

FIRST REGULAR SESSION

# SENATE BILL NO. 506

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CALLAHAN.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2153S.01I

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## AN ACT

To amend chapter 320, RSMo, by adding thereto thirteen new sections relating to fire sprinklers, with penalty provisions.

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

Section A. Chapter 320, RSMo, is amended by adding thereto thirteen  
2 new sections, to be known as sections 320.400, 320.402, 320.404, 320.406,  
3 320.408, 320.410, 320.412, 320.414, 320.416, 320.418, 320.420, 320.422, and  
4 320.428, to read as follows:

**320.400. 1. As used in sections 320.400 to 320.428, the following  
2 terms shall mean:**

3       (1) "Advisory council", the fire sprinkler advisory council  
4 established in section 320.416;

5       (2) "Certificate of registration", the document issued to a  
6 contractor under sections 320.400 to 320.428 authorizing such person or  
7 organization to conduct business in this state. Such certificate shall  
8 specify whether it is a residential certificate or an unlimited  
9 certificate. A residential certificate's application is limited to fire  
10 sprinkler systems for one or two family residential dwellings as defined  
11 by the National Fire Protection Association (NFPA) Standard 13D. An  
12 unlimited certificate's application applies to all fire sprinkler systems;

13       (3) "Contractor", a person or organization that offers to  
14 undertake, represents itself as being able to undertake, or does  
15 undertake the planning, sale, installation, or servicing of a fire  
16 sprinkler system or any part of such a system;

17       (4) "Fire sprinkler system", a suppression system which requires  
18 individual calculation and layout in accordance with nationally  
19 recognized standards, such as those of the National Fire Protection

20 Association, to protect the interior or exterior of a specific building,  
21 structure, or special hazard from fire by conveying water, with or  
22 without other agents, to dispersal openings or devices. Such systems  
23 also include any overhead and underground fire mains beginning at the  
24 point of service, fire hydrants and hydrant mains, standpipes and hoses  
25 connected to sprinkler systems, sprinkler tank heaters, air lines,  
26 thermal systems used in connection with fire sprinkler systems, and  
27 tanks and pumps connected to fire sprinkler systems;

28 (5) "Installation", the initial placement of fire sprinkler  
29 equipment or the extension, modification, or alteration of equipment  
30 after the initial placement, and includes the inspection and testing of  
31 equipment attendant to the placement or alteration of fire sprinkler  
32 equipment;

33 (6) "License", the document issued to a responsible managing  
34 employee or residential responsible managing employee under sections  
35 320.400 to 320.428 authorizing such employee to engage in the  
36 automatic fire sprinkler system business in this state. Such license  
37 shall specify whether it is a residential license or an unlimited license.  
38 A residential license's application is limited to fire sprinkler systems  
39 for one or two family residential dwellings as defined by the National  
40 Fire Protection Association (NFPA) Standard 13D. An unlimited  
41 license's application applies to all fire sprinkler systems;

42 (7) "Organization", a corporation, a partnership or other business  
43 association, a governmental entity, or any other legal or commercial  
44 entity;

45 (8) "Person", a natural person, including an owner, manager,  
46 officer, employee, or occupant;

47 (9) "Point of service", the point at which the underground piping  
48 for a sprinkler system using water as the extinguishing agent becomes  
49 used exclusively for the sprinkler system;

50 (10) "Registered firm" or registered contract", a firm holding a  
51 valid certificate of registration issued under sections 320.400 to 320.428;

52 (11) "Residential responsible managing employee", a licensed full-  
53 time employee of a contractor that plans, sells, installs, or services fire  
54 sprinkler systems for one or two family residential dwellings as defined  
55 by the National Fire Protection Association Standard 13D, who is  
56 designated by the contractor to assure that each system installed or

57 serviced meets the standards provided by law;

58 (12) "Responsible managing employee", a licensed full-time  
59 employee of a contractor that plans, sells, installs, or services a fire  
60 sprinkler system, who is designated by the contractor to assure that  
61 each system installed or serviced meets the standards provided for by  
62 law;

63 (13) "Service", to inspect, test, or repair fire sprinkler equipment  
64 in order to furnish or return the fire sprinkler system to operational  
65 condition, and including maintenance contracts;

66 (14) "Special agent fire suppression system", an approved system,  
67 and components thereof, which requires individual calculations and  
68 layout in accordance with the manufacturer's instructions to determine  
69 the flow rates, nozzle pressures, quantities of extinguishing agent, and  
70 number and types of nozzles for protecting one or more hazards by  
71 suppressing or extinguishing fire. These systems include dry chemical  
72 systems, carbon dioxide systems, halogenated and gaseous agent  
73 systems, foam systems, and wet chemical systems not connected to fire  
74 sprinkler systems. Special agent fire suppression systems shall not  
75 include a fire sprinkler system.

