

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 666
93RD GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, February 9, 2006, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 666, adopted February 15, 2006.

Taken up for Perfection February 15, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3281S.05P

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
2 repealed and eight new sections enacted in lieu thereof, to be known as sections
3 320.200, 320.271, 320.300, 320.310, 320.330, 320.333, 320.336, and 320.339, to
4 read as follows:

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the
2 context requires 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
5 individuals living together as a single housekeeping unit, with cooking, living,
6 sanitary, and sleeping facilities;

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **in section 321.010, or voluntary fire protection association as defined**
14 **in section 320.300, engaging in this type of activity;**

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

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

19 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any
20 property;

21 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for
22 residential purposes and having not more than two dwelling units;

23 [(7)] (8) "Property", property of all types, both real and personal, movable
24 and immovable;

25 [(8)] (9) "State fire marshal", the state fire marshal selected under the
26 provisions of sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer
2 fire protection associations as defined in section 320.300 shall **complete and** file
3 with the state fire marshal within sixty days after [August 13, 1988] **January**
4 **1, 2006**, and annually thereafter, [the name and address of the fire protection
5 district, fire department, or volunteer fire protection association] **a fire**
6 **department registration form provided by the state fire marshal. The**
7 **state fire marshal may issue a fire department identification number**
8 **to each registered fire protection district, fire department, or volunteer**
9 **fire protection association based upon such registration. The state fire**
10 **marshal may conduct periodic reviews of the information provided on**
11 **each fire department registration form.**

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

12 association's boundaries.

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

320.330. Sections 320.330 to 320.339 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
2 "volunteer firefighter" means any firefighter in the service of any fire
3 department or fire protection district, including but not limited to any
4 municipal, volunteer, rural, or subscription fire department or
5 organization, or volunteer fire protection association, who receives no
6 monetary compensation for his or her services.

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

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

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

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

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

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

15 4. In the case of an employee who is a volunteer firefighter and
16 who loses time from his or her employment in order to respond to an
17 emergency in the course of performing his or her duties as a volunteer

18 firefighter, the employer has the right to request the employee to
19 provide the employer with a written statement from the supervisor or
20 acting supervisor of the volunteer fire department stating that the
21 employee responded to an emergency and stating the time and date of
22 the emergency.

23 5. An employee who is a volunteer firefighter and who may be
24 absent from or late to his or her employment in order to respond to an
25 emergency in the course of performing his or her duties as a volunteer
26 firefighter must make a reasonable effort to notify his or her employer
27 that he or she may be absent or late.

320.339. An employee who is terminated in violation of sections
2 320.330 to 320.339 may bring a civil action against his or her employer
3 who violated sections 320.330 to 320.339. The employee may seek
4 reinstatement to his or her former position, payment of back wages,
5 reinstatement of fringe benefits, and, where seniority rights are
6 granted, reinstatement of seniority rights. If the employee prevails in
7 such an action, the employee shall be entitled to an award of
8 reasonable attorney's fees and the costs of the action. The employee
9 must commence such an action within one year after the date of the
10 employee's termination.

✓

Copy