
19 multiple terms.

20 3. The [committee for] 911 service oversight board shall meet at least quarterly at a place and
21 time specified by the chairperson of the [committee] board and it shall keep and maintain records of such
22 meetings, as well as the other activities of the [committee] board. Members shall not be compensated but
23 shall receive actual and necessary expenses for attending meetings of the [committee] board.

24 4. The [committee for] 911 service oversight board shall:

25 (1) Organize and adopt standards governing the [committee's] board's formal and informal
26 procedures;

27 (2) Provide recommendations for primary answering points and secondary answering points on
28 statewide technical and operational standards for 911 services;

29 (3) Provide recommendations to public agencies concerning model systems to be considered in
30 preparing a 911 service plan;

31 (4) Provide requested mediation services to political subdivisions involved in jurisdictional
32 disputes regarding the provision of 911 services, except that such [committee] board shall not supersede
33 decision-making authority of local political subdivisions in regard to 911 services;

34 (5) Provide assistance to the governor and the general assembly regarding 911 services;

35 (6) Review existing and proposed legislation and make recommendations as to changes that
36 would improve such legislation;

37 (7) Aid and assist in the timely collection and dissemination of information relating to the use of
38 a universal emergency telephone number;

39 (8) Perform other duties as necessary to promote successful development, implementation and

1 operation of 911 systems across the state; and

2 (9) Advise the department of public safety on establishing rules and regulations necessary to
3 administer the provisions of sections [650.320 to 650.340] 190.400 to 190.445.

4 5. The department of public safety shall provide staff assistance to the [committee for] 911
5 service oversight board as necessary in order for the [committee] board to perform its duties pursuant to
6 sections [650.320 to 650.340] 190.400 to 190.445.

7 6. The department of public safety is authorized to adopt those rules that are reasonable and
8 necessary to accomplish the limited duties specifically delegated within section [650.340] 190.445. Any
9 rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has
10 been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are
11 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review,
12 to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
13 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid
14 and void.

15 _____ [650.340.] 190.445. 1. The provisions of this section may be cited and shall be known as the
16 "911 Training and Standards Act".

17 2. Initial training requirements for telecommunicators who answer 911 calls that come to public
18 safety answering points shall be as follows:

- 19 (1) Police telecommunicator. 16 hours;
- 20 (2) Fire telecommunicator. 16 hours;
- 21 (3) Emergency medical services telecommunicator. 16 hours;
- 22 (4) Joint communication center telecommunicator. 40 hours.

23 3. All persons employed as a telecommunicator in this state shall be required to complete ongoing
24 training so long as such person engages in the occupation as a telecommunicator. Such persons shall
25 complete at least twenty-four hours of ongoing training every three years by such persons or organizations
26 as provided in subsection 6 of this section. The reporting period for the ongoing training under this
27 subsection shall run concurrent with the existing continuing education reporting periods for Missouri
28 peace officers pursuant to chapter 590.

29 4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to
30 complete the training requirement as provided in subsection 2 of this section. Any person hired as a
31 telecommunicator after August 28, 1999, shall complete the training requirements as provided in
32 subsection 2 of this section within twelve months of the date such person is employed as a
33 telecommunicator.

34 5. The training requirements as provided in subsection 2 of this section shall be waived for any
35 person who furnishes proof to the [committee] board that such person has completed training in another
36 state which are at least as stringent as the training requirements of subsection 2 of this section.

37 6. The department of public safety shall determine by administrative rule the persons or
38 organizations authorized to conduct the training as required by subsection 2 of this section.

39 7. This section shall not apply to an emergency medical dispatcher or dispatch agency as defined
40 in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a

1 person who provides prearrival medical instructions who works for [an] a dispatch agency which meets
2 the requirements set forth in section 190.134.”; and

3
4 Further amend said bill, Page 10, Section 250.140, Line 34, by inserting after all of said section and line,
5 the following:

6
7 “302.291. 1. The director, having good cause to believe that an operator is incompetent or
8 unqualified to retain his or her license, after giving ten days' notice in writing by certified mail directed to
9 such person's present known address, may require the person to submit to an examination as prescribed by
10 the director. Upon conclusion of the examination, the director may allow the person to retain his or her
11 license, may suspend, deny or revoke the person's license, or may issue the person a license subject to
12 restrictions as provided in section 302.301. If an examination indicates a condition that potentially
13 impairs safe driving, the director, in addition to action with respect to the license, may require the person
14 to submit to further periodic examinations. The refusal or neglect of the person to submit to an
15 examination within thirty days after the date of such notice shall be grounds for suspension, denial or
16 revocation of the person's license by the director, an associate circuit or circuit court. Notice of any
17 suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this
18 section, the term "denial" means the act of not licensing a person who is currently suspended, revoked or
19 otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a
20 previously issued license.