320.402. 1. The provisions of sections 320.400 to 320.428 and the  
2 rules and regulations promulgated under sections 320.400 to 320.428  
3 shall have uniform force and effect throughout the state. A  
4 municipality or county may not enact an order, ordinance, rule, or  
5 regulation requiring a person or organization to obtain a certificate of  
6 registration or license from the municipality or county.

7 2. Notwithstanding any other provisions of sections 320.400 to  
8 320.428, a municipality or county may require contractor to obtain a  
9 permit and pay a fee therefor for the installation of a fire sprinkler  
10 system and require the installation of such system in conformance with  
11 the building code or other construction requirements of the  
12 municipality or county, but shall not impose qualification or financial  
13 responsibility requirements other than proof of a valid certificate of  
14 registration.

15 3. Sections 320.400 to 320.428 do not apply to:

16 (1) A person or organization that only sells or supplies products  
17 or materials to a contractor with a certificate of registration;

18 (2) The installation or servicing of special agent fire suppression

19 systems installed in compliance with the National Fire Protection  
20 Association Standards for the installation of such special agent fire  
21 suppression systems;

22 (3) A regular employee of a contractor with a certificate of  
23 registration;

24 (4) Inspection activities conducted as part of an insurance or  
25 engineering survey;

26 (5) Inspection activities performed by a government official as  
27 part of code enforcement activities; and

28 (6) Routine observation of the condition of fire sprinkler  
29 equipment by the maintenance staff of the owner or tenant of the  
30 property.

31 4. Nothing in sections 320.400 to 320.428 shall be deemed to limit  
32 or restrict the practice of engineering by licensed or certified  
33 professional engineers.

320.404. 1. The state fire marshal shall administer sections  
2 320.400 to 320.428 and may issue rules necessary to its  
3 administration. Any rule or portion of a rule, as that term is defined  
4 in section 536.010, RSMo, that is created under the authority delegated  
5 in this section shall become effective only if it complies with and is  
6 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
7 section 536.028, RSMo. This section and chapter 536, RSMo, are  
8 nonseverable and if any of the powers vested with the general assembly  
9 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
10 or to disapprove and annul a rule are subsequently held  
11 unconstitutional, then the grant of rulemaking authority and any rule  
12 proposed or adopted after August 28, 2009, shall be invalid and  
13 void. The state fire marshal, in adopting necessary rules, may adopt  
14 financial responsibility requirements for applicants and registered  
15 firms, and to the greatest extent possible, shall utilize recognized  
16 standards for the planning, installation and service of fire sprinkler  
17 systems such as those adopted by a federal law or regulation, those  
18 published by nationally recognized organizations establishing  
19 standards, or those developed by individual manufacturers.

20 2. Under the general authority provided under subsection 1 of  
21 this section, the state fire marshal shall promulgate rules for the  
22 protection and preservation of life and property in controlling:

23           (1) The registration of a person or an organization engaged in  
24 the business of planning, selling, installing, or servicing fire sprinkler  
25 systems; and

26           (2) The requirements for planning, selling, installing, or  
27 servicing fire sprinkler systems, by:

28           (a) Determining the criteria and qualifications for certificate of  
29 registration holders;

30           (b) Evaluating the qualifications of an applicant for a certificate  
31 of registration to engage in the business of planning, selling, installing,  
32 or servicing fire sprinkler systems and issuing certificates to qualified  
33 applicants;

34           (c) Determining the criteria and qualifications for licenses; and

35           (d) Conducting examinations and evaluating the qualifications  
36 of applicants for licenses and issuing licenses to qualified applicants.

37           3. The state fire marshal shall establish a procedure for  
38 reporting and processing complaints relating to the business of  
39 planning, selling, installing, or servicing fire sprinkler systems in this  
40 state.

