

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 103

95TH GENERAL ASSEMBLY

0356S.06T

2009

AN ACT

To repeal sections 44.090, 174.700, 190.092, 306.903, and 701.355, RSMo, and to enact in lieu thereof six new sections relating to public safety, with an expiration date for a certain section.

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

Section A. Sections 44.090, 174.700, 190.092, 306.903, and 701.355, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 44.090, 67.281,
3 174.700, 190.092, 306.903, and 701.355, to read as follows:

44.090. 1. The executive officer of any political subdivision **or public safety agency**
2 may enter into mutual-aid arrangements or agreements with other public and private agencies
3 within and without the state for reciprocal emergency aid. Such arrangements or agreements
4 shall be consistent with the state disaster plan and program and the provisions of section 70.837,
5 RSMo, and section 320.090, RSMo. In time of emergency it shall be the duty of each local
6 organization for emergency management to render assistance in accordance with the provisions
7 of such mutual-aid arrangements or agreements.

8 2. Any contracts that are agreed upon may provide for compensation from the parties and
9 other terms that are agreeable to the parties and may be for an indefinite period as long as they
10 include a sixty-day cancellation notice provision by either party. The contracts agreed upon may
11 not be entered into for the purpose of reduction of staffing by either party.

12 3. At the time of significant emergency such as fire, earthquake, flood, tornado,
13 hazardous material incident, terrorist incident, or other such manmade or natural emergency

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.

14 disaster **or public safety need** anywhere within the state or bordering states, the highest ranking
15 official of [a] **any** political subdivision [available] **or public safety agency or their designee**
16 may render aid to **or request aid from** any [requesting political] jurisdiction, **agency, or**
17 **organization** even without written agreement, as long as he or she is in accordance with the
18 policies and procedures set forth by the governing [board] **boards** of [that jurisdiction] **those**
19 **jurisdictions, agencies, or organizations. A public safety need, as used in this section, shall**
20 **include any event or incident necessitating mutual-aid assistance from another public**
21 **safety agency.**

22 4. When responding to mutual aid or emergency aid requests, political subdivisions **or**
23 **public safety agencies** shall be subject to all provisions of law as if it were providing service
24 within its own jurisdiction.

25 5. All political subdivisions **and public safety agencies** within the state are, upon
26 enactment of this legislation or execution of an agreement, automatically a part of the Missouri
27 statewide mutual aid system. A political subdivision within the state may elect not to participate
28 in the statewide mutual aid system upon enacting an appropriate resolution by its governing body
29 declaring that it elects not to participate in the statewide mutual aid system and by providing a
30 copy of the resolution to the [state fire marshal and state emergency management agency]
31 **director of the department of public safety or his or her designee.**

32 6. [Emergency response] **The Missouri mutual aid system shall be administered by**
33 **the department of public safety, which may authorize any organization to assist in the**
34 **administration of the mutual aid system. The department of public safety may promulgate**
35 **rules for this section. Any rule or portion of a rule, as that term is defined in section**
36 **536.010, RSMo, that is created under the authority delegated in this section shall become**
37 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
38 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
39 **nonseverable and if any of the powers vested with the general assembly under chapter 536,**
40 **RSMo, to review, to delay the effective date, or to disapprove and annul a rule are**
41 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
42 **proposed or adopted after August 28, 2009, shall be invalid and void.**

43 7. **For the purpose of this section, public safety agencies** shall include, but shall not
44 be limited to, fire service organizations, law enforcement agencies, emergency medical service
45 organizations, public health and medical personnel, emergency management officials,
46 infrastructure departments, public works agencies, and those other agencies, organizations, [and]
47 departments, **and specialized emergency response teams** that have personnel with special skills
48 or training that are needed to provide services during an emergency, **public safety need,** or
49 disaster, **declared or undeclared.**

50 [7.] **8.** It shall be the responsibility of each political subdivision **and public safety**
51 **agency** to adopt and put into practice the National Incident Management System promulgated
52 by the United States Department of Homeland Security.

