

Vernon's Annotated Missouri Statutes [Currentness](#)

Title XXI. Public Safety and Morals

▢ [Chapter 320. Fire Protection \(Refs & Annos\)](#)

→ Generally

→ **320.010. Proprietors of public buildings required to erect fire escapes--how constructed**

It shall be the duty of the owner, proprietor, lessee, trustee, or keeper of every hotel, boarding and lodging house, tenement house, schoolhouse, opera house, theater, music hall, factory, office building, except fireproof office buildings in which all structural parts are wholly of brick, stone, tile, concrete, reinforced concrete, iron, steel, or incombustible material, and which are not used for lodging purposes in the state of Missouri, and every building therein where people congregate or which is used for a business place or for public or private assemblages, which has a height of three or more stories, to provide said structure with iron or steel stair or tubular fire escapes attached to the exterior of said building and by staircases located in the interior of said building. The fire escapes shall extend from the upper story to the ground, pavement or sidewalk with iron or steel ladder from the upper story to the roof; provided, however, that such fire escapes, if not continued to the ground, pavement or sidewalk, shall be equipped with a counter-balance device attachment, appliance or apparatus which shall extend from the floor level of the second story to the ground, pavement or sidewalk. School buildings, opera houses, theaters and church buildings, also hospitals, blind and mental health facilities and seminaries, shall each have a stair or tubular fire escape built solid to the ground. In no case shall a fire escape run past a window where it is practicable to avoid it. All fire escapes required by this chapter, except as herein provided, must be of the kind known as stationary fire escapes. All buildings heretofore erected shall be made to conform to the provisions of this chapter.

320.020. How erected and enclosed

When fire escapes are to be attached to buildings within a city, they shall be constructed under the supervision of and subject to the approval of the commissioner or superintendent of public buildings within such city, and if there be no such office within such city, they shall be subject to the approval of the chief of the fire department of such city. Whenever a fire escape attached to any building located within a city shall, upon inspection by the commissioner or superintendent of public buildings, or chief of the fire department of such city, be found in an unsafe and dangerous condition, the owner, lessee, proprietor or keeper of said building shall forthwith rebuild or repair same or replace same in safe condition, upon written notice of such commissioner or superintendent. When fire escapes are to be attached to buildings not within the limits of any city, they shall be subject to the approval of the sheriff of the county in which such building is located. And should such fire escape, through age or otherwise, be or become unsafe or dangerous, the same shall be repaired and placed in safe condition, upon written notice by said sheriff to the person in charge of such building. All stair fire escapes shall have proper and safe balconies for each story thereof, surrounded on the sides with wire bank and pipe rail not less than three feet in height, with openings from the building to said balconies. Whenever a stair fire escape is to be constructed, the stairway shall, where practicable, be of an angle of not more than fifty-five degrees and constructed so as to be placed on a blank wall. The stair fire escape shall be provided with one or more landings in each story, and enclosed on the sides with wire bank and pipe rail not less than three feet in height and run-

ning on the same angle as the stairs.

320.030. Number to each building

The number of fire escapes to be attached to any one building, as required in this chapter, shall, when the building is located within a city, be determined by the commissioner or superintendent of public buildings within such city, and if there be no such officer in such city, then by the chief of the fire department of such city; provided, however, that all buildings of nonfireproof construction three or more stories in height, used for manufacturing purposes, hotels, dormitories, schools, seminaries, hospitals or asylums, shall have not less than one fire escape for every fifty persons or fraction thereof, for whom working, sleeping or living accommodations are provided above the second story, and all public halls which provide seating room above the first or ground story, shall have such number of fire escapes as shall not be less than one fire escape for every one hundred persons, calculated on the seating capacity of the hall, unless a different number is authorized in writing by the commissioner, or superintendent of buildings, or the chief of the fire department, or the sheriff of the county, as the case may be.

320.040. Buildings to be equipped with fire escapes

All buildings of three and not exceeding four stories in height hereafter erected or altered, in this state, which are used, or intended to be used for any of the purposes mentioned in [sections 320.010 to 320.060](#), shall be provided with exterior or stationary stair or tubular fire escapes, or at the option of the owner may be provided with interior fireproof fire escapes, and all such buildings, exceeding four stories in height shall be provided with interior fireproof fire escapes. All interior fire escapes shall be installed in fireproof shafts constructed of brick or concrete, and shall extend from the ground to the top of the building, with an exterior entrance thereto at each story and shall have no openings of any kind leading to or from the interior of the building. The doors on the ground floor of every such shaft shall open directly into a street, alley, yard, or outer court or directly into an enclosed fireproof corridor or passageway, constructed of brick or concrete, and leading directly to and opening into a street, alley, yard or outer court. All buildings coming within the provisions of this section, and not exceeding four stories in height, shall be provided with such a number of exterior stationary stair or tubular fire escapes as are required by [section 320.030](#); provided, that number are so located that no part of the floor area of any floor above the first story will be more than one hundred feet distant from a fire escape, or if such building be provided with interior fire escapes, there shall be one for every two hundred persons or fractional part thereof for whom working, sleeping or living accommodations are provided for above the second story. There shall be a sufficient number of fire escapes so located that no part of any floor space above the first story will be more than one hundred feet from a fire escape, whether they are interior or exterior fire escapes.

320.050. Penalties

The owner, proprietor, lessee or manager of a building which, under the terms of [sections 320.010 to 320.060](#), is required to have one or more fire escapes, who shall neglect or refuse for the period of sixty days after [sections 320.010 to 320.060](#) take effect to comply with its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment in the county or city jail not more

than three months, or by both fine and imprisonment, and each day shall be deemed a separate offense.

320.060. Duty of officers

It is made the duty of all prosecuting attorneys in this state to institute and prosecute infractions of [sections 320.010 to 320.060](#). Whenever it shall come to the knowledge of the chief of the fire department or commissioner of public buildings in any city, or the sheriff in any county, that any violation of [sections 320.010 to 320.060](#) has occurred, it shall be his duty to report the fact to the prosecuting attorney.

320.070. Doors to certain buildings to be hung, how

All the doors for ingress and egress to and from all public schoolhouses and all other public buildings, and also of all theaters, assembly rooms, halls, churches, factories with more than twenty employees, and of all other buildings or places of public resort whatever, where people are wont to assemble, excepting schoolhouses and churches of one room and on the ground floor, which shall hereafter be erected, together with all those heretofore erected and which are still in use as such public buildings or places of resort, shall be so hung as to open outwardly from the audience rooms, halls or workshops of such buildings or places; provided, that said doors may be hung on double-jointed hinges so as to open with equal ease outwardly and inwardly.

320.080. Penalty

Any architect, superintendent or other person or persons or body corporate, who may have charge of the erection, or may have the control or custody of any of the said buildings or places of resort mentioned in [section 320.070](#) who shall refuse or fail to comply with the provisions of said section within six months from the passage of this law, in case of said buildings or places aforesaid which have been heretofore erected, and before the completion or occupation for said purposes of any of said buildings or places now in process of erection, shall, on proof of such refusal or failure before any court of competent jurisdiction, be adjudged to be guilty of a misdemeanor, and be punished by a fine of not less than one hundred nor more than one thousand dollars, which said fine shall be collected as is now provided by law for the collection of fines in such cases, and when collected shall be paid into and become a part of the public school fund of the county, city or incorporated town in which said misdemeanor was committed.