41           4. The state fire marshal may, after notice and opportunity for  
42 hearing, increase or decrease the limits of insurance coverage required  
43 under section 320.410.

          320.406. 1. A contractor shall apply to the state fire marshal for  
2 a certificate of registration on a form and in a manner prescribed by  
3 the state fire marshal. The application fee for an unlimited certificate  
4 of registration shall be an amount not to exceed one hundred dollars,  
5 and the fee for issuance of either the initial or the renewal of an  
6 unlimited certificate of registration shall be an amount not to exceed  
7 one hundred dollars, unless subject to subsection 2 of section  
8 320.408. The application fee for a residential certificate of registration  
9 shall be an amount not to exceed one hundred dollars and the fee for  
10 the issuance or the renewal of a residential certificate of registration  
11 shall not exceed one hundred dollars, unless subject to subsection 2 of  
12 section 320.408.

13           2. Each contractor shall employ at least one licensed responsible  
14 managing employee or one licensed residential responsible managing  
15 employee on a full-time basis. A contractor shall not undertake the  
16 installation or service of a fire sprinkler system beyond the scope of the

17 license of the contractor's responsible managing employee or  
18 residential responsible managing employee. An individual may be a  
19 responsible managing employee or a residential responsible managing  
20 employee for only one contractor at any given time. A separate  
21 responsible managing employee is required for each full-service  
22 business branch office of a contractor.

23       3. Each responsible managing employee or residential  
24 responsible managing employee shall obtain a license, unlimited or  
25 residential, issued by the state fire marshal and conditioned on the  
26 successful completion of the examination requirement and other  
27 requirements in sections 320.400 to 320.428 and prescribed by the rules  
28 promulgated under these sections. To be eligible to apply for an  
29 unlimited license, the applicant shall be at least twenty-one years of  
30 age and shall demonstrate five years experience in the employ of a fire  
31 sprinkler contractor or a combination of equivalent education and  
32 experience. To be eligible to apply for a residential license, the  
33 applicant shall be at least twenty-one years of age and shall  
34 demonstrate three years experience in the employ of a fire sprinkler  
35 contractor or a combination of equivalent education and experience. A  
36 nonrefundable examination fee may be assessed by the state fire  
37 marshal for administering the examination required under section  
38 320.412. The fee for the issuance of either the initial or the renewed  
39 unlimited or residential license shall be in an amount not to exceed one  
40 hundred dollars, unless subject to subsection 2 of section 320.408.

41       4. A certificate of registration and a license shall be valid for a  
42 period of one year from the date of issue and are renewable annually  
43 on payment of the annual fee; provided however, that the initial  
44 certificates of registration or licenses issued on or after the effective  
45 date of sections 320.400 to 320.428 may be issued for periods of less than  
46 one year and the annual fee shall be prorated proportionally.

47       5. A fee shall be charged by the state fire marshal for any request  
48 for a duplicate certificate of registration or license or any request  
49 requiring change to a certificate of registration or license. The fee  
50 shall be set by the state fire marshal.

51       6. Each certificate of registration and license issued under  
52 sections 320.400 to 320.428 shall be posted in a conspicuous place in the  
53 contractor's place of business.

54           7. All plans, bids, proposals, offers, and installation drawings for  
55 fire sprinkler systems, and all contractor vehicles displaying the  
56 registered firm's name or logo, shall prominently display the  
57 contractor's certificate of registration number.

58           8. Except as authorized by the state fire marshal under the rules  
59 promulgated to administer sections 320.400 to 320.428, a certificate of  
60 registration or license issued under sections 320.400 to 320.428 shall not  
61 be transferable.

62           9. The state fire marshal shall, within the limits fixed by this  
63 section and section 320.408, prescribe the fees to be charged under this  
64 section and section 320.408. All fees collected under the provisions of  
65 this section and section 320.408 shall be deposited into the general  
66 revenue to be only used by the state fire marshal for use in carrying  
67 out the administration of sections 320.400 to 320.428.

          320.408. 1. As provided in subsection 4 of section 320.406, each  
2 renewal of a license or certificate of registration issued under sections  
3 320.400 to 320.428 is valid for a period of one year. The license or  
4 registration fee for each year is payable on renewal.

