

FIRST REGULAR SESSION

# SENATE BILL NO. 46

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0531S.02I

## AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 143.011, 143.121, 144.010, 144.011, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof eighty-five new sections relating to taxation, with penalty provisions and an effective date.

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

Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 2 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 3 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 4 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 5 94.605, 94.660, 94.705, 94.900, 143.011, 143.121, 144.010, 144.011, 144.014, 6 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 7 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 8 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 9 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 10 644.032, RSMo, are repealed and eighty-five new sections enacted in lieu thereof, 11 to be known as sections 32.070, 32.086, 32.087, 66.620, 67.395, 67.525, 67.571, 12 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737,

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545,  
14 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605,  
15 94.660, 94.705, 94.900, 143.011, 143.121, 144.010, 144.011, 144.014, 144.020,  
16 144.021, 144.022, 144.030, 144.032, 144.049, 144.054, 144.060, 144.079, 144.080,  
17 144.082, 144.083, 144.084, 144.100, 144.105, 144.109, 144.110, 144.111, 144.112,  
18 144.113, 144.114, 144.123, 144.124, 144.125, 144.140, 144.190, 144.210, 144.212,  
19 144.285, 144.526, 144.595, 144.600, 144.612, 144.655, 144.710, 144.759, 144.761,  
20 184.845, 221.407, 238.235, 238.410, and 644.032, to read as follows:

**32.070. 1. The director of the department of revenue shall enter  
2 into the streamlined sales and use tax agreement with one or more  
3 states to simplify and modernize sales and use tax administration in  
4 order to substantially reduce the burden of tax compliance for all sellers  
5 and for all types of commerce. In furtherance of the streamlined sales  
6 and use tax agreement, the director of the department of revenue may  
7 act jointly with other states that are members of the streamlined sales  
8 and use tax agreement to establish standards for certification of a  
9 certified service provider and certified automated system and establish  
10 performance standards for multistate sellers.**

**11 2. The director of the department of revenue may take other  
12 action reasonably required to implement the provisions set forth in the  
13 streamlined sales and use tax agreement, including, but not limited to,  
14 the promulgation of rules and the joint procurement, with other member  
15 states, of goods and services in furtherance of the streamlined sales and  
16 use tax agreement.**

**17 3. For the purposes of representing the state as a member of the  
18 agreement and, if necessary, amending the agreement, the state shall be  
19 represented by four delegates, one of whom shall be appointed by the  
20 governor, one shall be a member of the general assembly appointed by  
21 the president pro tempore of the senate, one shall be a member of the  
22 general assembly appointed by the speaker of the house of  
23 representatives, with the director of the department of revenue or the  
24 director's designee as the fourth delegate. The delegates shall  
25 recommend to the committees responsible for reviewing tax issues in the  
26 senate and the house of representatives each year any amendment of  
27 state statutes required to be substantially in compliance with the  
28 agreement. Such delegates shall make a written report by the fifteenth  
29 day of January each year regarding the status of the agreement.**

30           **4. The department of revenue shall promulgate rules necessary to**  
31 **implement the provisions of the streamlined sales and use tax**  
32 **agreement. Any rule or portion of a rule, as that term is defined in**  
33 **section 536.010 that is created under the authority delegated in this**  
34 **section shall become effective only if it complies with and is subject to**  
35 **all of the provisions of chapter 536, and, if applicable, section**  
36 **536.028. This section and chapter 536 are nonseverable and if any of the**  
37 **powers vested with the general assembly pursuant to chapter 536, to**  
38 **review, to delay the effective date, or to disapprove and annul a rule are**  
39 **subsequently held unconstitutional, then the grant of rulemaking**  
40 **authority and any rule proposed or adopted after August 28, 2019, shall**  
41 **be invalid and void.**

**32.086. Notwithstanding any other provision of law, for all local**  
2 **sales and use taxes collected by the department and remitted to a**  
3 **political jurisdiction or taxing district, the department shall remit one**  
4 **percent of the amount collected to the general revenue fund to offset the**  
5 **cost of collection, unless a greater amount is specified in the local sales**  
6 **and use tax law. The department shall not commingle the remaining**  
7 **amounts collected with general revenues and shall remit the remaining**  
8 **amounts collected to the political jurisdiction or taxing district less any**  
9 **credits for erroneous payments, overpayments, and dishonored checks.**

          32.087. 1. Within ten days after the adoption of any ordinance or order  
2 in favor of adoption of any local sales tax authorized under the local sales tax law  
3 by the voters of a taxing entity, the governing body or official of such taxing  
4 entity shall forward to the director of revenue by United States registered mail  
5 or certified mail a certified copy of the ordinance or order. [The ordinance or  
6 order shall reflect the effective date thereof.]

7           2. Any local sales tax so adopted shall become effective [on the first day  
8 of the second calendar quarter after the director of revenue receives notice of  
9 adoption of the local sales tax, except] as provided in subsection [18] 19 of this  
10 section, and shall be imposed on all transactions on which the Missouri state  
11 sales tax is imposed.

12           3. Every retailer within the jurisdiction of one or more taxing entities  
13 which has imposed one or more local sales taxes under the local sales tax law  
14 shall add all taxes so imposed along with the tax imposed by the sales tax law of  
15 the state of Missouri to the sale price and, when added, the combined tax shall  
16 constitute a part of the price, and shall be a debt of the purchaser to the retailer

17 until paid, and shall be recoverable at law in the same manner as the purchase  
18 price. The combined rate of the state sales tax and all local sales taxes shall be  
19 the sum of the rates, multiplying the combined rate times the amount of the sale.

20 4. [The brackets required to be established by the director of revenue  
21 under the provisions of section 144.285 shall be based upon the sum of the  
22 combined rate of the state sales tax and all local sales taxes imposed under the  
23 provisions of the local sales tax law.

24 5.] (1) The ordinance or order imposing a local sales tax under the local  
25 sales tax law shall impose a tax upon all transactions upon which the Missouri  
26 state sales tax is imposed to the extent and in the manner provided in [sections  
27 144.010 to 144.525] **chapter 144**, and the rules and regulations of the director  
28 of revenue issued pursuant thereto[; except that the rate of the tax shall be the  
29 sum of the combined rate of the state sales tax or state highway use tax and all  
30 local sales taxes imposed under the provisions of the local sales tax law].

31 (2) Notwithstanding any other provision of law to the contrary, local  
32 taxing jurisdictions, except those in which voters have approved a local use tax  
33 under section 144.757, shall have placed on the ballot on or after the general  
34 election in November 2014, but no later than the general election in November  
35 2022, whether to repeal application of the local sales tax to the titling of motor  
36 vehicles, trailers, boats, and outboard motors that are subject to state sales tax  
37 under section 144.020 and purchased from a source other than a licensed Missouri  
38 dealer. The ballot question presented to the local voters shall contain  
39 substantially the following language:

40 Shall the \_\_\_\_\_ (local jurisdiction's name) discontinue applying  
41 and collecting the local sales tax on the titling of motor vehicles,  
42 trailers, boats, and outboard motors that were purchased from a  
43 source other than a licensed Missouri dealer?

44 Approval of this measure will result in a reduction of local revenue  
45 to provide for vital services for \_\_\_\_\_ (local jurisdiction's name)  
46 and it will place Missouri dealers of motor vehicles, outboard  
47 motors, boats, and trailers at a competitive disadvantage to  
48 non-Missouri dealers of motor vehicles, outboard motors, boats, and  
49 trailers.

50  YES  NO

51 If you are in favor of the question, place an "X" in the box opposite  
52 "YES". If you are opposed to the question, place an "X" in the box

53 opposite "NO".

54 (3) If the ballot question set forth in subdivision (2) of this subsection  
55 receives a majority of the votes cast in favor of the proposal, or if the local taxing  
56 jurisdiction fails to place the ballot question before the voters on or before the  
57 general election in November 2022, the local taxing jurisdiction shall cease  
58 applying the local sales tax to the titling of motor vehicles, trailers, boats, and  
59 outboard motors that were purchased from a source other than a licensed  
60 Missouri dealer.

61 (4) In addition to the requirement that the ballot question set forth in  
62 subdivision (2) of this subsection be placed before the voters, the governing body  
63 of any local taxing jurisdiction that had previously imposed a local use tax on the  
64 use of motor vehicles, trailers, boats, and outboard motors may, at any time, place  
65 a proposal on the ballot at any election to repeal application of the local sales tax  
66 to the titling of motor vehicles, trailers, boats, and outboard motors purchased  
67 from a source other than a licensed Missouri dealer. If a majority of the votes  
68 cast by the registered voters voting thereon are in favor of the proposal to repeal  
69 application of the local sales tax to such titling, then the local sales tax shall no  
70 longer be applied to the titling of motor vehicles, trailers, boats, and outboard  
71 motors purchased from a source other than a licensed Missouri dealer. If a  
72 majority of the votes cast by the registered voters voting thereon are opposed to  
73 the proposal to repeal application of the local sales tax to such titling, such  
74 application shall remain in effect.

75 (5) In addition to the requirement that the ballot question set forth in  
76 subdivision (2) of this subsection be placed before the voters on or after the  
77 general election in November 2014, and on or before the general election in  
78 November 2022, whenever the governing body of any local taxing jurisdiction  
79 imposing a local sales tax on the sale of motor vehicles, trailers, boats, and  
80 outboard motors receives a petition, signed by fifteen percent of the registered  
81 voters of such jurisdiction voting in the last gubernatorial election, and calling for  
82 a proposal to be placed on the ballot at any election to repeal application of the  
83 local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors  
84 purchased from a source other than a licensed Missouri dealer, the governing  
85 body shall submit to the voters of such jurisdiction a proposal to repeal  
86 application of the local sales tax to such titling. If a majority of the votes cast by  
87 the registered voters voting thereon are in favor of the proposal to repeal  
88 application of the local sales tax to such titling, then the local sales tax shall no  
89 longer be applied to the titling of motor vehicles, trailers, boats, and outboard

90 motors purchased from a source other than a licensed Missouri dealer. If a  
91 majority of the votes cast by the registered voters voting thereon are opposed to  
92 the proposal to repeal application of the local sales tax to such titling, such  
93 application shall remain in effect.

94 (6) Nothing in this subsection shall be construed to authorize the voters  
95 of any jurisdiction to repeal application of any state sales or use tax.

96 (7) If any local sales tax on the titling of motor vehicles, trailers, boats,  
97 and outboard motors purchased from a source other than a licensed Missouri  
98 dealer is repealed, such repeal shall take effect [on the first day of the second  
99 calendar quarter after the election] **as provided in subsection 19 of this**  
100 **section.** If any local sales tax on the titling of motor vehicles, trailers, boats, and  
101 outboard motors purchased from a source other than a licensed Missouri dealer  
102 is required to cease to be applied or collected due to failure of a local taxing  
103 jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such  
104 cessation shall take effect on March 1, 2023.

105 (8) Notwithstanding any provision of law to the contrary, if any local sales  
106 tax on the titling of motor vehicles, trailers, boats, and outboard motors  
107 purchased from a source other than a licensed Missouri dealer is repealed after  
108 the general election in November 2014, or if the taxing jurisdiction failed to  
109 present the ballot to the voters at a general election on or before November 2022,  
110 then the governing body of such taxing jurisdiction may, at any election  
111 subsequent to the repeal or after the general election in November 2022, if the  
112 jurisdiction failed to present the ballot to the voters, place before the voters the  
113 issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and  
114 outboard motors that are subject to state sales tax under section 144.020 that  
115 were purchased from a source other than a licensed Missouri dealer. The ballot  
116 question presented to the local voters shall contain substantially the following  
117 language:

118 Shall the \_\_\_\_\_ (local jurisdiction's name) apply and collect the  
119 local sales tax on the titling of motor vehicles, trailers, boats, and  
120 outboard motors that are subject to state sales tax under section  
121 144.020 and purchased from a source other than a licensed  
122 Missouri dealer?

123 Approval of this measure will result in an increase of local revenue  
124 to provide for vital services for \_\_\_\_\_ (local jurisdiction's name),  
125 and it will remove a competitive advantage that non-Missouri  
126 dealers of motor vehicles, outboard motors, boats, and trailers have

127 over Missouri dealers of motor vehicles, outboard motors, boats,  
128 and trailers.

129  YES  NO

130 If you are in favor of the question, place an "X" in the box opposite  
131 "YES". If you are opposed to the question, place an "X" in the box  
132 opposite "NO".

133 (9) If any local sales tax on the titling of motor vehicles, trailers, boats,  
134 and outboard motors purchased from a source other than a licensed Missouri  
135 dealer is adopted, such tax shall take effect and be imposed [on the first day of  
136 the second calendar quarter after the election] **as provided in subsection 19**  
137 **of this section.**

138 [6.] 5. On and after the effective date of any local sales tax imposed  
139 under the provisions of the local sales tax law, the director of revenue shall  
140 perform all functions incident to the administration, collection, enforcement, and  
141 operation of the tax, and the director of revenue shall collect in addition to the  
142 sales tax for the state of Missouri all additional local sales taxes authorized under  
143 the authority of the local sales tax law. All local sales taxes imposed under the  
144 local sales tax law together with all taxes imposed under the sales tax law of the  
145 state of Missouri shall be collected together and reported upon such forms and  
146 under such administrative rules and regulations as may be prescribed by the  
147 director of revenue.

148 [7.] 6. All applicable provisions contained in [sections 144.010 to 144.525]  
149 **chapter 144** governing the state sales tax and section 32.057, the uniform  
150 confidentiality provision, shall apply to the collection of any local sales tax  
151 imposed under the local sales tax law except as modified by the local sales tax  
152 law.

153 [8.] 7. All exemptions granted to agencies of government, organizations,  
154 persons and to the sale of certain articles and items of tangible personal property  
155 and taxable services under the provisions of [sections 144.010 to 144.525]  
156 **chapter 144**, as these sections now read and as they may hereafter be amended,  
157 it being the intent of this general assembly to ensure that the same sales tax  
158 exemptions granted from the state sales tax law also be granted under the local  
159 sales tax law, are hereby made applicable to the imposition and collection of all  
160 local sales taxes imposed under the local sales tax law.

161 [9.] 8. The same sales tax permit, exemption certificate and retail  
162 certificate required by [sections 144.010 to 144.525] **chapter 144** for the

163 administration and collection of the state sales tax shall satisfy the requirements  
164 of the local sales tax law, and no additional permit or exemption certificate or  
165 retail certificate shall be required; except that the director of revenue may  
166 prescribe a form of exemption certificate for an exemption from any local sales tax  
167 imposed by the local sales tax law.

168 [10.] 9. All discounts allowed the retailer under the provisions of the  
169 state sales tax law for the collection of and for payment of taxes under the  
170 provisions of the state sales tax law are hereby allowed and made applicable to  
171 any local sales tax collected under the provisions of the local sales tax law.

172 [11.] 10. The penalties provided in section 32.057 and [sections 144.010  
173 to 144.525] **chapter 144** for a violation of the provisions of those sections are  
174 hereby made applicable to violations of the provisions of the local sales tax law.

175 [12. (1)] 11. For the purposes of any local sales tax imposed by an  
176 ordinance or order under the local sales tax law, all sales[, except the sale of  
177 motor vehicles, trailers, boats, and outboard motors required to be titled under  
178 the laws of the state of Missouri, shall be deemed to be consummated at the place  
179 of business of the retailer unless the tangible personal property sold is delivered  
180 by the retailer or his agent to an out-of-state destination. In the event a retailer  
181 has more than one place of business in this state which participates in the sale,  
182 the sale shall be deemed to be consummated at the place of business of the  
183 retailer where the initial order for the tangible personal property is taken, even  
184 though the order must be forwarded elsewhere for acceptance, approval of credit,  
185 shipment or billing. A sale by a retailer's agent or employee shall be deemed to  
186 be consummated at the place of business from which he works.

187 (2) For the purposes of any local sales tax imposed by an ordinance or  
188 order under the local sales tax law, the sales tax upon the titling of all motor  
189 vehicles, trailers, boats, and outboard motors shall be imposed at the rate in  
190 effect at the location of the residence of the purchaser, and remitted to that local  
191 taxing entity, and not at the place of business of the retailer, or the place of  
192 business from which the retailer's agent or employee works.