320.081. Fire insurance company records to be furnished law enforcement officials, when

The state fire marshal, prosecuting or circuit attorney, police chief, sheriff, fire chief, or other law enforcement agency having jurisdiction over the act and having probable cause to believe the crime of arson may have been committed, may, in writing, request of an officer, attorney or claims management personnel of any insurance company doing the business of fire insurance in this state the production of any records of the insurance company concerning any fire loss reported to the insurance company. Upon receipt of such a written request such insurance company shall immediately produce and turn over such records to the person requesting same. Such insurance company shall disclose all facts and

information in possession or knowledge of such officer, attorney, or claims management personnel of the company concerning any fire loss which the company is investigating or has investigated or has become knowledgeable of through any agency with, or employment for, such insurance company.

320.082. Fire insurance companies to report suspected arson to prosecuting or circuit attorney--prosecutor to report to other authorized persons

Every insurance company doing the business of fire insurance within this state which shall have reason to believe that any fire loss reported to it is the result of arson or incendiarism shall forthwith report the same along with all relevant facts thereof to the prosecuting or circuit attorney of the city or county in which said fire loss occurred and the prosecuting or circuit attorney shall acknowledge receipt. The prosecuting or circuit attorney shall give notification of receipt and shall provide such report, upon request, to the state fire marshal, the department of insurance, financial institutions and professional registration and the law enforcement agency having jurisdiction over the fire loss.

320.083. Law enforcement officials to furnish fire insurance companies with information regarding fire losses, when

The state fire marshal, prosecuting or circuit attorney, police chief, sheriff, fire chief, or other law enforcement agency having jurisdiction over the act, upon receipt of a written request from an officer, attorney or claims management personnel of any insurance company shall disclose to the insurance company and its officer, attorney or claims management personnel, all facts, documents and information in possession or knowledge of that agency or its employees concerning any fire loss reported under [sections 320.081 to 320.086](#) which at the time of the request is the subject of a pending claim against said company; unless such disclosure would jeopardize a pending prosecution. No police chief, sheriff, fire chief, or other law enforcement agency shall disclose any facts, documents, or information under this section unless the request for such facts, documents, or information has been approved by the prosecuting or circuit attorney having jurisdiction over the act.

320.085. Immunity from civil or criminal actions for furnishing fire loss information in good faith--presumption--closed records

1. No civil or criminal action shall lie against any agency or company identified herein and the officer, attorney, agent or employee of either, which shall act in good faith under the provisions of [sections 320.081 to 320.086](#). Any information or records produced in compliance with [sections 320.081 to 320.086](#) shall be a closed meeting or a closed record as these terms are used in [subdivision \(1\) of section 610.010, RSMo](#), and shall remain same until necessary for the prosecution or defense of a civil or criminal action.

2. Good faith shall be presumed on the part of any agency or company identified herein and the officer, attorney, agent or employee of either, which shall act in the absence of fraud or malice pursuant to [sections 320.081 to 320.086](#). Nothing in [sections 320.081 to 320.086](#) shall relieve any person, official, or insurance company from the provisions of [sec-](#)

tions 375.420 and 375.930 to 375.948, RSMo.

320.086. Access to closed arrest records not authorized--attorney-client privilege not restricted or waived

1. Nothing contained in sections 320.081 to 320.086 shall allow access to records otherwise closed under sections 610.100 to 610.105, RSMo Supp. 1982.
2. Nothing contained in sections 320.081 to 320.086 shall restrict or waive the attorney-client privilege.

320.088. Personal protective equipment, standards for purchasing

1. No fire protection district, volunteer fire protection association or any fire department of any political subdivision shall purchase any new personal protection equipment for structural firefighters unless such equipment meets the standards established in this section. The state fire marshal shall not purchase any equipment covered under this section unless such standards are met.
2. The mandatory minimum standards for all new purchases of personal protective equipment for structural firefighters shall meet those standards adopted by the National Fire Protection Association (NFPA). Where no standards exist, the Occupational Safety and Health Administration (OSHA) fire brigades standards, 29 CFR 1910.156, shall apply until an NFPA standard is adopted.
3. Nothing contained in this section shall be construed to require any fire protection district, volunteer fire protection association or any fire department of any political subdivision to purchase new equipment of any kind or type.

320.089. Labeling requirement for personal protective equipment, violation, penalty

1. No person or other legal entity shall label personal protective equipment as meeting the standards set forth in subsection 2 of section 320.088 unless such equipment does in fact meet such standards.
2. Any person who violates the provisions of subsection 1 of this section is guilty of a class D felony.

320.090. Emergency services, contracts for mutual aid operative in disasters--requirements

1. Any municipal fire department, fire protection district or volunteer fire protection association, as defined by section 320.300, may enter into contracts providing for mutual aid regarding emergency services provided by such fire department, fire protection district or volunteer fire protection association. The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period

as long as they include a sixty-day cancellation notice by either party. The contracts agreed upon may not be entered into for the purpose of reduction of manpower by either party.

2. Any municipal fire department, fire protection district or volunteer fire protection association may provide assistance to any other municipal fire department, fire protection district or volunteer fire protection association in the state, or any bordering state, at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident or other such disaster. The chief or highest ranking fire officer may render aid to any requesting fire department, fire protection district or volunteer fire protection association as long as he is acting in accordance with the policies and procedures set forth by the governing board of that governmental entity or association.

3. When responding on mutual aid or emergency aid requests, the fire department, fire protection district, or volunteer fire association shall be subject to all provisions of law as if it were providing service within its own jurisdiction.

320.091. Donation of used personal protection equipment and clothing, immunity from liability, when

There shall be no cause of action against any fire protection district, volunteer fire protection association, or any fire department of any political subdivision which donates equipment used to suppress fire or fire protection clothing to another department, association or district if the following conditions are met:

- (1) Such equipment is approved by the state fire marshal or the state fire marshal's designee;
- (2) Motor vehicles so donated must pass a safety inspection by the Missouri state highway patrol;
- (3) The receiving agency demonstrates to the state fire marshal's office that the equipment received works properly;
and
- (4) The donor agency informs the receiving agency in writing of any defects in the equipment about which it knows.

This immunity shall apply only to causes of action directly related to the equipment mentioned in this section.

320.092. Tax credits, oversight provisions--reporting requirements

1. Tax credits issued pursuant to [sections 135.400, 135.750 and 320.093, RSMo](#), shall be subject to oversight provisions. Effective January 1, 2000, notwithstanding the provisions of [section 32.057, RSMo](#), the board, department or authority issuing tax credits shall annually report to the office of administration, president pro tem of the senate, the speaker of the house of representatives, and the joint committee on economic development regarding the tax credits issued pursuant to [sections 135.400, 135.750 and 320.093, RSMo](#), which were issued in the previous fiscal year. The re-

port shall contain, but not be limited to, the aggregate number and dollar amount of tax credits issued by the board, department or authority, the number and dollar amount of tax credits claimed by taxpayers, and the number and dollar amount of tax credits unclaimed by taxpayers as well as the number of years allowed for claims to be made. This report shall be delivered no later than November of each year.

2. The reporting requirements established pursuant to subsection 1 of this section shall also apply to the department of economic development and the Missouri development finance board established pursuant to [section 100.265, RSMo](#). The department and the Missouri development finance board shall report on the tax credit programs which they respectively administer that are authorized under the provisions of chapters 32, 100, 135, 178, 253, 348, 447 and 620, RSMo.