21 2. The examination provided for in subsection 1 of this section may include, but is not limited to,
22 a written test and tests of driving skills, vision, highway sign recognition and, if appropriate, a physical
23 and/or mental examination as provided in section 302.173.

24 3. The director shall have good cause to believe that an operator is incompetent or unqualified to
25 retain such person's license on the basis of, but not limited to, a report by:

26 (1) Any certified peace officer;

27 (2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334;
28 any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to
29 chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337;
30 any optometrist licensed pursuant to chapter 336; any emergency medical technician licensed under
31 chapter 190; or

32 (3) Any member of the operator's family within three degrees of consanguinity, or the operator's
33 spouse, who has reached the age of eighteen, except that no person may report the same family member
34 pursuant to this section more than one time during a twelve-month period. The report must state that the
35 person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be
36 based upon personal observation or physical evidence which shall be described in the report, or the report
37 shall be based upon an investigation by a law enforcement officer. The report shall be a written
38 declaration in the form prescribed by the department of revenue and shall contain the name, address,
39 telephone number, and signature of the person making the report.

40 4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334,

1 any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to chapter 335,
2 any psychologist, social worker or professional counselor licensed pursuant to chapter 337, or any
3 optometrist licensed pursuant to chapter 336, or any emergency medical technician licensed under chapter
4 190 may report to the department any patient diagnosed or assessed as having a disorder or condition that
5 may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or
6 assessment and whether the condition is permanent or temporary. The existence of a physician-patient
7 relationship shall not prevent the making of a report by such medical professionals.

8 5. Any person who makes a report in good faith pursuant to this section shall be immune from
9 any civil liability that otherwise might result from making the report. Notwithstanding the provisions of
10 chapter 610 to the contrary, all reports made and all medical records reviewed and maintained by the
11 department of revenue pursuant to this section shall be kept confidential except upon order of a court of
12 competent jurisdiction or in a review of the director's action pursuant to section 302.311.

13 6. The department of revenue shall keep records and statistics of reports made and actions taken
14 against driver's licenses pursuant to this section.

15 7. The department of revenue shall, in consultation with the medical advisory board established
16 by section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for
17 the examination of drivers pursuant to this section. The guidelines shall be published and adopted as
18 required for rules and regulations pursuant to chapter 536. The department of revenue shall also adopt
19 rules and regulations as necessary to carry out the other provisions of this section. The director of revenue
20 shall provide health care professionals and law enforcement officers with information about the
21 procedures authorized in this section. The guidelines and regulations implementing this section shall be in
22 compliance with the federal Americans with Disabilities Act of 1990.

23 8. Any person who knowingly violates a confidentiality provision of this section or who
24 knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation
25 of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately
26 result.

27 9. Any person who intentionally files a false report pursuant to this section shall be guilty of a
28 class A misdemeanor and shall be liable for damages which proximately result.

29 10. All appeals of license revocations, suspensions, denials and restrictions shall be made as
30 required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation,
31 suspension, denial or restriction.

32 11. Any individual whose condition is temporary in nature as reported pursuant to the provisions
33 of subsection 4 of this section shall have the right to petition the director of the department of revenue for
34 total or partial reinstatement of his or her license. Such request shall be made on a form prescribed by the
35 department of revenue and accompanied by a statement from a health care provider with the same or
36 similar license as the health care provider who made the initial report resulting in the limitation or loss of
37 the driver's license. Such petition shall be decided by the director of the department of revenue within
38 thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10
39 of this section.

40 302.800. 1. For purposes of this section, the following terms mean:

- 1 (1) "Department", the department of revenue;
2 (2) "Director", the director of the department of revenue;
3 (3) "Emergency responder", a municipal, county, or state law enforcement officer or firefighter,
4 or other person who has been trained to provide emergency medical first response services;
5 (4) "Program participant", an individual who has completed a health information card that
6 includes health and emergency contact information, and affixed the decal provided by the department of
7 revenue under this section to the individual's motor vehicle.

8 2. There is hereby established a "Missouri Yellow Dot Program" in the department of revenue.
9 The purpose of the program is to provide emergency responders with critical health and emergency
10 contact information about program participants so emergency responders may aid program participants
11 when those individuals are involved in motor vehicle emergencies or accidents and are unable to
12 communicate.

13 3. The department of revenue shall design Missouri yellow dot program materials, giving
14 consideration to the program materials used by other states in similar programs. Program materials shall
15 include, but shall not be limited to:

16 (1) A yellow decal of a size and design to be determined by the department which shall be affixed
17 to the rear driver's side window of the program participant's vehicle;

18 (2) A health information card which provides space for an individual to attach a recent
19 photograph and indicate the individual's name, emergency contact information, physician's names and
20 contact information, medical conditions, recent surgeries, allergies, medications, and any other
21 information the director deems relevant to emergency responders in the case of emergency;

22 (3) A yellow envelope of a size and design to be determined by the director into which the health
23 information card established under this subsection is to be inserted and placed into the program
24 participant's glove compartment; and

25 (4) A program instruction sheet including an electronic mail address required under subsection 4
26 of this section.

