

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 307

AN ACT

To repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.490, 84.830, 85.551, 106.270, 174.700, 174.703, 174.706, 190.100, 321.015, 321.210, 321.322, and 544.157, RSMo, and to enact in lieu thereof twenty-two new sections relating to emergency service providers, with existing penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 77.046, 78.340, 79.240, 80.420, 84.120,  
2 84.490, 84.830, 85.551, 106.270, 174.700, 174.703, 174.706,  
3 190.100, 321.015, 321.210, 321.322, and 544.157, RSMo, are  
4 repealed and twenty-two new sections enacted in lieu thereof, to  
5 be known as sections 67.145, 77.046, 78.340, 79.240, 80.420,  
6 84.120, 84.490, 84.830, 85.551, 106.270, 106.273, 174.700,  
7 174.703, 174.706, 174.709, 174.712, 190.098, 190.100, 321.015,  
8 321.210, 321.322, and 544.157, to read as follows:

9           67.145. No political subdivision of this state shall  
10 prohibit any first responder, as the term "first responder" is  
11 defined in section 192.800, from engaging in any political  
12 activity while off duty and not in uniform, being a candidate for  
13 elected or appointed public office, or holding such office unless

1 such political activity or candidacy is otherwise prohibited by  
2 state or federal law.

3 77.046. 1. Upon the adoption of a city administrator form  
4 of government, the governing body of the city may provide that  
5 all other officers and employees of the city, except elected  
6 officers, shall be appointed and discharged by the city  
7 administrator, but the governing body may make reasonable rules  
8 and regulations governing the same.

9 2. Nothing in this section shall be construed to authorize  
10 the city to remove or discharge any chief, as that term is  
11 defined in section 106.273.

12 78.340. 1. Before entering upon the duties of their office  
13 each of said commissioners shall take and subscribe an oath,  
14 which shall be filed and kept in the office of the city clerk, to  
15 support the Constitution of the state of Missouri and to obey the  
16 laws and aim to secure and maintain an honest and efficient force  
17 free from partisan distinction or control, and to perform the  
18 duties of his office to the best of his ability.

19 2. Nothing in this section shall be construed to authorize  
20 the commissioners to remove or discharge any chief, as that term  
21 is defined in section 106.273.

22 79.240. 1. The mayor may, with the consent of a majority  
23 of all the members elected to the board of aldermen, remove from  
24 office, for cause shown, any elective officer of the city, such  
25 officer being first given opportunity, together with his  
26 witnesses, to be heard before the board of aldermen sitting as a  
27 board of impeachment. Any elective officer, including the mayor,  
28 may in like manner, for cause shown, be removed from office by a

1 two-thirds vote of all members elected to the board of aldermen,  
2 independently of the mayor's approval or recommendation. The  
3 mayor may, with the consent of a majority of all the members  
4 elected to the board of aldermen, remove from office any  
5 appointive officer of the city at will, and any such appointive  
6 officer may be so removed by a two-thirds vote of all the members  
7 elected to the board of aldermen, independently of the mayor's  
8 approval or recommendation. The board of aldermen may pass  
9 ordinances regulating the manner of impeachments and removals.

10 2. Nothing in this section shall be construed to authorize  
11 the mayor, with the consent of the majority of all the members  
12 elected to the board of aldermen, or the board of aldermen by a  
13 two-thirds vote of all its members, to remove or discharge any  
14 chief, as that term is defined in section 106.273.

15 80.420. 1. The policemen of the town, in the discharge of  
16 their duties, shall be subject to the orders of the marshal only  
17 as chief of police; but any marshal, assistant marshal or  
18 policeman may be instantly removed from his office by the board  
19 of trustees at a regular or called meeting, for any wanton  
20 neglect of duty.

21 2. Nothing in this section shall be construed to authorize  
22 the board of trustees to remove or discharge any chief, as that  
23 term is defined in section 106.273.

24 84.120. 1. No person shall be appointed or employed as  
25 policeman, turnkey, or officer of police who shall have been  
26 convicted of, or against whom any indictment may be pending, for  
27 any offense, the punishment of which may be confinement in the  
28 penitentiary; nor shall any person be so appointed who is not of

1 good character, or who is not a citizen of the United States, or  
2 who is not able to read and write the English language, or who  
3 does not possess ordinary physical strength and courage. The  
4 patrolmen and turnkeys hereafter appointed shall serve while they  
5 shall faithfully perform their duties and possess mental and  
6 physical ability and be subject to removal only for cause after a  
7 hearing by the boards, who are hereby invested with the  
8 jurisdiction in the premises.

9 2. The board shall have the sole discretion whether to  
10 delegate portions of its jurisdiction to hearing officers. The  
11 board shall retain final and ultimate authority over such matters  
12 and over the person to whom the delegation may be made. In any  
13 hearing before the board under this section, the member involved  
14 may make application to the board to waive a hearing before the  
15 board and request that a hearing be held before a hearing  
16 officer.

17 3. Nothing in this section or chapter shall be construed to  
18 prohibit the board of police commissioners from delegating any  
19 task related to disciplinary matters, disciplinary hearings, or  
20 any other hearing or proceeding which could otherwise be heard by  
21 the board or concerning any determination related to whether an  
22 officer is able to perform the necessary functions of the  
23 position. Tasks related to the preceding matter may be delegated  
24 by the board to a hearing officer under the provisions of  
25 subsection 4 of this section.

26 4. (1) The hearing officer to whom a delegation has been  
27 made by the board may, at the sole discretion of the board,  
28 perform certain functions, including but not limited to the

1 following:

2 (a) Presiding over a disciplinary matter from its inception  
3 through to the final hearing;

4 (b) Preparing a report to the board of police  
5 commissioners; and

6 (c) Making recommendations to the board of police  
7 commissioners as to the allegations and the appropriateness of  
8 the recommended discipline.