193 (3) For the purposes of any local tax imposed by an ordinance or under the  
194 local sales tax law on charges for mobile telecommunications services, all taxes  
195 of mobile telecommunications service shall be imposed as provided in the Mobile  
196 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as  
197 amended] **shall be sourced as provided by sections 144.111 to 144.114.**

198 [13.] 12. Local sales taxes shall not be imposed on the seller of motor  
199 vehicles, trailers, boats, and outboard motors required to be titled under the laws



200 of the state of Missouri, but shall be collected from the purchaser by the director  
201 of revenue at the time application is made for a certificate of title, if the address  
202 of the applicant is within a taxing entity imposing a local sales tax under the  
203 local sales tax law.

204 [14.] 13. The director of revenue and any of his deputies, assistants and  
205 employees who have any duties or responsibilities in connection with the  
206 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,  
207 or recording of funds which come into the hands of the director of revenue under  
208 the provisions of the local sales tax law shall enter a surety bond or bonds  
209 payable to any and all taxing entities in whose behalf such funds have been  
210 collected under the local sales tax law in the amount of one hundred thousand  
211 dollars for each such tax; but the director of revenue may enter into a blanket  
212 bond covering himself and all such deputies, assistants and employees. The cost  
213 of any premium for such bonds shall be paid by the director of revenue from the  
214 share of the collections under the sales tax law retained by the director of revenue  
215 for the benefit of the state.

216 [15.] 14. The director of revenue shall annually report on his  
217 management of each trust fund which is created under the local sales tax law and  
218 administration of each local sales tax imposed under the local sales tax law. He  
219 shall provide each taxing entity imposing one or more local sales taxes authorized  
220 by the local sales tax law with a detailed accounting of the source of all funds  
221 received by him for the taxing entity. Notwithstanding any other provisions of  
222 law, the state auditor shall annually audit each trust fund. A copy of the  
223 director's report and annual audit shall be forwarded to each taxing entity  
224 imposing one or more local sales taxes.

225 [16.] 15. Within the boundaries of any taxing entity where one or more  
226 local sales taxes have been imposed, if any person is delinquent in the payment  
227 of the amount required to be paid by him under the local sales tax law or in the  
228 event a determination has been made against him for taxes and penalty under the  
229 local sales tax law, the limitation for bringing suit for the collection of the  
230 delinquent tax and penalty shall be the same as that provided in [sections  
231 144.010 to 144.525] **this chapter**. Where the director of revenue has determined  
232 that suit must be filed against any person for the collection of delinquent taxes  
233 due the state under the state sales tax law, and where such person is also  
234 delinquent in payment of taxes under the local sales tax law, the director of  
235 revenue shall notify the taxing entity in the event any person fails or refuses to  
236 pay the amount of any local sales tax due so that appropriate action may be taken

237 by the taxing entity.

238           [17.] **16.** Where property is seized by the director of revenue under the  
239 provisions of any law authorizing seizure of the property of a taxpayer who is  
240 delinquent in payment of the tax imposed by the state sales tax law, and where  
241 such taxpayer is also delinquent in payment of any tax imposed by the local sales  
242 tax law, the director of revenue shall permit the taxing entity to join in any sale  
243 of property to pay the delinquent taxes and penalties due the state and to the  
244 taxing entity under the local sales tax law. The proceeds from such sale shall  
245 first be applied to all sums due the state, and the remainder, if any, shall be  
246 applied to all sums due such taxing entity.

247           [18.] **17.** If a local sales tax has been in effect for at least one year under  
248 the provisions of the local sales tax law and voters approve reimposition of the  
249 same local sales tax at the same rate at an election as provided for in the local  
250 sales tax law prior to the date such tax is due to expire, the tax so reimposed  
251 shall become effective [the first day of the first calendar quarter after the director  
252 receives a certified copy of the ordinance, order or resolution accompanied by a  
253 map clearly showing the boundaries thereof and the results of such election,  
254 provided that such ordinance, order or resolution and all necessary accompanying  
255 materials are received by the director at least thirty days prior to the expiration  
256 of such tax. Any administrative cost or expense incurred by the state as a result  
257 of the provisions of this subsection shall be paid by the city or county reimposing  
258 such tax] **as provided by subsection 19 of this section.**

259           **18. If the boundaries of a city in which a sales tax has been**  
260 **imposed shall thereafter be changed or altered, the city clerk shall**  
261 **forward to the director of revenue by United States registered mail or**  
262 **certified mail a certified copy of the ordinance adding or detaching**  
263 **territory from the city within ten days of adoption of the ordinance. The**  
264 **ordinance shall reflect the effective date of the ordinance and shall be**  
265 **accompanied by a map of the city clearly showing the territory added or**  
266 **detached from the city boundaries. Upon receipt of the ordinance and**  
267 **map, the tax imposed under the local sales tax law shall be effective in**  
268 **the added territory or abolished in the detached territory on the first**  
269 **day of a calendar quarter after one hundred twenty days' notice to**  
270 **sellers.**

271           **19. (1) The effective date for the imposition, repeal, or rate**  
272 **change of each local sales and use tax is the first day of the calendar**  
273 **quarter after a minimum of one hundred twenty days' notice to sellers.**

274 In all cases where notice is required to be made to the director of  
275 revenue by a local taxing jurisdiction, such notice shall be made at least  
276 one hundred twenty days prior to the effective date for the imposition,  
277 repeal, or rate change of a local sales and use tax.

278 (2) The effective date for any local jurisdiction boundary change  
279 for sales and use tax purposes is the first day of the calendar quarter  
280 after a minimum of one hundred twenty days' notice to sellers.

281 20. (1) If a sales or use tax rate is increased, the new rate shall  
282 apply to the first billing period starting on or after the effective date of  
283 the increase;

284 (2) If a sales or use tax rate is decreased, the new rate shall apply  
285 to bills rendered on or after the effective date of the decrease.

66.620. 1. All county sales taxes collected by the director of revenue  
2 under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost  
3 of collection which shall be deposited in the state's general revenue fund after  
4 payment of premiums for surety bonds as provided in section 32.087,] shall be  
5 deposited in a special trust fund, which is hereby created, to be known as the  
6 "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund  
7 shall not be deemed to be state funds and shall not be commingled with any funds  
8 of the state.] The director of revenue shall keep accurate records of the amount  
9 of money in the trust fund which was collected in each county imposing a county  
10 sales tax, and the records shall be open to the inspection of officers of the county  
11 and the public. Not later than the tenth day of each month, the director of  
12 revenue shall distribute all moneys deposited in the trust fund during the  
13 preceding month to the county which levied the tax; such funds shall be deposited  
14 with the treasurer of the county and all expenditures of funds arising from the  
15 county sales tax trust fund shall be by an appropriation act to be enacted by the  
16 legislative council of the county, and to the cities, towns and villages located  
17 wholly or partly within the county which levied the tax in the manner as set forth  
18 in sections 66.600 to 66.630.

19 2. In any county not adopting an additional sales tax and alternate  
20 distribution system as provided in section 67.581, for the purposes of distributing  
21 the county sales tax, the county shall be divided into two groups, "Group A" and  
22 "Group B". Group A shall consist of all cities, towns and villages which are  
23 located wholly or partly within the county which levied the tax and which had a  
24 city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day  
25 prior to the adoption of the county sales tax ordinance, except that beginning

26 January 1, 1980, group A shall consist of all cities, towns and villages which are  
27 located wholly or partly within the county which levied the tax and which had a  
28 city sales tax approved by the voters of such city under the provisions of sections  
29 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For  
30 the purposes of determining the location of consummation of sales for distribution  
31 of funds to cities, towns and villages in group A, the boundaries of any such city,  
32 town or village shall be the boundary of that city, town or village as it existed on  
33 March 19, 1984. Group B shall consist of all cities, towns and villages which are  
34 located wholly or partly within the county which levied the tax and which did not  
35 have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on  
36 the day prior to the adoption of the county sales tax ordinance, and shall also  
37 include all unincorporated areas of the county which levied the tax; except that,  
38 beginning January 1, 1980, group B shall consist of all cities, towns and villages  
39 which are located wholly or partly within the county which levied the tax and  
40 which did not have a city sales tax approved by the voters of such city under the  
41 provisions of sections 94.500 to 94.550 on the day prior to the effective date of the  
42 county sales tax and shall also include all unincorporated areas of the county  
43 which levied the tax.

44 3. Until January 1, 1994, the director of revenue shall distribute to the  
45 cities, towns and villages in group A the taxes based on the location in which the  
46 sales were deemed consummated under section 66.630 and subsection 12 of  
47 section 32.087. Except for distribution governed by section 66.630, after  
48 deducting the distribution to the cities, towns and villages in group A, the  
49 director of revenue shall distribute the remaining funds in the county sales tax  
50 trust fund to the cities, towns and villages and the county in group B as follows:  
51 to the county which levied the tax, a percentage of the distributable revenue  
52 equal to the percentage ratio that the population of the unincorporated areas of  
53 the county bears to the total population of group B; and to each city, town or  
54 village in group B located wholly within the taxing county, a percentage of the  
55 distributable revenue equal to the percentage ratio that the population of such  
56 city, town or village bears to the total population of group B; and to each city,  
57 town or village located partly within the taxing county, a percentage of the  
58 distributable revenue equal to the percentage ratio that the population of that  
59 part of the city, town or village located within the taxing county bears to the total  
60 population of group B.

61 4. From January 1, 1994, until December 31, 2016, the director of revenue  
62 shall distribute to the cities, towns and villages in group A a portion of the taxes

63 based on the location in which the sales were deemed consummated under section  
64 66.630 and subsection 12 of section 32.087 in accordance with the formula  
65 described in this subsection and in subsection 6. After deducting the distribution  
66 to the cities, towns and villages in group A, the director of revenue shall  
67 distribute funds in the county sales tax trust fund to the cities, towns and villages  
68 and the county in group B as follows: to the county which levied the tax, ten  
69 percent multiplied by the percentage of the population of unincorporated county  
70 which has been annexed or incorporated since April 1, 1993, multiplied by the  
71 total of all sales tax revenues countywide, and a percentage of the remaining  
72 distributable revenue equal to the percentage ratio that the population of  
73 unincorporated areas of the county bears to the total population of group B; and  
74 to each city, town or village in group B located wholly within the taxing county,  
75 a percentage of the remaining distributable revenue equal to the percentage ratio  
76 that the population of such city, town or village bears to the total population of  
77 group B; and to each city, town or village located partly within the taxing county,  
78 a percentage of the remaining distributable revenue equal to the percentage ratio  
79 that the population of that part of the city, town or village located within the  
80 taxing county bears to the total population of group B.

81         5. (1) From and after January 1, 2017, in each year in which the total  
82 revenues from the county sales tax collected under sections 66.600 to 66.630 in  
83 the previous calendar year are less than or equal to the amount of such revenues  
84 which were collected in the calendar year 2014, the director of revenue shall  
85 distribute to the cities, towns, and villages in group A and the cities, towns, and  
86 villages, and the county in group B, the amounts required to be distributed under  
87 the formula described in subsection 4 and in subsection 6 of this section. From  
88 and after January 1, 2017, in each year in which the total revenues from the  
89 county sales tax collected under sections 66.600 to 66.630 in the previous calendar  
90 year is greater than the amount of such revenues which were collected in the  
91 calendar year 2014, the director of revenue shall distribute to the cities, towns,  
92 and villages in group A a portion of the taxes based on the location in which the  
93 sales were deemed consummated under section 66.630 and subsection 12 of  
94 section 32.087, in accordance with the formula described in this subsection and  
95 in subsection 6. After deducting the distribution to the cities, towns, and villages  
96 in group A, the director of revenue shall, subject to the limitation described in  
97 subdivision (2) of this subsection, distribute funds in the county sales tax trust  
98 fund to the cities, towns, and villages, and the county in group B as follows: to  
99 the county which levied the tax, ten percent multiplied by the percentage of the

100 population of unincorporated county which has been annexed or incorporated  
101 since April 1, 1993, multiplied by the total of all sales tax revenues countywide,  
102 and a percentage of the remaining distributable revenue equal to the percentage  
103 ratio that the population of unincorporated areas of the county bears to the total  
104 population of group B as adjusted such that no city, town, or village in group B  
105 shall receive a distribution that is less than fifty percent of the amount of taxes  
106 generated within such city, town, or village based on the location in which the  
107 sales were deemed consummated under section 66.630 and subsection 12 of  
108 section 32.087; and to each city, town, or village in group B located wholly within  
109 the taxing county, a percentage of the remaining distributable revenue equal to  
110 the percentage ratio that the population of such city, town, or village bears to the  
111 total population of group B, as adjusted such that no city, town, or village in  
112 group B shall receive a distribution that is less than fifty percent of the amount  
113 of taxes generated within such city, town, or village based on the location in  
114 which the sales were deemed consummated under section 66.630 and subsection  
115 12 of section 32.087; and to each city, town, or village located partly within the  
116 taxing county, a percentage of the remaining distributable revenue equal to the  
117 percentage ratio that the population of that part of the city, town, or village  
118 located within the taxing county bears to the total population of group B, as  
119 adjusted such that no city, town, or village in group B shall receive a distribution  
120 that is less than fifty percent of the amount of taxes generated within such city,  
121 town, or village based on the location in which the sales were deemed  
122 consummated under section 66.630 and subsection 12 of section 32.087.

123         (2) For purposes of making any adjustment required by this subsection,  
124 the director of revenue shall, prior to any distribution to the county or to each  
125 city, town, or village in group B located wholly or partly within the taxing county,  
126 identify each city, town, or village in group B located wholly or partly within the  
127 taxing county that would receive a distribution that is less than fifty percent of  
128 the amount of taxes generated within such city, town, or village based on the  
129 location in which the sales were deemed consummated under section 66.630 and  
130 subsection 12 of section 32.087 if no adjustments were made and calculate the  
131 difference between the amount that the distribution to each such city, town, or  
132 village would have been without any adjustment and the amount that equals fifty  
133 percent of the amount of taxes generated within such city, town, or village based  
134 on the location in which the sales were deemed consummated under section  
135 66.630 and subsection 12 of section 32.087. Thereafter, the director of revenue  
136 shall determine the amount of any adjustment under this subsection as follows:

137 (a) If the aggregate amount of the difference calculated in accordance with  
138 this subsection is less than or equal to the aggregate increase in the remaining  
139 distributable revenue for the applicable period in the current calendar year over  
140 the remaining distributable revenue for the corresponding period in the calendar  
141 year 2014, the director of revenue shall deduct the amount of such difference from  
142 the remaining distributable revenue and distribute an allocable portion of the  
143 amount of such difference to each city, town, or village that would otherwise have  
144 received a distribution that is less than fifty percent of the amount of taxes  
145 generated within such city, town, or village based on the location in which the  
146 sales were deemed consummated under section 66.630 and subsection 12 of  
147 section 32.087 if no adjustment were made, such that each such city, town, or  
148 village receives a distribution that is equal to fifty percent of the amount of taxes  
149 generated within such city, town, or village based on the location in which the  
150 sales were deemed consummated under section 66.630 and subsection 12 of  
151 section 32.087;

152 (b) If, however, the aggregate amount of the difference calculated in  
153 accordance with this subsection is greater than the aggregate increase in the  
154 remaining distributable revenue for the applicable period in the current calendar  
155 year over the remaining distributable revenue for the corresponding period in the  
156 calendar year 2014, the director of revenue shall deduct from the remaining  
157 distributable revenue an amount equal to the difference between the remaining  
158 distributable revenue for the applicable period in the current calendar year and  
159 the remaining distributable revenue for the corresponding period in the calendar  
160 year 2014 and distribute an allocable portion of the amount of such difference to  
161 each city, town, or village that would otherwise have received a distribution that  
162 is less than fifty percent of the amount of taxes generated within such city, town,  
163 or village based on the location in which the sales were deemed consummated  
164 under section 66.630 and subsection 12 of section 32.087 if no adjustment were  
165 made, such that each such city, town, or village receives a distribution that  
166 includes an adjustment that is proportionate to the amount of the adjustment  
167 that would otherwise have been made if such adjustment were calculated in  
168 accordance with paragraph (a) of this subdivision;

169 (c) After determining the amount of the adjustment and making the  
170 allocation in accordance with paragraph (a) or (b) of this subdivision, as  
171 applicable, the director of revenue shall thereafter distribute the remaining  
172 distributable revenue, as adjusted, to the county and to each city, town, or village  
173 in group B located wholly or partly within the taxing county in the manner

174 provided in this subsection.

175 (3) For purposes of this subsection, if a city, town, or village is partly in  
176 group A and partly in group B, the director of revenue shall calculate fifty percent  
177 of the amount of taxes generated within such city, town, or village based on the  
178 location in which the sales were deemed consummated under section 66.630 and  
179 subsection 12 of section 32.087 by multiplying fifty percent by the amount of all  
180 county sales taxes collected by the director of revenue under sections 66.600 to  
181 66.630, less one percent for cost of collection, that are generated within such city,  
182 town, or village based on the location in which the sales were deemed  
183 consummated under section 66.630 and subsection 12 of section 32.087, regardless  
184 of whether such taxes are deemed consummated in group A or group B.