27 4. The department shall establish an electronic mail mechanism through which persons may ask
28 questions about the program and receive assistance in completing the health information card.

29 5. The department shall provide sufficient program materials to other state departments or
30 agencies seeking to distribute or make program materials available to interested persons.

31 6. The director shall notify the state highway patrol regarding the implementation of the Missouri
32 yellow dot program so that all emergency responders are informed about the program.

33 7. The department may charge an individual seeking to participate in the program a nominal fee
34 to cover the administrative cost of the program.

35 8. The department shall make Missouri yellow dot program materials available for pick up by any
36 interested person at any driver's license office and shall provide for an online means through which
37 individuals can request the materials required to participate in the program. Any other state department or
38 agency may make the program materials available for distribution to, or pick up by, any interested person.

39 9. The department shall develop and undertake a public education campaign to inform the public
40 about the program established in this section.

1 10. The director may promulgate all necessary rules and regulations for the administration of this
2 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
3 authority delegated in this section shall become effective only if it complies with and is subject to all of
4 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
5 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review,
6 to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
7 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
8 and void.

9 11. Under section 23.253 of the Missouri sunset act:

10 (1) The provisions of the new program authorized under this section shall automatically sunset
11 six years after the effective date of this section unless reauthorized by an act of the general assembly; and

12 (2) If such program is reauthorized, the program authorized under this section shall automatically
13 sunset twelve years after the effective date of the reauthorization of this section; and

14 (3) This section shall terminate on September first of the calendar year immediately following the
15 calendar year in which the program authorized under this section is sunset.

16 320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the
17 following terms mean:

18 (1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which
19 may amend or supersede this standard for manufacturers, importers and distributors of fireworks;

20 (2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks
21 devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

22 (3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible
23 effects by combustion and includes aerial devices and ground devices, all of which are classified as
24 fireworks, UN0336, [1.4G by regulation of the United States Department of Transportation, as amended
25 from time to time, and which were formerly classified as class C common fireworks by regulation of the
26 United States Department of Transportation] within 49 CFR Part 172;

27 (4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor
28 fireworks display;

29 (5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

30 (6) "Display fireworks", explosive devices designed primarily to produce visible or audible
31 effects by combustion, deflagration or detonation. This term includes devices containing more than two
32 grains (130 mg) of explosive composition intended for public display. These devices are classified as
33 fireworks, UN0333 or UN0334 or UN0335, [1.3G by regulation of the United States Department of
34 Transportation, as amended from time to time, and which were formerly classified as class B display
35 fireworks by regulation of the United States Department of Transportation] within 49 CFR Part 172;

36 (7) "Display site", the immediate area where a fireworks display is conducted, including the
37 discharge site, the fallout area, and the required separation distance from mortars to spectator viewing
38 areas, but not spectator viewing areas or vehicle parking areas;

39 (8) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers,
40 seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in

1 sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner
2 into the state of Missouri;

3 (9) "Fireworks", any composition or device for producing a visible, audible, or both visible and
4 audible effect by combustion, deflagration, or detonation and that meets the definition of consumer,
5 proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of
6 Transportation hazardous materials regulations[, and American Pyrotechnics Association 87-1 standards];

7 (10) "Fireworks season", the period beginning on the twentieth day of June and continuing
8 through the tenth day of July of the same year and the period beginning on the twentieth day of December
9 and continuing through the second day of January of the next year, which shall be the only periods of time
10 that seasonal retailers may be permitted to sell consumer fireworks;

11 (11) "Jobber", any person engaged in the business of making sales of consumer fireworks at
12 wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the
13 state of Missouri during a calendar year from the first day of January through the thirty-first day of
14 December;

15 (12) "Licensed operator", any person who supervises, manages, or directs the discharge of
16 outdoor display fireworks, either by manual or electrical means; who has met additional requirements
17 established by promulgated rule and has successfully completed a display fireworks training course
18 recognized and approved by the state fire marshal;

19 (13) "Manufacturer", any person engaged in the making, manufacture, assembly or construction
20 of fireworks of any kind within the state of Missouri;

21 (14) "NFPA", National Fire Protection Association, an international codes and standards
22 organization;

23 (15) "Permanent structure", buildings and structures with permanent foundations other than tents,
24 mobile homes, and trailers;

25 (16) "Permit", the written authority of the state fire marshal issued pursuant to sections 320.106
26 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

27 (17) "Person", any corporation, association, partnership or individual or group thereof;

28 (18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce
29 visible or audible effects by combustion, deflagration, or detonation, as [defined by the most current
30 edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific
31 requirements for theatrical pyrotechnics] classified within 49 CFR Part 172 as UN0431 or UN0432;

32 (19) "Pyrotechnic operator" or "special effects operator", an individual who has responsibility for
33 pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks
34 and who has met additional requirements established by promulgated rules and has successfully completed
35 a proximate fireworks training course recognized and approved by the state fire marshal;

36 (20) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or
37 offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman,
38 agent, association, copartnership or one or more individuals;

39 (21) "Seasonal retailer", any person within the state of Missouri engaged in the business of
40 making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision

1 (10) of this section;

2 (22) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to
3 any other person engaged in the business of making sales of consumer fireworks at retail within the state
4 of Missouri.