9 (2) The board shall promulgate rules, which may be changed  
10 from time to time as determined by the board, and shall make such  
11 rules known to the hearing officer or others.

12 (3) The board shall at all times retain the authority to  
13 render the final decision after a review of the relevant  
14 documents, evidence, transcripts, videotaped testimony, or report  
15 prepared by the hearing officer.

16 5. Hearing officers shall be selected in the following  
17 manner:

18 (1) The board shall establish a panel of not less than five  
19 persons, all who are to be licensed attorneys in good standing  
20 with the Missouri Bar. The composition of the panel may change  
21 from time to time at the board's discretion;

22 (2) From the panel, the relevant member or officer and a  
23 police department representative shall alternatively and  
24 independently strike names from the list with the last remaining  
25 name being the designated hearing officer. The board shall  
26 establish a process to be utilized for each hearing which will  
27 determine which party makes the first strike and the process may  
28 change from time to time;

1 (3) After the hearing officer is chosen and presides over a  
2 matter, such hearing officer shall become ineligible until all  
3 hearing officers listed have been utilized, at which time the  
4 list shall renew, subject to officers' availability.

5 6. Nothing in this section shall be construed to authorize  
6 the board of police commissioners to remove or discharge any  
7 chief, as that term is defined in section 106.273.

8 84.490. 1. The chief of police shall serve during the  
9 pleasure of the board, except that such chief shall only be  
10 removed, suspended, or demoted for cause. For purposes of this  
11 section, cause may include the following reasons:

12 (a) The chief is unable to perform his or her duties with  
13 reasonable competence or reasonable safety as a result of a  
14 mental condition, including alcohol or substance abuse;

15 (b) The chief has committed any act, while engaged in the  
16 performance of his or her duties, that constitutes a reckless  
17 disregard for the safety of the public or another law enforcement  
18 officer;

19 (c) The chief has caused a material fact to be  
20 misrepresented for any improper or unlawful purpose;

21 (d) The chief has acted in a manner for the sole purpose of  
22 furthering his or her self-interest, or in a manner inconsistent  
23 with the interests of the public or the chief's governing body;

24 (e) The chief has been found to have violated any law,  
25 statute, or ordinance which constitutes a felony; or

26 (f) The chief has been deemed insubordinate or found to be  
27 in violation of a written established policy, unless such claimed  
28 insubordination or violation of a written established policy was

1 a violation of any federal or state law or local ordinance.

2 2. In case the board determines to remove, suspend, or  
3 demote the chief of police, he shall be notified in writing.  
4 Within ten days after receipt of such notice, the chief may, in  
5 writing, file with the secretary of the board of police  
6 commissioners, demand and he shall receive a written statement of  
7 the reasons for such removal, suspension, or demotion, and a  
8 hearing thereon at a public meeting of the board within ten days  
9 after the chief files such notice. The chief may be suspended  
10 from office pending such hearing. The action of the board in  
11 suspending, removing or demoting the chief of police shall be  
12 final [and not subject to review by any court].

13 [2.] 3. The board may, in case of and during the absence or  
14 disability of the chief, designate a qualified police officer who  
15 shall serve as acting chief and perform the duties of the office.  
16 No man shall serve as acting chief who has not the qualifications  
17 required for the position of chief.

18 84.830. 1. [No person shall solicit orally, or by letter  
19 or otherwise, or shall be in any manner concerned in soliciting,  
20 any assessment, contribution, or payment for any political  
21 purpose whatsoever from any officer or employee in the service of  
22 the police department for such cities or from members of the said  
23 police board.] No officer, agent, or employee of the police  
24 department of such cities shall permit any [such] solicitation  
25 for political purpose in any building or room occupied for the  
26 discharge of the official duties of the said department. [No  
27 officer or employee in the service of said police department  
28 shall directly or indirectly give, pay, lend, or contribute any

1 part of his salary or compensation or any money or other valuable  
2 thing to any person on account of, or to be applied to, the  
3 promotion of any political party, political club, or any  
4 political purpose whatever.]

5 2. No officer or employee of said department shall promote,  
6 remove, or reduce any other official or employee, or promise or  
7 threaten to do so, for withholding or refusing to make any  
8 contribution for any political party or purpose or club, or for  
9 refusal to render any political service, and shall not directly  
10 or indirectly attempt to coerce, command, or advise any other  
11 officer or employee to make any such contribution or render any  
12 such service. No officer or employee in the service of said  
13 department or member of the police board shall use his official  
14 authority or influence for the purpose of interfering with any  
15 election or any nomination for office, or affecting the result  
16 thereof. No officer or employee of such department shall [be a  
17 member or official of any committee of any political party, or be  
18 a ward committeeman or committeewoman, nor shall any such officer  
19 or employee] solicit any person to vote for or against any  
20 candidate for public office, or "poll precincts" or be connected  
21 with other political work of similar character on behalf of any  
22 political organization, party, or candidate while on duty or  
23 while wearing the official uniform of the department. All such  
24 persons shall, however, retain the right to vote as they may  
25 choose and to express their opinions on all political subjects  
26 and candidates.

27 3. No person or officer or employee of said department  
28 shall affix any sign, bumper sticker or other device to any



1 property or vehicle under the control of said department which  
2 either supports or opposes any ballot measure or political  
3 candidate.

4 4. No question in any examination shall relate to political  
5 or religious opinions or affiliations, and no appointment,  
6 transfer, layoff, promotion, reduction, suspension, or removal  
7 shall be affected by such opinions or affiliations.

8 5. No person shall make false statement, certification,  
9 mark, rating, or report with regard to any tests, certificate, or  
10 appointment made under any provision of sections 84.350 to 84.860  
11 or in any manner commit or attempt to commit any fraud preventing  
12 the impartial execution of this section or any provision thereof.