320.093. Dry fire hydrant purchase, tax credit

1. Any person, firm or corporation who purchases a dry fire hydrant, as defined in [section 320.273](#), or provides an acceptable means of water storage for such dry fire hydrant including a pond, tank or other storage facility with the primary purpose of fire protection within the state of Missouri, shall be eligible for a credit on income taxes otherwise due pursuant to chapter 143, RSMo, except [sections 143.191 to 143.261, RSMo](#), as an incentive to implement safe and efficient fire protection controls. The tax credit, not to exceed five thousand dollars, shall be equal to fifty percent of the cost in actual expenditure for any new water storage construction, equipment, development and installation of the dry hydrant, including pipes, valves, hydrants and labor for each such installation of a dry hydrant or new water storage facility. The amount of the tax credit claimed for in-kind contributions shall not exceed twenty-five percent of the total amount of the contribution for which the tax credit is claimed.

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed seven years. The person, firm or corporation may elect to assign to a third party the approved tax credit. The certificate of assignment and other appropriate forms shall be filed with the Missouri department of revenue and the department of economic development.

3. The person, firm or corporation shall make application for the credit to the department of economic development after receiving approval of the state fire marshal. The fire marshal shall establish by rule promulgated pursuant to chapter 536, RSMo, the requirements to be met based on the National Resources Conservation Service's Dry Hydrant Standard. The state fire marshal or designated local representative shall review and authorize the construction and installation of any dry fire hydrant site. Only approved dry fire hydrant sites shall be eligible for tax credits as indicated in this section. Under no circumstance shall such authority deny any entity the ability to provide a dry fire hydrant site when tax credits are not requested.

4. The department of public safety shall certify to the department of revenue that the dry hydrant system meets the requirements to obtain a tax credit as specified in subsection 5 of this section.

5. In order to qualify for a tax credit under this section, a dry hydrant or new water storage facility shall meet the following minimum requirements:

(1) Each body of water or water storage structure shall be able to provide two hundred fifty gallons per minute for a continuous two-hour period during a fifty-year drought or freeze at a vertical lift of eighteen feet;

(2) Each dry hydrant shall be located within twenty-five feet of an all-weather roadway and shall be accessible to fire protection equipment;

(3) Dry hydrants shall be located a reasonable distance from other dry or pressurized hydrants; and

(4) The site shall provide a measurable economic improvement potential for rural development.

6. New credits shall not be awarded under this section after August 28, 2010. The total amount of all tax credits allowed pursuant to this section is five hundred thousand dollars in any one fiscal year as approved by the director of the department of economic development.

7. Any rule or portion of a rule, as that term is defined in [section 536.010, RSMo](#), that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, [section 536.028, RSMo](#). This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

320.094. Fire education fund--fire education trust fund--source and use of funds--Missouri fire education commission

1. The state treasurer shall annually transfer an amount prescribed in subsection 2 of this section out of the state revenues derived from premium taxes levied on insurance companies pursuant to [sections 148.310 to 148.461, RSMo](#), which are deposited by the director of revenue in the general revenue fund pursuant to [section 148.330, RSMo](#), in a fund hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest earned from investment of moneys in the fund, and all moneys received from gifts, grants, or other moneys appropriated by the general assembly, shall be credited to the fund. The state treasurer shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this section. Notwithstanding the provisions of [section 33.080, RSMo](#), to the contrary, moneys in the fire education fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the immediately preceding fiscal year pursuant to [sections 148.310 to 148.461, RSMo](#), which are deposited in the general revenue fund that exceeds the

amount of premium taxes which were deposited in the general revenue fund in the 1997 fiscal year shall be transferred from the general revenue fund to the credit of the fire education fund. At the end of each fiscal year, the commissioner of administration shall determine the amount transferred to the credit of the fire education fund in each fiscal year by computing the premium taxes deposited in the general revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year. An amount equal to three percent of the increase computed pursuant to this section shall be transferred by the state treasurer to the credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one million five hundred thousand dollars.

3. There is hereby established a special trust fund, to be known as the “Missouri Fire Education Trust Fund”, which shall consist of all moneys collected per subsection 2 of this section transferred to the fund from the fire education fund pursuant to this subsection, any earnings resulting from the investment of moneys in the fund, and all moneys received from gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount equal to forty percent of the moneys transferred to the fire education fund collected pursuant to subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri fire education trust fund. The fund shall be administered by a board of trustees, consisting of the state treasurer, two members of the senate appointed by the president pro tem of the senate, two members of the house of representatives appointed by the speaker of the house, and two members appointed by the governor with the advice and consent of the senate. Any member appointed due to such person's membership in the senate or house of representatives shall serve only as long as such person holds the office referenced in this section. The state treasurer shall invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys in the fund shall be used solely for the purposes described in this section, but such appropriations shall be made only if the board recommends to the general assembly that such moneys are needed in that fiscal year to adequately fund the activities described in this section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys in the fund can adequately support the activities described in this section, as determined by the board. At such time, the board may recommend that the general assembly adjust or eliminate the funding mechanism described in this section. Notwithstanding the provisions of [section 33.080, RSMo](#), to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

4. The moneys in the fire education fund, after any distribution pursuant to subsection 3 of this section, shall be appropriated to the division of fire safety to coordinate education needs in cooperation with community colleges, colleges, regional training facilities, fire and emergency services training entities and universities of this state and shall provide training and continuing education to firefighters in this state relating to fire department operations and the personal safety of firefighters while performing fire department activities. Programs and activities funded under this subsection must be approved by the Missouri fire education commission established in subsection 5 of this section. These funds shall primarily be used to provide field education throughout the state, with not more than two percent of funds under this subsection expended on administrative costs.

5. There is established the “Missouri Fire Education Commission”, to be domiciled in the division of fire safety within the department of public safety. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate, consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one full-time firefighter employed by a recognized fire department or fire protection district, one firefight-

er training officer, one person serving as the chief of a volunteer fire protection association, and one chief fire officer from a recognized fire department or fire protection district. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of four years, two shall have a term of three years and one shall have a term of two years. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause. The members shall at their initial meeting select a chair. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. The commission shall meet at least quarterly at the call of the chair and shall review and determine appropriate programs and activities for which funds may be expended under subsection 4 of this section.

320.095. Water corporations, municipalities and public water supply districts to allow access to water supply in certain emergency situations

1. Notwithstanding any other provision of law to the contrary, any water corporation, municipality, or public water supply district established pursuant to chapter 247, RSMo, shall allow access to its supply of water for filling mobile equipment during an emergency involving the protection of life or property to a fire protection district, city fire department, or any other entity providing fire protection services, regardless of any nonpayment of fees to the water corporation, municipality, or public water supply district.
2. Nothing in this section shall authorize the connection of pumping equipment to water lines without authorization from the governing body of the affected water supply.
3. In no circumstance shall a hard suction connection be utilized in obtaining water from a water source.
4. A fire protection service shall notify any source of water utilized pursuant to this section of the estimated amount of water utilized during such emergency, on or before the fifteenth day of the following month for purposes of accountability of unaccounted for water.
5. Under no circumstance shall any entity be authorized to deplete a water supply to a pressure less than the minimum pounds per square inch as required by law or regulation.
6. Any entity which contemplates using water for emergency services pursuant to this section shall provide its personnel with adequate training on the basics of water system supply and proper maintenance and operation of valves and hydrants.
7. The entity providing fire protection shall be liable for any damages caused by it to any part of the water supply system from which water is taken.

