

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 103

AN ACT

To repeal sections 44.090, 174.700, 190.092, and 701.355, RSMo, and to enact in lieu thereof five 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:

1 Section A. Sections 44.090, 174.700, 190.092, and 701.355,
2 RSMo, are repealed and five new sections enacted in lieu thereof,
3 to be known as sections 44.090, 67.281, 174.700, 190.092, and
4 701.355, to read as follows:

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

15 2. Any contracts that are agreed upon may provide for
16 compensation from the parties and other terms that are agreeable

1 to the parties and may be for an indefinite period as long as
2 they include a sixty-day cancellation notice provision by either
3 party. The contracts agreed upon may not be entered into for the
4 purpose of reduction of staffing by either party.

5 3. At the time of significant emergency such as fire,
6 earthquake, flood, tornado, hazardous material incident,
7 terrorist incident, or other such manmade or natural emergency
8 disaster or public safety need anywhere within the state or
9 bordering states, the highest ranking official of [a] any
10 political subdivision [available] or public safety agency or
11 their designee may render aid to or request aid from any
12 [requesting political] jurisdiction, agency, or organization even
13 without written agreement, as long as he or she is in accordance
14 with the policies and procedures set forth by the governing
15 [board] boards of [that jurisdiction] those jurisdictions,
16 agencies, or organizations. A public safety need, as used in
17 this section, shall include any event or incident necessitating
18 mutual-aid assistance from another public safety agency.

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

23 5. All political subdivisions and public safety agencies
24 within the state are, upon enactment of this legislation or
25 execution of an agreement, automatically a part of the Missouri
26 statewide mutual aid system. A political subdivision within the
27 state may elect not to participate in the statewide mutual aid
28 system upon enacting an appropriate resolution by its governing

1 body declaring that it elects not to participate in the statewide
2 mutual aid system and by providing a copy of the resolution to
3 the [state fire marshal and state emergency management agency]
4 director of the department of public safety or his or her
5 designee.

6 6. [Emergency response] The Missouri mutual aid system
7 shall be administered by the department of public safety, which
8 may authorize any organization to assist in the administration of
9 the mutual aid system. The department of public safety may
10 promulgate rules for this section. Any rule or portion of a
11 rule, as that term is defined in section 536.010, RSMo, that is
12 created under the authority delegated in this section shall
13 become effective only if it complies with and is subject to all
14 of the provisions of chapter 536, RSMo, and, if applicable,
15 section 536.028, RSMo. This section and chapter 536, RSMo, are
16 nonseverable and if any of the powers vested with the general
17 assembly under chapter 536, RSMo, to review, to delay the
18 effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2009,
21 shall be invalid and void.

22 7. For the purpose of this section, public safety agencies
23 shall include, but shall not be limited to, fire service
24 organizations, law enforcement agencies, emergency medical
25 service organizations, public health and medical personnel,
26 emergency management officials, infrastructure departments,
27 public works agencies, and those other agencies, organizations,
28 [and] departments, and specialized emergency response teams that

1 have personnel with special skills or training that are needed to
2 provide services during an emergency, public safety need, or
3 disaster, declared or undeclared.

4 [7.] 8. It shall be the responsibility of each political
5 subdivision and public safety agency to adopt and put into
6 practice the National Incident Management System promulgated by
7 the United States Department of Homeland Security.

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

13 [9.] 10. Any entity or individual that holds a license,
14 certificate, or other permit issued by a participating political
15 subdivision, public safety agency, or state shall be deemed
16 licensed, certified, or permitted in the requesting political
17 subdivision or public safety agency's jurisdiction for the
18 duration of the [declared] emergency or authorized drill.

19 [10.] 11. Reimbursement for services rendered under this
20 section shall be in accordance with any local, state and federal
21 guidelines. Any political subdivision or public safety agency
22 providing assistance shall receive appropriate reimbursement
23 according to those guidelines.

24 [11.] 12. Applicable benefits normally available to
25 personnel while performing duties for their jurisdiction are also
26 available to such persons when an injury or death occurs when
27 rendering assistance to another political subdivision or public
28 safety agency under this section. Responders shall be eligible

1 for the same state and federal benefits that may be available to
2 them for line-of-duty deaths or injuries, if such services are
3 otherwise provided for within their jurisdiction.