5 320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or
6 ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known
7 as "fireworks" and defined as consumer fireworks in subdivision (3) of section 320.106 other than items
8 now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of
9 Transportation that comply with the construction, chemical composition, labeling and other regulations
10 relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety
11 Commission and permitted for use by the general public pursuant to such commission's regulations.

12 2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store,
13 display, or have in their possession any consumer fireworks that have not been approved as fireworks
14 UNO336, 1.4G by the United States Department of Transportation.

15 3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any
16 other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do
17 not have the numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or
18 attached to the fireworks shipping carton.

19 4. This section does not prohibit a manufacturer, distributor or any other person possessing the
20 proper permits as specified by state and federal law from storing, selling, shipping or otherwise
21 transporting display or proximate fireworks[, defined as fireworks UNO335, 1.3G/UNO431, 1.4G or
22 UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper
23 permits as specified by state and federal law].

24 5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps
25 containing twenty-five hundredths grains or less of explosive compound, provided that they are so
26 constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper
27 caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for
28 sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

29 320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's",
30 and any other tubular salutes or any items described as prohibited chemical components or forbidden
31 devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the [federal]
32 limits set for consumer fireworks [UNO336, 1.4G formerly known as class C common fireworks, display
33 fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States
34 Department of Transportation], display fireworks, or proximate fireworks for explosive composition are
35 expressly prohibited from shipment into, manufacture, possession, sale, or use within the state of Missouri
36 for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be
37 punished as provided by the provisions of section 571.020.

38 320.202. 1. There is hereby established within the department of public safety a "Division of Fire
39 Safety", which shall have as its chief executive officer the fire marshal appointed under section 320.205.
40 The fire marshal and the division shall be responsible for:

- 1 (1) The voluntary training of firefighters, investigators, inspectors, and public or private
2 employees or volunteers in the field of emergency response, rescue, fire prevention or preparedness;
- 3 (2) Establishing and maintaining a statewide reporting system, which shall, as a minimum,
4 include the records required by section 320.235 and a record of all fires occurring in Missouri showing:
- 5 (a) The name of all owners of personal and real property affected by the fire;
6 (b) The name of each occupant of each building in which a fire occurred;
7 (c) The total amount of insurance carried by, the total amount of insurance collected by, and the
8 total amount of loss to each owner of property affected by the fire; and
9 (d) All the facts, statistics and circumstances, including, but not limited to, the origin of the fire,
10 which are or may be determined by any investigation conducted by the division or any local firefighting
11 agency under the laws of this state. All records maintained under this subdivision shall be open to public
12 inspections during all normal business hours of the division;
- 13 (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;
14 (4) Conducting all fire inspections required of any private premises in order for any license
15 relating to such private premises to be issued under any licensing law of this state, except those
16 organizations and institutions licensed pursuant to chapter 197;
17 (5) Establishing and maintaining a voluntary training and certification program based upon
18 nationally recognized standards. A certification testing fee and recertification fee shall be established by
19 promulgated rules and regulations by the state fire marshal under the provisions of section 536.024.
20 Fees collected shall be deposited into the [general revenue] fire education fund established in section
21 320.094.

22 2. The state fire marshal shall exercise and perform all powers and duties necessary to carry out
23 the responsibilities imposed by subsection 1 of this section, including, but not limited to, the power to
24 contract with any person, firm, corporation, state agency, or political subdivision for services necessary to
25 accomplish any of the responsibilities imposed by subsection 1 of this section.

26 3. The state fire marshal shall have the authority to promulgate rules and regulations under the
27 provisions of section 536.024 to carry out the provisions of this section.

28 321.015. 1. No person holding any lucrative office or employment under this state, or any
29 political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district
30 director under this chapter. When any fire protection district director accepts any office or employment
31 under this state or any political subdivision thereof, his office shall thereby be vacated and he shall
32 thereafter perform no duty and receive no salary or expenses as fire protection district director.