320.097. Fire department employees not to be required to reside within fire department's geographical area, when--unaccredited or provisionally accredited school systems--ballot, prevention of fire department employees from paying one percent of salary to reside outside city limits

1. As used in this section, “**fire department**” means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.
2. Upon approval of the board of aldermen, no employee of a fire department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall be deemed a public school for purposes of this section.
3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally recorded geographical area of the fire department if such school district subsequently becomes fully accredited.
4. Unless the voters of a city not within a county vote to supersede this section by the same majority needed to change the charter of said city by September 1, 2008, this section shall be in force for the city not within a county. In addition, any employee who resides outside the city will forfeit one percent of his or her salary for the time the employee is not living in the city to offset any lost revenue to the city.
5. The ballot of submission for this authorization shall be in substantially the following form:

Shall (insert name of city) be allowed to prevent fire department employees from paying one percent of their salaries to the city in order to reside outside the city limits when the public school system is or has been unaccredited or provisionally accredited?

YES

NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

320.106. Definitions

As used in sections 320.106 to [320.161](#), unless clearly indicated otherwise, the following terms mean:

- (1) **“American Pyrotechnics Association (APA), Standard 87-1”**, or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;
- (2) **“Chemical composition”**, all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;
- (3) **“Consumer fireworks”**, explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation;
- (4) **“Discharge site”**, the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;
- (5) **“Dispenser”**, a device designed for the measurement and delivery of liquids as fuel;
- (6) **“Display fireworks”**, explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation;
- (7) **“Display site”**, the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;
- (8) **“Distributor”**, any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;
- (9) **“Fireworks”**, any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards;
- (10) **“Fireworks season”**, the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;

- (11) **“Jobber”**, any person engaged in the business of making sales of consumer fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;
- (12) **“Licensed operator”**, any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;
- (13) **“Manufacturer”**, any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;
- (14) **“NFPA”**, National Fire Protection Association, an international codes and standards organization;
- (15) **“Permanent structure”**, buildings and structures with permanent foundations other than tents, mobile homes, and trailers;
- (16) **“Permit”**, the written authority of the state fire marshal issued pursuant to sections 320.106 to [320.161](#) to sell, possess, manufacture, discharge, or distribute fireworks;
- (17) **“Person”**, any corporation, association, partnership or individual or group thereof;
- (18) **“Proximate fireworks”**, a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as defined by the most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific requirements for theatrical pyrotechnics;
- (19) **“Pyrotechnic operator”** or **“special effects operator”**, an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;
- (20) **“Sale”**, an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;
- (21) **“Seasonal retailer”**, any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;

(22) **“Wholesaler”**, any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

320.110. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.111. Manufacture, distribution and sale, permit required--issuance, display of, duration--powers and duties of state fire marshal, inspections--fees--rights and obligations of permit holders--promulgation of rules

1. It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the State of Missouri except as herein provided any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, jobber or seasonal retailer from the state fire marshal and applicable federal permit or license. Possession of said permit is a condition precedent to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the State of Missouri, except as herein provided. This provision applies to nonresidents as well as residents of the State of Missouri.

2. The state fire marshal has the authority and is authorized and directed to issue permits for the sale of fireworks. No permit shall be issued to a person under the age of eighteen years. All permits except for seasonal retailers shall be for the calendar year or any fraction thereof and shall expire on the thirty-first day of December of each year.

3. Permits issued must be displayed in the permit holder's place of business. No permit provided for herein shall be transferable nor shall a person operate under a permit issued to another person or under a permit issued for another location. Manufacturer, wholesaler, jobber, and distributor permit holders operating out of multiple locations shall obtain a permit for each location.

4. Failure to make application for a permit by May thirty-first of the calendar year may result in the fire marshal's refusal to issue a license to the licensee or applicant for such calendar year.

5. Any false statement or declaration made on a permit application may result in the state fire marshal's refusal to issue such permit to the requesting person for a period of time not to exceed three years.

6. The state fire marshal is authorized and directed to charge the following fees for permits:

(1) Manufacturer, a fee of seven hundred seventy-five dollars per calendar year;

(2) Distributor, a fee of seven hundred seventy-five dollars per calendar year;

(3) Wholesaler, a fee of two hundred seventy-five dollars per calendar year;

(4) Jobber, a fee of five hundred twenty-five dollars per calendar year per sales location;

(5) Seasonal retailer, a fee of fifty dollars per calendar year per sales location;

(6) Display fireworks, a fee of one hundred dollars per calendar year per location;

(7) Proximate fireworks display permit, a fee of one hundred dollars per calendar year per location;

(8) Licensed operator, a fee of one hundred dollars for a three-year license;

(9) Pyrotechnic operator, a fee of one hundred dollars for a three-year license.

7. A holder of a manufacturer's permit shall not be required to have any additional permits in order to sell to distributors, wholesalers, jobbers or seasonal retailers, or to sell display, or proximate fireworks.

8. A holder of a distributor's permit shall not be required to have any additional permits in order to sell to wholesalers, jobbers, seasonal retailers or to sell display, or proximate fireworks.

9. A holder of a jobber's permit shall not be required to have any additional permit in order to sell consumer fireworks at retail during the fireworks season from such jobber's permanent structure.

10. All fees collected for permits issued pursuant to this section shall be deposited to the credit of the fire education fund created pursuant to [section 320.094](#). Any person engaged in more than one permit classification shall pay one permit fee based upon the permit classification yielding the highest amount of revenue.

11. The state fire marshal is charged with the enforcement of the provisions of [sections 320.106 to 320.161](#) and may call upon any state, county or city peace officer for assistance in the enforcement of the provisions of [sections 320.106 to 320.161](#). The state fire marshal may promulgate rules pursuant to the requirements of this section and chapter 536, RSMo, necessary to carry out his or her responsibilities under this act [\[FN1\]](#) including rules requiring training, examination, and licensing of licensed operators and pyrotechnic operators engaging in or responsible for the handling and use of display and proximate fireworks. The test shall incorporate the rules of the state fire marshal, which shall be based upon nationally recognized standards. No rule or portion of a rule promulgated pursuant to this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

12. The state fire marshal, upon notification by the department of revenue, may withhold permits from applicants upon evidence that all state sales taxes for the preceding year or years have not been paid; except, this subsection shall not apply if an applicant is pursuing any proper remedy at law challenging the amount, collection, or assessment of any

sales tax.

13. A holder of a distributor, wholesaler, or jobber's permit shall be required to operate out of a permanent structure in compliance with all applicable building and fire regulations in the city or county in which said person is operating a fireworks business. Seasonal retail permit locations shall be in compliance with all applicable building and fire regulations. The applicant may be subject to a fire safety inspection by the state fire marshal based upon promulgated rules and regulations adopted by the state fire marshal.

14. It is unlawful for any manufacturer, distributor, wholesaler, or jobber to sell consumer fireworks to a seasonal retailer who has not acquired an appropriate permit from the state fire marshal for the current permit period. A seasonal retailer shall acquire and present the appropriate permit from the state fire marshal before any manufacturer, distributor, wholesaler or jobber is allowed to sell consumer fireworks to such seasonal retailer, provided that such seasonal retailer is purchasing the consumer fireworks for resale in this state.