5           2. An unexpired license or certificate of registration may only be  
6 renewed by paying the required renewal fee to the state fire marshal  
7 before the expiration date of the license or certificate of registration.  
8 If a license or certificate of registration has been expired for not longer  
9 than ninety days, the license or certificate of registration may be  
10 renewed by paying the required renewal fee and a fee that is one-half  
11 of the original fee for the license or certificate of registration. If a  
12 license or certificate of registration has been expired for longer than  
13 ninety days but less than one year, the license or certificate of  
14 registration may be renewed by paying to the state fire marshal all  
15 unpaid renewal fees and a fee that is equal to the original fee for the  
16 license or certificate of registration. If a license or certificate of  
17 registration has been expired for one year or longer, the license or  
18 certificate of registration may not be renewed. A new license or  
19 certificate of registration may be obtained by complying with the  
20 requirements and procedures for obtaining an initial license or  
21 certificate of registration. This section shall not be construed to  
22 prevent the state fire marshal from denying or refusing to renew a  
23 license under applicable law or rules of the state fire marshal.

24           3. At least thirty days before the expiration of a license or  
25 certificate of registration, the state fire marshal shall send written  
26 notice of the impending license or certificate of registration expiration  
27 to the licensee or registrant at the last known address.

28           4. The state fire marshal may by rule adopt a system under  
29 which licenses and certificate of registration expire on various dates  
30 during the year. For the year in which the license or certificate of  
31 registration expiration date is less than one year from its issuance or  
32 anniversary date, the fee shall be prorated on a monthly basis so that  
33 each licensee or registrant shall pay only that portion of the fee that is  
34 allocable to the number of months during which the license or  
35 registration is valid. On each subsequent renewal, the total renewal fee  
36 is payable.

          320.410. 1. The state fire marshal shall not issue a certificate of  
2 registration under sections 320.400 to 320.428 unless the applicant files  
3 evidence of a general liability insurance policy that includes products  
4 and completed operations coverage. The limits of insurance coverage  
5 required by this section shall be in an amount not less than five  
6 hundred thousand dollars combined single limits for bodily injury and  
7 property damage for each occurrence and not less than one million  
8 dollars aggregate for all occurrences per policy year; provided  
9 however, that the state fire marshal may increase or decrease the  
10 amounts by rule pursuant to sections 320.400 to 320.428. The general  
11 liability policy shall be conditioned to pay on behalf of the insured  
12 those amounts that the insured is legally obligated to pay as damages  
13 because of bodily injury and property damage caused by an occurrence  
14 involving the insured or the insured's servant, officer, agent, or  
15 employee in the conduct of any business registered under sections  
16 320.400 to 320.428.

17           2. The evidence of general liability insurance required by this  
18 section shall be in the form of a certificate of insurance executed by an  
19 insurer authorized to do business in this state and countersigned by an  
20 insurance agent licensed in this state. Insurance certificates executed  
21 and filed with the state fire marshal under this section remain in force  
22 until the insurer has terminated future liability by notice required by  
23 the state fire marshal.

24           3. Failure to maintain liability insurance as required under this



25 section constitutes grounds for the denial, suspension, or revocation of  
26 a certificate of registration issued under sections 320.400 to 320.428  
27 after notice and opportunity for a hearing.

320.412. 1. To become a licensed responsible managing employee  
2 or residential responsible managing employee under sections 320.400  
3 to 320.428, an individual is required to comply with the provisions of  
4 sections 320.400 to 320.428 and pass a two phase examination consisting  
5 of a written technical examination and a written practical examination  
6 testing the applicant's knowledge of the statutes, standards and  
7 specifications regulating the activities authorized by the license,  
8 relevant state business operation requirements, and demonstrating the  
9 applicant's experience in the business and knowledge and ability to  
10 perform tasks authorized by the license in a competent, lawful and safe  
11 manner. The examination shall be developed and administered by the  
12 state fire marshal, who may out source the same to a third party. There  
13 shall be at least two examinations held each calendar year. Individuals  
14 may obtain a license under sections 320.400 to 320.428 without  
15 completing the written technical examination portion of the  
16 examination if such person complies with the provisions of sections  
17 320.400 to 320.428 and is also:

18 (1) An individual who has obtained and continues to hold a Level  
19 III or IV certification by the National Institute for Certification in  
20 Engineering Technologies in the Field of Fire Protection and in the  
21 subfield of Automatic Sprinkler System Layout, or certification under  
22 an equivalent program acceptable to the state fire marshal;

23 (2) An individual who has obtained and continues to hold a  
24 license or registration as a professional engineer in this state and who  
25 is also licensed or certified in the discipline of fire protection  
26 engineering; or

27 (3) An individual who has obtained and continues to hold a Level  
28 II certification by the National Institute for Certification in  
29 Engineering Technologies in the Field of Fire Protection and in the  
30 Subfield of Automatic Sprinkler System Layout, or certification under  
31 an equivalent program acceptable to the state fire marshal. The license  
32 for an individual in this category shall be a residential license, and  
33 shall be limited in scope to the work of a residential responsible  
34 managing employee.

