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Coleman's Bills Become Missouri Law

*Lead abatement moves forward in St. Louis
Stolen vehicle tags to be replaced*

St. Louis, Mo – Three important bills sponsored by Sen. Maida Coleman (D-St. Louis) were signed into law today by the governor. SB 95 makes important advances for lead abatement in St. Louis, SB 378 requires the state to replace two sets of stolen license tags per year for free and HB 413 which requires a vaccination program for first responders deployed to disaster areas as a result of bioterrorism events.

“Being in the Democratic minority makes it very difficult to pass progressive legislation in the Senate, so I am proud that these two bills are now Missouri law,” Sen. Coleman said.

“The lead abatement law will go a long way towards cleaning up one of the worst blights in this city,” Sen. Coleman said. “By strengthening the laws regarding lead-paint removal, we are strengthening our ability to eradicate its poisoning effects once and for all.”

SB 95 places new and more stringent requirements on property owners, lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers, and lead abatement contractors with regard to lead-paint removal.

The bill also creates a \$1 check-off on the Missouri income tax return for the Childhood Lead Testing Fund.

In addition, SB 95 requires the Department of Health and Senior Services to provide on its Internet website educational materials that explain the rights and responsibilities of the property owners, tenants, lead inspectors, risk assessors, and lead abatement contractors.

SB 378 would allow vehicle owners to receive two free sets of license tags per year if they have been stolen.

“One of the major complaints I receive from constituents is about stolen license plate tags,” Sen. Coleman said. “Hopefully this will help make life a little easier for everyone.”

Under the old law when license plate tags were stolen, the state only issued one set free replacements. Under this new law, however, a person replacing stolen license plate tabs may receive two sets of two license plate tabs a year at no cost.

In addition, a citation cannot be issued for missing license plate tags if the driver indicates to law enforcement officials that the tags have been stolen and a check of the person's motor vehicle registration record reveals that the vehicle is properly registered.

Court costs will also be waived in cases where a citation has been improperly issued.

HB 413, sponsored in the House of Representatives by Rep. Rodney Hubbard (D-St. Louis) and in the Senate by Sen. Coleman requires the Department of Health and Senior Services to offer a vaccination program for first responders deployed to disaster areas as a result of bioterrorism events.

Details of SB 95

A one dollar check-off on the Missouri income tax return is created and the money designated by the check-off will be deposited into the Childhood Lead Testing Fund. The check-off of one dollar is primarily for taxpayers who are to receive a refund. However, taxpayers who owe taxes may also contribute to the fund and any taxpayer may elect to contribute more than one dollar.

SECTION 701.304 - Provides that the director of the Department of Health and Senior Services shall assess fees for licenses and accreditation and impose administrative penalties, with the fees and fines to be deposited into the state treasury to the credit of the public health services fund.

SECTION 701.305 - The Department of Health and Senior Services shall provide on its Internet website educational materials that explain the rights and responsibilities of the property owners, tenants, lead inspectors, risk assessors, and lead abatement contractors.

SECTION 701.308 - A representative of the department, or a representative of a unit of local government or health department is authorized to re-enter a dwelling or child-occupied facility to determine if the owner has taken the required actions for abating or establishing interim controls for the lead hazard. If consent is not granted, the representative of the department may petition the court for an order to enter the premises to determine if the owner has taken the required actions for abating or establishing interim controls for the lead hazard. The court shall grant the order upon a showing by the department that the department has attempted to notify the dwelling's owner.

In commercial lead production areas, if the department identifies lead hazards due to paint, mini-blinds, or other household products/sources in a property where a child has been identified with an elevated blood level, the owner shall comply with the requirement for abating or establishing interim controls for the above stated hazards, in a manner consistent with the recommendations described by the department and within the applicable time period.

If the residential property owner is owned by a commercial lead production or transport company, which has not taken the required actions for abating or establishing interim controls for the lead hazard in a manner consistent with the options provided by the department, the commercial lead production or transport company shall be deemed to be in violation of the provisions of this act.