185 6. (1) For purposes of administering the distribution formula of  
186 subsections 4 and 5 of this section, the revenues arising each year from sales  
187 occurring within each group A city, town or village shall be distributed as follows:  
188 until such revenues reach the adjusted county average, as hereinafter defined,  
189 there shall be distributed to the city, town or village all of such revenues reduced  
190 by the percentage which is equal to ten percent multiplied by the percentage of  
191 the population of unincorporated county which has been annexed or incorporated  
192 after April 1, 1993; and once revenues exceed the adjusted county average, total  
193 revenues shall be shared in accordance with the redistribution formula as defined  
194 in this subsection.

195 (2) For purposes of this subsection, the "adjusted county average" is the  
196 per capita countywide average of all sales tax distributions during the prior  
197 calendar year reduced by the percentage which is equal to ten percent multiplied  
198 by the percentage of the population of unincorporated county which has been  
199 annexed or incorporated after April 1, 1993; the redistribution formula is as  
200 follows: during 1994, each group A city, town and village shall receive that  
201 portion of the revenues arising from sales occurring within the municipality that  
202 remains after deducting therefrom an amount equal to the cumulative sales tax  
203 revenues arising from sales within the municipality multiplied by the percentage  
204 which is the sum of ten percent multiplied by the percentage of the population of  
205 unincorporated county which has been annexed or incorporated after April 1,  
206 1993, and the percentage, if greater than zero, equal to the product of 8.5  
207 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the  
208 total of cumulative per capita sales taxes arising from sales within the  
209 municipality less the adjusted county average. During 1995, each group A city,  
210 town and village shall receive that portion of the revenues arising from sales



211 occurring within the municipality that remains after deducting therefrom an  
212 amount equal to the cumulative sales tax revenues arising from sales within the  
213 municipality multiplied by the percentage which is the sum of ten percent  
214 multiplied by the percentage of the population of unincorporated county which  
215 has been annexed or incorporated after April 1, 1993, and the percentage, if  
216 greater than zero, equal to the product of seventeen multiplied by the logarithm  
217 (to base 10) of the product of 0.035 multiplied by the total of cumulative per  
218 capita sales taxes arising from sales within the municipality less the adjusted  
219 county average. From January 1, 1996, until January 1, 2000, each group A city,  
220 town and village shall receive that portion of the revenues arising from sales  
221 occurring within the municipality that remains after deducting therefrom an  
222 amount equal to the cumulative sales tax revenues arising from sales within the  
223 municipality multiplied by the percentage which is the sum of ten percent  
224 multiplied by the percentage of the population of unincorporated county which  
225 has been annexed or incorporated after April 1, 1993, and the percentage, if  
226 greater than zero, equal to the product of 25.5 multiplied by the logarithm (to  
227 base 10) of the product of 0.035 multiplied by the total of cumulative per capita  
228 sales taxes arising from sales within the municipality less the adjusted county  
229 average. From and after January 1, 2000, the distribution formula covering the  
230 period from January 1, 1996, until January 1, 2000, shall continue to apply,  
231 except that the percentage computed for sales arising within the municipalities  
232 shall be not less than 7.5 percent for municipalities within which sales tax  
233 revenues exceed the adjusted county average, nor less than 12.5 percent for  
234 municipalities within which sales tax revenues exceed the adjusted county  
235 average by at least twenty-five percent.

236 (3) For purposes of applying the redistribution formula to a municipality  
237 which is partly within the county levying the tax, the distribution shall be  
238 calculated alternately for the municipality as a whole, except that the factor for  
239 annexed portion of the county shall not be applied to the portion of the  
240 municipality which is not within the county levying the tax, and for the portion  
241 of the municipality within the county levying the tax. Whichever calculation  
242 results in the larger distribution to the municipality shall be used.

243 (4) Notwithstanding any other provision of this section, the fifty percent  
244 of additional sales taxes as described in section 99.845 arising from economic  
245 activities within the area of a redevelopment project established after July 12,  
246 1990, pursuant to sections 99.800 to 99.865, while tax increment financing  
247 remains in effect shall be deducted from all calculations of countywide sales taxes,

248 shall be distributed directly to the municipality involved, and shall be disregarded  
249 in calculating the amounts distributed or distributable to the  
250 municipality. Further, any agreement, contract or covenant entered into prior to  
251 July 12, 1990, between a municipality and any other political subdivision which  
252 provides for an appropriation of incremental sales tax revenues to the special  
253 allocation fund of a tax increment financing project while tax increment financing  
254 remains in effect shall continue to be in full force and effect and the sales taxes  
255 so appropriated shall be deducted from all calculations of countywide sales taxes,  
256 shall be distributed directly to the municipality involved, and shall be disregarded  
257 in calculating the amounts distributed or distributable to the municipality. In  
258 addition, and notwithstanding any other provision of this chapter to the contrary,  
259 economic development funds shall be distributed in full to the municipality in  
260 which the sales producing them were deemed consummated. Additionally,  
261 economic development funds shall be deducted from all calculations of countywide  
262 sales taxes and shall be disregarded in calculating the amounts distributed or  
263 distributable to the municipality. As used in this subdivision, the term "economic  
264 development funds" means the amount of sales tax revenue generated in any  
265 fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in  
266 connection with which such sales tax revenue was pledged as security for, or was  
267 guaranteed by a developer to be sufficient to pay, outstanding obligations under  
268 any agreement authorized by chapter 100, entered into or adopted prior to  
269 September 1, 1993, between a municipality and another public body. The  
270 cumulative amount of economic development funds allowed under this provision  
271 shall not exceed the total amount necessary to amortize the obligations involved.

272         7. If the qualified voters of any city, town or village vote to change or alter  
273 its boundaries by annexing any unincorporated territory included in group B or  
274 if the qualified voters of one or more city, town or village in group A and the  
275 qualified voters of one or more city, town or village in group B vote to consolidate,  
276 the area annexed or the area consolidated which had been a part of group B shall  
277 remain a part of group B after annexation or consolidation. After the effective  
278 date of the annexation or consolidation, the annexing or consolidated city, town  
279 or village shall receive a percentage of the group B distributable revenue equal  
280 to the percentage ratio that the population of the annexed or consolidated area  
281 bears to the total population of group B and such annexed area shall not be  
282 classified as unincorporated area for determination of the percentage allocable to  
283 the county. If the qualified voters of any two or more cities, towns or villages in  
284 group A each vote to consolidate such cities, towns or villages, then such

285 consolidated cities, towns or villages shall remain a part of group A. For the  
286 purpose of sections 66.600 to 66.630, population shall be as determined by the last  
287 federal decennial census or the latest census that determines the total population  
288 of the county and all political subdivisions therein. For the purpose of calculating  
289 the adjustment based on the percentage of unincorporated county population  
290 which is annexed after April 1, 1993, the accumulated percentage immediately  
291 before each census shall be used as the new percentage base after such  
292 census. After any annexation, incorporation or other municipal boundary change  
293 affecting the unincorporated area of the county, the chief elected official of the  
294 county shall certify the new population of the unincorporated area of the county  
295 and the percentage of the population which has been annexed or incorporated  
296 since April 1, 1993, to the director of revenue. After the adoption of the county  
297 sales tax ordinance, any city, town or village in group A may by adoption of an  
298 ordinance by its governing body cease to be a part of group A and become a part  
299 of group B. Within ten days after the adoption of the ordinance transferring the  
300 city, town or village from one group to the other, the clerk of the transferring city,  
301 town or village shall forward to the director of revenue, by registered mail, a  
302 certified copy of the ordinance. Distribution to such city as a part of its former  
303 group shall cease and as a part of its new group shall begin on the first day of  
304 January of the year following notification to the director of revenue, provided  
305 such notification is received by the director of revenue on or before the first day  
306 of July of the year in which the transferring ordinance is adopted. If such  
307 notification is received by the director of revenue after the first day of July of the  
308 year in which the transferring ordinance is adopted, then distribution to such city  
309 as a part of its former group shall cease and as a part of its new group shall begin  
310 the first day of July of the year following such notification to the director of  
311 revenue. Once a group A city, town or village becomes a part of group B, such  
312 city may not transfer back to group A.

313         8. If any city, town or village shall hereafter change or alter its  
314 boundaries, the city clerk of the municipality shall forward to the director of  
315 revenue, by registered mail, a certified copy of the ordinance adding or detaching  
316 territory from the municipality. The ordinance shall reflect the effective date  
317 thereof, and shall be accompanied by a map of the municipality clearly showing  
318 the territory added thereto or detached therefrom. Upon receipt of the ordinance  
319 and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and  
320 allocated in accordance with the provisions of this section on the effective date of  
321 the change of the municipal boundary so that the proper percentage of group B

322 distributable revenue is allocated to the municipality in proportion to any  
323 annexed territory. If any area of the unincorporated county elects to incorporate  
324 subsequent to the effective date of the county sales tax as set forth in sections  
325 66.600 to 66.630, the newly incorporated municipality shall remain a part of  
326 group B. The city clerk of such newly incorporated municipality shall forward to  
327 the director of revenue, by registered mail, a certified copy of the incorporation  
328 election returns and a map of the municipality clearly showing the boundaries  
329 thereof. The certified copy of the incorporation election returns shall reflect the  
330 effective date of the incorporation. Upon receipt of the incorporation election  
331 returns and map, the tax imposed by sections 66.600 to 66.630 shall be  
332 distributed and allocated in accordance with the provisions of this section on the  
333 effective date of the incorporation.

334 9. The director of revenue may authorize the state treasurer to make  
335 refunds from the amounts in the trust fund and credited to any county for  
336 erroneous payments and overpayments made, and may redeem dishonored checks  
337 and drafts deposited to the credit of such counties. If any county abolishes the  
338 tax, the county shall notify the director of revenue of the action [at least ninety  
339 days] prior to the effective date of the repeal and the **repeal shall be effective**  
340 **as provided by subsection 19 of section 32.087**. The director of revenue may  
341 order retention in the trust fund, for a period of one year, of two percent of the  
342 amount collected after receipt of such notice to cover possible refunds or  
343 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
344 the credit of such accounts. After one year has elapsed after the effective date of  
345 abolition of the tax in such county, the director of revenue shall remit the balance  
346 in the account to the county and close the account of that county. The director  
347 of revenue shall notify each county of each instance of any amount refunded or  
348 any check redeemed from receipts due the county.

349 10. Except as modified in sections 66.600 to 66.630, all provisions of  
350 sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections  
351 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under  
2 sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of  
3 collection which shall be deposited in the state's general revenue fund after  
4 payment of premiums for surety bonds as provided in section 32.087] shall be  
5 deposited with the state treasurer in a special trust fund, which is hereby created,  
6 to be known as the "County Anti-Drug Sales Tax Trust Fund". [The moneys in  
7 the county anti-drug sales tax trust fund shall not be deemed to be state funds

8 and shall not be commingled with any funds of the state.] The director of revenue  
9 shall keep accurate records of the amount of money in the trust fund which was  
10 collected in each county imposing a sales tax under sections 67.391 to 67.395, and  
11 the records shall be open to the inspection of officers of the county and the  
12 public. Not later than the tenth day of each month, the director of revenue shall  
13 distribute all moneys deposited in the trust fund during the preceding month to  
14 the county which levied the tax. Such funds shall be deposited with the county  
15 treasurer of each such county, and all expenditures of funds arising from the  
16 county anti-drug sales tax trust fund shall be by an appropriation act to be  
17 enacted by the governing body of each such county.

18 2. The director of revenue may authorize the state treasurer to make  
19 refunds from the amounts in the trust fund and credited to any county for  
20 erroneous payments and overpayments made, and may redeem dishonored checks  
21 and drafts deposited to the credit of such counties. If any county abolishes the  
22 tax, the county shall notify the director of revenue of the action [at least ninety  
23 days] prior to the effective date of the repeal and the **repeal shall be effective**  
24 **as provided by subsection 19 of section 32.087.** The director of revenue may  
25 order retention in the trust fund, for a period of one year, of two percent of the  
26 amount collected after receipt of such notice to cover possible refunds or  
27 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
28 the credit of such accounts. After one year has elapsed after the effective date of  
29 abolition of the tax in such county, the director of revenue shall authorize the  
30 state treasurer to remit the balance in the account to the county and close the  
31 account of that county. The director of revenue shall notify each county of each  
32 instance of any amount refunded or any check redeemed from receipts due the  
33 county.

34 3. Except as modified in sections 67.391 to 67.395, all provisions of  
35 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections  
36 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue  
2 under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost  
3 of collection, which shall be deposited in the state's general revenue fund after  
4 payment of premiums for surety bonds as provided in section 32.087,] shall be  
5 deposited with the state treasurer in a county sales tax trust fund, which fund  
6 shall be separate and apart from the county sales tax trust fund established by  
7 section 66.620. [The moneys in such county sales tax trust fund shall not be  
8 deemed to be state funds and shall not be commingled with any funds of the

9 state.] The director of revenue shall keep accurate records of the amount of  
10 money in the trust fund which was collected in each county imposing a county  
11 sales tax, and the records shall be open to the inspection of officers of the county  
12 and to the public. Not later than the tenth day of each month the director of  
13 revenue shall distribute all moneys deposited in the trust fund during the  
14 preceding month by distributing to the county treasurer, or such other officer as  
15 may be designated by the county ordinance or order, of each county imposing the  
16 tax authorized by sections 67.500 to 67.545, the sum due the county as certified  
17 by the director of revenue.

18         2. The director of revenue may authorize the state treasurer to make  
19 refunds from the amounts in the trust fund and credited to any county for  
20 erroneous payments and overpayments made, and may redeem dishonored checks  
21 and drafts deposited to the credit of such counties. If any county abolishes the  
22 tax, the county shall notify the director of revenue of the action [at least ninety  
23 days] prior to the effective date of the repeal, and the **repeal shall be effective**  
24 **as provided by subsection 19 of section 32.087.** The director of revenue may  
25 order retention in the trust fund, for a period of one year, of two percent of the  
26 amount collected after receipt of such notice to cover possible refunds or  
27 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
28 the credit of such accounts. After one year has elapsed after the effective date of  
29 abolition of the tax in such county, the director of revenue shall authorize the  
30 state treasurer to remit the balance in the account to the county and close the  
31 account of that county. The director of revenue shall notify each county of each  
32 instance of any amount refunded or any check redeemed from receipts due the  
33 county.

34         3. Except as modified in sections 67.500 to 67.545, all provisions of  
35 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections  
36 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with  
2 a population of more than eighty-two thousand inhabitants and less than ninety  
3 thousand inhabitants may, in addition to any tourism sales tax imposed pursuant  
4 to sections 67.671 to 67.685, by a majority vote, impose a sales tax **on all retail**  
5 **sales made in the county which are subject to sales tax under chapter**  
6 **144** for the funding of museums and festivals. For purposes of this section, the  
7 term "funding of museums and festivals" shall mean:

8         (1) Funding of museums operating in the county, which are registered  
9 with the United States Internal Revenue Service as a 501(C)(3) corporation and

10 which are considered by the board to be tourism attractions; and

11 (2) Funding of organizations that are registered as 501(C)(3) corporations  
12 which promote cultural heritage tourism including festivals and the arts.

13 2. Any question submitted to the voters of such county to establish a sales  
14 tax pursuant to this section shall be submitted in substantially the following  
15 form:

16 Shall the county of \_\_\_\_\_ (insert the name of the county) impose  
17 a sales tax of \_\_\_\_\_ (insert rate of percent) percent to be used to  
18 fund (museums, cultural heritage, festivals) in certain areas of the  
19 county?

20  YES  NO

21 3. If a majority of the votes cast on the proposal by the qualified voters  
22 voting thereon are in favor of the proposal, and the tax takes effect pursuant to  
23 this section, the museums and festivals board appointed pursuant to subsection  
24 5 of this section shall determine in what manner the tax revenue moneys will be  
25 expended, and disbursements of these moneys shall be made strictly in accordance  
26 with directions of the board which are consistent with the provisions of sections  
27 67.571 to 67.577. Expenditures of these tax moneys may be made for the  
28 employment of personnel selected by the board to assist in carrying out the duties  
29 of the board, and the board is expressly authorized to employ such  
30 personnel. Expenditures of these tax moneys may be made directly to  
31 corporations pursuant to subsection 1 of this section. No such tax revenue  
32 moneys shall be disbursed to or on behalf of any corporation, organization or  
33 entity that is not duly registered with the Internal Revenue Service as a 501(C)(3)  
34 organization.