15. The state fire marshal and the marshal's deputies may conduct inspections of any premises and all portions of buildings where fireworks are stored, manufactured, kept or being offered for sale. All persons selling, offering for sale, barter, gift, exchange, or offer thereof any fireworks shall cooperate fully with the state fire marshal and the marshal's deputies during any such inspection. This inspection shall be performed during normal business hours.

16. In addition to any other penalty, any person who manufactures, sells, offers for sale, ships or causes to be shipped into or caused to be shipped into the State of Missouri, for use in Missouri, any items of fireworks without first having the required applicable permit shall be assessed a civil penalty of up to a one thousand dollar fine for each day of operation up to a maximum of ten thousand dollars.

[FN1] **Revisor's note:** "This act" (S.B. 1196, 2004) contained numerous sections. Consult Disposition of Sections table for a definitive listing [see V.A.M.S., Vol 42A, Tables].

320.116. Revocation and refusal of permits, when--illegal fireworks seized as contraband, return of, procedure--review of action by state fire marshal, how

1. The state fire marshal may revoke any permit issued pursuant to [sections 320.106 to 320.161](#) upon evidence that the holder has violated any of the provisions of [sections 320.106 to 320.161](#).

2. The state fire marshal, in his or her discretion, may refuse to issue a permit, for a period not to exceed three years, to a person whose permit has been revoked for the possession or sale of illegal fireworks, as referred to in [section 320.136](#).

3. The state fire marshal, the marshal's deputies, the marshal's designees or any authorized police or peace officer shall seize as contraband any illegal fireworks as defined pursuant to [sections 320.106 to 320.161](#). Such illegal fireworks

seized in the enforcement of [sections 320.106 to 320.161](#) shall be held in custody of the state fire marshal in proper storage facilities. The person surrendering the fireworks may bring an in rem proceeding in the circuit court of the county where the fireworks were seized. Upon hearing, the circuit court may authorize the return of all or part of the confiscated fireworks or the court may authorize and direct that such contraband fireworks be destroyed. If a proceeding is not brought within thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of the provisions of [sections 320.106 to 320.161](#). All costs, including any expenses incurred with the seizure, shall be the responsibility of the adjudicated party if case disposition is in the favor of the state fire marshal.

4. Any person aggrieved by any official action of the state fire marshal affecting their permit status including revocation, suspension, failure to renew a permit, or refusal to grant a permit may seek a determination thereon by the administrative hearing commission pursuant to the provisions of [section 621.045, RSMo.](#)

[320.120. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985](#)

[320.121. Powers of certain political subdivisions to regulate or prohibit fireworks](#)

1. The provisions of [sections 320.106 to 320.161](#) shall not be construed to abrogate or in any way affect the powers of the following political subdivisions to regulate or prohibit fireworks within its corporate limits:

- (1) Any city, town, or village in this state; or
- (2) Any county operating under a charter form of government.

2. It is unlawful for any manufacturer, distributor, wholesaler, jobber or seasonal retailer to sell or ship by common carrier fireworks to consumers within the corporate limits of the following political subdivisions which prohibit the sale or possession of fireworks:

- (1) Any city, town, or village in this state; or
- (2) Any county operating under a charter form of government.

[320.122. Fireworks regulations or prohibitions, superseding effect](#)

Where regulations or prohibitions of the sale of fireworks are adopted by any first class county operating under a charter form of government and which contains a population in excess of nine hundred thousand inhabitants, such reg-

ulations or prohibitions shall supersede, as to those matters to which this section relates, all municipal ordinances, rules and regulations within the boundaries of such first class chartered county, but only to the extent such regulations or prohibitions are more restrictive than those adopted by a municipality located within such county.

320.126. Special fireworks--possession and sale of limited, how, to whom--displays, financial responsibility, proof of

1. Any person, entity, partnership, corporation, or association transporting display or proximate fireworks or display and proximate fireworks into the State of Missouri for the purpose of resale or to conduct a display shall be permitted by the state fire marshal as a distributor or manufacturer and have obtained applicable federal license or permit.
2. Sale of display or proximate fireworks shall be limited to a holder of a federal license or permit and a distributor or manufacturer permit issued by the state fire marshal.
3. Possession of display or proximate fireworks for resale to holders of a permit for display or proximate fireworks shall be confined to holders of a state manufacturer or distributor permit and applicable federal license or permit.
4. Permits for display or proximate fireworks may be granted to municipalities, fair associations, amusement parks, organizations, persons, firms or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the display is proposed to be held. All applications submitted for display or proximate fireworks permits must be submitted to the office of the state fire marshal a minimum of ten working days prior to the date of the event. The application shall be made on a form provided or approved by the state fire marshal. Every such display shall be supervised, managed, or directed by a Missouri licensed operator, or pyrotechnic operator on site pursuant to subdivisions [FN1] (11) and (18) of section 320.106 and shall be located, discharged, or fired so as in the opinion of the permitting authority, after proper inspection based on the most current edition of the National Fire Protection Association standards, NFPA 1123, 1124, and 1126, to not be hazardous to any person or property. After a permit has been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for display or proximate fireworks shall be forwarded by the permit holder to the state fire marshal's office. No permit granted hereunder shall be transferable and shall apply to only one location. No holder of a manufacturer or distributor permit shall sell, barter, or transfer display or proximate fireworks to anyone not possessing an applicable permit or license.
5. Possession of display or proximate fireworks shall be limited to a holder of a display or proximate fireworks permit issued by the authority having jurisdiction where the display or proximate fireworks is proposed to be held or the state fire marshal or holder of a state manufacturer or distributor permit and applicable federal license or permit.
6. Before issuing any permit for a display or proximate fireworks, the municipality, fair association, amusement park, organization, firm, persons, or corporation making application therefor shall furnish proof of financial responsibility in an amount established by promulgated rule to the permitting authority in order to satisfy claims for damages to prop-

erty or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

7. Any establishment where proximate fireworks are to be discharged shall be inspected by the state fire marshal or local fire department having jurisdiction for compliance with NFPA 101 Life Safety Code or equivalent nationally recognized code in relation to means of egress, occupancy load, and automatic sprinkler and fire alarm systems. All permits issued will be forwarded to the state fire marshal by the permit holder. Permits will be issued in the same manner as those required in this section.

[FN1] **Revisor's note:** Word “subsections” appears in original rolls.

320.130. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.131. Possession, sale and use of certain fireworks prohibited--restrictions--ICC label, must be visible--items not regulated

1. It is unlawful for any person to possess, sell or use within the State of Missouri, or ship into the State of Missouri, except as provided in [section 320.126](#), any pyrotechnics commonly known as “fireworks” and defined as consumer fireworks in [subdivision \(3\) of section 320.106](#) other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do not have the numbers and letter “1.4G” printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.

4. This section does not prohibit a manufacturer, distributor or any other person from storing, selling, shipping or otherwise transporting display or proximate fireworks, defined as fireworks UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper permits as specified by state and federal law.

5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths

grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of [sections 320.106 to 320.161](#).

320.136. Ground salutes, special type, prohibited--display and storage of fireworks, restrictions on

Ground salutes commonly known as “cherry bombs”, “M-80's”, “M-100's”, “M-1000's”, and any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the federal limits set for fireworks UNO336, 1.4G formerly known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, or use within the State of Missouri for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of [section 571.020, RSMo](#).

