

HOUSE BILL NO. 415

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FALKNER.

1472H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 71.990, RSMo, relating to no-impact, home-based businesses.

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

Section A. Section 71.990, RSMo, is repealed, to read as follows:

~~[71.990. 1. As used in this section, the following terms mean:~~

~~(1) "Goods", any merchandise, equipment, products, supplies, or materials;~~

~~(2) "Home-based business", any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.~~

~~2. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:~~

~~(1) Any deed restriction, covenant, or agreement restricting the use of land; or~~

~~(2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.~~

~~3. Except as prescribed under subsection 4 of this section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this section, a home-based business qualifies as a no-impact, home-based business if:~~

~~(1) The total number of employees and clients onsite at one time does not exceed the occupancy limit for the residential dwelling; and~~

~~(2) The activities of the business:~~

~~(a) Are limited to the sale of lawful goods and services;~~

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.

- 24 ~~(b) May involve having more than one client on the property at one~~
25 ~~time;~~
26 ~~(c) Do not cause a substantial increase in traffic through the residential~~
27 ~~area;~~
28 ~~(d) Do not violate any parking regulations established by the political~~
29 ~~subdivision;~~
30 ~~(e) Occur inside the residential dwelling or in the yard of the~~
31 ~~residential dwelling;~~
32 ~~(f) Are not visible from the street; and~~
33 ~~(g) Do not violate any narrowly tailored regulation established under~~
34 ~~subsection 4 of this section.~~
35 ~~4. A political subdivision may establish reasonable regulations on a~~
36 ~~home-based business if the regulations are narrowly tailored for the purpose~~
37 ~~of:~~
38 ~~(1) Protecting the public health and safety, including regulations~~
39 ~~related to fire and building codes, health and sanitation, transportation or~~
40 ~~traffic control, solid or hazardous waste, pollution, and noise control; or~~
41 ~~(2) Ensuring that the business activity is compliant with state and~~
42 ~~federal law and paying applicable taxes.~~
43 ~~5. No political subdivision shall require a person, as a condition of~~
44 ~~operating a home-based business, to:~~
45 ~~(1) Rezone the property for commercial use;~~
46 ~~(2) Obtain a home-based business license; or~~
47 ~~(3) Install or equip fire sprinklers in a single family detached~~
48 ~~residential dwelling or any residential dwelling with no more than two~~
49 ~~dwelling units.~~
50 ~~6. Whether a regulation complies with this section is a judicial~~
51 ~~question.]~~

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