

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 1117

98TH GENERAL ASSEMBLY

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Reported from the Committee on Ways and Means, April 14, 2016, with recommendation that the Senate Committee Substitute do pass.

6684S.03C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal section 315.005, RSMo, and to enact in lieu thereof two new sections relating to residential dwellings offered for rent to transient guests.

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

Section A. Section 315.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.5110 and 315.005, to read as follows:

**67.5110. 1. As used in this section the following terms mean:**

**(1) "Facilitation platform", an intermediary that facilitates the rental of a residential dwelling and collects payment from a transient guest;**

**(2) "Political subdivision", any county, city, town, village, or township;**

**(3) "Residential dwelling", any building, structure, or part of the building or structure, that is primarily used and occupied for human habitation or intended to be so used and includes any appurtenances belonging to it or enjoyed with it;**

**(4) "Residential dwelling rental", a residential dwelling or any part thereof that is offered for rent to transient guests;**

**(5) "Transient guest", any person who rents and occupies a guest room in a residential dwelling rental for a period of less than thirty-one days.**

**2. A political subdivision may not enact or enforce an ordinance that prohibits or unreasonably restricts residential dwelling rentals, or that regulates or otherwise restricts residential dwelling rentals based solely on their classification, use, or occupancy as a residential**

20 dwelling unit.

21           3. The provisions of subsection 2 of this section shall not prohibit  
22 a political subdivision from applying and enforcing any ordinance in  
23 effect prior to August 28, 2016.

24           4. Nothing in this section limits the authority of a political  
25 subdivision to enact or enforce an ordinance that imposes reasonable  
26 restrictions on residential dwelling rentals in any of the following  
27 areas:

28           (1) Protection of the public's health and safety, including rules  
29 and regulations related to fire and building codes, health and  
30 sanitation, transportation and traffic control, solid and hazardous  
31 wastes, and pollution control;

32           (2) Local taxes that may be imposed on residential dwelling  
33 rentals to transient guests;

34           (3) A requirement that any person who rents out his or her  
35 residential dwellings shall obtain a business license and pay an annual  
36 license fee;

37           (4) The imposition or payment of inspection fees for residential  
38 dwellings;

39           (5) Posting requirements for licenses, certificates, or  
40 registrations as well as emergency procedures;

41           (6) Response time periods for complaints and short-term renter  
42 concerns;

43           (7) Nuisances related to residential dwellings;

44           (8) Age requirements for renters;

45           (9) Off-street parking requirements; or

46           (10) Zoning requirements.

47           5. A transient guest shall pay all applicable tax on the occupancy  
48 of a residential dwelling rental by a transient guest imposed by the  
49 state or by the municipality, county, or local taxing entity in which the  
50 residential dwelling is located, whether the tax imposed be a sales and  
51 use tax, hotel tax, occupancy tax, or otherwise. A facilitation platform  
52 shall collect and remit any such applicable taxes on the occupancy of  
53 a residential dwelling rental by a transient guest. An intermediary that  
54 facilitates the rental of a residential dwelling but does not collect  
55 payment from the transient guest shall:

56           (1) Disclose in its terms of service the obligation to pay any

57 applicable taxes to both the transient guest and the owner of the  
58 residential dwelling;

59 (2) Require as a term of service that the transient guest and the  
60 owner of the residential dwelling acknowledge the obligation to pay  
61 any applicable taxes; and

62 (3) Maintain records of any rentals facilitated for a period of  
63 three years for audits requested by a tax administrator and conducted  
64 during normal business hours.

315.005. As used in sections 315.005 to 315.065, unless the context clearly  
2 indicates otherwise, the following terms mean:

3 (1) "Code", the standards relating to fire safety, sanitation, electrical  
4 wiring, fuel-burning appliances, plumbing, swimming pools and spas, sewage and  
5 waste treatment and disposal as adopted by the department. The department in  
6 its discretion, may incorporate, in whole or in part, the standards or codes  
7 promulgated by the National Fire Protection Association, Building Officials and  
8 Code Administration International, Inc., Great Lakes Upper Mississippi River  
9 Board of State Sanitary Engineers, and American Society of Sanitary Engineers;

10 (2) "Department", the director of the department of health and senior  
11 services or an agent of the director of the department of health and senior  
12 services;

13 (3) "Guest room", any room or unit where sleeping accommodations are  
14 regularly furnished to the public;

15 (4) "Lodging establishment", any building, group of buildings, structure,  
16 facility, place, or places of business where five or more guest rooms are provided,  
17 which is owned, maintained, or operated by any person and which is kept, used,  
18 maintained, advertised or held out to the public for hire which can be construed  
19 to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins,  
20 tourist home, bunkhouse, dormitory, or other similar place by whatever name  
21 called, and includes all such accommodations operated for hire as lodging  
22 establishments for either transient guests, permanent guests, or for both  
23 transient and permanent guests, **except that "lodging establishment" does**  
24 **not include a residential dwelling rental as defined in section 67.5110;**

25 (5) "Owner", the person responsible for obtaining a license from the  
26 department for operating the lodging establishment;

27 (6) "Permanent guest", any person who rents and occupies a guest room  
28 in a lodging establishment for a period of thirty-one days or more;

29 (7) "Person", any individual, partnership, corporation, association,  
30 organization, firm, or federal, state, county, city, village, or municipal association  
31 or corporation;

32 (8) "Transient guest", any person who rents and occupies a guest room in  
33 a lodging establishment for a period of less than thirty-one days.

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