13 6. No person shall, directly or indirectly, give, render,  
14 pay, offer, solicit, or accept any money, service, or other  
15 valuable consideration for or on account of any appointment,  
16 proposed appointment, promotion to, or any advancement in, a  
17 position in the service of the police departments of such cities.

18 7. No person shall defeat, deceive, or obstruct any person  
19 in his right to examination, eligibility, certification,  
20 appointment or promotion under sections 84.350 to 84.860, or  
21 furnish to any person any such secret information for the purpose  
22 of affecting the right or prospects of any person with respect to  
23 employment in the police departments of such cities.

24 8. Any officer or any employee of the police department of  
25 such cities who shall be found by the board to have violated any  
26 of the provisions of this section shall be discharged forthwith  
27 from said service. It shall be the duty of the chief of police  
28 to prefer charges against any such offending person at once. Any

1 member of the board or of the common council of such cities may  
2 bring suit to restrain payment of compensation to any such  
3 offending officer or employee and, as an additional remedy, any  
4 such member of the board or of the common council of such cities  
5 may also apply to the circuit court for a writ of mandamus to  
6 compel the dismissal of such offending officer or employee.  
7 Officers or employees discharged by such mandamus shall have no  
8 right of review before the police board. Any person dismissed or  
9 convicted under this section shall, for a period of five years,  
10 be ineligible for appointment to any position in the service of  
11 the police department of such cities or the municipal government  
12 of such cities. Any persons who shall willfully or through  
13 culpable negligence violate any of the provisions of this section  
14 may, upon conviction thereof, be punished by a fine of not less  
15 than fifty dollars and not exceeding five hundred dollars, or by  
16 imprisonment for a time not exceeding six months, or by both such  
17 fine and imprisonment.

18 85.551. 1. In cities of the third class which shall not  
19 have adopted the merit system police department provided for in  
20 sections 85.541 to 85.571, the marshal shall be the chief of  
21 police, and there also may be one assistant marshal, who shall  
22 serve for a term of one year and who shall be deputy chief of  
23 police; such number of regular policemen as may be deemed  
24 necessary by the council for the good government of the city, who  
25 shall serve for terms of one year; and such number of special  
26 policemen as may be prescribed by ordinance, to serve for such  
27 time as may be prescribed by ordinance.

28 2. The manner of appointing the assistant marshal and all

1 policemen of the city shall be prescribed by ordinance. The  
2 council shall also, by ordinance, provide for the removal of any  
3 marshal, assistant marshal or policeman guilty of misbehavior in  
4 office.

5 3. Nothing in this section shall be construed to authorize  
6 the council to remove or discharge any chief, as that term is  
7 defined in section 106.273.

8 106.270. 1. If any official against whom a proceeding has  
9 been filed, as provided for in sections 106.220 to 106.290, shall  
10 be found guilty of failing personally to devote his time to the  
11 performance of the duties of such office, or of any willful,  
12 corrupt or fraudulent violation or neglect of official duty, or  
13 of knowingly or willfully failing or refusing to do or perform  
14 any official act or duty which by law it is made his duty to do  
15 or perform with respect to the execution or enforcement of the  
16 criminal laws of the state, the court shall render judgment  
17 removing him from such office, and he shall not be elected or  
18 appointed to fill the vacancy thereby created, but the same shall  
19 be filled as provided by law for filling vacancies in other  
20 cases. All actions and proceedings under sections 106.220 to  
21 106.290 shall be in the nature of civil actions, and tried as  
22 such.

23 2. Nothing in this section shall be construed to authorize  
24 the removal or discharge of any chief, as that term is defined in  
25 section 106.273.

26 106.273. 1. For the purposes of this section, the  
27 following terms shall mean:

28 (1) "Chief", any non-elected chief law enforcement officer

1 of any political subdivision;

2 (2) "Just cause", exists when a chief:

3 (a) Is unable to perform his or her duties with reasonable  
4 competence or reasonable safety as a result of a mental  
5 condition, including alcohol or substance abuse;

6 (b) Has committed any act, while engaged in the performance  
7 of his or her duties, that constitutes a reckless disregard for  
8 the safety of the public or another law enforcement officer;

9 (c) Has caused a material fact to be misrepresented for any  
10 improper or unlawful purpose;

11 (d) Acts in a manner for the sole purpose of furthering his  
12 or her self-interest or in a manner inconsistent with the  
13 interests of the public or the chief's governing body;

14 (e) Has been found to have violated any law, statute, or  
15 ordinance which constitutes a felony; or

16 (f) Has been deemed insubordinate or found to be in  
17 violation of a written established policy, unless such claimed  
18 insubordination or violation of a written established policy was  
19 a violation of any federal or state law or local ordinance.

20 2. A chief shall be subject to removal from office or  
21 employment by the appointing authority or the governing body of  
22 the political subdivision employing the chief if:

23 (1) The governing body of the political subdivision  
24 employing the chief issues a written notice to the chief whose  
25 removal is being sought no fewer than ten business days prior to  
26 the meeting at which his or her removal will be considered;

27 (2) The chief has been given written notice as to the  
28 governing body's intent to remove him or her. Such notice shall

1 include:

2 (a) Charges specifying just cause for which removal is  
3 sought;

4 (b) A statement of facts that are alleged to constitute  
5 just cause for the chief's removal; and

6 (c) The date, time, and location of the meeting at which  
7 the chief's removal will be considered;

8 (3) The chief is given an opportunity to be heard before  
9 the governing body, together with any witnesses, evidence and  
10 counsel of his or her choosing; and

11 (4) The governing body, by two-thirds majority vote, finds  
12 just cause for removing the chief.

13 3. Upon the satisfaction of the removal procedure under  
14 subsection 2 of this section, the chief shall be immediately  
15 removed from his or her office, shall be relieved of all duties  
16 and responsibilities of said office, and shall be entitled to no  
17 further compensation or benefits not already earned, accrued, or  
18 agreed upon.

