

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 166
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Tourism April 4, 2007 with recommendation that House Committee Substitute for Senate Bill No. 166 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0192L.03C

AN ACT

To repeal section 407.610, RSMo, and section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and to enact in lieu thereof five new sections relating to tourism.

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

Section A. Section 407.610, RSMo, and section 67.1000, as enacted by senate committee
2 substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and
3 section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular
4 session, is repealed and five new sections enacted in lieu thereof, to be known as sections 10.012,
5 10.125, 10.175, 67.1000, and 407.610, to read as follows:

**10.012. The "bobwhite quail" (*Colinus virginianus*) is selected for and shall be
2 known as the official game bird of the state of Missouri.**

**10.125. The crayfish, also called crawfish and crawdad, is selected for, and shall be
2 known as, the official invertebrate of the state of Missouri.**

**10.175. The three-toed box turtle, scientifically designated as *Terrapene carolina
2 triunguis*, is selected for and shall be known as the official reptile of the state of Missouri.**

67.1000. **1.** The governing body of any county or of any city which is the county seat
2 of any county or which now or hereafter has a population of more than three thousand five
3 hundred inhabitants and which has heretofore been authorized by the general assembly, or of any

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 other city which has a population of more than eighteen thousand and less than forty-five
5 thousand inhabitants located in a county of the first classification with a population over two
6 hundred thousand adjacent to a county of the first classification with a population over nine
7 hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient
8 guests of hotels or motels situated in the city or county, which shall be not more than five percent
9 per occupied room per night, except that such tax shall not become effective unless the
10 governing body of the city or county submits to the voters of the city or county at an election
11 permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city
12 or county to impose a tax under the provisions of this section and section 67.1002. The tax
13 authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping
14 room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax
15 shall be used by the city or county solely for funding a convention and visitors bureau which
16 shall be a general not-for-profit organization with whom the city or county has contracted, and
17 which is established for the purpose of promoting the city or county as a convention, visitor and
18 tourist center. Such tax shall be stated separately from all other charges and taxes.

19 **2. In any county of the third classification without a township form of government**
20 **and with more than forty-one thousand one hundred but fewer than forty-one thousand**
21 **two hundred inhabitants, "transient guests", as used in this section and section 67.1002,**
22 **means a person or persons who occupy a room or rooms in a hotel or motel for ninety days**
23 **or less during any calendar quarter.**

2 [67.1000. The governing body of any county or of any city which is the
3 county seat of any county or which now or hereafter has a population of more
4 than three thousand five hundred inhabitants and which has heretofore been
5 authorized by the general assembly, or of any city which has a population of at
6 least seventeen thousand but not more than forty-five thousand inhabitants
7 located in a county of the first classification with a charter form of government
8 with a population of at least two hundred thousand inhabitants but not more than
9 three hundred thousand inhabitants may impose a tax on the charges for all
10 sleeping rooms paid by the transient guests of hotels or motels situated in the city
11 or county, which shall be not more than five percent per occupied room per night,
12 except that such tax shall not become effective unless the governing body of the
13 city or county submits to the voters of the city or county at an election permitted
14 pursuant to section 115.123, RSMo, a proposal to authorize the governing body
15 of the city or county to impose a tax pursuant to the provisions of this section and
16 section 67.1002. The tax authorized by this section and section 67.1002 shall be
17 in addition to the charge for the sleeping room and shall be in addition to any and
18 all taxes imposed by law and the proceeds of such tax shall be used by the city
19 or county solely for funding a convention and visitors bureau which shall be a
general not-for-profit organization with whom the city or county has contracted,

20 and which is established for the purpose of promoting the city or county as a
21 convention, visitor and tourist center. Such tax shall be stated separately from
22 all other charges and taxes.]
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407.610. 1. Any person who intends to use any promotional device or promotional
2 program, including any sweepstakes, gift award, drawing or display booth, or any other such
3 award or prize inducement items, to advertise, solicit sales or sell any time-share period,
4 time-share plan, or time-share property in the state of Missouri or sell any tourist-related services
5 as defined pursuant to subsection [8] 9 of this section where a consumer is required to provide
6 any consideration other than monetary for such tourist-related services, shall notify the Missouri
7 attorney general in writing of this intention not less than fourteen days prior to release of such
8 materials to the public. Included with such notice shall be an exact copy of each promotional
9 device and promotional program to be used. Each promotional device, promotional program,
10 and the notice thereof shall include the following information:

- 11 (1) A statement that the promotional device or promotional program is being used for
12 the purpose of soliciting sales of a time-share period, time-share plan or time-share property;
- 13 (2) The date by which all such awards or other prize inducement items will be awarded;
- 14 (3) The method by which all such items will be awarded;
- 15 (4) The odds of being awarded such items;
- 16 (5) The manufacturer's suggested retail price of such items; and
- 17 (6) The names and addresses of each time-share plan or business entity participating in
18 the promotional device or promotional program.

19 **2. In the case of any promotional device or promotional program to advertise,**
20 **solicit sales, or sell any time-share period, time-share plan, or time-share property in this**
21 **state, the information required under subsection 1 of this section for each promotional**
22 **device or promotional program, and the notice thereof, shall be provided in writing or**
23 **electronically to the prospective purchaser at least once within a reasonable time period**
24 **before a scheduled sales presentation to ensure that the prospective purchaser receives the**
25 **information prior to attending such presentation. The required information need not be**
26 **included in every advertisement or other written, oral or electronic communication**
27 **provided or made to a prospective purchaser before a scheduled sales presentation.**

28 **3.** Any material change in a promotional device or promotional program previously
29 submitted to the attorney general shall constitute a new promotional device or promotional
30 program and shall be resubmitted to the attorney general with the notice thereof.

31 [3.] **4.** It shall be a violation of section 407.020 for any person to:

- 32 (1) Fail to comply with the provisions of the notice requirements of this section;

33 (2) Provide to the attorney general in the notice required by this section any information
34 that is false or misleading in a material manner;

35 (3) Represent to any person that the filing of the notice of the promotional device or the
36 promotional program constitute an endorsement or approval of the promotional device or
37 promotional program by the attorney general;

38 (4) Engage in any act or practice declared to be unlawful by section 407.020 in
39 connection with the use of any promotional device or promotional program or any advertisement,
40 or sale of time-share plans, time-share periods or time-share property.

41 [4.] 5. At least one of each prize featured in a promotional program shall be awarded by
42 the day and year specified in the promotion. When a promotion promises the award of a certain
43 number of each prize, such number of prizes shall be awarded by the date and year specified in
44 the promotion. A record shall be maintained containing the names and addresses of winners of
45 the prizes and the record shall be made available, upon request, to the public, upon the payment
46 of reasonable reproduction costs. If a seller for any reason does not provide, at the time of a site
47 visitation or visitation to a time-share sales office, the inducement gift which was promised, the
48 seller shall deliver the gift, or an acceptable substitute therefor agreed upon in writing, to the
49 prospective purchaser or purchaser no later than ten days following such visitation, or shall
50 deliver instead of such gift cash in an amount equal to the retail value of the gift.

51 [5.] 6. If a prospective purchaser or purchaser does not receive the gift or the cash as
52 provided in subsection [4] 5 of this section, he may bring an action under the provisions of
53 section 407.025. For purposes of actions brought pursuant to this section, the term "actual
54 damages", as used in section 407.025, shall mean at least five times the cash retail value of the
55 most expensive gift offered, but shall not exceed one thousand dollars, in addition to such other
56 actual damages as may be determined by the evidence.

57 [6.] 7. The provisions of sections 407.600 to 407.630 shall not apply to a person who has
58 acquired a time-share period for his own occupancy and later offers it for resale.

59 [7.] 8. If the sale of a time-share plan or of time-share property is subject to the
60 provisions of sections 407.600 to 407.630, such sale shall not be subject to the provisions of
61 chapter 339, RSMo.

62 [8.] 9. For the purposes of this section, the term "tourist-related services" includes but
63 is not limited to, selling or entering into contracts or other arrangements under which a purchaser
64 receives a premium, coupon or contract for car rentals, lodging, transfers, entertainment,
65 sightseeing or any service reasonably related to air, sea, rail, motor coach or other medium of
66 transportation directly to the consumer.

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