

SECOND REGULAR SESSION

HOUSE BILL NO. 2159

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor) AND PRATT (Co-sponsor).

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4409L.011

AN ACT

To repeal sections 320.300, 320.302, 320.305, 320.307, 320.310, and 320.320, RSMo, and to enact in lieu thereof six new sections relating to Missouri civil defense fire rescue squads, with penalty provisions.

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

Section A. Sections 320.300, 320.302, 320.305, 320.307, 320.310, and 320.320, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 320.300, 320.302, 320.305, 320.307, 320.310, and 320.320, to read as follows:

320.300. [As used in sections 320.300 to 320.310, the phrase "volunteer fire protection association" means any fire department which is staffed by volunteers and organized for the purpose of combating fires in a specified area. The provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection associations either partially or wholly funded by membership or subscriber fees and shall not apply to fire protection districts supported by local tax revenues, or which have contracted with a political subdivision to respond to fires within the area of an association's boundaries.] **As used in sections 320.300 to 320.320, the phrase "Missouri civil defense fire rescue squad" means a public safety and civil defense instrumentality of this state organized and operated as a fire department that is staffed in part, by paid personnel and which is also staffed in part by volunteers, for the dual purposes of providing its members and subscribers with fire rescue services and also for the purpose of providing the general public with public safety services as a standing ready-reserve fire rescue squad and civil defense emergency, catastrophe, and disaster response**

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 organization of this state. The duties of these public safety assets shall include, but are not
15 limited to, making a response to forest fires, open fires, crop fires, brush fires, and other
16 public emergencies, catastrophes, and disasters, including fires occurring among boats and
17 watercraft operating on the rivers, streams, lakes, and waterways of this state. Such fire
18 departments may be organized for the purpose of combating fires in a specified area, and
19 for other public safety and civil defense purposes, as shall be authorized by statute or by
20 proclamation of the governor in times of emergency. Subsequent to the adoption of this
21 section, a Missouri civil defense fire rescue squad may be organized exclusively in
22 conformity with the provisions of this chapter. Notwithstanding the term "volunteer" as
23 used in this section, it shall be lawful for a Missouri civil defense fire rescue squad to pay
24 reasonable salaries for its trustees, command, supervisory, and training personnel. The
25 provisions of sections 320.300 to 320.320, shall apply only to Missouri civil defense fire
26 rescue squads either partially or wholly funded by membership dues, subscriber fees, fire
27 department user fees, or by its philanthropic patrons and shall not apply to fire protection
28 districts supported by local tax revenues, or which have contracted with a political
29 subdivision to respond to fires within the emergency response area of a Missouri civil
30 defense fire rescue squad.

320.302. 1. [Volunteer fire protection associations] **Missouri civil defense fire rescue**
2 **squads** may respond to any emergency within its area regardless of whether the property owner
3 or individual is a member of or subscriber to the [association] **squad**.

4 2. In responding to emergencies of nonmembers or nonsubscribers of the [association]
5 **squad**, the [association] **squad** and its firefighters shall be subject to the same liabilities for
6 claims for death or injury to persons or property as those subjected to when responding to
7 emergencies of members or subscribers.

8 3. In responding to emergencies of nonmembers or nonsubscribers, the [volunteer fire
9 protection association] **Missouri civil defense fire rescue squad** may charge up to the following
10 fees:

11 (1) One hundred dollars for responding to an emergency;

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

14 (3) An amount equal to one year's subscription or membership fees. No property owner
15 or individual shall be liable for fees or charges under this subsection if said property owner or
16 individual notifies the [volunteer fire protection association] **Missouri civil defense fire rescue**
17 **squad** in writing, prior to the occurrence of an emergency, not to respond to an emergency on
18 or involving his property.

19 4. Upon payment of the charges and fees set forth in subsection 3 of this section, the
20 property owner or individual shall be deemed to be a member or subscriber in good standing
21 until membership or subscriber payments are again due as prescribed by [association] **squad**
22 rules and regulations.

 320.305. 1. When making a claim for a loss to property, each owner of an insured
2 property, who is not a member or subscriber of [an association] **a squad** but who received
3 services from a [volunteer fire protection association] **Missouri civil defense fire rescue squad**,
4 shall notify his **or her** property or casualty insurance company of the name, address and billing
5 statement from the [volunteer fire protection association] **Missouri civil defense fire rescue**
6 **squad** which responded to a call for emergency assistance at such property.

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

9 3. In paying a claim to an insured who received the services of a [volunteer fire
10 protection association] **Missouri civil defense fire rescue squad** any property or casualty
11 insurance company shall make checks payable to the order of both the insured and the [volunteer
12 fire protection association] **Missouri civil defense fire rescue squad**, and the property owner
13 or individual shall make full payment to the [association] **squad** within thirty days after receipt
14 of a loss settlement check from an insurance carrier.

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

 320.307. If payment is not made pursuant to section 320.305, a [volunteer fire protection
2 association] **Missouri civil defense fire rescue squad** shall have a cause of action against the
3 property owner or individual for full payment and for additional damages not to exceed ten
4 thousand dollars.

 320.310. All [volunteer fire protection associations] **Missouri civil defense fire rescue**
2 **squads** may identify the association's boundaries and file the same with the county
3 administrative body.

 320.320. 1. A volunteer firefighter serving a rural, volunteer [or], subscription fire
2 department or organization, **or Missouri civil defense fire rescue squad** is serving the state of
3 Missouri in an official capacity as a fire protection volunteer and is hereby declared to be a
4 public safety officer of the state of Missouri serving without wages, salary or certain other
5 employee-type fringe benefits described in subsection 3 of this section.

6 2. The designation of a volunteer firefighter as a public safety officer of the state of
7 Missouri in subsection 1 of this section does not entitle a volunteer firefighter to any rights,
8 privileges or benefits provided to an employee or official of the state of Missouri, including

9 retirement benefits and participation in the state legal defense fund, except as provided in
10 subsection 3 of this section.

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

✓