

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 870
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles, April 27, 2004, with recommendation that the House Committee Substitute for Senate Bill No. 870 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2735L.09C

AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to billboards, with penalty provisions.

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

Section A. Chapter 573, RSMo, is amended by adding thereto one new section, to be known as section 573.510, to read as follows:

573.510. 1. As used in this section the following terms, 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 adult community standards with respect to what is suitable for minors;

(4) "State of nudity", any bare exposure of the skin located on a person's body below the armpits and above the knees.

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

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

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

25 **4. The attorney general shall represent the state in all actions and proceedings**
26 **arising from this section. In addition, all costs incurred by the attorney general to defend**
27 **or prosecute this section, including payment of all court costs, civil judgments, and, if**
28 **necessary any attorney's fees, shall be paid from the general revenue fund.**

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

31 **6. This section is designed to protect the following public policy interests of this**
32 **state: to mitigate the adverse secondary effects of sexually oriented businesses, to improve**
33 **traffic safety, to limit harm to minors, and to reduce prostitution, crime, juvenile**
34 **delinquency, deterioration in property values, and lethargy in neighborhood improvement**
35 **efforts.**