35           2. Not later than the thirtieth day after the completion of the  
36 examination administered under this section, the state fire marshal  
37 shall send notice to each examinee of the results of the examination,  
38 unless the examination is graded or reviewed by a national testing  
39 service, in which case, the state fire marshal shall send notice to each  
40 examinee of the results of the examination within two weeks after the  
41 date on which the state fire marshal receives the results from the  
42 testing service. If the notice of the examination results will be delayed  
43 for longer than ninety days after the examination date, the state fire  
44 marshal shall send notice to each examinee of the reason for the delay  
45 before the ninetieth day. If requested in writing by a person who fails  
46 the examination administered under this section, the state fire marshal  
47 shall send to the person an analysis of the person's performance on the  
48 examination.

          320.414. The state fire marshal may adopt procedures to certify  
2 continuing education programs, including national reciprocal programs  
3 conducted by recognized industry and professional groups.

          320.416. 1. The "Fire Sprinkler System Advisory Council" is  
2 hereby created. The state fire marshal shall appoint the members of  
3 the advisory council, who shall serve at the pleasure of the state fire  
4 marshal.

5           2. The advisory council, in addition to other duties delegated by  
6 the state fire marshal, shall:

7           (1) Advise the state fire marshal concerning standards of  
8 practice in the fire sprinkler industry and the rules necessary to  
9 implement and administer sections 320.400 to 320.428;

10          (2) Make recommendations to the state fire marshal regarding  
11 forms and procedures for certificates of registration and licenses.

12          3. The advisory council shall be composed of seven  
13 members. The members of the advisory council shall include at least  
14 three individuals qualified to hold an unlimited license under sections  
15 320.400 to 320.428 and who have been actively engaged in the  
16 management of a fire sprinkler contractor or fire sprinkler system  
17 business in this state for not less than five years preceding their  
18 appointment, one qualified fire or building official and one licensed or  
19 registered professional engineer, each knowledgeable in fire sprinkler  
20 systems, one individual holding a Level III or IV National Institute for

21 Certification in Engineering Technologies (NICET) certification in the  
22 field of fire protection and in the subfield of automatic sprinkler  
23 system layout and one representative of the state fire marshal's office  
24 who in addition to being a voting member shall serve as secretary of  
25 the advisory council.

26 4. For the initial terms of the advisory council members, one  
27 member shall be appointed for a term of one year, two members for a  
28 term of two years, two members for terms of three years, and two  
29 members for terms of four years. All terms expire on June thirtieth of  
30 the last year of the term. As the initial term of a member expires, the  
31 state fire marshal shall appoint a member to fill the vacancy for a term  
32 of four years. The state fire marshal may remove any appointed  
33 member for cause. A vacancy in the membership of the advisory  
34 council for any reason shall be filled by appointment by the state fire  
35 marshal for the balance of the unexpired term.

36 5. As soon as practicable after the effective date of sections  
37 320.400 to 320.428, the advisory council shall meet to elect officers from  
38 its membership. A majority of the advisory council shall constitute a  
39 quorum. No member of the advisory council shall be paid a salary as  
40 such member, but each shall receive necessary expenses while  
41 attending advisory council meetings and reimbursement, including  
42 travel in performance of his or her duties, as provided in state law.