35 4. Any sales tax imposed pursuant to this section shall be imposed at a  
36 rate not to exceed two-tenths of one percent on receipts from the sale of certain  
37 tangible personal property or taxable services within the county pursuant to  
38 sections 67.571 to 67.577.

39 5. The governing body of any county which imposes a sales tax pursuant  
40 to this section may establish a museums and festivals board for the purpose of  
41 expending funds collected from any sales tax submitted and approved by the  
42 county's voters pursuant to this section. The board shall be comprised of six  
43 members who are appointed by the governing body of the county from a list of  
44 candidates supplied by the chair of each of the two major political parties of the  
45 county. The board shall be comprised of three members from each of the two

46 political parties. Members shall serve for three-year terms, but of the members  
47 first appointed, one shall be appointed for a term of one year, two shall be  
48 appointed for a term of two years, and two shall be appointed for a term of three  
49 years. Each member shall be a resident of the county from which he or she is  
50 appointed. The members of the board shall not receive compensation for service  
51 on the board, but shall be reimbursed from the tax revenue money for any  
52 reasonable and necessary expenses incurred in service on the board.

53 6. In the area of each county in which a sales tax has been imposed in the  
54 manner provided by sections 67.571 to 67.577, every retailer within such area  
55 shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale  
56 price, and this tax shall be a debt of the purchaser to the retailer until paid, and  
57 shall be recoverable at law in the same manner as the purchase price.

58 7. In counties imposing a tax under the provisions of sections 67.571 to  
59 67.577, in order to permit sellers required to collect and report the sales tax to  
60 collect the amount required to be reported and remitted, but not to change the  
61 requirements of reporting or remitting the tax, or to serve as a levy of the tax,  
62 and in order to avoid fractions of pennies, the [governing body may authorize the  
63 use of a bracket system similar to that] **tax shall be calculated as** authorized  
64 by the provisions of section 144.285[, and notwithstanding the provisions of that  
65 section, this new bracket system shall be used where this tax is imposed and shall  
66 apply to all taxable transactions].

67 8. **Except as modified in this section, all provisions of sections**  
68 **32.085 to 32.087 shall apply to the tax imposed under this section.**

67.576. 1. The following provisions shall govern the collection of the tax  
2 imposed by the provisions of sections 67.571 to 67.577:

3 (1) All applicable provisions contained in sections 144.010 to 144.510  
4 governing the state sales tax and section 32.057, the uniform confidentiality  
5 provision, shall apply to the collection of the tax imposed by the provisions of  
6 sections 67.571 to 67.577;

7 (2) All exemptions granted to agencies of government, organizations, and  
8 persons under the provisions of sections 144.010 to 144.510 are hereby made  
9 applicable to the imposition and collection of the tax imposed by sections 67.571  
10 to 67.577.

11 2. The same sales tax permit, exemption certificate and retail certificate  
12 required by sections 144.010 to 144.510 for the administration and collection of  
13 the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and  
14 no additional permit or exemption certificate or retail certificate shall be required;



15 except that, the director of revenue may prescribe a form of exemption certificate  
16 for an exemption from the tax imposed by sections 67.571 to 67.577.

17 3. All discounts allowed the retailer pursuant to the provisions of the state  
18 sales tax law for the collection of and for payment of taxes pursuant to that act  
19 are hereby allowed and made applicable to any taxes collected pursuant to the  
20 provisions of sections 67.571 to 67.577.

21 4. The penalties provided in section 32.057 and sections 144.010 to  
22 144.510 for a violation of those acts are hereby made applicable to violations of  
23 the provisions of sections 67.571 to 67.577.

24 5. [For the purposes of the sales tax imposed by an order pursuant to  
25 sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at  
26 the place of business of the retailer.] **Except as provided in sections 67.571**  
27 **to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax**  
28 **imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third  
2 classification without a township form of government and with more than sixteen  
3 thousand four hundred but less than sixteen thousand five hundred inhabitants  
4 may impose a sales tax in an amount not to exceed one-fifth of one percent on all  
5 retail sales made in the county which are subject to taxation [pursuant to sections  
6 144.010 to 144.525] **under chapter 144**, to be used solely for the funding of  
7 museums. For purposes of this section, the term "museums" means museums  
8 operating in the county, which are registered with the United States Internal  
9 Revenue Service as a 501(c)(3) corporation and which are considered by the board  
10 to be a tourism attraction. The tax authorized by this section shall be in addition  
11 to any and all other sales taxes allowed by law, except that no sales tax shall be  
12 imposed pursuant to this section unless the governing authority submits to the  
13 voters of the county, at a county or state general, primary, or special election, a  
14 proposal to authorize the governing authority to impose the tax.

15 2. The ballot of submission shall contain, but need not be limited to, the  
16 following language:

17 Shall the county of \_\_\_\_\_ (insert the name of the county) impose  
18 a sales tax of \_\_\_\_\_ (insert rate of percent) percent for the funding  
19 of museums? "Museums" means museums operating in the county,  
20 which are registered with the United States Internal Revenue  
21 Service as a 501(c)(3) corporation and which are considered by the  
22 museum board to be a tourism attraction.

23  YES  NO

24 If you are in favor of the question, place an "X" in the box opposite  
 25 "YES". If you are opposed to the question, place an "X" in the box  
 26 opposite "NO".

27 If a majority of the votes cast on the proposal by the qualified voters voting  
 28 thereon are in favor of the proposal, then the sales tax shall become effective [on  
 29 the first day of the second calendar quarter after the director of revenue receives  
 30 notice of the adoption of the tax] **as provided by subsection 19 of section**  
 31 **32.087**. If the proposal receives less than the required majority of votes, then the  
 32 governing authority shall have no power to impose the tax unless and until the  
 33 governing authority has again submitted another proposal to authorize the  
 34 governing authority to impose the sales tax authorized by this section and such  
 35 proposal is approved by the required majority of the qualified voters voting  
 36 thereon.

37 3. On or after the effective date of the tax, the director of revenue shall  
 38 be responsible for the administration, collection, enforcement, and operation of  
 39 the tax, and sections 32.085 [and] **to 32.087** shall apply. [The director may retain  
 40 an amount not to exceed one percent for deposit in the general revenue fund to  
 41 offset the costs of collection.] In order to permit sellers required to collect and  
 42 report the sales tax to collect the amount required to be reported and remitted,  
 43 but not to change the requirements of reporting or remitting the tax, or to serve  
 44 as a levy of the tax, and in order to avoid fractions of pennies, the [governing  
 45 authority may authorize the use of a bracket system similar to that] **tax shall**  
 46 **be calculated as** authorized [in] **by** section 144.285[, and notwithstanding the  
 47 provisions of that section, this new bracket system shall be used where this tax  
 48 is imposed and shall apply to all taxable transactions]. Beginning with the  
 49 effective date of the tax, every retailer in the county shall add the sales tax to the  
 50 sale price, and this tax shall be a debt of the purchaser to the retailer until paid,  
 51 and shall be recoverable at law in the same manner as the purchase price. For  
 52 purposes of this section, all retail sales shall be deemed to be consummated at the  
 53 place of business of the retailer.

54 4. All applicable provisions in [sections 144.010 to 144.525] **chapter 144**  
 55 governing the state sales tax, and section 32.057, the uniform confidentiality  
 56 provision, shall apply to the collection of the tax, and all exemptions granted to  
 57 agencies of government, organizations, and persons [pursuant to sections 144.010  
 58 to 144.525] **under chapter 144** are hereby made applicable to the imposition and

59 collection of the tax. The same sales tax permit, exemption certificate, and retail  
60 certificate required by [sections 144.010 to 144.525] **chapter 144** for the  
61 administration and collection of the state sales tax shall satisfy the requirements  
62 of this section, and no additional permit or exemption certificate or retail  
63 certificate shall be required; except that, the director of revenue may prescribe  
64 a form of exemption certificate for an exemption from the tax. All discounts  
65 allowed the retailer pursuant to the state sales tax law for the collection of and  
66 for payment of taxes are hereby allowed and made applicable to the tax. The  
67 penalties for violations provided in section 32.057 and [sections 144.010 to  
68 144.525] **chapter 144** are hereby made applicable to violations of this section. If  
69 any person is delinquent in the payment of the amount required to be paid  
70 pursuant to this section, or in the event a determination has been made against  
71 the person for taxes and penalty pursuant to this section, the limitation for  
72 bringing suit for the collection of the delinquent tax and penalty shall be the  
73 same as that provided in [sections 144.010 to 144.525] **chapter 144**.

74         5. The governing authority may authorize any museum board already  
75 existing in the county, or may establish a museum board, to expend revenue  
76 collected pursuant to this section. In the event that no museum board already  
77 exists, the board established pursuant to this section shall consist of six members  
78 who are appointed by the governing authority from a list of candidates supplied  
79 by the chair of each of the two major political parties of the county, with three  
80 members from each of the two parties. Members shall serve for three-year terms,  
81 but of the members first appointed, [one] **two** shall be appointed for a term of one  
82 year, two shall be appointed for a term of two years, and two shall be appointed  
83 for a term of three years. Each member shall be a resident of the county. The  
84 members shall not receive compensation for service on the board, but shall be  
85 reimbursed from the revenues collected pursuant to this section for any  
86 reasonable and necessary expenses incurred in service on the board. The board  
87 shall determine in what manner the revenues will be expended, and  
88 disbursements of these moneys shall be made strictly in accordance with this  
89 section. Expenditures may be made for the employment of personnel selected by  
90 the board to assist in carrying out the duties of the board, and the board is  
91 expressly authorized to employ such personnel.

92         6. The governing authority may submit the question of repeal of the tax  
93 to the voters at any county or state general, primary, or special election. The  
94 ballot of submission shall contain, but need not be limited to, the following  
95 language:

96 Shall the county of \_\_\_\_\_ (insert name of county) repeal the sales  
 97 tax of \_\_\_\_\_ (insert rate of percent) percent for the funding of  
 98 museums?

99  YES  NO

100 If you are in favor of the question, place an "X" in the box opposite  
 101 "YES". If you are opposed to the question, place an "X" in the box  
 102 opposite "NO".

103 [If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
 104 shall become effective on December thirty-first of the calendar year in which the  
 105 repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to  
 2 66.630, any county of the first class having a charter form of government and  
 3 having a population of nine hundred thousand or more may impose an additional  
 4 countywide sales tax **on all retail sales made in the county which are**  
 5 **subject to sales tax under chapter 144** upon approval by a vote of the  
 6 qualified voters of the county. The proposal may be submitted to the voters by  
 7 the governing body of the county and shall be submitted to the voters at the next  
 8 general election upon petitions signed by a number of qualified voters residing in  
 9 the county equal to at least eight percent of the votes cast in the county in the  
 10 next preceding gubernatorial election filed with the governing body of the  
 11 county. The submission shall include the levying of a sales tax at a rate of not  
 12 to exceed two hundred seventy-five one-thousandths of one percent on the receipts  
 13 from the sale at retail of all tangible personal property or taxable services within  
 14 the county which are also taxable under the provisions of sections 66.600 to  
 15 66.630, and shall provide for the distribution of the proceeds in the manner  
 16 provided in either subsection 4 or subsection 5 of this section. If either of the  
 17 alternative distribution systems as provided in subsection 4 or subsection 5 of this  
 18 section is approved by the voters, then the alternative system of distribution may  
 19 not be submitted to the voters for at least three years from the date of such voter  
 20 approval.

21 2. The ballot of submission shall contain, but is not limited to, the  
 22 following language:

23 Shall the County of \_\_\_\_\_ levy an additional sales tax at the rate  
 24 of \_\_\_\_\_ (insert rate) and distribute the proceeds in the manner  
 25 provided in \_\_\_\_\_ (insert proper reference) (subsection  
 26 4)(subsection 5) of section 67.581, RSMo?

27

 YES NO

28 If a majority of the votes cast on the proposal by the qualified voters voting  
29 thereon are in favor of the proposal, the additional sales tax shall be levied and  
30 collected and the proceeds from the additional tax shall be distributed as provided  
31 in either subsection 4 or subsection 5 of this section. If a majority of the votes  
32 cast by the qualified voters voting thereon are opposed to the proposal, then the  
33 governing body of the county shall have no power to impose the additional sales  
34 tax authorized by this section unless and until a proposal for the levy of such tax  
35 is submitted to and approved by the voters of the county.

36 3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and]  
37 to 32.087, except to the extent otherwise provided in this section, shall govern the  
38 levy, collection, distribution and other procedures related to an additional sales  
39 tax imposed pursuant to this section.

40 4. In any county adopting an additional sales tax pursuant to the  
41 provisions of this section, and selecting the method of distribution provided in this  
42 subsection, the proceeds from the sales tax imposed pursuant to this section, less  
43 one percent collection cost, shall be distributed first to those municipalities that  
44 did not receive during the preceding calendar year ninety-five percent of the  
45 amount the municipality would have received by multiplying the population of the  
46 municipality by the average per capita sales tax receipt for such county in an  
47 amount which will bring each municipality receipt of sales tax moneys up to  
48 ninety-five percent of the average per capita receipts from the proceeds of the  
49 sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the  
50 money received from the sales tax imposed pursuant to this section shall be  
51 distributed to all municipalities on the ratio that the population of each  
52 municipality bears to the total population of the county. The average per capita  
53 sales tax distribution shall be calculated by dividing the sum of the total sales tax  
54 revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by  
55 the total population of the county. Population of each municipality, of the  
56 unincorporated area of the county, and the total population of the county shall be  
57 determined on the basis of the most recent federal decennial census. For the  
58 purposes of this subsection, any city, town, village or the unincorporated area of  
59 the county shall be considered a municipality.

60 5. In any county adopting an additional sales tax pursuant to the  
61 provisions of this section and selecting the method of distribution provided in this  
62 subsection, the proceeds from the sales tax imposed pursuant to this section, less

63 one percent collection cost, shall be distributed to all cities, towns and villages,  
64 and the unincorporated areas of the county in group B and to such cities, towns  
65 and villages in group A as necessary so that no city, town, or village in group A  
66 receives from the combined proceeds of both the sales tax imposed pursuant to  
67 this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less  
68 than the per capita amount received by the cities, towns and villages and the  
69 unincorporated area of the county in group B receives from the total proceeds  
70 from both sales taxes.

71           6. The governing body of any county which is imposing a sales tax under  
72 the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon  
73 petitions filed with the governing body of the county signed by a number of  
74 qualified voters residing in the county equal to at least eight percent of the votes  
75 cast in the county at the next preceding gubernatorial election, submit to the  
76 qualified voters of the county a proposal to change the method of distribution of  
77 sales tax proceeds from the manner provided in subsection 2 of section 66.620 to  
78 the method provided in this subsection. The ballot of submission shall be in  
79 substantially the following form:

80           Shall the proceeds from the county sales tax be distributed among  
81           the county of \_\_\_\_\_ and the various cities, towns and villages  
82           therein in the manner provided in subdivisions (1) and (2) of  
83           subsection 6 of section 67.581, RSMo, in lieu of the present manner  
84           of distribution?