19 4. Any chief removed pursuant to subsection 3 of this  
20 section shall be issued a written notice of the grounds of his or  
21 her removal within fourteen calendar days of the removal.

22 174.700. The board of regents or board of governors of any  
23 state college or university may appoint and employ as many  
24 college or university police officers as it may deem necessary to  
25 enforce regulations established under section 174.709 and general  
26 motor vehicle laws of this state in accordance with section  
27 174.712, protect persons, property, and to preserve peace and  
28 good order only in the public buildings, properties, grounds, and

1 other facilities and locations over which it has charge or  
2 control and to respond to emergencies or natural disasters  
3 outside of the boundaries of university property and provide  
4 services if requested by the law enforcement agency with  
5 jurisdiction.

6 174.703. 1. The college or university police officers,  
7 before they enter upon their duties, shall take and subscribe an  
8 oath of office before some officer authorized to administer  
9 oaths, to faithfully and impartially discharge the duties  
10 thereof, which oath shall be filed in the office of the board,  
11 and the secretary of the board shall give each college police  
12 officer so appointed and qualified a certificate of appointment,  
13 under the seal of the board, which certificate shall empower him  
14 or her with the same authority to maintain order, preserve peace  
15 and make arrests as is now held by peace officers.

16 2. The college or university police officers shall have the  
17 authority to enforce the regulations established in section  
18 174.709 and general motor vehicle laws in accordance with section  
19 174.712 on the campus as prescribed in chapter 304. The college  
20 or university police officer may in addition expel from the  
21 public buildings, campuses, and grounds, persons violating the  
22 rules and regulations that may be prescribed by the board or  
23 others under the authority of the board.

24 3. Such officer or employee of the state college or  
25 university as may be designated by the board shall have immediate  
26 charge, control and supervision of police officers appointed by  
27 authority of this section. Such college or university police  
28 officers shall have satisfactorily completed before appointment a

1 training course for police officers as prescribed by chapter 590  
2 for state peace officers or, by virtue of previous experience or  
3 training, have met the requirements of chapter 590, and have been  
4 certified under that chapter.

5 174.706. Nothing in sections 174.700 to 174.706 shall be  
6 construed as denying the board the right to appoint guards or  
7 watchmen who shall not be given the authority and powers  
8 authorized by sections 174.700 to ~~[174.706]~~ 174.712.

9 174.709. 1. For the purpose of promoting public safety,  
10 health, and general welfare and to protect life and property, the  
11 board of regents or board of governors of any state college or  
12 university may establish regulations to control vehicular  
13 traffic, including speed regulations, on any thoroughfare owned  
14 or maintained by the state college or university and located  
15 within any of its campuses. Such regulations shall be consistent  
16 with the provisions of the general motor vehicle laws of this  
17 state. Upon adoption of such regulations, the state college or  
18 university shall have the authority to place official traffic  
19 control signals, as defined in section 300.010, on campus  
20 property.

21 2. The regulations established by the board of regents or  
22 board of governors of any state college or university under  
23 subsection 1 of this section shall be codified, printed, and  
24 distributed for public use. Adequate signs displaying the speed  
25 limit shall be posted along such thoroughfares.

26 3. Violations of any regulation established under this  
27 section shall have the same effect as a violation of municipal  
28 ordinances adopted under section 304.120, with penalty provisions

1 as provided in section 304.570. Points assessed against any  
2 person under section 302.302, for a violation of this section  
3 shall be the same as provided for a violation of a county or  
4 municipal ordinance.

5 4. The provisions of this section shall apply only to  
6 moving violations.

7 174.712. All motor vehicles operated upon any thoroughfare  
8 owned or maintained by the state college or university and  
9 located within any of its campuses shall be subject to the  
10 provisions of the general motor vehicle laws of this state,  
11 including chapters 301, 302, 303, 304, 307, and 577. Violations  
12 shall have the same effect as though such had occurred on public  
13 roads, streets, or highways of this state.

14 190.098. 1. In order for a person to be eligible for  
15 certification by the department as a community paramedic, an  
16 individual shall:

17 (1) Be currently certified as a paramedic;

18 (2) Successfully complete or have successfully completed a  
19 community paramedic certification program from a college,  
20 university, or educational institution that has been approved by  
21 the department or accredited by a national accreditation  
22 organization approved by the department; and

23 (3) Complete an application form approved by the  
24 department.

25 2. A community paramedic shall practice in accordance with  
26 protocols and supervisory standards established by the medical  
27 director. A community paramedic shall provide services of a  
28 health care plan if the plan has been developed by the patient's



1 physician or by an advanced practice registered nurse through a  
2 collaborative practice arrangement with a physician or a  
3 physician assistant through a collaborative practice arrangement  
4 with a physician and there is no duplication of services to the  
5 patient from another provider.

6 3. Any ambulance service shall enter into a written  
7 contract to provide community paramedic services in another  
8 ambulance service area, as that term is defined in section  
9 190.100. The contract that is agreed upon may be for an  
10 indefinite period of time, as long as it includes at least a  
11 sixty-day cancellation notice by either ambulance service.

12 4. A community paramedic is subject to the provisions of  
13 sections 190.001 to 190.245 and rules promulgated under sections  
14 190.001 to 190.245.

15 5. No person shall hold himself or herself out as a  
16 community paramedic or provide the services of a community  
17 paramedic unless such person is certified by the department.

18 6. The medical director shall approve the implementation of  
19 the community paramedic program.

20 7. Any rule or portion of a rule, as that term is defined  
21 in section 536.010, that is created under the authority delegated  
22 in this section shall become effective only if it complies with  
23 and is subject to all of the provisions of chapter 536 and, if  
24 applicable, section 536.028. This section and chapter 536 are  
25 nonseverable and if any of the powers vested with the general  
26 assembly pursuant to chapter 536 to review, to delay the  
27 effective date, or to disapprove and annul a rule are  
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2013,  
2 shall be invalid and void.