320.418. A person or organization shall not:

2 (1) Plan, sell, install or service a fire sprinkler system without  
3 a valid certificate of registration consistent with the scope of authority  
4 and responsibility for such system;

5 (2) Act as, or hold himself or herself out to be, a contractor under  
6 a certificate of registration without having at least one full-time  
7 employee who holds a valid responsible managing employee license or  
8 residential responsible managing employee license consistent with the  
9 scope of fire sprinkler system work undertaken by the contractor;  
10 provided however, that a contractor with a current certificate of  
11 registration may act as a contractor consistent with such certificate for  
12 sixty days after the death or disassociation of its licensed responsible  
13 managing employee or residential responsible managing employee, so  
14 long as such contractor immediately notifies the state fire marshal in  
15 writing of the same and is not otherwise in violation of sections 320.400

16 to 320.428 or any rules adopted under sections 320.400 to 320.428. In  
17 such event, the contractor's failure to employ a substitute responsible  
18 managing employee consistent with the scope of business undertaken  
19 within such sixty-day period shall cause the contractor's certificate of  
20 registration to expire;

21 (3) Act as a responsible managing employee or residential  
22 responsible managing employee for a contractor without a valid license  
23 consistent with the authority and responsibility for work undertaken  
24 by such contractor;

25 (4) Obtain or attempt to obtain a certificate of registration or  
26 license by fraudulent representation; or

27 (5) Plan, sell, test, install or service a fire sprinkler system in  
28 violation of sections 320.400 to 320.428 or the rules adopted under  
29 sections 320.400 to 320.428.

320.420. 1. The state fire marshal may refuse to issue or renew  
2 or may suspend or revoke a certificate of registration, license, or  
3 building permit if, after notice and hearing, he finds that the applicant,  
4 registrant, licensee, or permit holder has engaged in acts that:

5 (1) Violate sections 320.400 to 320.428;

6 (2) Violate the rules or standards adopted pursuant to sections  
7 320.400 to 320.428; or

8 (3) Constitute misrepresentations made in connection with the  
9 sale of products or services rendered.

10 2. The state fire marshal shall notify the applicant in writing of  
11 the reasons for the refusal, suspension, or revocation and shall advise  
12 the applicant of the right to file a complaint with the administrative  
13 hearing commission as provided in chapter 621, RSMo.

14 3. The state fire marshal may cause a complaint to be filed with  
15 the administrative hearing commission as provided in chapter 621,  
16 RSMo, against the holder of any certificate of registration or license for  
17 any of the causes included in subsection 1 of this section.

18 4. After the filing of a complaint under subsection 3 of this  
19 section, the proceedings shall be conducted in accordance with the  
20 provisions of chapter 621, RSMo. Upon a finding by the administrative  
21 hearing commission that the grounds, provided in subsection 1 of this  
22 section, for disciplinary action are met, the state fire marshal may,  
23 singly or in combination, censure or place the person named in the

24 complaint on probation on such terms and conditions as the state fire  
25 marshal deems appropriate for a period not to exceed five years, or  
26 may suspend, for a period not to exceed three years, or revoke the  
27 license or certificate of registration of the person.

28       5. No applicant, certificate of registration holder, or licensee  
29 whose certificate of registration or license has been denied, refused, or  
30 revoked hereunder, except for the failure to pass a required written  
31 examination, shall be entitled to file another application for a  
32 certificate of registration or license in the fire sprinkler system  
33 business in this state within one year from the effective date of such  
34 denial, refusal, or revocation or, if judicial review of such denial,  
35 refusal, or revocation is sought, within one year from the date official  
36 court order or decree affirming such action. Such application, when  
37 filed after one year, may be denied unless the applicant shows good  
38 cause why the denial, refusal, or revocation of the certificate of  
39 registration or license shall not be deemed a bar to the issuance of a  
40 new certificate of registration or license.

320.422. 1. A person is guilty of a class A misdemeanor if he or  
2 she knowingly or intentionally violates sections 320.400 to 320.428.

3       2. Venue for prosecution of a violation of sections 320.400 to  
4 320.428 is in the county in which the offense is committed.

320.428. Whenever it appears to the state fire marshal that any  
2 person, firm or corporation is violating any of the provisions of  
3 sections 320.400 to 320.428 or the rules and regulations of the state fire  
4 marshal promulgated under sections 320.400 to 320.428, the state fire  
5 marshal may apply to the court for a restraining order and an  
6 injunction to restrain the violation, and the courts of this state have  
7 jurisdiction to grant the requested relief, irrespective of whether or not  
8 criminal prosecution has been instituted or administrative sanctions  
9 have been imposed by reason of the violation. The venue for actions  
10 brought under this section shall be the court of any county in which  
11 such acts are alleged to have been committed or in the county where  
12 the defendants in such action reside.

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