

FIRST REGULAR SESSION

# HOUSE BILL NO. 1164

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

2398H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 311.080, RSMo, and to enact in lieu thereof two new sections relating to nuisance businesses.

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

Section A. Section 311.080, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 311.080 and 408.502, to read as follows:

311.080. 1. No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of alderman, city council, or other proper authorities of any incorporated city, town, or village, except that when a school, church or place of worship shall hereafter be established within one hundred feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten days' written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises.

2. The board of aldermen, city council or other proper authorities of any incorporated city, town or village may by ordinance prohibit the granting of a license for the sale of intoxicating liquor within a distance as great as three hundred feet of any school, church, or other building regularly used as a place of religious worship. In such cases, and where the ordinance has been lawfully enacted, no license of any character shall be issued in conflict with the ordinance while it is in effect; except, that when a school, church or place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason.

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.

18           3. Subsection 1 of this section shall not apply to a license issued by the supervisor of  
19 alcohol and tobacco control for the sale of intoxicating liquor pursuant to section 311.218 or  
20 to a license issued to any church, school, civic, service, fraternal, veteran, political, or  
21 charitable club or organization which has obtained an exemption from the payment of federal  
22 taxes.

23           4. Subsection 1 of this section shall not apply to any premises holding a license issued  
24 before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale of  
25 intoxicating liquor. To retain a license under this subsection, the licensed premises shall not  
26 change license type, amend the legal description, or be without a liquor license for more than  
27 ninety days.

28           **5. No license shall be granted for the sale of intoxicating liquor, as defined in this**  
29 **chapter, unless a municipal planning and zoning authority issues a zoning permit,**  
30 **rezoning permit, conditional use permit, or other zoning authorization that is required**  
31 **by municipal ordinance for the placement of an establishment for the sale of**  
32 **intoxicating liquor after:**

33           (1) A public hearing before the municipal planning and zoning authority; and

34           (2) Passage of such permit or other zoning authorization by the favorable vote of  
35 at least two-thirds of all the members of the municipal planning and zoning authority.

36           **6. The provisions of subsection 5 of this section shall not apply to any premises**  
37 **holding a license issued before January 1, 2024, by the supervisor of alcohol and tobacco**  
38 **control for the sale of intoxicating liquor. To retain a license under this subsection, the**  
39 **licensed premises shall not change license type, amend the legal description, or be**  
40 **without a liquor license for more than ninety days.**

**408.502. 1. A municipal planning and zoning authority shall not issue any**  
2 **zoning permit, rezoning permit, conditional use permit, or other zoning authorization**  
3 **that is required by municipal ordinance for the placement of a lender licensed under**  
4 **section 408.500 unless after public hearing before the municipal planning and zoning**  
5 **authority such permit or other zoning authorization is passed by the favorable vote of at**  
6 **least two-thirds of all the members of the municipal planning and zoning authority.**

7           **2. (1) The division of finance of the department of commerce and insurance**  
8 **shall promulgate rules and regulations to implement the provisions of this section. Such**  
9 **rules and regulations shall provide that the division may revoke the license of an entity**  
10 **licensed under section 408.500 if the entity does not provide evidence of compliance with**  
11 **this section.**

12           **(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
13 **created under the authority delegated in this section shall become effective only if it**  
14 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

15 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
16 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
17 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
18 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
19 **28, 2023, shall be invalid and void.**

20 **3. The provisions of subsection 1 of this section shall not apply to any entity**  
21 **holding a license issued before January 1, 2024, by the director of the division of finance**  
22 **for making unsecured loans of five hundred dollars or less. To retain a license under**  
23 **this subsection, the licensed premises shall not change license type, amend the legal**  
24 **description, or be without a license for more than ninety days.**

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