3 190.100. As used in sections 190.001 to 190.245, the  
4 following words and terms mean:

5 (1) "Advanced life support (ALS)", an advanced level of  
6 care as provided to the adult and pediatric patient such as  
7 defined by national curricula, and any modifications to that  
8 curricula specified in rules adopted by the department pursuant  
9 to sections 190.001 to 190.245;

10 (2) "Ambulance", any privately or publicly owned vehicle or  
11 craft that is specially designed, constructed or modified,  
12 staffed or equipped for, and is intended or used, maintained or  
13 operated for the transportation of persons who are sick, injured,  
14 wounded or otherwise incapacitated or helpless, or who require  
15 the presence of medical equipment being used on such individuals,  
16 but the term does not include any motor vehicle specially  
17 designed, constructed or converted for the regular transportation  
18 of persons who are disabled, handicapped, normally using a  
19 wheelchair, or otherwise not acutely ill, or emergency vehicles  
20 used within airports;

21 (3) "Ambulance service", a person or entity that provides  
22 emergency or nonemergency ambulance transportation and services,  
23 or both, in compliance with sections 190.001 to 190.245, and the  
24 rules promulgated by the department pursuant to sections 190.001  
25 to 190.245;

26 (4) "Ambulance service area", a specific geographic area in  
27 which an ambulance service has been authorized to operate;

28 (5) "Basic life support (BLS)", a basic level of care, as

1 provided to the adult and pediatric patient as defined by  
2 national curricula, and any modifications to that curricula  
3 specified in rules adopted by the department pursuant to sections  
4 190.001 to 190.245;

5 (6) "Council", the state advisory council on emergency  
6 medical services;

7 (7) "Department", the department of health and senior  
8 services, state of Missouri;

9 (8) "Director", the director of the department of health  
10 and senior services or the director's duly authorized  
11 representative;

12 (9) "Dispatch agency", any person or organization that  
13 receives requests for emergency medical services from the public,  
14 by telephone or other means, and is responsible for dispatching  
15 emergency medical services;

16 (10) "Emergency", the sudden and, at the time, unexpected  
17 onset of a health condition that manifests itself by symptoms of  
18 sufficient severity that would lead a prudent layperson,  
19 possessing an average knowledge of health and medicine, to  
20 believe that the absence of immediate medical care could result  
21 in:

22 (a) Placing the person's health, or with respect to a  
23 pregnant woman, the health of the woman or her unborn child, in  
24 significant jeopardy;

25 (b) Serious impairment to a bodily function;

26 (c) Serious dysfunction of any bodily organ or part;

27 (d) Inadequately controlled pain;

28 (11) "Emergency medical dispatcher", a person who receives

1 emergency calls from the public and has successfully completed an  
2 emergency medical dispatcher course, meeting or exceeding the  
3 national curriculum of the United States Department of  
4 Transportation and any modifications to such curricula specified  
5 by the department through rules adopted pursuant to sections  
6 190.001 to 190.245;

7 (12) "Emergency medical response agency", any person that  
8 regularly provides a level of care that includes first response,  
9 basic life support or advanced life support, exclusive of patient  
10 transportation;

11 (13) "Emergency medical services for children (EMS-C)  
12 system", the arrangement of personnel, facilities and equipment  
13 for effective and coordinated delivery of pediatric emergency  
14 medical services required in prevention and management of  
15 incidents which occur as a result of a medical emergency or of an  
16 injury event, natural disaster or similar situation;

17 (14) "Emergency medical services (EMS) system", the  
18 arrangement of personnel, facilities and equipment for the  
19 effective and coordinated delivery of emergency medical services  
20 required in prevention and management of incidents occurring as a  
21 result of an illness, injury, natural disaster or similar  
22 situation;

23 (15) "Emergency medical technician", a person licensed in  
24 emergency medical care in accordance with standards prescribed by  
25 sections 190.001 to 190.245, and by rules adopted by the  
26 department pursuant to sections 190.001 to 190.245;

27 (16) "Emergency medical technician-basic" or "EMT-B", a  
28 person who has successfully completed a course of instruction in

1 basic life support as prescribed by the department and is  
2 licensed by the department in accordance with standards  
3 prescribed by sections 190.001 to 190.245 and rules adopted by  
4 the department pursuant to sections 190.001 to 190.245;

5 (17) "Emergency medical technician-community paramedic",  
6 "community paramedic", or "EMT-CP", a person who is certified as  
7 an emergency medical technician-paramedic and is certified by the  
8 department in accordance with standards prescribed in section  
9 190.098;

10 (18) "Emergency medical technician-intermediate" or  
11 "EMT-I", a person who has successfully completed a course of  
12 instruction in certain aspects of advanced life support care as  
13 prescribed by the department and is licensed by the department in  
14 accordance with sections 190.001 to 190.245 and rules and  
15 regulations adopted by the department pursuant to sections  
16 190.001 to 190.245;

17 [(18)] (19) "Emergency medical technician-paramedic" or  
18 "EMT-P", a person who has successfully completed a course of  
19 instruction in advanced life support care as prescribed by the  
20 department and is licensed by the department in accordance with  
21 sections 190.001 to 190.245 and rules adopted by the department  
22 pursuant to sections 190.001 to 190.245;

23 [(19)] (20) "Emergency services", health care items and  
24 services furnished or required to screen and stabilize an  
25 emergency which may include, but shall not be limited to, health  
26 care services that are provided in a licensed hospital's  
27 emergency facility by an appropriate provider or by an ambulance  
28 service or emergency medical response agency;