85                                    YES                                    NO

86 If a majority of the votes cast on the proposal by the qualified voters of the county  
87 voting thereon are in favor of the proposal, the sales tax imposed by the county  
88 under the provisions of sections 66.600 to 66.630 shall be distributed in the  
89 manner provided in this subsection and not in the manner provided in subsection  
90 2 of section 66.620. If a majority of the votes cast by the qualified voters of the  
91 county voting thereon are opposed to the proposal, then the governing body of the  
92 county shall have no power to order the proceeds from the sales tax imposed  
93 pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in  
94 this subsection in lieu of the method provided in subsection 2 of section 66.620,  
95 unless and until a proposal authorizing such method of distribution is submitted  
96 to and approved by the voters of the county. If the voters approve the change in  
97 the method of distribution of the sales tax proceeds in the manner provided in  
98 this subsection, the county clerk of the county shall notify the director of revenue

99 of the change in the method of distribution within ten days after adoption of the  
100 proposal and shall inform the director of the effective date of the change in the  
101 method of distribution, which shall be on the first day of the third calendar  
102 quarter after the director of revenue receives notice. After the effective date of  
103 the change in the manner of distribution, the director of revenue shall distribute  
104 the proceeds of the sales tax imposed by such county under the provisions of  
105 sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the  
106 manner of distribution provided in subsection 2 of section 66.620. The proceeds  
107 of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any  
108 county which elects to have the proceeds distributed in the manner provided in  
109 this subsection shall be distributed in the following manner:

110 (1) The proceeds from the sales taxes shall be distributed to the cities,  
111 towns and villages in group A and to the cities, towns and villages, and the  
112 county in group B as defined in section 66.620 in the manner provided in  
113 subsection 2 of section 66.620, until an amount equal to the total amount  
114 distributed under section 66.620 for the twelve-month period immediately  
115 preceding the effective date of the tax levied pursuant to the provisions of this  
116 section has been distributed;

117 (2) All moneys received in excess of the total amount distributed under  
118 section 66.620 for the twelve-month period immediately preceding the effective  
119 date of the tax levied pursuant to the provisions of this section shall be  
120 distributed to all cities, towns and villages and to the county on the basis that the  
121 population of each city, town or village, and in the case of the county the basis  
122 that the population of the unincorporated area of the county, bears to the total  
123 population of the county. The average per capita sales tax distribution shall be  
124 calculated by dividing the sum of the remaining amount of the total sales tax  
125 revenues by the total population of the county. Population of each city, town or  
126 village, of the unincorporated area of the county, and the total population of the  
127 county shall be determined on the basis of the most recent federal decennial  
128 census.

129 7. No municipality incorporated after the adoption of the tax authorized  
130 by this section shall be included as other than part of the unincorporated area of  
131 the county nor receive any share of either the proceeds from the tax levied  
132 pursuant to the provisions of this section or the tax levied pursuant to the  
133 provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such  
134 municipality had a population of ten thousand or more.

135 8. The county sales tax imposed pursuant to this section on the purchase

136 and sale of motor vehicles shall not be collected and remitted by the seller, but  
137 shall be collected by the director of revenue at the time application is made for  
138 a certificate of title, if the address of the applicant is within the county imposing  
139 the additional sales tax. The amounts so collected[, less one percent collection  
140 cost,] shall be deposited in the county sales tax trust fund to be distributed in  
141 accordance with section 66.620. [The purchase or sale of motor vehicles shall be  
142 deemed to be consummated at the address of the applicant for a certificate of  
143 title.]

144 9. No tax shall be imposed pursuant to this section for the purpose of  
145 funding in whole or in part the construction, operation or maintenance of a sports  
146 stadium, field house, indoor or outdoor recreational facility, center, playing field,  
147 parking facility or anything incidental or necessary to a complex suitable for any  
148 type of professional sport, either upon, above or below the ground.

149 10. The director of revenue may authorize the state treasurer to make  
150 refunds from the amounts in the trust fund and credited to any county for  
151 erroneous payments and overpayments made, and may redeem dishonored checks  
152 and drafts deposited to the credit of such counties. If any county abolishes the  
153 tax, the county shall notify the director of revenue of the action [at least ninety  
154 days] prior to the effective date of the repeal and the **repeal shall be effective**  
155 **as provided by subsection 19 of section 32.087.** The director of revenue may  
156 order retention in the trust fund, for a period of one year, of two percent of the  
157 amount collected after receipt of such notice to cover possible refunds or  
158 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
159 the credit of such accounts. After one year has elapsed after the effective date of  
160 abolition of the tax in such county, the director of revenue shall remit the balance  
161 in the account to the county and close the account of that county. The director  
162 of revenue shall notify each county of each instance of any amount refunded or  
163 any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first  
2 class with a charter form of government with a population of greater than four  
3 hundred thousand inhabitants, is hereby authorized to impose, by ordinance or  
4 order, a sales tax in the amount of up to one-half of one percent on all retail sales  
5 made in such county which are subject to taxation under [the provisions of  
6 sections 144.010 to 144.525] **chapter 144** for the purpose of providing law  
7 enforcement services for such county. The tax authorized by this section shall be  
8 in addition to any and all other sales taxes allowed by law, except that no  
9 ordinance or order imposing a sales tax under the provisions of this section shall



10 be effective unless the governing body of the county submits to the voters of the  
11 county, at a county or state general, primary or special election, a proposal to  
12 authorize the governing body of the county to impose a tax.

13 2. The ballot of submission shall contain, but need not be limited to, the  
14 following language:

15 (1) If the proposal submitted involves only authorization to impose the tax  
16 authorized by this section the ballot shall contain substantially the following:

17 Shall the county of \_\_\_\_\_ (county's name) impose a countywide  
18 sales tax of \_\_\_\_\_ (insert amount) for the purpose of providing law  
19 enforcement services for the county?

20  YES  NO

21 If you are in favor of the question, place an "X" in the box opposite  
22 "YES". If you are opposed to the question, place an "X" in the box  
23 opposite "NO"; or

24 (2) If the proposal submitted involves authorization to enter into  
25 agreements to form a regional jail district and obligates the county to make  
26 payments from the tax authorized by this section the ballot shall contain  
27 substantially the following:

28 Shall the county of \_\_\_\_\_ (county's name) be authorized to enter  
29 into agreements for the purpose of forming a regional jail district  
30 and obligating the county to impose a countywide sales tax of  
31 \_\_\_\_\_ (insert amount) to fund \_\_\_\_\_ dollars of the costs to  
32 construct a regional jail and to fund the costs to operate a regional  
33 jail, with any funds in excess of that necessary to construct and  
34 operate such jail to be used for law enforcement purposes?

35  YES  NO

36 If you are in favor of the question, place an "X" in the box opposite  
37 "YES". If you are opposed to the question, place an "X" in the box  
38 opposite "NO".

39 If a majority of the votes cast on the proposal by the qualified voters voting  
40 thereon are in favor of the proposal submitted pursuant to subdivision (1) of this  
41 subsection, then the ordinance or order and any amendments thereto shall be in  
42 effect [on the first day of the second quarter immediately following the election  
43 approving the proposal] **as provided by subsection 19 of section 32.087**. If  
44 the constitutionally required percentage of the voters voting thereon are in favor  
45 of the proposal submitted pursuant to subdivision (2) of this subsection, then the

46 ordinance or order and any amendments thereto shall be in effect [on the first  
47 day of the second quarter immediately following the election approving the  
48 proposal] **as provided by subsection 19 of section 32.087.** If a proposal  
49 receives less than the required majority, then the governing body of the county  
50 shall have no power to impose the sales tax herein authorized unless and until  
51 the governing body of the county shall again have submitted another proposal to  
52 authorize the governing body of the county to impose the sales tax authorized by  
53 this section and such proposal is approved by the required majority of the  
54 qualified voters voting thereon. However, in no event shall a proposal pursuant  
55 to this section be submitted to the voters sooner than twelve months from the  
56 date of the last proposal pursuant to this section.

57         3. All revenue received by a county from the tax authorized under the  
58 provisions of this section shall be deposited in a special trust fund and shall be  
59 used solely for providing law enforcement services for such county for so long as  
60 the tax shall remain in effect. Revenue placed in the special trust fund may also  
61 be utilized for capital improvement projects for law enforcement facilities and for  
62 the payment of any interest and principal on bonds issued for said capital  
63 improvement projects.

64         4. Once the tax authorized by this section is abolished or is terminated by  
65 any means, all funds remaining in the special trust fund shall be used solely for  
66 providing law enforcement services for the county. Any funds in such special  
67 trust fund which are not needed for current expenditures may be invested by the  
68 governing body in accordance with applicable laws relating to the investment of  
69 other county funds.

70         5. All sales taxes collected by the director of revenue under this section  
71 on behalf of any county[, less one percent for cost of collection which shall be  
72 deposited in the state's general revenue fund after payment of premiums for  
73 surety bonds as provided in section 32.087,] shall be deposited in a special trust  
74 fund, which is hereby created, to be known as the "County Law Enforcement  
75 Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax  
76 trust fund shall not be deemed to be state funds and shall not be commingled  
77 with any funds of the state.] The director of revenue shall keep accurate records  
78 of the amount of money in the trust and which was collected in each county  
79 imposing a sales tax under this section, and the records shall be open to the  
80 inspection of officers of the county and the public. Not later than the tenth day  
81 of each month the director of revenue shall distribute all moneys deposited in the  
82 trust fund during the preceding month to the county which levied the tax; such

83 funds shall be deposited with the county treasurer of each such county, and all  
84 expenditures of funds arising from the county law enforcement sales tax trust  
85 fund shall be by an appropriation act to be enacted by the governing body of each  
86 such county. Expenditures may be made from the fund for any law enforcement  
87 functions authorized in the ordinance or order adopted by the governing body  
88 submitting the law enforcement tax to the voters.

89         6. The director of revenue may authorize the state treasurer to make  
90 refunds from the amounts in the trust fund and credited to any county for  
91 erroneous payments and overpayments made, and may redeem dishonored checks  
92 and drafts deposited to the credit of such counties. If any county abolishes the  
93 tax, the **repeal of such tax shall become effective as provided by**  
94 **subsection 19 of section 32.087.** The county shall notify the director of  
95 revenue of the action [at least ninety days] prior to the effective date of the  
96 repeal and the **repeal shall be effective as provided by subsection 19 of**  
97 **section 32.087.** The director of revenue may order retention in the trust fund,  
98 for a period of one year, of two percent of the amount collected after receipt of  
99 such notice to cover possible refunds or overpayment of the tax and to redeem  
100 dishonored checks and drafts deposited to the credit of such accounts. After one  
101 year has elapsed after the effective date of abolition of the tax in such county, the  
102 director of revenue shall remit the balance in the account to the county and close  
103 the account of that county. The director of revenue shall notify each county of  
104 each instance of any amount refunded or any check redeemed from receipts due  
105 the county.

106         7. Except as modified in this section, all provisions of sections 32.085  
107 **[and] to 32.087** shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a  
2 population of more than forty thousand but less than sixty thousand and which  
3 contains institutions operated by the department of corrections and by the  
4 department of mental health is hereby authorized to impose, by ordinance or  
5 order, a sales tax in the amount of one-eighth of one percent on all retail sales  
6 made in such county which are subject to taxation under [the provisions of  
7 sections 144.010 to 144.525] **chapter 144.** The tax authorized by this section  
8 shall be in addition to any and all other sales taxes allowed by law; provided,  
9 however, that no ordinance or order imposing a sales tax under the provisions of  
10 this section shall be effective unless the governing body of the county submits to  
11 the voters of the county, at a county or state general, primary or special election,  
12 a proposal to authorize the governing body of the county to impose a tax.

13           2. The ballot of submission shall contain, but need not be limited to, the  
14 following language:

15           Shall the county of \_\_\_\_\_ (county's name) impose a countywide  
16 sales tax of \_\_\_\_\_ (insert amount) for the purpose of providing  
17 retirement and health care benefits for county employees and their  
18 dependents?

19                                    YES                                    NO

20           If you are in favor of the question, place an "X" in the box opposite  
21 "YES". If you are opposed to the question, place an "X" in the box  
22 opposite "NO".

23 If a majority of the votes cast on the proposal by the qualified voters voting  
24 thereon are in favor of the proposal, then the ordinance or order and any  
25 amendments thereto shall be in effect **as provided by subsection 19 of section**  
26 **32.087**. If a majority of the votes cast by the qualified voters voting are opposed  
27 to the proposal, then the governing body of the county shall have no power to  
28 impose the sales tax herein authorized unless and until the governing body of the  
29 county shall again have submitted another proposal to authorize the governing  
30 body of the county to impose the sales tax authorized by this section and such  
31 proposal is approved by a majority of the qualified voters voting  
32 thereon. However, in no event shall a proposal pursuant to this section be  
33 submitted to the voters sooner than twelve months from the date of the last  
34 proposal pursuant to this section.

35           3. All revenue received by a county from the tax authorized under the  
36 provisions of this section shall be deposited in a special trust fund and shall be  
37 used solely for providing retirement and health care benefits for county employees  
38 and their dependents.

39           4. All sales taxes collected by the director of revenue under this section  
40 on behalf of any county[, less one percent for cost of collection which shall be  
41 deposited in the state's general revenue fund after payment of premiums for  
42 surety bonds as provided in section 32.087,] shall be deposited in a special trust  
43 fund, which is hereby created, to be known as the "County Employee Benefit  
44 Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax  
45 trust fund shall not be deemed to be state funds and shall not be commingled  
46 with any funds of the state.] The director of revenue shall keep accurate records  
47 of the amount of money in the trust and which was collected in each county  
48 imposing a sales tax under this section, and the records shall be open to the

49 inspection of officers of the county and the public. Not later than the tenth day  
50 of each month, the director of revenue shall distribute all moneys deposited in the  
51 trust fund during the preceding month to the county which levied the tax. Such  
52 funds shall be deposited with the county treasurer of each such county, and all  
53 expenditures of funds arising from the county employee benefit sales tax trust  
54 fund shall be for the provision of retirement benefits or health care benefits for  
55 employees of the county and their dependents and for no other purpose.

56 5. The director of revenue may authorize the state treasurer to make  
57 refunds from the amounts in the trust fund and credited to any county for  
58 erroneous payments and overpayments made and may redeem dishonored checks  
59 and drafts deposited to the credit of such counties. If any county abolishes the  
60 tax, the county shall notify the director of revenue of the action [at least ninety  
61 days] prior to the effective date of the repeal and the **repeal shall be effective**  
62 **as provided by subsection 19 of section 32.087.** The director of revenue may  
63 order retention in the trust fund, for a period of one year, of two percent of the  
64 amount collected after receipt of such notice to cover possible refunds or  
65 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
66 the credit of such accounts. After one year has elapsed after the effective date of  
67 abolition of the tax in such county, the director of revenue shall remit the balance  
68 in the account to the county and close the account of that county. The director  
69 of revenue shall notify each county of each instance of any amount refunded or  
70 any check redeemed from receipts due the county.

71 6. Except as modified in this section, all provisions of sections 32.085  
72 [and] to 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with  
2 more than one hundred ninety-eight thousand but less than one hundred  
3 ninety-eight thousand two hundred inhabitants is hereby authorized to impose,  
4 by ordinance or order, a sales tax in the amount of up to one-half percent on all  
5 retail sales made in such county which are subject to taxation [pursuant to  
6 sections 144.010 to 144.525] **under chapter 144** for the purpose of providing law  
7 enforcement services for such county. The tax authorized by this section shall be  
8 in addition to any and all other sales taxes allowed by law, except that no  
9 ordinance or order imposing a sales tax pursuant to this section shall be effective  
10 unless the governing body of the county submits to the voters of the county, at a  
11 county or state general, primary, or special election, a proposal to authorize the  
12 governing body of the county to impose a tax.

13 2. If the proposal submitted involves only authorization to impose the tax

14 authorized by this section, the ballot of submission shall contain, but need not be  
15 limited to, the following language:

16        Shall the county of \_\_\_\_\_ (county's name) impose a countywide  
17        sales tax of \_\_\_\_\_ (insert amount) for the purpose of providing law  
18        enforcement services for the county?

19                                 YES                                 NO

20        If you are in favor of the question, place an "X" in the box opposite  
21        "YES". If you are opposed to the question, place an "X" in the box  
22        opposite "NO".

23 If a majority of the votes cast on the proposal by the qualified voters voting  
24 thereon are in favor of the proposal submitted pursuant to this subsection, then  
25 the ordinance or order and any amendments thereto shall be in effect [on the first  
26 day of the second quarter immediately following the election approving the  
27 proposal] **as provided by subsection 19 of section 32.087**. If a proposal  
28 receives less than the required majority, then the governing body of the county  
29 shall have no power to impose the sales tax herein authorized unless and until  
30 the governing body of the county shall again have submitted another proposal to  
31 authorize the governing body of the county to impose the sales tax authorized by  
32 this section and such proposal is approved by the required majority of the  
33 qualified voters voting thereon. However, in no event shall a proposal pursuant  
34 to this section be submitted to the voters sooner than twelve months from the  
35 date of the last proposal pursuant to this section.

36        3. Twenty-five percent of the revenue received by a county treasurer from  
37 the tax authorized pursuant to this section shall be deposited in a special trust  
38 fund and shall be used solely by a prosecuting attorney's office for such county for  
39 so long as the tax shall remain in effect. The remainder of revenue shall be  
40 deposited in the county law enforcement sales tax trust fund established pursuant  
41 to section 67.582 of the county levying the tax pursuant to this section. The  
42 revenue derived from the tax imposed pursuant to this section shall be used for  
43 public law enforcement services only. No revenue derived from the tax imposed  
44 pursuant to this section shall be used for any private contractor providing law  
45 enforcement services or for any private jail.