33 2. This section shall not apply to:

34 _____ (1) Members of the organized militia, of the reserve corps, public school employees and notaries
35 public; [, or to]

36 _____ (2) Fire protection districts located wholly within counties of the second, third or fourth [class or]
37 classification;

38 (3) Fire protection districts in counties of the first classification with less than eighty-five
39 thousand inhabitants;

40 _____ (4) Fire protection districts located within [first class] counties of the first classification not

1 adjoining any other [first class] county of the first classification; [, nor shall this section apply to]

2 (5) Fire protection districts located within any county of the first or second [class] classification
3 not having more than nine hundred thousand inhabitants which borders any three [first class] counties of
4 the first classification; [nor shall this section apply to]

5 (6) Fire protection districts located within any [first class] county of the first classification
6 [without a charter form of government] which adjoins both a [first class] charter county [with a charter
7 form of government] with at least nine hundred thousand inhabitants, and adjoins at least four other
8 counties;

9 (7) Fire protection districts located within any county of the first classification with more than one
10 hundred fifty thousand but fewer than two hundred thousand inhabitants.

11
12 The term "lucrative office or employment" does not include receiving retirement benefits, compensation
13 for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of
14 service, for service rendered to a fire protection district, the state or any political subdivision thereof.

15 321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least
16 one year before the election or appointment and be over the age of twenty-five years; except as provided
17 in subsections 2 and 3 of this section. The person shall also be a resident of such fire protection district.
18 In the event the person is no longer a resident of the district, the person's office shall be vacated, and the
19 vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall
20 be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a
21 statement under oath that such person possesses the required qualifications.

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

27 3. In any fire protection district located in a county of the third or fourth classification, a person
28 to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the
29 district for more than one year before the election or appointment, except that for the first board of
30 directors in such district, a person need only be a voter of the district for one year before the election or
31 appointment.

32 4. A person desiring to become a candidate for the first board of directors of the proposed district
33 shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election
34 authority a statement under oath that such person possesses all of the qualifications set out in this chapter
35 for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name
36 placed on the ballot as a candidate for director.

37 5. Any director who has been found guilty of or pled guilty to any felony offense shall
38 immediately forfeit his or her office.

39 6. No person shall be qualified to serve as a director, nor shall such person's name appear on the
40 ballot as a candidate for such office, who shall be in arrears for any unpaid or past due county taxes.

1 321.162. 1. In addition to the qualifications prescribed by law, all members of the board of
2 directors of a fire protection district first elected or appointed on or after January 1, 2008, shall attend and
3 complete an educational seminar or conference or other suitable training on the role and duties of a board
4 member of a fire protection district. The training required under this section shall be conducted by an
5 entity approved by the office of the state fire marshal. The office of the state fire marshal shall determine
6 the content of the training to fulfill the requirements of this section. Such training shall include, at a
7 minimum:

- 8 (1) Information relating to the roles and duties of a fire protection district director;
- 9 (2) A review of all state statutes and regulations relevant to fire protection districts;
- 10 (3) State ethics laws;
- 11 (4) State sunshine laws, chapter 610;
- 12 (5) Financial and fiduciary responsibility;
- 13 (6) State laws relating to the setting of tax rates; and
- 14 (7) State laws relating to revenue limitations.

15 2. If any fire protection district board member fails to attend a training session within twelve
16 months after taking office, the board member shall not be compensated for attendance at meetings
17 thereafter until the board member has completed such training session.

18 321.228. 1. As used in this section, the following terms shall mean:

19 (1) "Residential construction", new construction and erection of detached single-family or two-
20 family dwellings or the development of land to be used for detached single-family or two-family
21 dwellings;

22 (2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or regulation
23 adopted, implemented, or enforced by any city, town, village, or county that pertains to residential
24 construction, to any permitting system, or program relating to residential construction, including but not
25 limited to the use or occupancy by the initial occupant thereof, or to any system or program for the
26 inspection of residential construction. Residential construction regulatory system also includes the whole
27 or any part of a nationally recognized model code, with or without amendments specific to such city,
28 town, village, or county.

29 2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or
30 county adopts or has adopted, implements, and enforces a residential construction regulatory system
31 applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly
32 located within such city, town, village, or county shall be without power, authority, or privilege to enforce
33 or implement a residential construction regulatory system purporting to be applicable to any residential
34 construction within such city, town, village, or county. Any such residential construction regulatory
35 system adopted by a fire protection district or its board shall be treated as advisory only and shall not be
36 enforced by such fire protection district or its board.

37 3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:

38 (1) Shall have final regulatory authority regarding the location and specifications of fire hydrants,
39 fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this
40 subdivision shall be construed to require the political subdivision supplying water to incur any costs to

1 modify its water supply infrastructure; and

2 (2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or
3 two-family dwelling; and

4 (3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.

5 321.460. 1. Two or more fire protection districts may consolidate with each other in the manner
6 hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, or
7 are located within the same county, in whole or in part, as to any respective two of the districts which are
8 so consolidating.

9 2. By a majority vote of each board of directors of each fire protection district included within the
10 proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the
11 name of the proposed consolidated district, the legal description of the boundaries of each district to be
12 consolidated, and a legal description of the boundaries of the consolidated district, the amount of
13 outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within
14 each district, and the names of the districts to be consolidated.