320.140. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.141. Permissible items of fireworks, how sold, when

Permissible items of consumer fireworks defined in [section 320.131](#) may be sold at wholesale or retail by holders of a jobber's permit to nonlicensed buyers from outside the state of Missouri during a calendar year from the first day of January until the thirty-first day of December. Permissible items of consumer fireworks defined in [section 320.131](#) may be sold at retail by holders of a seasonal retail permit during the selling periods of the twentieth day of June through the tenth day of July and the twentieth day of December through the second day of January.

320.146. Display and storage of fireworks, restrictions on

1. It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading, “FIREWORKS--NO SMOKING” shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

2. Fireworks shall not be manufactured, stored, kept or sold within fifty feet of any motor vehicle fuel dispensing station dispenser, retail propane dispensing station dispenser, compressed natural gas dispensing station dispenser, gasoline or propane bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon. The provisions of this subsection shall not apply to stores where cleaners, paints, and oils are sold in the original containers to consumers.

3. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within twenty-five feet of where fireworks are manufactured, stored, kept, or offered for sale.

320.150. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.151. Sales to children, sales by children, unlawful, exceptions--exploding fireworks near certain buildings or from or at motor vehicles, prohibited--demonstrating and testing allowed, requirements

1. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen years except when such child is in the presence of a parent or guardian.

2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of any church, hospital, mental health facility, school, or within one hundred feet of any location where fireworks are stored, sold, or offered for sale.

4. No person shall ignite or discharge any permissible articles of consumer fireworks within or throw the same from a motorized vehicle including watercraft or any other means of transportation, except where display permit has been issued for a floating vessel or floating platform, nor shall any person place or throw any ignited article of fireworks into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person or group of people.

5. No person shall ignite or discharge consumer fireworks within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

6. No items of explosive or pyrotechnic composition other than fireworks as defined by subdivisions [FN1] (3), (5), and (17) of section 320.106 shall be displayed, sold, or offered for sale within the applicable permit location as identified on such permit granted by the state fire marshal.

7. Proximate fireworks shall not be allowed to be stored with consumer fireworks.

8. All storage and transportation of fireworks shall be in accordance with all federal and state rules and regulations.

9. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service or the state

fire marshal.

[FN1]Revisor's note: Word 'subsections' appears in original rolls.

320.156. Items and activities not subject to provisions of sections 320.106 to 320.161

Nothing in [sections 320.106 to 320.161](#) shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, provided [FN1] the items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the state of Missouri.

[FN1] **Revisor's note:** Word "providing" appears in original rolls.

320.160. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.161. Penalty provisions

Any person violating any provision of [sections 320.106 to 320.161](#) is guilty of a class A misdemeanor, except that a person violating [section 320.136](#) is guilty of a class C felony.

320.170 to 320.190. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.170 to 320.190. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.170 to 320.190. Repealed by L.1985, S.B. No. 76, § A, eff. Sept. 28, 1985

320.200. Definitions

As used in sections 320.200 to [320.271](#), unless the context requires otherwise, the following terms mean:

- (1) **"Division"**, the division of fire safety created in [section 320.202](#);
- (2) **"Dwelling unit"**, one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities;

- (3) **“Fire department”**, an agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area. The term fire department shall include any municipal fire department or any fire protection district as defined in [section 321.010, RSMo](#), or voluntary fire protection association as defined in [section 320.300](#), engaging in this type of activity;
- (4) **“Fire loss”**, loss of or damage to property, or the loss of life or of personal injury, by fire, lightning, or explosion;
- (5) **“Investigator”**, the supervising investigators and investigators appointed under sections 320.200 to [320.270](#);
- (6) **“Owner”**, any person who owns, occupies, or has charge of any property;
- (7) **“Privately occupied dwelling”**, a building occupied exclusively for residential purposes and having not more than two dwelling units;
- (8) **“Property”**, property of all types, both real and personal, movable and immovable;
- (9) **“State fire marshal”**, the state fire marshal selected under the provisions of sections 320.200 to [320.270](#).

320.202. Division of fire safety, created--duties of division and fire marshal

1. There is hereby established within the department of public safety a “Division of Fire Safety”, which shall have as its chief executive officer the fire marshal appointed under [section 320.205](#). The fire marshal and the division shall be responsible for:
 - (1) The voluntary training of firefighters, investigators, inspectors, and public or private employees or volunteers in the field of emergency response, rescue, fire prevention or preparedness;
 - (2) Establishing and maintaining a statewide reporting system, which shall, as a minimum, include the records required by [section 320.235](#) and a record of all fires occurring in Missouri showing:
 - (a) The name of all owners of personal and real property affected by the fire;
 - (b) The name of each occupant of each building in which a fire occurred;
 - (c) The total amount of insurance carried by, the total amount of insurance collected by, and the total amount of loss to

each owner of property affected by the fire; and

(d) All the facts, statistics and circumstances, including, but not limited to, the origin of the fire, which are or may be determined by any investigation conducted by the division or any local firefighting agency under the laws of this state. All records maintained under this subdivision shall be open to public inspections during all normal business hours of the division;

(3) Conducting all investigations of fires mandated by [sections 320.200 to 320.270](#);

(4) Conducting all fire inspections required of any private premises in order for any license relating to such private premises to be issued under any licensing law of this state, except those organizations and institutions licensed pursuant to chapter 197, RSMo;

(5) Establishing and maintaining a voluntary training and certification program based upon nationally recognized standards. A certification testing fee and recertification fee shall be established by promulgated rules and regulations by the state fire marshal under the provisions of [section 536.024, RSMo](#). Fees collected shall be deposited into the general revenue fund.

2. The state fire marshal shall exercise and perform all powers and duties necessary to carry out the responsibilities imposed by subsection 1 of this section, including, but not limited to, the power to contract with any person, firm, corporation, state agency, or political subdivision for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this section.

3. The state fire marshal shall have the authority to promulgate rules and regulations under the provisions of [section 536.024, RSMo](#), to carry out the provisions of this section.

[320.205. Fire marshal, appointment, qualifications--Missouri fire safety advisory board, compensation, qualification, duties](#)

1. The governor, with the advice and consent of the senate, shall appoint a full-time state fire marshal, who shall be the head of the division of fire safety. The state fire marshal shall administer and enforce the provisions of [sections 320.200 to 320.270](#). The state fire marshal shall be a citizen of the United States, shall be a person of good moral character, and a resident taxpayer of Missouri at the time of his appointment. The state fire marshal must have had a minimum of ten years' experience in some phase of fire protection, fire prevention, or fire investigation, which may include experience with any state, municipal, military, or industrial fire protection agency. He shall possess administrative ability and experience and be able to obtain facts in connection with the duties of his office by field investigations, and to accurately report his findings.

2. There is hereby established within the department of public safety the “Missouri Fire Safety Advisory Board”, which shall be composed of six members appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. It shall be the duty of the Missouri fire safety advisory board to advise the fire marshal on all matters pertaining to the responsibilities of the fire marshal and the division. All members of the Missouri fire safety advisory board shall be qualified voters of Missouri at the time of their appointment, shall receive no compensation for their services, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. Of the members appointed to the Missouri fire safety advisory board, one shall be a chief of a fire department located within this state, one shall be a firefighter, one shall be a person with expertise in the investigation of arson, one shall be an instructor in a firefighting training program, one shall be a person who provides fire safety appliances and equipment, and one shall be an insurer duly licensed to provide insurance coverage for losses due to fire.