46        4. Once the tax authorized by this section is abolished or is terminated by  
47 any means, all funds remaining in the prosecuting attorney's trust fund shall be  
48 used solely by a prosecuting attorney's office for the county. Any funds in such  
49 special trust fund which are not needed for current expenditures may be invested

50 by the governing body in accordance with applicable laws relating to the  
51 investment of other county funds.

52           5. All sales taxes collected by the director of revenue pursuant to this  
53 section on behalf of any county[, less one percent for cost of collection which shall  
54 be deposited in the state's general revenue fund after payment of premiums for  
55 surety bonds as provided in section 32.087,] shall be deposited in a special trust  
56 fund, which is hereby created, to be known as the "County Prosecuting Attorney's  
57 Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust  
58 fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys  
59 in the trust funds shall not be deemed to be state funds and shall not be  
60 commingled with any funds of the state.] The director of revenue shall keep  
61 accurate records of the amount of money in the trusts and which was collected in  
62 each county imposing a sales tax pursuant to this section, and the records shall  
63 be open to the inspection of officers of the county and the public. Not later than  
64 the tenth day of each month the director of revenue shall distribute all moneys  
65 deposited in the trust funds during the preceding month to the county which  
66 levied the tax; such funds shall be deposited with the county treasurer of each  
67 such county, and all expenditures of funds arising from either trust fund shall be  
68 by an appropriation act to be enacted by the governing body of each such  
69 county. Expenditures may be made from the funds for any functions authorized  
70 in the ordinance or order adopted by the governing body submitting the tax to the  
71 voters.

72           6. The director of revenue may authorize the state treasurer to make  
73 refunds from the amounts in the trust funds and credited to any county for  
74 erroneous payments and overpayments made, and may redeem dishonored checks  
75 and drafts deposited to the credit of such counties. If any county abolishes the  
76 tax, the **repeal of such tax shall become effective as provided by**  
77 **subsection 19 of section 32.087.** The county shall notify the director of  
78 revenue of the action [at least ninety days] before the effective date of the repeal  
79 and the **repeal shall be effective as provided by subsection 19 of section**  
80 **32.087.** The director of revenue may order retention in the appropriate trust  
81 fund, for a period of one year, of two percent of the amount collected after receipt  
82 of such notice to cover possible refunds or overpayments of the tax and to redeem  
83 dishonored checks and drafts deposited to the credit of such accounts. After one  
84 year has elapsed after the effective date of abolition of the tax in such county, the  
85 director of revenue shall remit the balance in the account to the county and close  
86 the account of that county established pursuant to this section. The director of

87 revenue shall notify each county of each instance of any amount refunded or any  
88 check redeemed from receipts due the county.

89 7. Except as modified in this section, all provisions of sections 32.085  
90 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under  
2 sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost  
3 of collection, which shall be deposited in the state's general revenue fund after  
4 payment of premiums for surety bonds as provided in section 32.087,] shall be  
5 deposited with the state treasurer in a special trust fund, which is hereby created,  
6 to be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the  
7 county alternate sales tax trust fund shall not be deemed to be state funds and  
8 shall not be commingled with any funds of the state.] The director of revenue  
9 shall keep accurate records of the amount of money in the trust fund which was  
10 collected in each county imposing a sales tax under sections 67.700 to 67.727, and  
11 the records shall be open to the inspection of officers of each county and the  
12 general public. Not later than the tenth day of each month the director of  
13 revenue shall distribute all moneys deposited in the trust fund during the  
14 preceding month by distributing to the county treasurer, or such other officer as  
15 may be designated by the county ordinance or order, of each county imposing the  
16 tax authorized by sections 67.700 to 67.727, the sum, as certified by the director  
17 of revenue, due the county.

18 2. The director of revenue may authorize the state treasurer to make  
19 refunds from the amounts in the trust fund and credited to any county for  
20 erroneous payments and overpayments made, and may redeem dishonored checks  
21 and drafts deposited to the credit of such counties. If any county repeals the tax  
22 authorized by sections 67.700 to 67.727, the county shall notify the director of  
23 revenue of the action [at least ninety days] prior to the effective date of the  
24 repeal and the **repeal shall be effective as provided by subsection 19 of**  
25 **section 32.087.** The director of revenue may order retention in the trust fund,  
26 for a period of one year, of two percent of the amount collected after receipt of  
27 such notice to cover possible refunds or overpayment of such tax and to redeem  
28 dishonored checks and drafts deposited to the credit of such accounts. After one  
29 year has elapsed after the effective date of repeal of the tax authorized by  
30 sections 67.700 to 67.727 in such county, the director of revenue shall authorize  
31 the state treasurer to remit the balance in the account to the county and close the  
32 account of that county. The director of revenue shall notify each county of each  
33 instance of any amount refunded or any check redeemed from receipts due the



34 county.

35 3. Except as modified in sections 67.700 to 67.727, all provisions of  
36 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections  
37 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the  
2 disposition of any other sales tax imposed under the provisions of sections 67.700  
3 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the  
4 tax authorized by section 67.701 on behalf of any county of the first class having  
5 a charter form of government and having a population of nine hundred thousand  
6 or more[, less one percent for cost of collection, which shall be deposited in the  
7 state's general revenue fund after payment of premiums for surety bonds as  
8 provided in sections 67.700 to 67.727,] shall be deposited in a special trust fund,  
9 which is hereby created, to be known as the "County-Municipal Storm Water and  
10 Public Works Sales Tax Trust Fund". [The moneys in the county-municipal storm  
11 water and public works sales tax trust fund shall not be deemed to be state funds  
12 and shall not be commingled with any funds of the state.] The director of revenue  
13 shall keep accurate records of the amount of money in the trust fund which was  
14 collected in each county and the records shall be open to the inspection of officers  
15 of the county and of the municipalities within the county and the public. Not  
16 later than the tenth day of each month, the director of the department of revenue  
17 shall distribute all moneys deposited in the county-municipal storm water and  
18 public works sales tax trust fund during the preceding month to the county which  
19 levied the tax, and the municipalities which are located wholly or partially within  
20 such county as follows:

21 (1) The county which levied the sales tax shall receive a percentage of the  
22 distributable revenue equal to the percentage ratio that the population of the  
23 unincorporated areas of the county bears to the total population of the county;

24 (2) Each municipality located wholly within the county which levied the  
25 tax shall receive a percentage of the distributable revenue equal to the percentage  
26 ratio that the population of such municipality bears to the total population of the  
27 county; and

28 (3) Each municipality located partially within the county which levied the  
29 tax shall receive a percentage of the distributable revenue equal to the percentage  
30 ratio that the population of that part of the municipality located within the  
31 county bears to the total population of the county.

32 2. The director of revenue may make refunds from the amounts in the  
33 county-municipal storm water and public works sales tax trust fund and credited

34 to any county or municipality for erroneous payments and overpayments made,  
35 and may redeem dishonored checks and drafts deposited to the credit of such  
36 county or municipality. If any county abolishes the tax, the county shall notify  
37 the director of revenue of the action [at least ninety days] prior to the effective  
38 date of the repeal and the **repeal shall be effective as provided by**  
39 **subsection 19 of section 32.087.** The director of revenue may order retention  
40 in the county-municipal storm water and public works sales tax trust fund, for a  
41 period of one year, of two percent of the amount collected after receipt of such  
42 notice to cover possible refunds or overpayment of the tax and to redeem  
43 dishonored checks and drafts deposited to the credit of such accounts. After one  
44 year has elapsed after the effective date of abolition of the tax in such county, the  
45 director of revenue shall remit the balance in the account to the county or  
46 municipality and close the account of that county or municipality. The director  
47 of revenue shall notify each county or municipality of each instance of any  
48 amount refunded or any check redeemed from receipts due the county or  
49 municipality.

50 3. If the governing body of any municipality located wholly or partially  
51 within the county so requests by resolution, no funds shall be expended from the  
52 proceeds of any tax imposed under section 67.701 within the corporate boundaries  
53 of the requesting municipality for the construction, reconstruction or widening of  
54 any road established or to be established pursuant to section 137.558, the total  
55 cost of which exceeds one hundred thousand dollars unless: (a) a public hearing  
56 is first held at a place near such proposed action; and (b) plans and specifications  
57 of such proposed action are prepared and a cost-benefit analysis prepared in  
58 accordance with accepted accounting principles of such proposed action is  
59 presented to such public hearing. Such cost-benefit analysis and its work papers  
60 shall be a public document and subject to inspection as provided in chapter  
61 610. The provisions of this subsection shall not apply to proposed projects in  
62 unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form  
2 of government and having a population of nine hundred thousand or more may,  
3 in the same manner and by the same procedure and subject to the same penalties  
4 as set out in sections 67.700 to 67.727, impose a sales tax of not more than  
5 one-tenth of one percent **on all retail sales made in the county which are**  
6 **subject to sales tax under chapter 144** for the purpose of funding storm water  
7 control and public works projects other than stadiums or other sports  
8 facilities. This sales tax shall be in addition to any other sales tax authorized by

9 law.

10 2. Notwithstanding the provisions of section 67.712 as to the disposition  
11 of any other sales tax imposed under the provisions of sections 67.700 to 67.727,  
12 all sales taxes collected by the director of revenue from the tax authorized by this  
13 section on behalf of any county[, less one percent for cost of collection, which shall  
14 be deposited in the state's general revenue fund after payment of premiums for  
15 surety bonds as provided in section 32.087,] shall be deposited with the state  
16 treasurer in a special trust fund, which is hereby created, to be known as the  
17 "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in  
18 the county storm water and public works sales tax trust fund shall not be deemed  
19 to be state funds and shall not be commingled with any funds of the state.] The  
20 director of revenue shall keep accurate records of the amount of money in the  
21 trust fund which was collected in each county imposing a sales tax under this  
22 section and the records shall be open to the inspection of officers of the county  
23 and the public. Not later than the tenth day of each month the director of  
24 revenue shall distribute all moneys deposited in the county storm water and  
25 public works sales tax trust fund during the preceding month to the county which  
26 levied the tax, and the municipalities which are located wholly or partially within  
27 such county as follows:

28 (1) The county which levied the sales tax shall receive a percentage of the  
29 distributable revenue equal to the percentage ratio that the population of the  
30 unincorporated areas of the county bears to the total population of the county;

31 (2) Each municipality located wholly within the county which levied the  
32 tax shall receive a percentage of the distributable revenue equal to the percentage  
33 ratio that the population of such municipality bears to the total population of the  
34 county; and

35 (3) Each municipality located partially within the county which levied the  
36 tax shall receive a percentage of the distributable revenue equal to the percentage  
37 ratio that the population of that part of the municipality located within the  
38 county bears to the total population of the county.

39 3. The director of revenue may authorize the state treasurer to make  
40 refunds from the amounts in the county storm water and public works sales tax  
41 trust fund and credited to any county for erroneous payments and overpayments  
42 made, and may redeem dishonored checks and drafts deposited to the credit of  
43 such counties. If any county abolishes the tax, the county shall notify the director  
44 of revenue of the action [at least ninety days] prior to the effective date of the  
45 repeal and the **repeal shall be effective as provided by subsection 19 of**

46 **section 32.087.** The director of revenue may order retention in the county storm  
47 water and public works sales tax trust fund, for a period of one year, of two  
48 percent of the amount collected after receipt of such notice to cover possible  
49 refunds or overpayment of the tax and to redeem dishonored checks and drafts  
50 deposited to the credit of such accounts. After one year has elapsed after the  
51 effective date of abolition of the tax in such county, the director of revenue shall  
52 authorize the state treasurer to remit the balance in the account to the county  
53 and close the account of that county. The director of revenue shall notify each  
54 county of each instance of any amount refunded or any check redeemed from  
55 receipts due the county.

56 **4. Except as modified in this section, all provisions of sections**  
57 **32.085 to 32.087 shall apply to the tax imposed under this section.**

67.737. Except as modified in sections 67.730 to 67.739, all provisions of  
2 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections  
3 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under  
2 sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost  
3 of collection, which shall be deposited in the state's general revenue fund after  
4 payment of premiums for surety bonds as provided in section 32.087,] shall be  
5 deposited with the state treasurer in a special trust fund, which is hereby created,  
6 to be known as the "County Capital Improvement Bond Sales Tax Trust  
7 Fund". [The moneys in the county capital improvement bond sales tax trust fund  
8 shall not be deemed to be state funds and shall not be commingled with any funds  
9 of the state.] The director of revenue shall keep accurate records of the amount  
10 of money in the trust fund which was collected in each county imposing a sales  
11 tax under sections 67.730 to 67.739, and the records shall be open to the  
12 inspection of officers of each county and the general public. Not later than the  
13 tenth day of each month the director of revenue shall distribute all moneys  
14 deposited in the trust fund during the preceding month by distributing to the  
15 county treasurer, or such other officer as may be designated by the county  
16 ordinance or order, of each county imposing the tax authorized by sections 67.730  
17 to 67.739, the sum, as certified by the director of revenue, due the county.

18 2. The director of revenue may authorize the state treasurer to make  
19 refund from the amounts in the trust fund and credited to any county for  
20 erroneous payments and overpayments made, and may redeem dishonored checks  
21 and drafts deposited to the credit of such counties. If any county repeals the tax  
22 authorized by sections 67.730 to 67.739, the county shall notify the director of

23 revenue of the action [at least ninety days] prior to the effective date of the  
24 repeal or expiration and the **repeal shall be effective as provided by**  
25 **subsection 19 of section 32.087.** The director of revenue may order retention  
26 in the trust fund, for a period of one year, of two percent of the amount collected  
27 after receipt of such notice to cover possible refunds or overpayment of such tax  
28 and to redeem dishonored checks and drafts deposited to the credit of such  
29 accounts. After one year has elapsed after the effective date of repeal or  
30 expiration of the tax authorized by sections 67.730 to 67.739 in such county, the  
31 director of revenue shall remit the balance in the account to the county and close  
32 the account of that county. The director of revenue shall notify each county of  
33 each instance of any amount refunded or any check redeemed from receipts due  
34 the county.

67.745. 1. Any county of the third classification without a township form  
2 of government and with more than eleven thousand seven hundred fifty but fewer  
3 than eleven thousand eight hundred fifty inhabitants may impose a sales tax  
4 throughout the county **on all retail sales made in the county which are**  
5 **subject to sales tax under chapter 144** for public recreational projects and  
6 programs, but the sales tax authorized by this section shall not become effective  
7 unless the governing body of such county submits to the qualified voters of the  
8 county a proposal to authorize the county to impose the sales tax.

9 2. The ballot submission shall be in substantially the following form:

10 Shall the County of \_\_\_\_\_ impose a sales tax of up to one percent  
11 for the purpose of funding the financing, acquisition, construction,  
12 operation, and maintenance of recreational projects and programs,  
13 including the acquisition of land for such purposes?

14  YES  NO

15 3. If approved by a majority of qualified voters **voting on the issue** in  
16 the county, the governing body of the county shall appoint a board of directors  
17 consisting of nine members. Of the initial members appointed to the board, three  
18 members shall be appointed for a term of three years, three members shall be  
19 appointed for a term of two years, and three members shall be appointed for a  
20 term of one year. After the initial appointments, board members shall be  
21 appointed to three-year terms.

22 4. The sales tax may be imposed at a rate of up to one percent on the  
23 receipts from the retail sale of all tangible personal property or taxable service  
24 within the county[, if such property and services are subject to taxation by the

25 state of Missouri under sections 144.010 to 144.525].

26           5. All revenue collected from the sales tax under this section by the  
27 director of revenue on behalf of a county[, less one percent for the cost of  
28 collection which shall be deposited in the state's general revenue fund after  
29 payment of premiums for surety bonds as provided in section 32.087,] shall be  
30 deposited with the state treasurer in a special trust fund, which is hereby created,  
31 to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund  
32 shall not be deemed to be state funds and shall not be commingled with any funds  
33 of the state.] The director of revenue shall keep accurate records of the amount  
34 of money in the trust fund collected in each county imposing a sales tax under  
35 this section, and the records shall be open to the inspection of officers of such  
36 county and the general public. Not later than the tenth day of each calendar  
37 month, the director of revenue shall distribute all moneys deposited in the trust  
38 fund during the preceding calendar month by distributing to the county treasurer,  
39 or such officer as may be designated by county ordinance or order, of each county  
40 imposing the tax under this section the sum due the county as certified by the  
41 director of revenue.

