

CodeWatch 2022

Missouri State Legislature Changes Affecting
Municipalities and Their Codes of Ordinances

Packet
2/3/23

CodeWatch generally focuses on revisions that would affect a municipality's Code book, and is not intended to include every change made by the Legislature. That said, some of the changes included are not necessarily Code-worthy but are set out to inform municipalities of revisions that may be of interest.

In addition to the Bills cited in this document, there are always a number of new provisions or amended provisions that have been passed dealing with *specific* municipalities or counties (e.g., Sections 99.847 and 140.190, RSMo.). We have NOT included those types of provisions herein, as we believe the affected municipalities and counties are aware of said provisions. In addition, we do not usually include amendments to felony offenses since felonies are not typically prosecuted in municipal court; however, we occasionally mention amendments to felony offenses that municipalities may want to review.

It is not the intent of General Code to give legal advice or opinions by way of the CodeWatch bulletin, but to provide as much information as possible to enable municipal officials to make necessary decisions. Any questions as to the validity or legal sufficiency of legislation, or as to interpretation of Statutes, will properly remain the responsibility of the Municipal Attorney.

TITLE I. GOVERNMENT CODE

Public holidays. § 9.010, RSMo. — HB 1738 This Bill adds June 19th as a new holiday.

Establishment of neighborhood improvement districts—procedure—notice of elections, contents—alternatives, petition, contents—maintenance costs, assessment—recording requirements. § 67.457, RSMo.; Assessments, plans, specifications—public filing—duties of clerk—notice. § 67.461, RSMo. — HB 1606 This Bill amends Sections 67.457 and 67.461, RSMo., as they relate to the submission of certain information to the State Auditor and the Department of Revenue for municipalities with neighborhood improvement districts.

Public hearing to establish—petition, requirements—clerk's duties—amended petition—clerk to report—submission to state auditor and department of revenue. § 67.1421, RSMo.; Public hearing, notice. § 67.1431, RSMo.; Fiscal year—budget—meeting—report—audit. § 67.1471, RSMo. — HB 1606 This Bill amends Sections 67.1421, 67.1431, and 67.1471, RSMo., as they relate to the submission of certain information to the State Auditor and the Department of Revenue for municipalities with community improvement districts.

State funds for the homeless, use—use of state-owned lands—enforcement. § 67.2300, RSMo. — HB 1606 This Bill enacts new Section 67.2300, RSMo., which primarily regulates State funding for housing or homelessness. Note, however, that Subsection 6 of this new Section, set out below, seems to restrict a political subdivision's ability to adopt certain policies.

6. (1) A political subdivision shall not adopt or enforce any policy under which the political subdivision prohibits or discourages the enforcement of any order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

(2) In compliance with subsection 5 of this section, a political subdivision shall not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the political subdivision from enforcing any order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

(3) The provisions of this section shall not prohibit a policy of any political subdivision that encourages diversion programs or offering of services in lieu of a citation or arrest.

(4) The attorney general shall have the power to bring a civil action in any court of competent jurisdiction against any political subdivision to enjoin the political subdivision from violating the provisions of this subsection.

(5) The attorney general may recover reasonable expenses incurred in any civil action brought under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Sales tax holiday for clothing, personal computers, and school supplies, when-exemptions-discounts, how treated-exchanges and returns, how treated. § 144.049, RSMo.; Show Me Green sales tax holiday—sales tax exemption for energy star certified new appliances—layaway sales, discounted sale price, delayed delivery, exchanges and returns, how treated. § 144.526, RSMo. — SB 153 and SB 97 (2021, effective January 1, 2023) These Bills appear to remove the ability for a political subdivision to “opt out” of these sales tax holidays by revising Sections 144.049 and 144.526, RSMo., as indicated in part below. These Bills also add new provisions to these Sections regarding purchases made on layaway, returned purchases, etc., which simply seem to clarify the applicability and regulation of these sales tax holidays. (These revisions were also noted in the 2021 CodeWatch Bulletin.)

Section 144.049, RSMo.

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state and local sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less...

3. ~~If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.~~

[...]

6. ~~After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.~~

Section 144.526, RSMo.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from

state sales tax law and all local sales and use taxes all retail sales of any energy star certified new appliance...

~~4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.~~

Closed meetings and closed records authorized when, exceptions. § 610.021, RSMo. — SB 745 and SB 820 These Bills add an additional category of authorized closed meeting topics as follows:

(25) *Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that a municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.*

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

Definitions. § 260.200, RSMo. — HB 2485 This Bill revises the definitions of “recycled content” and “solid waste” set out in Section 260.200, RSMo., and adds new definitions to this Section. We have set the new and revised definitions below, with changes indicated in the two revised definitions.

