

HCS HB 1458 -- PUBLIC SAFETY, FIRE PROTECTION, AND EMERGENCY SERVICES (Hinson)

COMMITTEE OF ORIGIN: Committee on Local Government

The substitute changes the laws regarding public safety, fire protection, and emergency services. In its main provisions, the substitute:

(1) Merges the provisions of Sections 190.400 through 190.440 and 650.320 through 650.340, RSMo, in order to establish a single entity that will oversee emergency 911 services statewide to insure consistent quality and performance. In the merged provisions, the substitute:

(a) Repeals the provisions regarding the Wireless Service Provider Enhanced 911 Advisory Board established in Section 190.410 and renames the Advisory Committee for 911 Service Oversight established in Section 650.325 as the 911 Service Oversight Board;

(b) Reduces the size of the 911 Service Oversight Board from 16 to seven members; and

(c) Moves the provisions regarding the 911 Training and Standards Act to Section 190.445 from Section 650.340;

(2) Adds any emergency medical technician licensed pursuant to Chapter 190 to the list of individuals who can report to the Department of Revenue any person diagnosed or assessed as having a disorder or condition that may prevent him or her from safely operating a motor vehicle in order to provide the department director with good cause to believe that the operator is incompetent or unqualified to retain his or her driver's license;

(3) Establishes the Missouri Yellow Dot Program within the Department of Revenue to provide emergency responders with critical health and emergency contact information about program participants so emergency responders may aid program participants when those individuals are involved in motor vehicle emergencies or accidents and are unable to communicate. The department must design program materials including, a yellow decal designed by the department to be affixed to the rear driver's side window of the program participant's vehicle; a health information card providing space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physician's names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information the director deems relevant to emergency responders in the case of emergency; a yellow envelope designed

by the department director into which the health information card is to be inserted and placed into the program participant's glove compartment; and a program instruction sheet including an electronic mail address as required under this program. The department must provide sufficient program materials to other state departments or agencies seeking to distribute or make the materials available to interested persons. The department director must notify the State Highway Patrol regarding the implementation of this program so that all emergency responders are informed about the program;

(4) Changes references to fireworks classifications by referencing the Code of Federal Regulations when defining consumer fireworks, display fireworks, fireworks, and proximate fireworks. The substitute specifies that ground salutes, commonly known as cherry bombs, M-80's, M-100's, and M-1,000's, which exceed the limits set for consumer fireworks, display fireworks, or proximate fireworks for explosive composition are prohibited in Missouri for consumer use. These provisions do not prohibit a manufacturer, distributor, or any other person possessing the proper permits as specified by state and federal law from storing, selling, shipping, or otherwise transporting fireworks;

(5) Requires the certification testing and recertification fee that the Division of Fire Safety, within the Department of Public Safety, and the State Fire Marshal charges for the voluntary training and certification program for firefighters and other persons in the field of emergency response, rescue, and fire prevention and preparedness to be deposited into the Fire Education Fund established in Section 320.094 instead of being deposited into the General Revenue Fund;

(6) Exempts Boone County and all counties of the first classification with less than 85,000 inhabitants from the prohibition against being a director on a fire protection district board while also holding any office or employment under the state or any political subdivision;

(7) Requires any fire protection district director who has been found guilty of or pled guilty to any felony offense to immediately forfeit his or her office. The substitute also prohibits a person from serving as a director or having the person's name appear on the ballot as a candidate for that office if the person is in arrears for any unpaid or past due county taxes;

(8) Requires members appointed to the board to also complete specified educational training. This requirement is in addition to the qualifications for the office prescribed by law.

Currently, elected members of a board are required to complete certain educational training;

(9) Specifies that if any city, town, village, or county adopts, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection district wholly or partially located therein is prohibited from enforcing or implementing a residential construction regulatory system. Any regulatory system adopted by a fire protection district or its board must be treated as advisory only and cannot be enforced. Fire protection districts will have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes and can inspect residential dwellings but cannot charge a fee for the services;

(10) Allows two or more fire protection districts to consolidate if they are located within the same county, in whole or in part. Currently, two or more districts may consolidate with each other only if the districts have one or more common boundaries, in whole or in part;

(11) Lowers the number of qualified signatures required in order to recall an officer of a fire protection district board from 25% to 20% of the number of voters who voted in the most recent gubernatorial election in that district;

(12) Specifies that a medical technician authorized by statute to withdraw blood to determine blood alcohol content must have been trained in a hospital;

(13) Requires an anemometer tower, which is a wind speed testing tower, that is located outside of a municipality's boundaries and is 50 feet or more in height to have certain safety markings. The top third of the tower must be painted in equal, alternating bands of aviation orange and white, each outside guy wire must have two attached marker balls, the vegetation around guy wire anchor points must contrast with surrounding vegetation, and guy wires must have safety sleeves. An owner of an anemometer tower in existence as of August 28, 2012, is given one year after the substitute's effective date to comply with these requirements. A violation of these provisions is a class C misdemeanor; and

(14) Requires any company that installs, inspects, or services fire extinguishing equipment must file with the Division of Fire Safety within the Department of Public Safety a security bond of \$25,000 issued by a responsible corporate surety licensed to execute surety bonds in the state of Missouri.

The provisions of the substitute regarding the Missouri Yellow

Dot Program expire six years after the effective date.

The provisions of the substitute regarding fireworks classifications contain an emergency clause.

FISCAL NOTE: No impact on General Revenue Fund in FY 2013, FY 2014, and FY 2015. Estimated Net Income on Other State Funds of \$108,033 in FY 2013, \$129,640 in FY 2014, and \$129,640 in FY 2015.