15 3. Each board of the districts approving the plan for proposed consolidation shall duly certify and
16 file in the office of the clerk of the circuit court of the county in which the district is located a copy of the
17 plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a
18 petition for consolidation. The petition may be made jointly by all of the districts within the respective
19 plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the
20 petition, against the costs of court.

21 4. The circuit court sitting in and for any county to which the petition is presented is hereby
22 vested with jurisdiction, power and authority to hear the same, and to approve the consolidation and order
23 such districts consolidated, after holding an election, as hereinafter provided.

24 5. If the circuit court finds the plan for consolidation to have been duly approved by the
25 respective boards of directors of the fire protection districts proposed to be consolidated, then the circuit
26 court shall enter its order of record, directing the submission of the question.

27 6. The order shall direct publication of notice of election, and shall fix the date thereof. The
28 order shall direct that the elections shall be held to vote on the proposition of consolidating the districts
29 and to elect three persons, having the qualifications declared in section 321.130 and being among the then
30 directors of the districts proposed to be consolidated, to become directors of the consolidated district.

31 7. The question shall be submitted in substantially the following form:

32 Shall the Fire Protection Districts and the Fire Protection District be consolidated into one
33 fire protection district to be known as the Fire Protection District, with tax levies not in excess of the
34 following amounts: maintenance fund cents per one hundred dollars assessed valuation; ambulance
35 service cents per one hundred dollars assessed valuation; pension fund cents per one hundred
36 dollars assessed valuation; and dispatching fund cents per one hundred dollars assessed valuation?

37 8. If, upon the canvass and declaration, it is found and determined that a majority of the voters of
38 the districts voting on the proposition or propositions have voted in favor of the proposition to incorporate
39 the consolidated district, then the court shall then further, in its order, designate the first board of directors
40 of the consolidated district, who have been elected by the voters voting thereon, the one receiving the third

1 highest number of votes to hold office until the first Tuesday in April which is more than one year after
2 the date of election, the one receiving the second highest number of votes to hold office until two years
3 after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after
4 the first Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the
5 court, in its order, shall also declare the results of the votes thereon. If the court shall find and determine,
6 upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted
7 in favor of the proposition to incorporate the consolidated district, then the court shall enter its order
8 declaring the proceedings void and of no effect, and shall dismiss the same at the cost of petitioners.

9 321.711. 1. A recall petition shall be filed with the election authority not more than one hundred
10 eighty days after the filing of the notice of intention.

11 2. The number of qualified signatures required in order to recall an officer shall be equal in
12 number to at least [twenty-five] twenty percent of the number of voters who voted in the most recent
13 gubernatorial election in that district.

14 3. Within twenty days from the filing of the recall petition the election authority shall determine
15 whether or not the petition was signed by the required number of qualified signatures. The election
16 authority shall file with the petition a certificate showing the results of the examination. The authority
17 shall give the proponents a copy of the certificate upon their request.

18 4. If the election authority certifies the petition to be insufficient, it may be supplemented within
19 ten days of the date of certificate by filing additional petition sections containing all of the information
20 required by section 321.709 and this section. Within ten days after the supplemental copies are filed, the
21 election authority shall file with it a certificate stating whether or not the petition as supplemented is
22 sufficient.

23 5. If the certificate shows that the petition as supplemented is insufficient, no action shall be
24 taken on it; however, the petition shall remain on file.”; and
25

26 Further amend said bill and page, Section 339.098, Line 3, by inserting after all of said section and line,
27 the following:
28

29 “577.029. A licensed physician, registered nurse, or trained in hospital medical technician, acting
30 at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of
31 determining the alcohol content of the blood, unless such medical personnel, in his or her good faith
32 medical judgment, believes such procedure would endanger the life or health of the person in custody.
33 Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking
34 of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of
35 determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel
36 shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices.
37 Upon the request of the person who is tested, full information concerning the test taken at the direction of
38 the law enforcement officer shall be made available to him or her.

39 Section 1. 1. For purposes of this act, the term "anemometer" means an instrument for measuring
40 and recording the speed of the wind, and the term "anemometer tower" means a structure, including all

1 guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting
2 whether a site has wind resources sufficient for the operation of a wind turbine generator.

3 2. Any anemometer tower that is fifty feet in height above the ground or higher, that is located
4 outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by
5 state or federal law shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear
6 air during daylight hours. Any anemometer tower that was erected before the effective date of this act
7 shall be marked as required in this section within one year after the effective date of this act. Any
8 anemometer tower that is erected on or after the effective date of this act shall be marked as required in
9 this section at the time it is erected. Marking required under this section includes marking the
10 anemometer tower, guy wires, and accessory facilities as follows:

11 (1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of
12 aviation orange and white, beginning with orange at the top of the tower and ending with orange at the
13 bottom of the marked portion of the tower;

14 (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

15 (3) The area surrounding each point where a guy wire is anchored to the ground shall have a
16 contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area
17 surrounding the anchor point shall be fenced. For purposes of this section, the term, area surrounding the
18 anchor point, means an area not less than sixty-four square feet whose outer boundary is at least four feet
19 from the anchor point; and

20 (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend
21 from the anchor point along each guy wire attached to the anchor point. A violation of this section is a
22 class C misdemeanor.