(1) *"Advanced recycling", a set of manufacturing processes for the conversion of recovered post-use polymers such as plastics into plastic and chemical feedstocks, raw materials, and recycled plastics for reuse through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. Advanced recycling does not include solid waste disposal, solid waste processing, solid waste management, or incineration;*

(2) *"Advanced recycling facility", a manufacturing facility that receives, stores, and converts recovered post-use polymers using advanced recycling to produce plastics and chemical feedstocks, raw materials, and recycled plastics. Advanced recycling facility does not include solid waste disposal areas, solid waste processing facilities, solid waste management facilities, or incinerators. Advanced recycling facilities are subject to all applicable laws and regulations for manufacturers;*

(15) *"Depolymerization", a manufacturing process in which post-use polymers are broken into smaller molecules such as monomers and plastic and chemical feedstocks or products;*

(21) *"Gasification", a manufacturing process through which recovered feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere and the mixture is converted into reusable plastic and chemical feedstocks or products;*

(29) *"Mechanical processing", any mechanical, manual, or other method that transforms a recoverable material into a specification-grade commodity. Mechanical processing is often multistep with different steps at different locations and involves recycling that is a series of activities that may include collection, processing, or brokering and shall result in subsequent consumption by a materials manufacturer;*

(31) *"Mill scale and slag", coproducts of the steel manufacturing process that are managed, used, or placed as items of value in a controlled manner but do not include byproducts that are a result*

of the steel manufacturing process that would otherwise qualify as hazardous waste;

(40) "Post-use polymer", a plastic polymer to which all of the following apply:

(a) It is derived from any industrial, commercial, agricultural, or household activities;

(b) The plastic's use or intended use is as a feedstock for the manufacturing of other feedstocks, raw materials, recycled plastics, or intermediate products or final products using advanced recycling;

(c) The plastic has been presorted or diverted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels and metal rings; and

(d) The plastic is converted at an advanced recycling facility or held at such facility prior to conversion;

(41) "Pyrolysis", a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into re-useable plastic and chemical feedstocks or raw constituents to be used for manufacturing of new products;

(42) "Recovered feedstock", one or more of the following materials that has been processed so that it may be used as input feedstock in an advanced recycling facility, excluding municipal solid waste or feedstocks mixed with solid waste or hazardous waste:

(a) Post-use polymers that are source-separated or have been recovered or diverted from a waste stream for reuse; or

(b) Materials for which the United States Environmental Protection Agency has made a non-waste determination or has otherwise determined are feedstocks and not solid waste;

(44) "Recycled content", the proportion of fiber in a newspaper which is derived from postconsumer waste any raw product used as a constituent for the manufacturing of new products that is generated as a result from mechanical processing or advanced recycling shall be considered recycled content. "Recycled content" includes, but is not limited to, the proportion of fiber in a newspaper that is derived from postconsumer waste and recycled plastics as defined in this section;

(45) "Recycled plastics", plastics produced from mechanical recycling using pre-consumer recovered materials and postconsumer materials or from advanced recycling feedstocks or advanced recycling products via mass balance attribution certified under an approved certification system. Recycled plastics shall be considered recycled content as defined in this section;

(56) "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, post-use polymers, recovered feedstocks, overburden, rock, tailings, matte, mill scale and slag or other waste material resulting from mining, milling or smelting;

(64) "Solvolytic", a manufacturing process through which post-use polymers are purified with the aid of solvents while heated at low temperatures or pressurized, or both, to make reusable plastic and chemical feedstocks or products, allowing additives and contaminants to be removed. The process includes, but is not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis;

Processed recycled asphalt shingles—definitions—use without permit, when. § 260.221, RSMo. — HB 2485 This Bill enacts new Section 260.221, RSMo., set out below.