SECTION 701.309 - Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined two and fifty dollars for the first identified offense, five hundred dollars for the second identified offense, and thereafter fines will be doubled for each identified offense.

Written notification shall include disclosure of any potential lead hazards to the owners and tenants of a dwelling by the licensed risk assessor, who conducted the initial risk assessment. Once the abatement has been completed, the lead abatement contractor must submit written notification and the final clearance inspection report to the Department.

Lead abatement contractors and public agencies, organizations issuing grants and loans for lead abatement projects or interim controls to inform owners and tenants of dwellings that information regarding lead hazards can be accessed on the department Internet website.

SECTION 701.311 - The director of the department may, instead of shall as in current law, issue notices of violation to property owners or persons responsible. The notice shall contain an outline of corrective action which is required to effect compliance.

This act provides that nothing in the act shall be construed as requiring the department to issue a notice of violation, but rather gives the department discretion to do so when the department believes that the public interest will be adequately served.

However, the department shall develop, publish, and post on its website an enforcement manual that delineates the categories of violation for which the department shall issue a notice of violation or for which the department may either issue a notice of violation or issue a suitable written notice or warning.

SECTION 701.312 - The Director shall require lead abatement contractors to purchase and maintain liability and error and omissions insurance. Licensees or applicants for licensure must provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities to which they may be liable.

SECTION 701.313 - Local community organizations, government agencies, and quasi-government agencies that issue grants or loans for lead abatement projects must provide written notification to the Department no later than ten days prior to the onset of a project. The failure to provide written notification will result in a fine of \$250 dollars to be levied by the Department. In emergency situations, the community organization, government agency, or quasi-government agency must notify the Department within twenty-four hours of the onset of a lead abatement project and provide written notification to the Department within five days.

SECTION 701.314 - The director shall have the power to issue notices of violation, written notices and letters of warning in the area of training for lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers and project designers.

SECTION 701.317 - The department will have the power to elect to impose administrative penalties or to request the Attorney General's office or prosecutor to seek civil penalties in court.

SECTION 701.320 - Any lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, project designer, or lead abatement contractor who engages in a lead abatement project while such person's license, issued by the department for such work, is under suspension or revocation is guilty of a class D felony.

SECTION 701.328 - The department may release, without consent, information to federal employees and agents as well as to state or local agencies for the employees to perform their public duties.

SECTION 701.337 - Any penalties collected from this provision shall be deposited in the "Missouri Lead Abatement Loan Fund".

Details of SB 378

Section A. Section 301.301, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 301.301 and 301.302, to read as follows:

301.301. Any person replacing a stolen license plate tab may receive at no cost up to two **sets of two** license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

301.302. A citation shall not be issued to any person stopped by law enforcement for a missing license plate tab or tabs if such person indicates that the tab or tabs have been stolen and a check on such person's vehicle registration reveals that the vehicle is properly registered. A law enforcement officer may issue a warning under these circumstances. In the event a citation is improperly issued to a person for missing tabs when the requirements of this section are met, any court costs shall be waived.

Details of HB 413

This act requires the Department of Health and Senior Services to offer a vaccination program for first responders who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event.

The vaccinations shall include, but not be limited to, smallpox, anthrax, and other vaccinations recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

Participation in the program is voluntary, except for those first responders who have been determined by their employer to not be able to safely perform their duties without being vaccinated. The recommendations of the Centers for Disease Control shall be followed when providing appropriate screening for contraindications to vaccination for first responders. A first responder shall be exempt from vaccinations when a medical contraindication is indicated by a licensed physician.

If a shortage of the vaccines exists following a bioterrorism event, the director shall give priority for such vaccinations to persons exposed to the disease and to first responders who are deployed to the disaster location.

The department shall provide education to first responders concerning vaccinations offered and the associated diseases. The department may contract with health care providers for the administration of the vaccination program.

The vaccination program shall become effective upon receipt of federal funding.

This act contains an emergency clause.