1            [(20)] (21) "First responder", a person who has  
2 successfully completed an emergency first response course meeting  
3 or exceeding the national curriculum of the United States  
4 Department of Transportation and any modifications to such  
5 curricula specified by the department through rules adopted  
6 pursuant to sections 190.001 to 190.245 and who provides  
7 emergency medical care through employment by or in association  
8 with an emergency medical response agency;

9            [(21)] (22) "Health care facility", a hospital, nursing  
10 home, physician's office or other fixed location at which medical  
11 and health care services are performed;

12           [(22)] (23) "Hospital", an establishment as defined in the  
13 hospital licensing law, subsection 2 of section 197.020, or a  
14 hospital operated by the state;

15           [(23)] (24) "Medical control", supervision provided by or  
16 under the direction of physicians to providers by written or  
17 verbal communications;

18           [(24)] (25) "Medical direction", medical guidance and  
19 supervision provided by a physician to an emergency services  
20 provider or emergency medical services system;

21           [(25)] (26) "Medical director", a physician licensed  
22 pursuant to chapter 334 designated by the ambulance service or  
23 emergency medical response agency and who meets criteria  
24 specified by the department by rules pursuant to sections 190.001  
25 to 190.245;

26           [(26)] (27) "Memorandum of understanding", an agreement  
27 between an emergency medical response agency or dispatch agency  
28 and an ambulance service or services within whose territory the

1 agency operates, in order to coordinate emergency medical  
2 services;

3 [(27)] (28) "Patient", an individual who is sick, injured,  
4 wounded, diseased, or otherwise incapacitated or helpless, or  
5 dead, excluding deceased individuals being transported from or  
6 between private or public institutions, homes or cemeteries, and  
7 individuals declared dead prior to the time an ambulance is  
8 called for assistance;

9 [(28)] (29) "Person", as used in these definitions and  
10 elsewhere in sections 190.001 to 190.245, any individual, firm,  
11 partnership, copartnership, joint venture, association,  
12 cooperative organization, corporation, municipal or private, and  
13 whether organized for profit or not, state, county, political  
14 subdivision, state department, commission, board, bureau or  
15 fraternal organization, estate, public trust, business or common  
16 law trust, receiver, assignee for the benefit of creditors,  
17 trustee or trustee in bankruptcy, or any other service user or  
18 provider;

19 [(29)] (30) "Physician", a person licensed as a physician  
20 pursuant to chapter 334;

21 [(30)] (31) "Political subdivision", any municipality,  
22 city, county, city not within a county, ambulance district or  
23 fire protection district located in this state which provides or  
24 has authority to provide ambulance service;

25 [(31)] (32) "Professional organization", any organized  
26 group or association with an ongoing interest regarding emergency  
27 medical services. Such groups and associations could include  
28 those representing volunteers, labor, management, firefighters,

1 EMT-B's, nurses, EMT-P's, physicians, communications specialists  
2 and instructors. Organizations could also represent the  
3 interests of ground ambulance services, air ambulance services,  
4 fire service organizations, law enforcement, hospitals, trauma  
5 centers, communication centers, pediatric services, labor unions  
6 and poison control services;

7 [(32)] (33) "Proof of financial responsibility", proof of  
8 ability to respond to damages for liability, on account of  
9 accidents occurring subsequent to the effective date of such  
10 proof, arising out of the ownership, maintenance or use of a  
11 motor vehicle in the financial amount set in rules promulgated by  
12 the department, but in no event less than the statutory minimum  
13 required for motor vehicles. Proof of financial responsibility  
14 shall be used as proof of self-insurance;

15 [(33)] (34) "Protocol", a predetermined, written medical  
16 care guideline, which may include standing orders;

17 [(34)] (35) "Regional EMS advisory committee", a committee  
18 formed within an emergency medical services (EMS) region to  
19 advise ambulance services, the state advisory council on EMS and  
20 the department;

21 [(35)] (36) "Specialty care transportation", the  
22 transportation of a patient requiring the services of an  
23 emergency medical technician-paramedic who has received  
24 additional training beyond the training prescribed by the  
25 department. Specialty care transportation services shall be  
26 defined in writing in the appropriate local protocols for ground  
27 and air ambulance services and approved by the local physician  
28 medical director. The protocols shall be maintained by the local



1 ambulance service and shall define the additional training  
2 required of the emergency medical technician-paramedic;

3 [(36)] (37) "Stabilize", with respect to an emergency, the  
4 provision of such medical treatment as may be necessary to  
5 attempt to assure within reasonable medical probability that no  
6 material deterioration of an individual's medical condition is  
7 likely to result from or occur during ambulance transportation  
8 unless the likely benefits of such transportation outweigh the  
9 risks;

10 [(37)] (38) "State advisory council on emergency medical  
11 services", a committee formed to advise the department on policy  
12 affecting emergency medical service throughout the state;

13 [(38)] (39) "State EMS medical directors advisory  
14 committee", a subcommittee of the state advisory council on  
15 emergency medical services formed to advise the state advisory  
16 council on emergency medical services and the department on  
17 medical issues;

18 [(39)] (40) "STEMI" or "ST-elevation myocardial  
19 infarction", a type of heart attack in which impaired blood flow  
20 to the patient's heart muscle is evidenced by ST-segment  
21 elevation in electrocardiogram analysis, and as further defined  
22 in rules promulgated by the department under sections 190.001 to  
23 190.250;

24 [(40)] (41) "STEMI care", includes education and  
25 prevention, emergency transport, triage, and acute care and  
26 rehabilitative services for STEMI that requires immediate medical  
27 or surgical intervention or treatment;

28 [(41)] (42) "STEMI center", a hospital that is currently

1 designated as such by the department to care for patients with  
2 ST-segment elevation myocardial infarctions;

3 [(42)] (43) "Stroke", a condition of impaired blood flow to  
4 a patient's brain as defined by the department;

5 [(43)] (44) "Stroke care", includes emergency transport,  
6 triage, and acute intervention and other acute care services for  
7 stroke that potentially require immediate medical or surgical  
8 intervention or treatment, and may include education, primary  
9 prevention, acute intervention, acute and subacute management,  
10 prevention of complications, secondary stroke prevention, and  
11 rehabilitative services;

12 [(44)] (45) "Stroke center", a hospital that is currently  
13 designated as such by the department;

14 [(45)] (46) "Trauma", an injury to human tissues and organs  
15 resulting from the transfer of energy from the environment;

16 [(46)] (47) "Trauma care" includes injury prevention,  
17 triage, acute care and rehabilitative services for major single  
18 system or multisystem injuries that potentially require immediate  
19 medical or surgical intervention or treatment;

20 [(47)] (48) "Trauma center", a hospital that is currently  
21 designated as such by the department.

