

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2662, Page 1, in the Title, Line 3, by deleting the words "dwelling rentals"
2 and inserting in lieu thereof the words "dwellings offered for rent to transient guests"; and

3
4 Further amend said bill, Pages 1-2, Section 67.309, Lines 1-33, and Pages 2-3, Section 315.005,
5 Lines 1-33, by deleting all of said sections and lines and inserting in lieu thereof the following:

6
7 "67.5110. 1. As used in this section the following terms mean:

8 (1) "Facilitation platform", an intermediary that facilitates the rental of a residential
9 dwelling and collects payment from a transient guest;

10 (2) "Political subdivision", any county, city, town, village, or township;

11 (3) "Residential dwelling", any building, structure, or part of the building or structure, that
12 is primarily used and occupied for human habitation or intended to be so used and includes any
13 appurtenances belonging to it or enjoyed with it;

14 (4) "Residential dwelling rental", a residential dwelling or any part thereof that is offered
15 for rent to transient guests;

16 (5) "Transient guest", any person who rents and occupies a guest room in a residential
17 dwelling rental for a period of less than thirty-one days.

18 2. A political subdivision may not enact or enforce an ordinance that prohibits or
19 unreasonably restricts residential dwelling rentals, or that regulates or otherwise restricts residential
20 dwelling rentals based solely on their classification, use, or occupancy as a residential dwelling unit.

21 3. The provisions of subsection 2 of this section shall not prohibit a political subdivision
22 from applying and enforcing any ordinance in effect prior to August 28, 2016.

23 4. Nothing in this section limits the authority of a political subdivision to enact or enforce
24 an ordinance that imposes reasonable restrictions on residential dwelling rentals in any of the
25 following areas:

26 (1) Protection of the public's health and safety, including rules and regulations related to fire
27 and building codes, health and sanitation, transportation and traffic control, solid and hazardous
28 wastes, and pollution control;

29 (2) Local taxes that may be imposed on residential dwelling rentals to transient guests;

30 (3) A requirement that any person who rents out his or her residential dwellings shall obtain
31 a business license and pay an annual license fee;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

- 1 (4) The imposition or payment of inspection fees for residential dwellings;
 2 (5) Posting requirements for licenses, certificates, or registrations as well as emergency
 3 procedures;
 4 (6) Response time periods for complaints and short-term renter concerns;
 5 (7) Nuisances related to residential dwellings;
 6 (8) Age requirements for renters;
 7 (9) Off-street parking requirements; or
 8 (10) Zoning requirements.

9 5. A transient guest shall pay all applicable tax on the occupancy of a residential dwelling
 10 rental by a transient guest imposed by the state or by the municipality, county, or local taxing entity
 11 in which the residential dwelling is located, whether the tax imposed be a sales and use tax, hotel
 12 tax, occupancy tax, or otherwise. A facilitation platform shall collect and remit any such applicable
 13 taxes on the occupancy of a residential dwelling rental by a transient guest. An intermediary that
 14 facilitates the rental of a residential dwelling but does not collect payment from the transient guest
 15 shall:

- 16 (1) Disclose in its terms of service the obligation to pay any applicable taxes to both the
 17 transient guest and the owner of the residential dwelling;
 18 (2) Require as a term of service that the transient guest and the owner of the residential
 19 dwelling acknowledge the obligation to pay any applicable taxes; and
 20 (3) Maintain records of any rentals facilitated for a period of three years for audits requested
 21 by a tax administrator and conducted during normal business hours.

22 315.005. As used in sections 315.005 to 315.065, unless the context clearly indicates
 23 otherwise, the following terms mean:

- 24 (1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning
 25 appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as
 26 adopted by the department. The department in its discretion, may incorporate, in whole or in part,
 27 the standards or codes promulgated by the National Fire Protection Association, Building Officials
 28 and Code Administration International, Inc., Great Lakes Upper Mississippi River Board of State
 29 Sanitary Engineers, and American Society of Sanitary Engineers;
 30 (2) "Department", the director of the department of health and senior services or an agent of
 31 the director of the department of health and senior services;
 32 (3) "Guest room", any room or unit where sleeping accommodations are regularly furnished
 33 to the public;
 34 (4) "Lodging establishment", any building, group of buildings, structure, facility, place, or
 35 places of business where five or more guest rooms are provided, which is owned, maintained, or
 36 operated by any person and which is kept, used, maintained, advertised or held out to the public for
 37 hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort,
 38 cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and
 39 includes all such accommodations operated for hire as lodging establishments for either transient
 40 guests, permanent guests, or for both transient and permanent guests, except that "lodging
 41 establishment" does not include a residential dwelling rental as defined in section 67.5110;

1 (5) "Owner", the person responsible for obtaining a license from the department for
2 operating the lodging establishment;

3 (6) "Permanent guest", any person who rents and occupies a guest room in a lodging
4 establishment for a period of thirty-one days or more;

5 (7) "Person", any individual, partnership, corporation, association, organization, firm, or
6 federal, state, county, city, village, or municipal association or corporation;

7 (8) "Transient guest", any person who rents and occupies a guest room in a lodging
8 establishment for a period of less than thirty-one days."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.