53 [8.] **9.** In the event of a disaster **or other public safety need** that is beyond the capability
54 of local political subdivisions, the local governing authority **or public safety agency having**
55 **jurisdiction** may request assistance under this section.

56 [9.] **10.** Any entity or individual that holds a license, certificate, or other permit issued
57 by a participating political subdivision, **public safety agency**, or state shall be deemed licensed,
58 certified, or permitted in the requesting political subdivision **or public safety agency's**
59 **jurisdiction** for the duration of the [declared] emergency or authorized drill.

60 [10.] **11.** Reimbursement for services rendered under this section shall be in accordance
61 with **any local**, state and federal guidelines. Any political subdivision **or public safety agency**
62 providing assistance shall receive appropriate reimbursement according to those guidelines.

63 [11.] **12.** Applicable benefits normally available to personnel while performing duties
64 for their jurisdiction are also available to such persons when an injury or death occurs when
65 rendering assistance to another political subdivision **or public safety agency** under this section.
66 Responders shall be eligible for the same state and federal benefits that may be available to them
67 for line-of-duty deaths **or injuries**, if such services are otherwise provided for within their
68 jurisdiction.

69 [12. All activities performed under this section are deemed to be governmental
70 functions.] **13.** For the purposes of liability, all [participating] **members of any** political
71 [subdivisions] **subdivision or public safety agency** responding under operational control of the
72 requesting political subdivision **or a public safety agency** are deemed employees of such
73 [participating] **responding** political subdivision **or public safety agency and are subject to**
74 **the liability and workers' compensation provisions provided to them as employees of their**
75 **respective political subdivision or public safety agency.**

67.281. A builder of single family dwellings or residences or multi-unit dwellings
2 **of four or fewer units shall offer to any purchaser on or before the time of entering into the**
3 **purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in**
4 **the dwelling, residence, or unit. Notwithstanding any other provision of law to the**
5 **contrary, no purchaser of such a single family dwelling, residence, or multi-unit dwelling**
6 **shall be denied the right to choose or decline to install a fire sprinkler system in such**
7 **dwelling or residence being purchased by any code, ordinance, rule, regulation, order, or**
8 **resolution by any county or other political subdivision. Any county or other political**
9 **subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution**
10 **the mandatory option for purchasers to have the right to choose and the requirement that**

11 **builders offer to purchasers the option to purchase fire sprinklers in connection with the**
12 **purchase of any single family dwelling, residence, or multi-unit dwelling of four or fewer**
13 **units. The provisions of this section shall expire on December 31, 2011.**

174.700. The board of regents or board of governors of any state college or university
2 may appoint and employ as many college or university police officers as it may deem necessary
3 to protect persons, property, and to preserve peace and good order only in the public buildings,
4 properties, grounds, and other facilities and locations over which it has charge or control **and to**
5 **respond to emergencies or natural disasters outside of the boundaries of university**
6 **property and provide services if requested by the law enforcement agency with**
7 **jurisdiction.**

190.092. 1. **This section shall be known and may be cited as the "Public Access to**
2 **Automated External Defibrillator Act".**

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

4 (1) Expected defibrillator users receive training by the American Red Cross or American
5 Heart Association in cardiopulmonary resuscitation and the use of automated external
6 defibrillators, or an equivalent nationally recognized course in defibrillator use and
7 cardiopulmonary resuscitation;

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

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

13 (4) Any person or entity that owns an automated external defibrillator that is for use
14 outside of a health care facility shall have a physician review and approve the clinical protocol
15 for the use of the defibrillator, review and advise regarding the training and skill maintenance
16 of the intended users of the defibrillator and assure proper review of all situations when the
17 defibrillator is used to render emergency care.

18 [2.] **3.** Any person or entity who acquires an automated external defibrillator shall notify
19 the emergency communications district or the ambulance dispatch center of the primary provider
20 of emergency medical services where the automated external defibrillator is to be located.