23
24 [190.400. As used in sections 190.400 to 190.440, the following words and terms shall
25 mean:

- 26 (1) "911", the primary emergency telephone number within the wireless system;
27 (2) "Board", the wireless service provider enhanced 911 advisory board;
28 (3) "Public safety agency", a functional division of a public agency which provides fire
29 fighting, police, medical or other emergency services. For the purpose of providing
30 wireless service to users of 911 emergency services, as expressly provided in this section,
31 the department of public safety and state highway patrol shall be considered a public
32 safety agency;
33 (4) "Public safety answering point", the location at which 911 calls are initially
34 answered;
35 (5) "Wireless service provider", a provider of commercial mobile service pursuant to
36 Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et
37 seq.)]

38
39 [190.410. 1. There is hereby created in the department of public safety the "Wireless
40 Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

- 41 (1) The director of the department of public safety or the director's designee who shall
42 hold a position of authority in such department of at least a division director;
43 (2) The chairperson of the public service commission or the chairperson's designee;
44 except that such designee shall be a commissioner of the public service commission or

- 1 hold a position of authority in the commission of at least a division director;
- 2 (3) Three representatives and one alternate from the wireless service providers, elected
- 3 by a majority vote of wireless service providers licensed to provide service in this state;
- 4 and
- 5 (4) Three representatives from public safety answering point organizations, elected by the
- 6 members of the state chapter of the associated public safety communications officials and
- 7 the state chapter of the National Emergency Numbering Association.
- 8 2. Immediately after the board is established the initial term of membership for a member
- 9 elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all
- 10 subsequent terms for members so elected shall be two years. The membership term for a
- 11 member elected pursuant to subdivision (4) of subsection 1 of this section shall initially
- 12 and subsequently be two years. Each member shall serve no more than two successive
- 13 terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1
- 14 of this section. Members of the board shall serve without compensation, however, the
- 15 members may receive reimbursement of actual and necessary expenses. Any vacancies on
- 16 the board shall be filled in the manner provided for in this subsection.
- 17 3. The board shall do the following:
- 18 (1) Elect from its membership a chair and other such officers as the board deems
- 19 necessary for the conduct of its business;
- 20 (2) Meet at least one time per year for the purpose of discussing the implementation of
- 21 Federal Communications Commission order 94-102;
- 22 (3) Advise the office of administration regarding implementation of Federal
- 23 Communications Commission order 94-102; and
- 24 (4) Provide any requested mediation service to a political subdivision which is involved
- 25 in a jurisdictional dispute regarding the providing of wireless 911 services. The board
- 26 shall not supersede decision-making authority of any political subdivision in regard to 911
- 27 services.
- 28 4. The director of the department of public safety shall provide and coordinate staff and
- 29 equipment services to the board to facilitate the board's duties.]

30

31 [190.420. 1. There is hereby established in the state treasury a fund to be known as the

32 "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to

33 sections 190.400 to 190.440 by wireless service providers shall be remitted to the director

34 of the department of revenue. The director shall remit such payments to the state

35 treasurer.

36 2. The state treasurer shall deposit such payments into the wireless service provider

37 enhanced 911 service fund. Moneys in the fund shall be used for the purpose of

38 reimbursing expenditures actually incurred in the implementation and operation of the

39 wireless service provider enhanced 911 system.

40 3. Any unexpended balance in the fund shall be exempt from the provisions of section

41 33.080, relating to the transfer of unexpended balances to the general revenue fund, and

42 shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited

43 into the fund.]

44

45 [190.430. 1. The commissioner of the office of administration is authorized to establish a

46 fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per

47 wireless telephone number per month to be collected by wireless service providers from

48 wireless service customers.

49 2. The office of administration shall promulgate rules and regulations to administer the

50 provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is

51 defined in section 536.010, that is promulgated pursuant to the authority delegated in

1 sections 190.400 to 190.440 shall become effective only if it has been promulgated
2 pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to
3 July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall
4 be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2,
5 1998, if it fully complied with the provisions of chapter 536. This section and chapter
6 536 are nonseverable and if any of the powers vested with the general assembly pursuant
7 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
9 proposed or adopted after July 2, 1998, shall be invalid and void.