4 [12. All activities performed under this section are deemed
5 to be governmental functions.] 13. For the purposes of
6 liability, all [participating] members of any political
7 [subdivisions] subdivision or public safety agency responding
8 under operational control of the requesting political subdivision
9 or a public safety agency are deemed employees of such
10 [participating] responding political subdivision or public safety
11 agency and are subject to the liability and workers' compensation
12 provisions provided to them as employees of their respective
13 political subdivision or public safety agency.

14 67.281. A builder of single family dwellings or residences
15 or multi-unit dwellings of four or fewer units shall offer to any
16 purchaser on or before the time of entering into the purchase
17 contract the option, at the purchaser's cost, to install or equip
18 fire sprinklers in the dwelling, residence, or unit.

19 Notwithstanding any other provision of law to the contrary, no
20 purchaser of such a single family dwelling, residence, or multi-
21 unit dwelling shall be denied the right to choose or decline to
22 install a fire sprinkler system in such dwelling or residence
23 being purchased by any code, ordinance, rule, regulation, order,
24 or resolution by any county or other political subdivision. Any
25 county or other political subdivision shall provide in any such
26 code, ordinance, rule, regulation, order, or resolution the
27 mandatory option for purchasers to have the right to choose and
28 the requirement that builders offer to purchasers the option to

1 purchase fire sprinklers in connection with the purchase of any
2 single family dwelling, residence, or multi-unit dwelling of four
3 or fewer units. The provisions of this section shall expire on
4 December 31, 2011.

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

14 190.092. 1. This section shall be known and may be cited
15 as the "Public Access to Automated External Defibrillator Act".

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

18 (1) Expected defibrillator users receive training by the
19 American Red Cross or American Heart Association in
20 cardiopulmonary resuscitation and the use of automated external
21 defibrillators, or an equivalent nationally recognized course in
22 defibrillator use and cardiopulmonary resuscitation;

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

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

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

8 [2.] 3. Any person or entity who acquires an automated
9 external defibrillator shall notify the emergency communications
10 district or the ambulance dispatch center of the primary provider
11 of emergency medical services where the automated external
12 defibrillator is to be located.

13 [3.] 4. Any person who [has had appropriate training,
14 including a course in cardiopulmonary resuscitation, has
15 demonstrated a proficiency in the use of an automated external
16 defibrillator, and who] gratuitously and in good faith renders
17 emergency care [when medically appropriate] by use of or
18 provision of an automated external defibrillator[, without
19 objection of the injured victim or victims thereof,] shall not be
20 held liable for any civil damages as a result of such care or
21 treatment, [where the person acts as an ordinarily reasonable,
22 prudent person would have acted under the same or similar
23 circumstances] unless the person acts in a willful and wanton or
24 reckless manner in providing the care, advice, or assistance.
25 The person or entity who provides appropriate training to the
26 person using an automated external defibrillator, the person or
27 entity responsible for the site where the automated external
28 defibrillator is located, the person or entity that owns the

1 automated external defibrillator, the person or entity that
2 provided clinical protocol for automated external defibrillator
3 sites or programs, and the licensed physician who reviews and
4 approves the clinical protocol shall likewise not be held liable
5 for civil damages resulting from the use of an automated external
6 defibrillator[, provided that all other requirements of this
7 section have been met]. Nothing in this section shall affect any
8 claims brought pursuant to chapter 537 or 538, RSMo.

9 [4.] 5. The provisions of this section shall apply in all
10 counties within the state and any city not within a county.

11 701.355. The board shall have the following powers:

12 (1) To consult with engineering authorities and
13 organizations who are studying and developing elevator safety
14 codes;

15 (2) To adopt a code of rules and regulations governing
16 licenses of elevator mechanics and elevator contractors,
17 construction, maintenance, testing, and inspection of both new
18 and existing installations. The board shall have the power to
19 adopt a safety code only for those types of equipment defined in
20 the rule. In promulgating the elevator safety code the board may
21 consider any existing or future American National Standards
22 Institute safety code affecting elevators as defined in sections
23 701.350 to 701.380, or any other nationally acceptable standard;

24 (3) To certify state, municipal inspectors and political
25 subdivision inspectors, and special inspectors, who shall enforce
26 the provisions of a safety code adopted pursuant to sections
27 701.350 to 701.380;

28 (4) To appoint a chief safety inspector together with a

1 staff for the purpose of ensuring compliance with any safety code
2 established pursuant to sections 701.350 to 701.380.