

FIRST REGULAR SESSION

HOUSE BILL NO. 300

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRUNS.

Read 1st time January 9, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1227L.01I

AN ACT

To repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

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

Section A. Sections 320.200, 320.271, 320.300, and 320.310, RSMo, are repealed and
2 eight new sections enacted in lieu thereof, to be known as sections 320.200, 320.271, 320.300,
3 320.310, 320.330, 320.333, 320.336, and 320.339, to read as follows:

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the context requires
2 otherwise, the following terms mean:

3 (1) "Division", the division of fire safety created in section 320.202;

4 (2) "Dwelling unit", one or more rooms arranged for the use of one or more individuals
5 living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping
6 facilities;

7 (3) **"Fire department", an agency or organization that provides fire suppression**
8 **and related activities, including but not limited to, fire prevention, rescue, emergency**
9 **medical services, hazardous material response, or special operation to a population within**
10 **a fixed and legally recorded geographical area. The term "fire department" shall include**
11 **any municipal fire department or any fire protection district as defined in section 321.010,**
12 **or voluntary fire protection association as defined in section 320.300, engaging in this type**
13 **of activity;**

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 (4) "Fire loss", loss of or damage to property, or the loss of life or of personal injury, by
15 fire, lightning, or explosion;

16 [(4)] (5) "Investigator", the supervising investigators and investigators appointed under
17 sections 320.200 to 320.270;

18 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any property;

19 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for residential
20 purposes and having not more than two dwelling units;

21 [(7)] (8) "Property", property of all types, both real and personal, movable and
22 immovable;

23 [(8)] (9) "State fire marshal", the state fire marshal selected under the provisions of
24 sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer fire protection
2 associations as defined in section 320.300 shall **complete and** file with the state fire marshal
3 within sixty days after [August 13, 1988] **January 1, 2008**, and annually thereafter, [the name
4 and address of the fire protection district, fire department, or volunteer fire protection
5 association] **a fire department registration form provided by the state fire marshal. The**
6 **state fire marshal may issue a fire department identification number to each registered fire**
7 **protection district, fire department, or volunteer fire protection association based upon**
8 **such registration. The state fire marshal may conduct periodic reviews of the information**
9 **provided on each fire department registration form.**

320.300. As used in sections 320.300 to 320.310, the phrase "volunteer fire protection
2 association" means any fire department, including a municipal fire department, which is staffed
3 by volunteers and organized for the purpose of combating fires in a specified area. The
4 provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection
5 associations **that provide fire suppression and related activities, including but not limited**
6 **to, fire prevention, rescue, emergency medical services, hazardous material response, or**
7 **special operation to a population within a fixed and legally recorded geographical area,**
8 either partially or wholly funded by membership or subscriber fees and shall not apply to fire
9 protection districts supported by local tax revenues, or which have contracted with a political
10 subdivision to respond to fires within the area of an association's boundaries.

320.310. All volunteer fire protection associations [may] **shall** identify the association's
2 boundaries and file the same with the county administrative body. **Such boundaries shall not**
3 **encroach upon nor include any portion of another fire department's, as that term is**
4 **defined in section 320.200, legally established boundaries.**

320.330. Sections 320.330 to 320.339 shall be known and may be cited as the
2 **"Volunteer Firefighter Job Protection Act".**

320.333. 1. As used in sections 320.330 to 320.339, the phrase "volunteer firefighter" means any firefighter in the service of any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or volunteer fire protection association, who receives no monetary compensation for the firefighter's services.

2. The term "monetary compensation" includes any economic return for services and shall not include:

(1) Life insurance, sickness, health, disability, annuity, length of service, retirement, pension, and other employee-type fringe benefits;

(2) De minimus compensation to pay for fuel, minor costs related to transportation, and other minor operation costs.

320.336. 1. No public or private employer may terminate an employee for joining any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or a volunteer fire protection association, as a volunteer firefighter.

2. No public or private employer may terminate an employee who is a volunteer firefighter because the employee, when acting as a volunteer firefighter, is absent from or late to the employee's employment in order to respond to an emergency prior to the time the employee is to report to the employee's place of employment.

3. An employer may charge against the employee's regular pay any time that an employee who is a volunteer firefighter loses from employment because of the employee's response to an emergency in the course of performing the employee's duties as a volunteer firefighter.

4. In the case of an employee who is a volunteer firefighter and who loses time from the employee's employment in order to respond to an emergency in the course of performing duties as a volunteer firefighter, the employer has the right to request the employee to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency and stating the time and date of the emergency.

5. An employee who is a volunteer firefighter and who may be absent from or late to the employee's employment in order to respond to an emergency in the course of performing duties as a volunteer firefighter must make a reasonable effort to notify the employee's employer that the employee may be absent or late.

320.339. An employee who is terminated in violation of sections 320.330 to 320.339 may bring a civil action against the employee's employer who violated sections 320.330 to 320.339. The employee may seek reinstatement to the employee's former position, payment

4 of back wages, reinstatement of fringe benefits, and, where seniority rights are granted,
5 reinstatement of seniority rights. If the employee prevails in such an action, the employee
6 shall be entitled to an award of reasonable attorney's fees and the costs of the action. The
7 employee shall commence such an action within one year after the date of the employee's
8 termination.

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