42           6. The director of revenue may authorize the state treasurer to make  
43 refunds from the amounts in the trust fund and credited to any county for  
44 erroneous payments and overpayments made, and may redeem dishonored checks  
45 and drafts deposited to the credit of such counties. Each county shall notify the  
46 director of revenue [at least ninety days] prior to the effective date of the  
47 expiration of the sales tax authorized by this section and the **repeal shall be**  
48 **effective as provided by subsection 19 of section 32.087.** The director of  
49 revenue may order retention in the trust fund for a period of one year of two  
50 percent of the amount collected after receipt of such notice to cover possible  
51 refunds or overpayments of such tax and to redeem dishonored checks and drafts  
52 deposited to the credit of such accounts. After one year has elapsed after the date  
53 of expiration of the tax authorized by this section in a county, the director of  
54 revenue shall remit the balance in the account to the county and close the account  
55 of such county. The director of revenue shall notify each county of each instance  
56 of any amount refunded or any check redeemed from receipts due such county.

57           7. The tax authorized under this section may be imposed in accordance  
58 with this section by a county in addition to or in lieu of the tax authorized in  
59 sections 67.750 to 67.780.

60           8. The sales tax imposed under this section shall expire twenty years from  
61 the effective date thereof unless an extension of the tax is submitted to and

62 approved by the qualified voters in the county in the manner provided in this  
63 section. Each extension of the sales tax shall be for a period of ten years.

64 9. The provisions of this section shall not in any way affect or limit the  
65 powers granted to any county to establish, maintain, and conduct parks and other  
66 recreational grounds for public recreation.

67 10. Except as modified in this section, the provisions of sections 32.085  
68 [and] to 32.087 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than  
2 ten thousand and less than fifteen thousand and any county of the second class  
3 having a population of more than fifty-eight thousand and less than seventy  
4 thousand adjacent to such third class county, both counties making up the same  
5 judicial circuit, may jointly impose a sales tax throughout each of their respective  
6 counties **on all retail sales made in the county which are subject to sales**  
7 **tax under chapter 144** for public recreational purposes including the financing,  
8 acquisition, construction, operation and maintenance of recreational projects and  
9 programs, but the sales taxes authorized by this section shall not become effective  
10 unless the governing body of each such county submits to the voters of their  
11 respective counties a proposal to authorize the counties to impose the sales tax.

12 2. The ballot of submission shall be in substantially the following form:

13 Shall the County of \_\_\_\_\_ impose a sales tax of \_\_\_\_\_ percent in  
14 conjunction with the county of \_\_\_\_\_ for the purpose of funding the  
15 financing, acquisition, construction, operation and maintenance of  
16 recreational projects and programs, including the acquisition of  
17 land for such purposes?

18  YES  NO

19 If a separate majority of the votes cast on the proposal by the qualified voters  
20 voting thereon in each county are in favor of the proposal, then the tax shall be  
21 in effect in both counties. If a majority of the votes cast by the qualified voters  
22 voting thereon in either county are opposed to the proposal, then the governing  
23 body of neither county shall have power to impose the sales tax authorized by this  
24 section unless or until the governing body of the county that has not approved the  
25 tax shall again have submitted another proposal to authorize the governing body  
26 to impose the tax, and the proposal is approved by a majority of the qualified  
27 voters voting thereon in that county.

28 3. The sales tax may be imposed at a rate of one percent on the receipts  
29 from the sale at retail of all tangible personal property or taxable service at retail

30 within the county adopting such tax, if such property and services are subject to  
31 taxation by the state of Missouri under [the provisions of sections 144.010 to  
32 144.525] **chapter 144**.

33 4. All sales taxes collected by the director of revenue under this section  
34 on behalf of any county[, less one percent for the cost of collection, which shall be  
35 deposited in the state's general revenue fund after payment of premiums for  
36 surety bonds as provided in section 32.087,] shall be deposited with the state  
37 treasurer in a special trust fund, which is hereby created, to be known as the  
38 "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation  
39 sales tax trust fund shall not be deemed to be state funds and shall not be  
40 commingled with any funds of the state.] The director of revenue shall keep  
41 accurate records of the amount of money in the trust fund which was collected in  
42 each county imposing a sales tax under this section, and the records shall be open  
43 to the inspection of officers of each county and the general public. Not later than  
44 the tenth day of each month, the director of revenue shall distribute all moneys  
45 deposited in the trust fund during the preceding month by distributing to the  
46 county treasurer, or such other officer as may be designated by the county  
47 ordinance or order, of each county imposing the tax authorized by this section, the  
48 sum, as certified by the director of revenue, due the county.

49 5. The director of revenue may authorize the state treasurer to make  
50 refunds from the amounts in the trust fund and credited to any county for  
51 erroneous payments and overpayments made, and may redeem dishonored checks  
52 and drafts deposited to the credit of such counties. Each county shall notify the  
53 director of revenue [at least ninety days] prior to the effective date of the  
54 expiration of the sales tax authorized by this section and the **repeal shall be**  
55 **effective as provided by subsection 19 of section 32.087**. The director of  
56 revenue may order retention in the trust fund, for a period of one year, of two  
57 percent of the amount collected after receipt of such notice to cover possible  
58 refunds or overpayment of such tax and to redeem dishonored checks and drafts  
59 deposited to the credit of such accounts. After one year has elapsed after the date  
60 of expiration of the tax authorized by this section in such county, the director of  
61 revenue shall remit the balance in the account to the county and close the account  
62 of that county. The director of revenue shall notify each county of each instance  
63 of any amount refunded or any check redeemed from receipts due the county.

64 6. The tax authorized by this section may be imposed, in accordance with  
65 this section, by a county in addition to or in lieu of the tax authorized by sections  
66 67.750 to 67.780.



67           7. Any county imposing a sales tax pursuant to the provisions of this  
68 section may contract with the authority of any other county or with any city or  
69 political subdivision for the financing, acquisition, operation, construction,  
70 maintenance, or utilization of any recreation facility or project or program funded  
71 in whole or in part from revenues derived from the tax levied pursuant to the  
72 provisions of this section.

73           8. The sales tax imposed pursuant to the provisions of this section shall  
74 expire twenty-five years from the effective date thereof unless an extension of the  
75 tax is submitted to and approved by the voters in each county in the manner  
76 provided in this section. Each extension of the sales tax shall be for a period of  
77 ten years.

78           9. The governing body of each of the counties imposing a sales tax under  
79 the provisions of this section may cooperate with the governing body of any  
80 county or other political subdivision of this state in carrying out the provisions  
81 of this section, and may establish and conduct jointly a system of public  
82 recreation. The respective governing bodies administering programs jointly may  
83 provide by agreement among themselves for all matters connected with the  
84 programs and determine what items of cost and expense shall be paid by each.

85           10. The provisions of this section shall not in any way repeal, affect or  
86 limit the powers granted to any county to establish, maintain and conduct parks  
87 and other recreational grounds for public recreation.

88           11. Except as modified in this section, all provisions of sections 32.085  
89 [and] to 32.087 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its  
2 board of directors, impose an annual property tax for the establishment and  
3 maintenance of public parks and recreational facilities and grounds within the  
4 boundaries of the regional recreational district not to exceed sixty cents per year  
5 on each one hundred dollars of assessed valuation on all property within the  
6 district, except that no such tax shall become effective unless the board of  
7 directors of the district submits to the voters of the district, at a county or state  
8 general, primary or special election, a proposal to authorize the tax.

9           2. The question shall be submitted in substantially the following form:

10           Shall a \_\_\_\_\_ cent tax per one hundred dollars assessed valuation  
11           be levied for public parks and recreational facilities?

12                            YES                            NO

13           If a majority of the votes cast on the proposal by the qualified voters voting

14 thereon are in favor of the proposal, then the tax shall become effective **as**  
15 **provided by subsection 19 of section 32.087**. If a majority of the votes cast  
16 by the qualified voters voting are opposed to the proposal, then the board of  
17 directors shall have no power to impose the tax unless and until the board of  
18 directors of the district submits another proposal to authorize the tax and such  
19 proposal is approved by a majority of the qualified voters voting thereon.

20           3. The property tax authorized in subsections 1 and 2 of this section shall  
21 be levied and collected in the same manner as other ad valorem property taxes  
22 are levied and collected.

23           4. (1) A regional recreational district may, by a majority vote of its board  
24 of directors, impose a tax not to exceed one-half of one cent on all retail sales  
25 subject to taxation [pursuant to sections 144.010 to 144.525] **under chapter 144**  
26 for the purpose of funding the creation, operation and maintenance of public  
27 parks, recreational facilities and grounds within the boundaries of a regional  
28 recreational district. The tax authorized by this subsection shall be in addition  
29 to all other sales taxes allowed by law. No tax pursuant to this subsection shall  
30 become effective unless the board of directors submits to the voters of the district,  
31 at a county or state general, primary or special election, a proposal to authorize  
32 the tax, and such tax shall become effective only after the majority of the voters  
33 voting on such tax approve such tax.

34           (2) In the event the district seeks to impose a sales tax pursuant to this  
35 subsection, the question shall be submitted in substantially the following form:

36           Shall a \_\_\_\_\_ cent sales tax be levied on all retail sales within the  
37           district for public parks and recreational facilities?

38                                    YES                                    NO

39 If a majority of the votes cast on the proposal by the qualified voters voting  
40 thereon are in favor of the proposal, then the tax shall become effective **as**  
41 **provided by subsection 19 of section 32.087**. If a majority of the votes cast  
42 by the qualified voters voting are opposed to the proposal, then the board of  
43 directors shall have no power to impose the tax unless and until another proposal  
44 to authorize the tax is submitted to the voters of the district and such proposal  
45 is approved by a majority of the qualified voters voting thereon. The provisions  
46 of sections 32.085 [and] **to** 32.087 shall apply to any tax approved pursuant to  
47 this subsection.

48           5. As used in this section, "qualified voters" or "voters" means any  
49 individuals residing within the proposed district who are eligible to be registered

50 voters and who have registered to vote under chapter 115 or, if no individuals  
 51 eligible and registered to vote reside within the proposed district, all of the  
 52 owners of real property located within the proposed district who have  
 53 unanimously petitioned for or consented to the adoption of an ordinance by the  
 54 governing body imposing a tax authorized in this section. If the owner of the  
 55 property within the proposed district is a political subdivision or corporation of  
 56 the state, the governing body of such political subdivision or corporation shall be  
 57 considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification  
 2 without a township form of government and with more than eighteen thousand  
 3 one hundred but fewer than eighteen thousand two hundred inhabitants may  
 4 impose, by order or ordinance, a sales tax on all retail sales made within the  
 5 county which are subject to sales tax under chapter 144. The tax authorized in  
 6 this section shall not exceed one-fourth of one percent, and shall be imposed solely  
 7 for the purpose of funding senior services and youth programs provided by the  
 8 county. One-half of all revenue collected under this section[, less one-half the cost  
 9 of collection,] shall be used solely to fund any service or activity deemed  
 10 necessary by the senior service tax commission established in this section, and  
 11 one-half of all revenue collected under this section[, less one-half the cost of  
 12 collection,] shall be used solely to fund all youth programs administered by an  
 13 existing county community task force. The tax authorized in this section shall be  
 14 in addition to all other sales taxes imposed by law, and shall be stated separately  
 15 from all other charges and taxes. The order or ordinance shall not become  
 16 effective unless the governing body of the county submits to the voters residing  
 17 within the county at a state general, primary, or special election a proposal to  
 18 authorize the governing body of the county to impose a tax under this section.

19 2. The ballot of submission for the tax authorized in this section shall be  
 20 in substantially the following form:

21 Shall \_\_\_\_\_ (insert the name of the county) impose a sales tax at  
 22 a rate of \_\_\_\_\_ (insert rate of percent) percent, with half of the  
 23 revenue from the tax, less one-half the cost of collection, to be used  
 24 solely to fund senior services provided by the county and half of the  
 25 revenue from the tax, less one-half the cost of collection, to be used  
 26 solely to fund youth programs provided by the county?

27  YES  NO

28 If you are in favor of the question, place an "X" in the box opposite

29 "YES". If you are opposed to the question, place an "X" in the box  
30 opposite "NO".

31 If a majority of the votes cast on the question by the qualified voters voting  
32 thereon are in favor of the question, then the tax shall become effective [on the  
33 first day of the second calendar quarter immediately following the approval of the  
34 tax or notification to the department of revenue if such tax will be administered  
35 by the department of revenue] **as provided by subsection 19 of section**  
36 **32.087**. If a majority of the votes cast on the question by the qualified voters  
37 voting thereon are opposed to the question, then the tax shall not become effective  
38 unless and until the question is resubmitted under this section to the qualified  
39 voters and such question is approved by a majority of the qualified voters voting  
40 on the question.

41 3. [On or after the effective date of any tax authorized under this section,  
42 the county which imposed the tax shall enter into an agreement with the director  
43 of the department of revenue for the purpose of collecting the tax authorized in  
44 this section. On or after the effective date of the tax the director of revenue shall  
45 be responsible for the administration, collection, enforcement, and operation of  
46 the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected  
47 under this section by the director of the department of revenue on behalf of any  
48 county[, except for one percent for the cost of collection which shall be deposited  
49 in the state's general revenue fund,] shall be deposited in a special trust fund,  
50 which is hereby created and shall be known as the "Senior Services and Youth  
51 Programs Sales Tax Trust Fund", and shall be used solely for the designated  
52 purposes. [Moneys in the fund shall not be deemed to be state funds, and shall  
53 not be commingled with any funds of the state.] The director may make refunds  
54 from the amounts in the trust fund and credited to the county for erroneous  
55 payments and overpayments made, and may redeem dishonored checks and drafts  
56 deposited to the credit of such county. Any funds in the special trust fund which  
57 are not needed for current expenditures shall be invested in the same manner as  
58 other funds are invested. Any interest and moneys earned on such investments  
59 shall be credited to the fund.

60 4. [In order to permit sellers required to collect and report the sales tax  
61 to collect the amount required to be reported and remitted, but not to change the  
62 requirements of reporting or remitting the tax, or to serve as a levy of the tax,  
63 and in order to avoid fractions of pennies, the governing body of the county may  
64 authorize the use of a bracket system similar to that authorized in section  
65 144.285 and notwithstanding the provisions of that section, this new bracket

66 system shall be used where this tax is imposed and shall apply to all taxable  
67 transactions.] Beginning with the effective date of the tax, every retailer in the  
68 county shall add the sales tax to the sale price, and this tax shall be a debt of the  
69 purchaser to the retailer until paid, and shall be recoverable at law in the same  
70 manner as the purchase price. [For purposes of this section, all retail sales shall  
71 be deemed to be consummated at the place of business of the retailer.]

72 5. All applicable provisions in [sections 144.010 to 144.525] **chapter 144**  
73 governing the state sales tax, and section 32.057, the uniform confidentiality  
74 provision, shall apply to the collection of the tax[, and all exemptions granted to  
75 agencies of government, organizations, and persons under sections 144.010 to  
76 144.525 are hereby made applicable to the imposition and collection of the  
77 tax. The same sales tax permit, exemption certificate, and retail certificate  
78 required by sections 144.010 to 144.525 for the administration and collection of  
79 the state sales tax shall satisfy the requirements of this section, and no additional  
80 permit or exemption certificate or retail certificate shall be required; except that,  
81 the director of revenue may prescribe a form of exemption certificate for an  
82 exemption from the tax. All discounts allowed the retailer under the state sales  
83 tax for the collection of and for payment of taxes are hereby allowed and made  
84 applicable to the tax. The penalties for violations provided in section 32.057 and  
85 sections 144.010 to 144.525 are hereby made applicable to violations of this  
86 section. If any person is delinquent in the payment of the amount required to be  
87 paid under this section, or in the event a determination has been made against  
88 the person for taxes and penalty under this section, the limitation for bringing  
89 suit for the collection of the delinquent tax and penalty shall be the same as that  
90 provided in sections 144.010 to 144.525].

91 6. The governing body of any county that has adopted the sales tax  
92 authorized in this section may submit the question of repeal of the tax to the  
93 voters on any date available for elections for the county. The ballot of submission  
94 shall be in substantially the following form:

95 Shall \_\_\_\_\_ (insert the name of the county) repeal the sales tax  
96 imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent for the  
97 purpose of funding senior services and youth programs provided by  
98 the county?

99  YES  NO

100 If you are in favor of the question, place an "X" in the box opposite  
101 "YES". If you are opposed to the question, place an "X" in the box

102 opposite "NO".