320.210. Employees, how appointed, qualifications

The state fire marshal shall appoint one assistant director and such other investigators and employees as the needs of the office require within the limits of the appropriation made for such purpose. Supervising investigators shall be at least twenty-five years of age and shall have either a minimum of five years' experience in fire risk inspection, prevention, or investigation work, or a degree in fire protection engineering from a recognized college or university of engineering. No person shall be appointed as an investigator or other employee who has been convicted of a felony or other crime involving moral turpitude. Any person appointed as an investigator shall be of good character, shall be a citizen of the United States, shall have been a taxpaying resident of this state for at least three years immediately preceding his appointment, and shall be a graduate of an accredited four-year high school or, in lieu thereof, shall have obtained a certificate of equivalency from the state department of elementary and secondary education, and shall possess ordinary physical strength and be able to pass such physical and mental examinations as the state fire marshal may prescribe. An investigator or employee shall not hold any other commission or office, elective or appointive, or accept any other employment while he is an investigator or employee. An investigator or employee shall not accept any compensation, reward, or gift other than his regular salary and expenses for the performance of his official duties.

320.215. Reimbursement of employees, expenses and equipment, state to furnish

Employees shall be reimbursed for actual traveling and other expenses necessary to the performance of their official duties. Investigators shall, at the expense of the state, be furnished with such vehicles, equipment, supplies, and insignia of office as the state fire marshal deems necessary, within the appropriation made therefor all of which shall remain the property of the state and be strictly accounted for by each investigator.

320.220. Special deputy, who eligible

The chief of the fire department or other appropriate official of any city or other governmental unit or political subdivision may be designated by the state fire marshal as a special deputy for his city, governmental unit, or political subdivision to serve without pay from the state. The special deputy investigator shall immediately investigate the origin and

circumstances of any fire designated by the marshal and determine the cause of the fire so far as is practicable. If it appears to any special deputy that the fire is of culpable or suspicious origin he shall immediately notify the state fire marshal.

320.225. Investigator to have same powers as fire marshal, when

Any power, duty, or function vested in the state fire marshal by sections 320.200 to 320.270 may be exercised, discharged or performed by an investigator acting in the name of the state fire marshal if, and when, authorized to do so by the marshal.

320.230. Investigations conducted--cooperation with local officials required

1. The state fire marshal shall conduct investigations and may conduct hearings into the cause, origin, or circumstances of fire losses and shall cooperate with the appropriate fire or police officials of this state or its political subdivisions in investigations of the cause, origin or circumstances of fires, explosions or related occurrences involving the possibility of arson or related offenses.

2. The state fire marshal and the marshal's paid investigators who have attained proper certification as peace officers pursuant to chapter 590, RSMo, as approved by the director of the department of public safety shall be deemed to be peace officers and shall notify the local law enforcement agency of the existence of the investigators and shall have the power of arrest for all offenses incident to the investigation of the cause, origin or circumstances of fires, explosions or like occurrences involving the possibility of arson, or related offenses, and in connection with any offenses when aiding and assisting the sheriff of any county or the chief of police of any municipality, or their designated representatives, at their request.

320.235. Reports and records required--open to public, exceptions

From the reports made to him, the state fire marshal shall keep a record of fire losses occurring in this state and of facts concerning them. He shall make the compilations, investigations and statistical summaries he deems proper, all of which shall be kept as permanent records in his office. All records shall be public, except that the state fire marshal may, in his discretion, withhold from the public, statements and testimony taken in an investigation or examination, correspondence relating to an investigation or examination, confidential reports of private persons and agents, and reports of investigations of fire losses, but any records withheld as herein provided shall be available to the prosecutor of the county in which the fire loss occurred.

320.240. Property may be entered for investigation, when

The state fire marshal or investigator may at all reasonable hours enter in or upon any property to make an investiga-

tion of a fire loss or for determining the origin of any fire, but this section shall apply to the interior of a privately occupied dwelling only when a fire has occurred therein.

320.245. Subpoena powers--hearing, where conducted--fees for service of process and depositions

1. The state fire marshal or supervising investigator may subpoena witnesses, administer oaths, require the production of books, papers, accounts, documents, and other records or material of any evidentiary nature, and may examine witnesses in any investigation or proceeding authorized under [sections 320.200 to 320.270](#). However, any hearing concerning a fire loss shall be conducted only in the county in which it occurred.

2. The same fees shall be paid for the service of process and the taking of depositions as is provided for like services in circuit court.

320.250. Powers of political subdivisions not affected

[Sections 320.200 to 320.270](#) shall not deprive the authorities of any county, city, or other political subdivision of any power or jurisdiction over property or fire regulations.

320.255. Salaries, expenses and costs, how paid

All salaries, expenses, and other costs necessary in enforcing [sections 320.200 to 320.270](#) and any other laws in which the state fire marshal is designated as the enforcing officer or agent shall be paid for out of funds appropriated from the general revenue fund for that purpose.

320.260. Office space to be provided

The division of design and construction shall provide office space for the state fire marshal and his employees.

320.265. Appeals, how taken

Any person aggrieved by any order or finding of the fire marshal may have an appeal under chapter 536, RSMo.

320.270. Repealed by L.1987, H.B. No. 57, § A

320.271. Information to be filed with fire marshal, by certain fire protection organizations, when, content--fire department identification number

All fire protection districts, fire departments, and all volunteer fire protection associations as defined in [section 320.300](#) shall complete and file with the state fire marshal within sixty days after January 1, 2008, and annually thereafter, a fire department registration form provided by the state fire marshal. The state fire marshal may issue a fire department identification number to each registered fire protection district, fire department, or volunteer fire protection association based upon such registration. The state fire marshal may conduct periodic reviews of the information provided on each fire department registration form, and may deny or revoke a fire department identification number based upon the information provided.

320.273. Standardized dry hydrant technical assistance program

1. The state fire marshal in cooperation with the department of conservation shall establish a standardized dry hydrant technical assistance program to identify rural areas with priority fire control needs and to study the feasibility of the use of dry hydrants in such rural areas of the state by certain fire departments and fire protection districts and to educate such fire departments and fire protection districts in the use of dry hydrants.

2. **“Dry hydrants”** are nonpressurized pipes permanently installed in lakes, farm ponds, and streams that provide a ready means of drawing water for rural fire departments. A well designed dry hydrant water delivery system can improve fire fighting capabilities, save fuel, and reduce homeowner insurance premiums. Dry hydrant systems provide easier access to vast amounts of water needed by county road maintenance crews when they improve and repair rural gravel roads. Dry hydrants make unprocessed water available for fire fighting and road maintenance which gives small towns the opportunity to make better use of the town's limited supply of drinking water.

3. The goals and objectives of the dry hydrant assistance program established in subsection 1 of this section is to:

- (1) Improve rural fire protection, potentially saving lives and property;
- (2) Ensure a better quality of life for the citizens of economically depressed rural areas;
- (3) Provide an economic stimulus of underdeveloped rural areas, thereby creating jobs;
- (4) Decrease local government operating costs and save energy with more efficient use of fuel;
- (5) Reduce property insurance rates for rural homeowners;
- (6) Improve road maintenance; and
- (7) Augment the use of gravity systems which may be damaged by natural disasters such as earthquakes.