10 3. The office of administration is authorized to administer the fund and to distribute the
11 moneys in the wireless service provider enhanced 911 service fund for approved
12 expenditures as follows:

13 (1) For the reimbursement of actual expenditures for implementation of wireless
14 enhanced 911 service by wireless service providers in implementing Federal
15 Communications Commission order 94-102; and

16 (2) To subsidize and assist the public safety answering points based on a formula
17 established by the office of administration, which may include, but is not limited to the
18 following:

19 (a) The volume of wireless 911 calls received by each public safety answering point;

20 (b) The population of the public safety answering point jurisdiction;

21 (c) The number of wireless telephones in a public safety answering point jurisdiction by
22 zip code; and

23 (d) Any other criteria found to be valid by the office of administration provided that of
24 the total amount of the funds used to subsidize and assist the public safety answering
25 points, at least ten percent of said funds shall be distributed equally among all said public
26 safety answering points providing said services under said section;

27 (3) For the reimbursement of actual expenditures for equipment for implementation of
28 wireless enhanced 911 service by public safety answering points to the extent that funds
29 are available, provided that ten percent of funds distributed to public safety answering
30 points shall be distributed in equal amounts to each public safety answering point
31 participating in enhanced 911 service;

32 (4) Notwithstanding any other provision of the law, no proprietary information submitted
33 pursuant to this section shall be subject to subpoena or otherwise released to any person
34 other than to the submitting wireless service provider, without the express permission of
35 said wireless service provider. General information collected pursuant to this section
36 shall only be released or published in aggregate amounts which do not identify or allow
37 identification of numbers of subscribers or revenues attributable to an individual wireless
38 service provider.

39 4. Wireless service providers are entitled to retain one percent of the surcharge money
40 they collect for administrative costs associated with billing and collection of the
41 surcharge.

42 5. No more than five percent of the moneys in the fund, subject to appropriation by the
43 general assembly, shall be retained by the office of administration for reimbursement of
44 the costs of overseeing the fund and for the actual and necessary expenses of the board.

45 6. The office of administration shall review the distribution formula once every year and
46 may adjust the amount of the fee within the limits of this section, as determined
47 necessary.

48 7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and
49 services authorized by sections 190.400 to 190.440.

50 8. Notwithstanding any other provision of the law, in no event shall any wireless service
51 provider, its officers, employees, assigns or agents, be liable for any form of civil

1 damages or criminal liability which directly or indirectly result from, or is caused by, an
2 act or omission in the development, design, installation, operation, maintenance,
3 performance or provision of 911 service or other emergency wireless two- and three-digit
4 wireless numbers, unless said acts or omissions constitute gross negligence, recklessness
5 or intentional misconduct. Nor shall any wireless service provider, its officers,
6 employees, assigns, or agents be liable for any form of civil damages or criminal liability
7 which directly or indirectly result from, or is caused by, the release of subscriber
8 information to any governmental entity as required under the provisions of this act unless
9 the release constitutes gross negligence, recklessness or intentional misconduct.]

10 [190.440. 1. The office of administration shall not be authorized to establish a fee
11 pursuant to the authority granted in section 190.430 unless a ballot measure is submitted
12 and approved by the voters of this state. The ballot measure shall be submitted by the
13 secretary of state for approval or rejection at the general election held and conducted on
14 the Tuesday immediately following the first Monday in November, 1998, or at a special
15 election to be called by the governor on the ballot measure. If the measure is rejected at
16 such general or special election, the measure may be resubmitted at each subsequent
17 general election, or may be resubmitted at any subsequent special election called by the
18 governor on the ballot measure, until such measure is approved.

19 2. The ballot of the submission shall contain, but is not limited to, the following
20 language:

21 Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty
22 cents per month to be charged every wireless telephone number for the purpose of funding
23 wireless enhanced 911 service?

24 YES

25 NO

26
27 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are
28 opposed to the question, place an "X" in the box opposite "No".

29 3. If a majority of the votes cast on the ballot measure by the qualified voters voting
30 thereon are in favor of such measure, then the office of administration shall be authorized
31 to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1,
32 1999, or the first day of the month occurring at least thirty days after the approval of the
33 ballot measure. If a majority of the votes cast on the ballot measure by the qualified
34 voters voting thereon are opposed to the measure, then the office of administration shall
35 have no power to establish the fee unless and until the measure is approved.]

36
37 [650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

38 (1) "Committee", the advisory committee for 911 service oversight established in section
39 650.325;

40 (2) "Public safety answering point", the location at which 911 calls are initially
41 answered;

42 (3) "Telecommunicator", any person employed as an emergency telephone worker, call
43 taker or public safety dispatcher whose duties include receiving, processing or
44 transmitting public safety information received through a 911 public safety answering
45 point.]

46 Section B. Because immediate action is necessary to ensure compliance with federal regulations
47 prior to the sale of fireworks for the Independence Day holiday, sections 320.106, 320.131, and 320.136
48 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare,
49 peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution,
50 and sections 320.106, 320.131, and 320.136 of section A this act shall be in full force and effect upon its

1 passage and approval.”; and

2

3 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.