1. *As used in this section, the following terms mean:*

- (1) *"Processed recycled asphalt shingles", recycled asphalt shingles that do not contain extraneous metals, glass, rubber, nails, soil, brick, tars, paper, wood, and plastics and that have been reduced in size to produce a commercially reasonable usable product. Processed recycled asphalt shingles shall also be considered clean fill, as such term is defined in section 260.200;*
- (2) *"Recycled asphalt shingles", manufacture waste scrap shingles and postconsumer, tear-off scrap shingles that are accumulated as products for commercial purposes related to recycling or reuse as processed recycled asphalt shingles.*

2. *Processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without a permit under sections 260.200 to 260.345 if such processed recycled asphalt shingles are inspected for toxic and hazardous substances in accordance with requirements established by the department of natural resources, provided that processed recycled asphalt shingles shall not be used for such purposes within five hundred feet of any lake, river, sink hole, perennial stream, or ephemeral stream, and shall not be used for such purposes below surface level and closer than fifty feet above the water table.*

3. *This section shall not be construed to authorize the abandonment, accumulation, placement, or storage of recycled asphalt shingles or processed recycled asphalt shingles on any real property without the consent of the real property owner.*

Chapter 566 and chapter 568 definitions. § 566.010, RSMo. — SB 775, SB 751, and SB 640 These Bills revise the definition of "sexual contact" in Section 566.010, RSMo., to read as follows:

(6) *"Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;*

Certain offenders not to be present within five hundred feet of school property, exception—permission required for parents or guardians who are offenders, procedure—penalty. § 566.149, RSMo. — SB 775, SB 751, and SB 640 These Bills revise Subsection 1(1) of Section 566.149, RSMo., to read as follows:

(1) *Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or*

Certain offenders not to be present or loiter within five hundred feet of a public park, swimming pool, athletic complex, museum, or nature center—violation, penalty—exception for nature or education center, when. § 566.150, RSMo. — SB 775, SB 751, and SB 640 These Bills revise Subsection

1(1) of Section 566.150, RSMo., to read as follows:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic material to minors; or

Prostitution—penalty—no certification as an adult, when. § 567.020, RSMo. — SB 775, SB 751, and SB 640 These Bills revise Subsection 5 of Section 567.020, RSMo., to read as follows:

5. A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person was under the age of eighteen at the time the offense occurred. In such cases where the person was under the age of eighteen, the person shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported immediately to the children's division, as required under section 210.115 and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207, 210 and 211. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation.

Definitions. § 573.010, RSMo. — SB 775, SB 751, and SB 640 These Bills revise the definition of "sexual performance," set out below, to change the age therein from 17 to 18.

(23) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than eighteen years of age;

Providing explicit sexual material to a student, offense of—penalty—definitions. § 573.550, RSMo. — SB 775, SB 751, and SB 640 These Bills enact new Section 573.550, RSMo., set out below.

1. A person commits the offense of providing explicit sexual material to a student if such person is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or coerces acceptance of or the approval of the providing of explicit sexual material to a student or possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or the approval of the providing of explicit sexual material to a student.

2. The offense of providing explicit sexual material to a student is a class A misdemeanor.

3. As used in this section, the following terms shall mean:

(1) "Explicit sexual material", any pictorial, three-dimensional, or visual depiction, including any photography, film, video, picture, or computer-generated image, showing human masturbation, deviate sexual intercourse as defined in section 566.010, sexual intercourse, direct physical stimulation of genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art, when taken as a whole, that have serious artistic significance, or works of anthropological significance, or materials used in science courses, including but not limited to materials used in biology, anatomy, physiology, and sexual education classes shall not be deemed to be within the foregoing definition;

(2) "Person affiliated with a public or private elementary or secondary school in an official capacity", an administrator, teacher, librarian, media center personnel, substitute teacher, teacher's assistant, student teacher, law enforcement officer, school board member, school bus driver, guidance counselor, coach, guest lecturer, guest speaker, or other non-school employee who is invited to present information to students by a teacher, administrator, or other school employee. Such term shall not include a student enrolled in the elementary or secondary school.

Escape or attempted escape from custody–penalty. § 575.200, RSMo. — SB 799 This Bill revises Subsection 1 of Section 575.200, RSMo., to read as follows:

1. *A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody, after arrest for any offense or violation of probation or parole, he or she escapes or attempts to escape from custody.*

TITLE III. TRAFFIC CODE

Definitions. § 302.010, RSMo. — SB 681 and SB 662 These Bills revise the definition of "school bus" to read as follows:

(21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, that is designed for carrying more than ten passengers and that is used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term school bus shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

Duty to maintain financial responsibility, residents and nonresidents, misdemeanor penalty for failure to maintain–exception, methods–court to notify department of revenue, additional punishment, right of appeal. § 303.025, RSMo. — **HB 2168** This Bill revises Section 303.025, RSMo., as set out below. Note that these revisions are not effective until January 1, 2024.