22 321.015. 1. No person holding any lucrative office or  
23 employment under this state, or any political subdivision thereof  
24 as defined in section 70.120, shall hold the office of fire  
25 protection district director under this chapter. When any fire  
26 protection district director accepts any office or employment  
27 under this state or any political subdivision thereof, his office  
28 shall thereby be vacated and he shall thereafter perform no duty

1 and receive no salary or expenses as fire protection district  
2 director.

3 2. This section shall not apply to:

4 (1) Members of the organized militia, of the reserve corps,  
5 public school employees and notaries public[, or to] ;

6 (2) Fire protection districts located wholly within  
7 counties of the second, third or fourth [class or]  
8 classification;

9 (3) Fire protection districts in counties of the first  
10 classification with less than eighty-five thousand inhabitants;

11 (4) Fire protection districts located within [first class]  
12 counties of the first classification not adjoining any other  
13 [first class] county[, nor shall this section apply to] of the  
14 first classification;

15 (5) Fire protection districts located within any county of  
16 the first or second [class] classification not having more than  
17 nine hundred thousand inhabitants which borders any three [first  
18 class] counties of the first classification; [nor shall this  
19 section apply to] ;

20 (6) Fire protection districts located within any [first  
21 class] county [without a charter form of government] of the first  
22 classification which adjoins both a [first class] county with a  
23 charter form of government with [at least] more than nine hundred  
24 fifty thousand inhabitants, and adjoins at least four other  
25 counties;

26 (7) Fire protection districts located within any county of  
27 the first classification with more than one hundred fifty  
28 thousand but fewer than two hundred thousand inhabitants.

1           3. For the purposes of this section, the term "lucrative  
2 office or employment" does not include receiving retirement  
3 benefits, compensation for expenses, or a stipend or per diem, in  
4 an amount not to exceed seventy-five dollars for each day of  
5 service, for service rendered to a fire protection district, the  
6 state or any political subdivision thereof.

7           321.210. On the first Tuesday in April after the expiration  
8 of at least two full calendar years from the date of the election  
9 of the first board of directors, and on the first Tuesday in  
10 April every two years thereafter, an election for members of the  
11 board of directors shall be held in the district. Nominations  
12 shall be filed at the headquarters of the fire protection  
13 district in which a majority of the district is located by paying  
14 a [ten-dollar] filing fee up to the amount of a candidate for  
15 state representative as set forth under section 115.357 and  
16 filing a statement under oath that he possesses the required  
17 qualifications. The candidate receiving the most votes shall be  
18 elected. Any new member of the board shall qualify in the same  
19 manner as the members of the first board qualify.

20           321.322. 1. If any property located within the boundaries  
21 of a fire protection district shall be included within a city  
22 having a population of at least two thousand five hundred but not  
23 more than sixty-five thousand which is not wholly within the fire  
24 protection district and which maintains a city fire department,  
25 then upon the date of actual inclusion of the property within the  
26 city, as determined by the annexation process, the city shall  
27 within sixty days assume by contract with the fire protection  
28 district all responsibility for payment in a lump sum or in

1 installments an amount mutually agreed upon by the fire  
2 protection district and the city for the city to cover all  
3 obligations of the fire protection district to the area included  
4 within the city, and thereupon the fire protection district shall  
5 convey to the city the title, free and clear of all liens or  
6 encumbrances of any kind or nature, any such tangible real and  
7 personal property of the fire protection district as may be  
8 agreed upon, which is located within the part of the fire  
9 protection district located within the corporate limits of the  
10 city with full power in the city to use and dispose of such  
11 tangible real and personal property as the city deems best in the  
12 public interest, and the fire protection district shall no longer  
13 levy and collect any tax upon the property included within the  
14 corporate limits of the city; except that, if the city and the  
15 fire protection district cannot mutually agree to such an  
16 arrangement, then the city shall assume responsibility for fire  
17 protection in the annexed area on or before January first of the  
18 third calendar year following the actual inclusion of the  
19 property within the city, as determined by the annexation  
20 process, and furthermore the fire protection district shall not  
21 levy and collect any tax upon that property included within the  
22 corporate limits of the city after the date of inclusion of that  
23 property:

24 (1) On or before January first of the second calendar year  
25 occurring after the date on which the property was included  
26 within the city, the city shall pay to the fire protection  
27 district a fee equal to the amount of revenue which would have  
28 been generated during the previous calendar year by the fire

1 protection district tax on the property in the area annexed which  
2 was formerly a part of the fire protection district;

3 (2) On or before January first of the third calendar year  
4 occurring after the date on which the property was included  
5 within the city, the city shall pay to the fire protection  
6 district a fee equal to four-fifths of the amount of revenue  
7 which would have been generated during the previous calendar year  
8 by the fire protection district tax on the property in the area  
9 annexed which was formerly a part of the fire protection  
10 district;

11 (3) On or before January first of the fourth calendar year  
12 occurring after the date on which the property was included  
13 within the city, the city shall pay to the fire protection  
14 district a fee equal to three-fifths of the amount of revenue  
15 which would have been generated during the previous calendar year  
16 by the fire protection district tax on the property in the area  
17 annexed which was formerly a part of the fire protection  
18 district;

19 (4) On or before January first of the fifth calendar year  
20 occurring after the date on which the property was included  
21 within the city, the city shall pay to the fire protection  
22 district a fee equal to two-fifths of the amount of revenue which  
23 would have been generated during the previous calendar year by  
24 the fire protection district tax on the property in the area  
25 annexed which was formerly a part of the fire protection  
26 district; and

27 (5) On or before January first of the sixth calendar year  
28 occurring after the date on which the property was included

1 within the city, the city shall pay to the fire protection  
2 district a fee equal to one-fifth of the amount of revenue which  
3 would have been generated during the previous calendar year by  
4 the fire protection district tax on the property in the area  
5 annexed which was formerly a part of the fire protection  
6 district.