320.300. Volunteer fire protection association, definition

As used in sections 320.300 to 320.310, the phrase “**volunteer fire protection association**” means any fire department, including a municipal fire department, which is staffed by volunteers and organized for the purpose of combating fires in a specified area. The provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection associations either partially or wholly funded by membership or subscriber fees and shall not apply to fire protection districts supported by local tax revenues, or which have contracted with a political subdivision to respond to fires within the area of an association's boundaries.

320.302. Nonmembers, association may respond to fires, exception--liabilities--fees

1. Volunteer fire protection associations may respond to any emergency within its area regardless of whether the property owner or individual is a member of or subscriber to the association.
2. In responding to emergencies of nonmembers or nonsubscribers of the association, the association and its firefighters shall be subject to the same liabilities for claims for death or injury to persons or property as those subjected to when responding to emergencies of members or subscribers.
3. In responding to emergencies of nonmembers or nonsubscribers, the volunteer fire protection association may charge up to the following fees:
 - (1) One hundred dollars for responding to an emergency;
 - (2) Five hundred dollars for each hour or a proportional sum for each quarter hour spent in providing emergency services; plus
 - (3) An amount equal to one year's subscription or membership fees. No property owner or individual shall be liable for fees or charges under this subsection if said property owner or individual notifies the volunteer fire protection association in writing, prior to the occurrence of an emergency, not to respond to an emergency on or involving his property.
4. Upon payment of the charges and fees set forth in subsection 3 of this section, the property owner or individual shall be deemed to be a member or subscriber in good standing until membership or subscriber payments are again due as prescribed by association rules and regulations.

320.305. Claim of loss, payment of claims to association, nonmember--violations, penalties

1. When making a claim for a loss to property, each owner of an insured property, who is not a member or subscriber of an association but who received services from a volunteer fire protection association, shall notify his property or

casualty insurance company of the name, address and billing statement from the volunteer fire protection association which responded to a call for emergency assistance at such property.

2. Failure to comply with the provisions of subsection 1 of this section is a class A misdemeanor.

3. In paying a claim to an insured who received the services of a volunteer fire protection association any property or casualty insurance company shall make checks payable to the order of both the insured and the volunteer fire protection association, and the property owner or individual shall make full payment to the association within thirty days after receipt of a loss settlement check from an insurance carrier.

4. Failure to comply with the provisions of subsection 3 of this section shall be deemed to be a class A misdemeanor.

320.307. Nonpayment of claim, association has cause of action, amount

If payment is not made pursuant to [section 320.305](#), a volunteer fire protection association shall have a cause of action against the property owner or individual for full payment and for additional damages not to exceed ten thousand dollars.

320.310. Boundaries, filing with county--volunteer fire protection associations to be sole provider of fire suppression and related activities

1. All volunteer fire protection associations as defined in [section 320.300](#) shall identify the association's boundaries and file the same with the county administrative body.

2. Except as provided in [section 320.090](#) and [section 44.090, RSMo](#), and except for state agencies that engage in fire suppression and related activities, those fire protection districts, municipal fire departments, and volunteer fire protection associations, as defined in [section 320.300](#), shall be the sole provider of fire suppression and related activities. For the purposes of this subsection, the term “**related activities**” shall mean only fire prevention, rescue, hazardous material response, or special operation within their legally defined boundaries.

3. Only upon approval by the governing body of a municipal fire department, fire protection district, or volunteer fire association registered with the office of the state fire marshal, as required by [section 320.271](#), shall any other association, organization, group, or political subdivision be authorized to provide the fire suppression response and related activities referenced in subsection 2 of this section within the legally defined boundaries of any municipal fire department, fire protection district, or volunteer fire association.

4. Any such association, group, or political subdivision denied approval to operate within the established boundaries of a fire department or volunteer fire association may appeal that decision within thirty days of the decision to the circuit

court having jurisdiction for a trial de novo.

5. Notwithstanding the provisions of subsections 2 and 3 of this section, ambulance services and districts which are or will be licensed, formed, or operated under chapter 190, RSMo, may provide emergency medical services and non-emergency medical transport within the geographic boundaries of a fire department. Nothing in this section shall supersede the provisions set forth in [section 67.300, RSMo](#), chapter 190, RSMo, or chapter 321, RSMo.

320.320. Volunteer firefighter serving without wages, salary or fringe benefits declared to be public safety officers of state--fringe benefits to be provided by department or association

1. A volunteer firefighter serving a rural, volunteer or subscription fire department or organization is serving the state of Missouri in an official capacity as a fire protection volunteer and is hereby declared to be a public safety officer of the state of Missouri serving without wages, salary or certain other employee-type fringe benefits described in subsection 3 of this section.

2. The designation of a volunteer firefighter as a public safety officer of the state of Missouri in subsection 1 of this section does not entitle a volunteer firefighter to any rights, privileges or benefits provided to an employee or official of the state of Missouri, including retirement benefits and participation in the state legal defense fund, except as provided in subsection 3 of this section.

3. Notwithstanding the provisions of subsection 2 of this section, any rural, volunteer or subscription fire department or organization, or volunteer fire protection association as defined in [section 320.300](#), may provide life insurance, accident, sickness, health, disability, annuity, length of service, retirement, pension and other employee-type fringe benefits, subject to the provisions of [section 70.615, RSMo](#), for volunteer firefighters who are members of any such department, organization or association and such other benefits for their spouses and eligible unemancipated children as the governing board deems appropriate, either through a contributory or noncontributory plan, or both. For purposes of this section, **“eligible unemancipated child”** means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and extent of such benefits shall be determined by the governing board of the department, organization or association, whichever is applicable. The provision and receipt of such benefits shall not make the recipient an employee of the district, association or organization. Directors or board members who are also volunteer firefighters may receive such benefits while serving as a director or board member of the district, association or organization.

320.330. Short title

Sections 320.330 to [320.339](#) shall be known and may be cited as the “Volunteer Firefighter Job Protection Act”.

320.333. Definitions

1. As used in [sections 320.330 to 320.339](#), the phrase “**volunteer firefighter**” means any firefighter in the service of any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or volunteer fire protection association, who receives no monetary compensation for his or her services.

2. The term “monetary compensation” includes any economic return for services and shall not include:

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

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

320.336. Public, private employers prohibited from terminating employees for joining firefighting organizations--charge against employee's regular pay--written statement to employer regarding response to emergencies

1. No public or private employer shall terminate an employee for joining any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization or any volunteer fire protection association, as a volunteer firefighter, or the Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team, or being activated to a national disaster response by the Federal Emergency Management Agency (FEMA).

2. No public or private employer shall terminate an employee who is a volunteer firefighter, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team because the employee, when acting as a volunteer firefighter, or as a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA is absent from or late to his or her employment in order to respond to an emergency before the time the employee is to report to his or her place of employment.

3. An employer may charge against the employee's regular pay any employment time lost by an employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA because of the employee's response to an emergency in the course of performing his or her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA.

4. In the case of an employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA and who loses time from his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue

Team, or FEMA, the employer has the right to request the employee to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department or the commander of Missouri-1 Disaster Medical Assistance Team or the FEMA supervisor stating that the employee responded to an emergency and stating the time and date of the emergency.

5. An employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA and who may be absent from or late to his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA shall make a reasonable effort to notify his or her employer that he or she may be absent or late.

320.339. Employee right to civil action against employer--attorney fees, costs

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

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