1. *No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director of the department of revenue shall establish by rule a process for voluntary suspension of motor vehicle registration for vehicles which are inoperable or being stored and not in operation. The owner or nonresident shall not further operate the vehicle until the owner or nonresident notifies the department of revenue that the vehicle will be in use, and the department shall reinstate the motor vehicle registration upon receipt of proof of financial responsibility. Owners or nonresidents who operate a motor vehicle during a period of inoperability or storage claimed under this subsection shall be guilty of a class B misdemeanor and may additionally be*

guilty of a violation of this subsection. Notwithstanding any provision of law to the contrary, the department of revenue may verify motor vehicle financial responsibility as provided by law, but shall not otherwise take legal or administrative action to enforce the requirements of this section unless, in the discretion of the director, the motor vehicle is determined to have been operated in violation of this section, a motor vehicle registration is applied for in violation of this section, or the motor vehicle on two separate occasions thirty days apart is determined to have its registration maintained in violation of this section. The director may prescribe rules and regulations for the implementation of this section.

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.

3. Any person who violates this section is guilty of a misdemeanor. Except as otherwise provided in this section, a first violation of this section shall be punishable as a class D misdemeanor. A second or subsequent violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed fifteen days and/or shall be punished by a fine not less than two hundred dollars but not to exceed five hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

[...]

6. Any fines owed to the state pursuant to this section may be eligible for payment in installments. The director shall promulgate rules for the application of payment plans, which shall take into account individuals' ability to pay.

Emergency and stationary vehicles—use of lights and sirens—right-of-way—procedure—penalty. § 304.022, RSMo. — HB 1606 This bill adds vehicles operated by county or municipal park rangers to the definition of “emergency vehicle” in Section 304.022, RSMo.

TITLE IV. LAND USE

Regulation of home-based work. §§ 64.008, 65.710, and 89.500, RSMo. — HB 1662 This Bill enacts new Sections 64.008, 65.710, and 89.500, RSMo., which include identical wording, set out below, regarding zoning regulations for home-based work.

We believe these provisions will impact most municipal zoning regulations. The municipality's attorney should carefully review the information set out below and determine whether the municipality's ordinances need to be revised. See also our note under Title VI regarding the addition of Section 71.990, RSMo., which was also enacted by House Bill 1662 and sets out additional regulations regarding home-based businesses.

1. As used in this section, the term “home-based work” means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the

residential character of the residential building or adversely affect the character of the surrounding neighborhood.

2. A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not:

(1) Prohibit mail order or telephone sales for home-based work;

(2) Prohibit service by appointment within the home or accessory structure;

(3) Prohibit or require structural modifications to the home or accessory structure;

(4) Restrict the hours of operation for home-based work; or

(5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.

3. A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.

4. The application of this section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.

TITLE V. BUILDING AND CONSTRUCTION

Refrigerants, use of—building codes not to prohibit if approved for use under federal law. § 260.295, RSMo. — HB 1606 and HB 1662 These Bills enact new Section 260.295, RSMo., set out below.

No building code adopted by a political subdivision shall prohibit the use of refrigerants that are approved for use under the provisions of 42 U.S.C. Section 7671k or the regulations promulgated thereunder, provided any related equipment is installed in accordance with the provisions of 42 U.S.C. Section 7671k or the regulations promulgated thereunder. Any provision of a building code that violates this section shall be null and void.

TITLE VI. BUSINESS AND OCCUPATION

Use of residential dwelling for home-based businesses. § 71.990, RSMo. — HB 1662 This Bill enacts new Section 71.990, RSMo., set out below, regarding home-based businesses.

The municipality's attorney should carefully review the information set out below and determine whether the municipality's ordinances need to be revised. See also our note under Title IV regarding the addition of Sections 64.008, 65.710, and 89.500, RSMo., which were also enacted by House Bill 1662 and set out provisions regarding zoning regulations for home-based work.

1. As used in this section, the following terms mean:

(1) “Goods”, any merchandise, equipment, products, supplies, or materials;

(2) “Home-based business”, any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the

residential dwelling.

2. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:

(1) Any deed restriction, covenant, or agreement restricting the use of land; or

(2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.

3. Except as prescribed under subsection 4 of this section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this section, a home-based business qualifies as a no-impact, home-based business if:

(1) The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and

(2) The activities of the business:

(a) Are limited to the sale of lawful goods and services;

(b) May involve having more than one client on the property at one time;

(c) Do not cause a substantial increase in traffic through the residential area;

(d) Do not violate any parking regulations established by the political subdivision;

(e) Occur inside the residential dwelling or in the yard of the residential dwelling;

(f) Are not visible from the street; and

(g) Do not violate any narrowly tailored regulation established under subsection 4 of this section.

4. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:

(1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or

(2) Ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

5. No political subdivision shall require a person, as a condition of operating a home-based business, to:

(1) Rezone the property for commercial use;

(2) Obtain a home-based business license; or

(3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two dwelling units.

6. Whether a regulation complies with this section is a judicial question.

Definitions. § 210.201, RSMo. — SB 683 This Bill adds the definition of “day camp,” set out below, to Section 210.201, RSMo., and revises the definition of “summer camp,” as indicated below. Note that the definitions in this Section apply to Sections 210.201 through 210.257, RSMo.

(5) “Day camp”, a program operated by a person or organization between the hours of 6:00 a.m. and 7:00 p.m., when a local school system is not in session requiring actual pupil attendance, and with the primary function of providing a recreational program for children five years of age or older who are enrolled in kindergarten or any grade above kindergarten, but providing no child care for children under five years of age who are not yet enrolled in kindergarten in the same space or in the same outdoor play area simultaneously;

(12) “Summer camp”, a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same building space or in the same outdoor play area simultaneously.

License required—exceptions—written notice of licensure status, when—exemptions from maximum children. § 210.211, RSMo. — SB 683 This Bill changes the State licensing department from Health and Senior Services to the Elementary and Secondary Education Department in Section 210.211, RSMo., revises the list of exceptions in Subsection 1 as indicated below, expands the applicability of Subsection 3 as indicated below, and adds new Subsections 4 and 5 as set out below.

1. ...except that nothing in sections 210.203 to 210.245 shall apply to:

[...]

(4) Any summer or day camp that is conducted in good faith primarily to provide recreation;

[...]

(9) Any business that operates a child care program for the convenience of its customers or its employees if the following conditions are met:

(a) The business provides child care for customers' or employees' children for no more than four hours per day; and

(b) Customers or employees remain on site while their children are being cared for by the business establishment;

[...]

3. Any Every child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed. A parent or guardian utilizing an unlicensed child care facility shall sign a written notice indicating he or she is aware of the licensure unlicensed status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

4. Up to two children who are five years of age or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care home that is organized as a corporation, association, firm, partnership, limited liability company, sole proprietorship, or any other type of business entity in this state shall not be included in the number of children counted toward the maximum number of children for which the family child care home is licensed under section 210.221. If more than one member of the corporation, association, firm, partnership, limited liability company, or other business entity is responsible for the daily operation of the licensed family child care home, then the related children of only one such member shall be excluded. A family child care home caring for children not counted in the maximum number of children, as permitted under this subsection, shall disclose this to parents or guardians on the written notice required under subsection 3 of this section. If a family child care home begins caring for children not counted in the maximum number of children after a parent or guardian has signed the written notice required under subsection 3 of this section, the family child care home shall provide a separate notice to the parent or guardian that the family child care home is caring for children not counted in the maximum number of children for which the family child care home is licensed and shall keep a copy of the signed notice on file.

5. Nothing in this section shall prevent the department from enforcing licensing regulations promulgated under this chapter, including, but not limited to, supervision requirements and capacity limitations based on the amount of child care space available.

Ozark Highlands spirits, qualification as, requirements—Single Malt, qualification as—Ozark Highlands map. § 311.028, RSMo. — HB 1738 This Bill enacts new Section 311.028, RSMo., set out below.

1. (1) To qualify as "Ozark Highlands" spirits, and to be labeled as such for sale in Missouri, a product shall meet the following conditions:

(a) The product shall be mashed, fermented, distilled, aged, and bottled in the Ozark Highlands region;

(b) The product shall be aged in barrels manufactured from Missouri;

(c) The water source shall be untreated or natural from natural springs or deep wells in the Ozark Highlands, and without chlorination or added chemicals such as fluoride; and

(d) The minimum age of a whiskey shall be four years.

(2) To qualify as "Ozark Highlands" spirits, and to be labeled as such for sale in Missouri, an unaged product, such as gin or vodka, shall meet the following conditions:

(a) The product shall be mashed, fermented, distilled, and bottled in the Ozark Highlands region; and

(b) The water source shall be untreated or natural from natural springs or deep wells in the Ozark Highlands, and without chlorination or added chemicals such as fluoride.

2. To additionally qualify as "Single Malt", the final product shall be distilled and bottled at a single distillery.

3. The product shall be further certified, by seal or other means, by the "Ozark Highland Distillers Guild" as a qualifying "Ozark Highlands" product.

4. For the purposes of this section, the Missouri department of natural resources shall produce, in collaboration with the "Ozark Highland Distillers Guild", and publish an official map of the "Ozark Highlands" region.