7 Nothing contained in this section shall prohibit the ability of a  
8 city to negotiate contracts with a fire protection district for  
9 mutually agreeable services. This section shall also apply to  
10 those fire protection districts and cities which have not reached  
11 agreement on overlapping boundaries previous to August 28, 1990.  
12 Such fire protection districts and cities shall be treated as  
13 though inclusion of the annexed area took place on December  
14 thirty-first immediately following August 28, 1990.

15 2. Any property excluded from a fire protection district by  
16 reason of subsection 1 of this section shall be subject to the  
17 provisions of section 321.330.

18 3. The provisions of this section shall not apply in any  
19 county of the first class having a charter form of government and  
20 having a population of over nine hundred thousand inhabitants.

21 4. The provisions of this section shall not apply where the  
22 annexing city or town operates a city fire department and was on  
23 January 1, 2005, a city of the fourth classification with more  
24 than eight thousand nine hundred but fewer than nine thousand  
25 inhabitants and entirely surrounded by a single fire district.  
26 In such cases, the provision of fire and emergency medical  
27 services following annexation shall be governed by subsections 2  
28 and 3 of section 72.418.

1           5. The provisions of this section shall not apply where the  
2 annexing city or town operates a city fire department, is any  
3 city of the third classification with more than six thousand but  
4 fewer than seven thousand inhabitants and located in any county  
5 with a charter form of government and with more than two hundred  
6 thousand but fewer than three hundred fifty thousand inhabitants,  
7 and is entirely surrounded by a single fire protection district.  
8 In such cases, the provision of fire and emergency medical  
9 services following annexation shall be governed by subsections 2  
10 and 3 of section 72.418.

11           544.157. 1. Any law enforcement officer certified pursuant  
12 to chapter 590 of any political subdivision of this state, any  
13 authorized agent of the department of conservation, any  
14 commissioned member of the Missouri capitol police, any college  
15 or university police officer, and any commissioned member of the  
16 Missouri state park rangers in fresh pursuit of a person who is  
17 reasonably believed by such officer to have committed a felony in  
18 this state or who has committed, or attempted to commit, in the  
19 presence of such officer or agent, any criminal offense or  
20 violation of a municipal or county ordinance, or for whom such  
21 officer holds a warrant of arrest for a criminal offense, shall  
22 have the authority to arrest and hold in custody such person  
23 anywhere in this state. Fresh pursuit may only be initiated from  
24 within the pursuing peace officer's, conservation agent's,  
25 capitol police officer's, college or university police officer's,  
26 or state park ranger's jurisdiction and shall be terminated once  
27 the pursuing peace officer is outside of such officer's  
28 jurisdiction and has lost contact with the person being pursued.



1 If the offense is a traffic violation, the uniform traffic ticket  
2 shall be used as if the violator had been apprehended in the  
3 municipality or county in which the offense occurred.

4 2. If such an arrest is made in obedience to a warrant, the  
5 disposition of the prisoner shall be made as in other cases of  
6 arrest under a warrant; if the violator is served with a uniform  
7 traffic ticket, the violator shall be directed to appear before a  
8 court having jurisdiction to try the offense; if the arrest is  
9 without a warrant, the prisoner shall be taken forthwith before a  
10 judge of a court with original criminal jurisdiction in the  
11 county wherein such arrest was made or before a municipal judge  
12 thereof having original jurisdiction to try such offense, who may  
13 release the person as provided in section 544.455, conditioned  
14 upon such person's appearance before the court having  
15 jurisdiction to try the offense. The person so arrested need not  
16 be taken before a judge as herein set out if given a summons by  
17 the arresting officer.

18 3. The term "fresh pursuit", as used in this section, shall  
19 include hot or fresh pursuit as defined by the common law and  
20 also the pursuit of a person who has committed a felony or is  
21 reasonably suspected of having committed a felony in this state,  
22 or who has committed or attempted to commit in this state a  
23 criminal offense or violation of municipal or county ordinance in  
24 the presence of the arresting officer referred to in subsection 1  
25 of this section or for whom such officer holds a warrant of  
26 arrest for a criminal offense. It shall include also the pursuit  
27 of a person suspected of having committed a supposed felony in  
28 this state, though no felony has actually been committed, if

1 there is reasonable ground for so believing. "Fresh pursuit" as  
2 used herein shall imply instant pursuit.

3 4. A public agency electing to institute vehicular pursuits  
4 shall adopt a policy for the safe conduct of vehicular pursuits  
5 by peace officers. Such policy shall meet the following minimum  
6 standards:

7 (1) There shall be supervisory control of the pursuit;

8 (2) There shall be procedures for designating the primary  
9 pursuit vehicle and for determining the total number of vehicles  
10 to be permitted to participate at one time in the pursuit;

11 (3) There shall be procedures for coordinating operation  
12 with other jurisdictions; and

13 (4) There shall be guidelines for determining when the  
14 interests of public safety and effective law enforcement justify  
15 a vehicular pursuit and when a vehicular pursuit should not be  
16 initiated or should be terminated.

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