

SECOND REGULAR SESSION

HOUSE BILL NO. 1194

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), SKAGGS, LeVOTA, MUCKLER, HARRIS (110), BAKER, KUESSNER, HENKE, BISHOP, DONNELLY, SELBY, DAVIS (122), CORCORAN, BURNETT, DARROUGH, ENGLER, SCHOEMEHL, YAEGER, JOLLY, SHOEMYER, WITTE, PHILLIPS, EMERY, YATES, WOOD, DUSENBERG, SUTHERLAND, BOUGH, ERVIN, RUESTMAN, DAVIS (19), PRATT, DEMPSEY, DETHROW, REINHART, BRUNS, KELLY (36), WRIGHT, SCHAAF AND JETTON (Co-sponsors).

Read 1st time January 21, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3498L.011

AN ACT

To amend chapter 226, RSMo, by adding thereto one new section relating to billboards, with a penalty provision.

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

Section A. Chapter 226, RSMo, is amended by adding thereto one new section, to be known as section 226.532, to read as follows:

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

(1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

(2) "Sexually oriented business", any business which offers its patrons goods of which a substantial portion are sexually oriented materials. Any business where more than ten percent of display space is used for sexually oriented materials shall be presumed to be a sexually oriented business;

(3) "Sexually oriented materials", any textual, pictorial, or three dimensional material that depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary community standards with respect to what is suitable for minors.

2. No billboard or other exterior advertising sign for an adult cabaret or sexually oriented business shall be located within one mile of any state highway, except if such business is located within one mile of a state highway, then the business may display a maximum of two exterior signs on the premises of the business, consisting of one

16 **identification sign and one sign solely giving notice that the premises are off limits to**
17 **minors. The identification sign shall be no more than forty square feet in size and shall**
18 **include no more than the following information: name, street address, telephone number,**
19 **and operating hours of the business.**

20 **3. Signs existing at the time of the adoption of this section, which do not conform**
21 **to the requirements of this section, may be allowed to continue as a nonconforming use, but**
22 **should be made to conform within three years from August 28, 2004.**

23 **4. No adult cabaret or sexually oriented business shall allow any person under**
24 **twenty-one years of age to physically put up any of their advertising signs or billboards.**

25 **5. Any owner of such a business who violates any of the provisions of this section**
26 **shall be guilty of a class C misdemeanor.**