21 [3.] **4.** Any person who [has had appropriate training, including a course in
22 cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated
23 external defibrillator, and who] gratuitously and in good faith renders emergency care [when
24 medically appropriate] by use of or provision of an automated external defibrillator[, without
25 objection of the injured victim or victims thereof,] shall not be held liable for any civil damages
26 as a result of such care or treatment, [where the person acts as an ordinarily reasonable, prudent

27 person would have acted under the same or similar circumstances] **unless the person acts in a**
28 **willful and wanton or reckless manner in providing the care, advice, or assistance.** The
29 person or entity who provides appropriate training to the person using an automated external
30 defibrillator, the person or entity responsible for the site where the automated external
31 defibrillator is located, **the person or entity that owns the automated external defibrillator,**
32 **the person or entity that provided clinical protocol for automated external defibrillator**
33 **sites or programs,** and the licensed physician who reviews and approves the clinical protocol
34 shall likewise not be held liable for civil damages resulting from the use of an automated external
35 defibrillator[, provided that all other requirements of this section have been met]. Nothing in this
36 section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

37 [4.] **5.** The provisions of this section shall apply in all counties within the state and any
38 city not within a county.

306.903. 1. Any person who abandons a boat dock and permits it to float freely without
2 being moored upon lakes having at least nine hundred fifty miles of aggregate shoreline is guilty
3 of an infraction, the penalty for which shall be a fine of not less than twenty-five dollars or more
4 than one hundred dollars.

5 2. Any person who abandons a boat dock shall be responsible for the retrieval and
6 disposal of such boat dock. Any person who violates subsection 1 of this section and who does
7 not properly retrieve and dispose of such abandoned boat dock shall, upon a plea of guilty or a
8 finding of guilt for such an offense, be ordered to reimburse the appropriate law enforcement
9 agency, including the state water patrol, for the costs associated with the retrieval and disposal
10 of the abandoned boat dock. The law enforcement agency may establish a schedule of such
11 costs. However, the court may reduce the costs if it determines that the costs are excessive.

12 3. The state water patrol may accept gifts, grants, in-kind services and appropriations,
13 and may enter into contracts with private or public entities for the enforcement and
14 administration of this section.

15 4. Beginning January 1, [1996] **2010**, any person owning a boat dock on lakes having
16 at least nine hundred fifty miles of shoreline **and lakes constructed or maintained by the**
17 **United States Army Corps of Engineers except bodies of water owned by a person,**
18 **corporation, association, partnership, municipality or other political subdivision, public**
19 **water supply impoundments, and except drainage ditches construction by a drainage**
20 **district, but not to include any body of water which has been leased to or owned by the**
21 **state department of conservation** shall display identifying information on the dock, including
22 but not limited to, a permit number issued to the owner by an entity having authority to issue
23 such identification or permit number **and the appropriate "911" address or in the absence**
24 **of a "911" system, the physical address nearest to the dock by land.** Any person owning a

25 boat dock on lakes having at least nine hundred fifty miles of aggregate shoreline who violates
26 this subsection may be guilty of an infraction, the penalty for which shall not exceed twenty-five
27 dollars.

701.355. The board shall have the following powers:

- 2 (1) To consult with engineering authorities and organizations who are studying and
3 developing elevator safety codes;
- 4 (2) To adopt a code of rules and regulations governing **licenses of elevator mechanics**
5 **and elevator contractors**, construction, maintenance, testing, and inspection of both new and
6 existing installations. The board shall have the power to adopt a safety code only for those types
7 of equipment defined in the rule. In promulgating the elevator safety code the board may
8 consider any existing or future American National Standards Institute safety code affecting
9 elevators as defined in sections 701.350 to 701.380, or any other nationally acceptable standard;
- 10 (3) To certify state, municipal inspectors and political subdivision inspectors, and special
11 inspectors, who shall enforce the provisions of a safety code adopted pursuant to sections
12 701.350 to 701.380;
- 13 (4) To appoint a chief safety inspector together with a staff for the purpose of ensuring
14 compliance with any safety code established pursuant to sections 701.350 to 701.380.

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