103 If a majority of the votes cast on the question by the qualified voters voting  
104 thereon are in favor of repeal, that repeal shall become effective [on December  
105 thirty-first of the calendar year in which such repeal was approved] **as provided**  
106 **by subsection 19 of section 32.087**. If a majority of the votes cast on the  
107 question by the qualified voters voting thereon are opposed to the repeal, then the  
108 sales tax authorized in this section shall remain effective until the question is  
109 resubmitted under this section to the qualified voters and the repeal is approved  
110 by a majority of the qualified voters voting on the question.

111 7. Whenever the governing body of any county that has adopted the sales  
112 tax authorized in this section receives a petition, signed by ten percent of the  
113 registered voters of the county voting in the last gubernatorial election, calling  
114 for an election to repeal the sales tax imposed under this section, the governing  
115 body shall submit to the voters of the county a proposal to repeal the tax. If a  
116 majority of the votes cast on the question by the qualified voters voting thereon  
117 are in favor of the repeal, the repeal shall become effective [on December  
118 thirty-first of the calendar year in which such repeal was approved] **as provided**  
119 **by subsection 19 of section 32.087**. If a majority of the votes cast on the  
120 question by the qualified voters voting thereon are opposed to the repeal, then the  
121 sales tax authorized in this section shall remain effective until the question is  
122 resubmitted under this section to the qualified voters and the repeal is approved  
123 by a majority of the qualified voters voting on the question.

124 8. If the tax is repealed or terminated by any means, all funds remaining  
125 in the special trust fund shall continue to be used solely for the designated  
126 purposes, and the county shall notify the director of the department of revenue  
127 of the action [at least thirty days] before the effective date of the repeal and the  
128 **repeal shall be effective as provided by subsection 19 of section**  
129 **32.087**. The director may order retention in the trust fund, for a period of one  
130 year, of two percent of the amount collected after receipt of such notice to cover  
131 possible refunds or overpayment of the tax and to redeem dishonored checks and  
132 drafts deposited to the credit of such accounts. After one year has elapsed after  
133 the effective date of abolition of the tax in such county, the director shall remit  
134 the balance in the account to the county and close the account of that  
135 county. The director shall notify each county of each instance of any amount  
136 refunded or any check redeemed from receipts due the county.

137 9. Each county imposing the tax authorized in this section shall establish  
138 a senior services tax commission to administer the portion of the sales tax

139 revenue dedicated to providing senior services. Such commission shall consist of  
140 seven members appointed by the county commission. The county commission  
141 shall determine the qualifications, terms of office, compensation, powers, duties,  
142 restrictions, procedures, and all other necessary functions of the commission.

67.1300. 1. The governing body of any of the contiguous counties of the  
2 third classification without a township form of government enumerated in  
3 subdivisions (1) to (5) of this subsection or in any county of the fourth  
4 classification acting as a county of the second classification, having a population  
5 of at least forty thousand but less than forty-five thousand with a state  
6 university, and adjoining a county of the first classification with part of a city  
7 with a population of three hundred fifty thousand or more inhabitants or a county  
8 of the third classification with a township form of government and with a  
9 population of at least eight thousand but less than eight thousand four hundred  
10 inhabitants or a county of the third classification with more than fifteen  
11 townships having a population of at least twenty-one thousand inhabitants or a  
12 county of the third classification without a township form of government and with  
13 a population of at least seven thousand four hundred but less than eight thousand  
14 inhabitants or any county of the third classification with a population greater  
15 than three thousand but less than four thousand or any county of the third  
16 classification with a population greater than six thousand one hundred but less  
17 than six thousand four hundred or any county of the third classification with a  
18 population greater than six thousand eight hundred but less than seven thousand  
19 or any county of the third classification with a population greater than seven  
20 thousand eight hundred but less than seven thousand nine hundred or any county  
21 of the third classification with a population greater than eight thousand four  
22 hundred sixty but less than eight thousand five hundred or any county of the  
23 third classification with a population greater than nine thousand but less than  
24 nine thousand two hundred or any county of the third classification with a  
25 population greater than ten thousand five hundred but less than ten thousand six  
26 hundred or any county of the third classification with a population greater than  
27 twenty-three thousand five hundred but less than twenty-three thousand seven  
28 hundred or a county of the third classification with a population greater than  
29 thirty-three thousand but less than thirty-four thousand or a county of the third  
30 classification with a population greater than twenty thousand eight hundred but  
31 less than twenty-one thousand or a county of the third classification with a  
32 population greater than fourteen thousand one hundred but less than fourteen  
33 thousand five hundred or a county of the third classification with a population

34 greater than twenty thousand eight hundred fifty but less than twenty-two  
35 thousand or a county of the third classification with a population greater than  
36 thirty-nine thousand but less than forty thousand or a county of the third  
37 classification with a township form of organization and a population greater than  
38 twenty-eight thousand but less than twenty-nine thousand or a county of the  
39 third classification with a population greater than fifteen thousand but less than  
40 fifteen thousand five hundred or a county of the third classification with a  
41 population greater than eighteen thousand but less than nineteen thousand  
42 seventy or a county of the third classification with a population greater than  
43 thirteen thousand nine hundred but less than fourteen thousand four hundred or  
44 a county of the third classification with a population greater than twenty-seven  
45 thousand but less than twenty-seven thousand five hundred or a county of the  
46 first classification without a charter form of government and a population of at  
47 least eighty thousand but not greater than eighty-three thousand or a county of  
48 the third classification with a population greater than fifteen thousand but less  
49 than fifteen thousand nine hundred without a township form of government which  
50 does not adjoin any county of the first, second or fourth classification or a county  
51 of the third classification with a population greater than twenty-three thousand  
52 but less than twenty-five thousand without a township form of government which  
53 does not adjoin any county of the second or fourth classification and does adjoin  
54 a county of the first classification with a population greater than one hundred  
55 twenty thousand but less than one hundred fifty thousand or in any county of the  
56 fourth classification acting as a county of the second classification, having a  
57 population of at least forty-eight thousand or any governing body of a  
58 municipality located in any of such counties may impose, by ordinance or order,  
59 a sales tax on all retail sales made in such county or municipality which are  
60 subject to taxation [pursuant to the provisions of sections 144.010 to 144.525]  
61 **under chapter 144:**

- 62 (1) A county with a population of at least four thousand two hundred  
63 inhabitants but not more than four thousand five hundred inhabitants;
- 64 (2) A county with a population of at least four thousand seven hundred  
65 inhabitants but not more than four thousand nine hundred inhabitants;
- 66 (3) A county with a population of at least seven thousand three hundred  
67 inhabitants but not more than seven thousand six hundred inhabitants;
- 68 (4) A county with a population of at least ten thousand one hundred  
69 inhabitants but not more than ten thousand three hundred inhabitants; and
- 70 (5) A county with a population of at least four thousand three hundred



71 inhabitants but not more than four thousand five hundred inhabitants.

72           2. The maximum rate for a sales tax pursuant to this section shall be one  
73 percent for municipalities and one-half of one percent for counties.

74           3. The tax authorized by this section shall be in addition to any and all  
75 other sales taxes allowed by law, except that no ordinance or order imposing a  
76 sales tax pursuant to the provisions of this section shall be effective unless the  
77 governing body of the county or municipality submits to the voters of the county  
78 or municipality, at a regularly scheduled county, municipal or state general or  
79 primary election, a proposal to authorize the governing body of the county or  
80 municipality to impose a tax. Any sales tax imposed pursuant to this section  
81 shall not be authorized for a period of more than five years.

82           4. Such proposal shall be submitted in substantially the following form:  
83           Shall the (city, town, village or county) of \_\_\_\_\_ impose a sales tax  
84           of \_\_\_\_\_ (insert amount) for the purpose of economic development  
85           in the (city, town, village or county)?

86                                    YES                                    NO

87 If a majority of the votes cast on the proposal by the qualified voters voting  
88 thereon are in favor of the proposal, then the ordinance or order and any  
89 amendments thereto shall be in effect [on the first day of the second quarter after  
90 the director of revenue receives notice of adoption of the tax] **as provided by**  
91 **subsection 19 of section 32.087**. If a majority of the votes cast by the qualified  
92 voters voting are opposed to the proposal, then the governing body of the county  
93 or municipality shall not impose the sales tax authorized in this section until the  
94 governing body of the county or municipality resubmits another proposal to  
95 authorize the governing body of the county or municipality to impose the sales tax  
96 authorized by this section and such proposal is approved by a majority of the  
97 qualified voters voting thereon; however no such proposal shall be resubmitted  
98 to the voters sooner than twelve months from the date of the submission of the  
99 last such proposal.

100           5. All revenue received by a county or municipality from the tax  
101 authorized pursuant to the provisions of this section shall be deposited in a  
102 special trust fund and shall be used solely for economic development purposes  
103 within such county or municipality for so long as the tax shall remain in effect.

104           6. Once the tax authorized by this section is abolished or is terminated by  
105 any means, all funds remaining in the special trust fund shall be used solely for  
106 economic development purposes within the county or municipality. Any funds in

107 such special trust fund which are not needed for current expenditures may be  
108 invested by the governing body in accordance with applicable laws relating to the  
109 investment of other county or municipal funds.

110 7. All sales taxes collected by the director of revenue pursuant to this  
111 section on behalf of any county or municipality, [less one percent for cost of  
112 collection which shall be deposited in the state's general revenue fund after  
113 payment of premiums for surety bonds as provided in section 32.087,] shall be  
114 deposited in a special trust fund, which is hereby created, to be known as the  
115 "Local Economic Development Sales Tax Trust Fund".

116 8. [The moneys in the local economic development sales tax trust fund  
117 shall not be deemed to be state funds and shall not be commingled with any funds  
118 of the state.] The director of revenue shall keep accurate records of the amount  
119 of money in the trust fund and which was collected in each county or municipality  
120 imposing a sales tax pursuant to this section, and the records shall be open to the  
121 inspection of officers of the county or municipality and the public.

122 9. Not later than the tenth day of each month the director of revenue shall  
123 distribute all moneys deposited in the trust fund during the preceding month to  
124 the county or municipality which levied the tax. Such funds shall be deposited  
125 with the county treasurer of each such county or the appropriate municipal officer  
126 in the case of a municipal tax, and all expenditures of funds arising from the local  
127 economic development sales tax trust fund shall be by an appropriation act to be  
128 enacted by the governing body of each such county or municipality. Expenditures  
129 may be made from the fund for any economic development purposes authorized  
130 in the ordinance or order adopted by the governing body submitting the tax to the  
131 voters.

132 10. The director of revenue may authorize the state treasurer to make  
133 refunds from the amounts in the trust fund and credited to any county or  
134 municipality for erroneous payments and overpayments made, and may redeem  
135 dishonored checks and drafts deposited to the credit of such counties and  
136 municipalities.

137 11. If any county or municipality abolishes the tax, the county or  
138 municipality shall notify the director of revenue of the action [at least ninety  
139 days] prior to the effective date of the repeal and the **repeal shall be effective**  
140 **as provided by subsection 19 of section 32.087.** The director of revenue may  
141 order retention in the trust fund, for a period of one year, of two percent of the  
142 amount collected after receipt of such notice to cover possible refunds or  
143 overpayment of the tax and to redeem dishonored checks and drafts deposited to

144 the credit of such accounts. After one year has elapsed after the effective date of  
145 abolition of the tax in such county or municipality, the director of revenue shall  
146 remit the balance in the account to the county or municipality and close the  
147 account of that county or municipality. The director of revenue shall notify each  
148 county or municipality of each instance of any amount refunded or any check  
149 redeemed from receipts due the county or municipality.

150         12. Except as modified in this section, all provisions of sections 32.085  
151 **[and] to** 32.087 shall apply to the tax imposed pursuant to this section.

152         13. For purposes of this section, the term "economic development" is  
153 limited to the following:

154             (1) Operations of economic development or community development offices,  
155 including the salaries of employees;

156             (2) Provision of training for job creation or retention;

157             (3) Provision of infrastructure and sites for industrial development or for  
158 public infrastructure projects; and

159             (4) Refurbishing of existing structures and property relating to community  
160 development.

67.1303. 1. The governing body of any home rule city with more than one  
2 hundred fifty-one thousand five hundred but less than one hundred fifty-one  
3 thousand six hundred inhabitants, any home rule city with more than forty-five  
4 thousand five hundred but less than forty-five thousand nine hundred inhabitants  
5 and the governing body of any city within any county of the first classification  
6 with more than one hundred four thousand six hundred but less than one  
7 hundred four thousand seven hundred inhabitants and the governing body of any  
8 county of the third classification without a township form of government and with  
9 more than forty thousand eight hundred but less than forty thousand nine  
10 hundred inhabitants or any city within such county may impose, by order or  
11 ordinance, a sales tax on all retail sales made in the city or county which are  
12 subject to sales tax under chapter 144. In addition, the governing body of any  
13 county of the first classification with more than eighty-five thousand nine  
14 hundred but less than eighty-six thousand inhabitants or the governing body of  
15 any home rule city with more than seventy-three thousand but less than  
16 seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax  
17 on all retail sales made in the city or county which are subject to sales tax under  
18 chapter 144. The tax authorized in this section shall not be more than one-half  
19 of one percent. The order or ordinance imposing the tax shall not become  
20 effective unless the governing body of the city or county submits to the voters of

21 the city or county at a state general or primary election a proposal to authorize  
22 the governing body to impose a tax under this section. The tax authorized in this  
23 section shall be in addition to all other sales taxes imposed by law, and shall be  
24 stated separately from all other charges and taxes.

25 2. The ballot of submission for the tax authorized in this section shall be  
26 in substantially the following form:

27 Shall \_\_\_\_\_ (insert the name of the city or county) impose a sales  
28 tax at a rate of \_\_\_\_\_ (insert rate of percent) percent for economic  
29 development purposes?

30  YES  NO

31 If a majority of the votes cast on the question by the qualified voters voting  
32 thereon are in favor of the question, then the tax shall become effective [on the  
33 first day of the second calendar quarter following the calendar quarter in which  
34 the election was held] **as provided by subsection 19 of section 32.087**. If a  
35 majority of the votes cast on the question by the qualified voters voting thereon  
36 are opposed to the question, then the tax shall not become effective unless and  
37 until the question is resubmitted under this section to the qualified voters and  
38 such question is approved by a majority of the qualified voters voting on the  
39 question, provided that no proposal shall be resubmitted to the voters sooner than  
40 twelve months from the date of the submission of the last proposal.

41 3. No revenue generated by the tax authorized in this section shall be  
42 used for any retail development project. At least twenty percent of the revenue  
43 generated by the tax authorized in this section shall be used solely for projects  
44 directly related to long-term economic development preparation, including, but not  
45 limited to, the following:

- 46 (1) Acquisition of land;
- 47 (2) Installation of infrastructure for industrial or business parks;
- 48 (3) Improvement of water and wastewater treatment capacity;
- 49 (4) Extension of streets;
- 50 (5) Providing matching dollars for state or federal grants;
- 51 (6) Marketing;
- 52 (7) Construction and operation of job training and educational facilities;

53 and

- 54 (8) Providing grants and low-interest loans to companies for job training,  
55 equipment acquisition, site development, and infrastructure. Not more than  
56 twenty-five percent of the revenue generated may be used annually for

57 administrative purposes, including staff and facility costs.

58           4. All revenue generated by the tax shall be deposited in a special trust  
59 fund and shall be used solely for the designated purposes. If the tax is repealed,  
60 all funds remaining in the special trust fund shall continue to be used solely for  
61 the designated purposes. Any funds in the special trust fund which are not  
62 needed for current expenditures may be invested by the governing body in  
63 accordance with applicable laws relating to the investment of other city or county  
64 funds.

65           5. **The director of revenue may authorize the state treasurer to**  
66 **make refunds from the amounts in the trust fund and credited to any**  
67 **city or county for erroneous payments in the trust fund and credited to**  
68 **any city or county for erroneous payments and overpayments made, and**  
69 **may redeem dishonored checks and drafts deposited to the credit of such**  
70 **counties. If any city or county abolishes the tax authorized under this**  
71 **section, the repeal of such tax shall become effective as provided by**  
72 **subsection 19 of section 32.087. Each city or county shall notify the**  
73 **director of revenue prior to the effective date of the expiration of the**  
74 **sales tax authorized by this section and the repeal shall be effective as**  
75 **provided by subsection 19 of section 32.087. The director of revenue may**  
76 **order retention in the trust fund, for a period of one year, of two percent**  
77 **of the amount collected after receipt of such notice to cover possible**  
78 **refunds or overpayment of such tax and to redeem dishonored checks**  
79 **and drafts deposited to the credit of such accounts. After one year has**  
80 **elapsed after the date of expiration of the tax authorized by this section**  
81 **in such city or county, the director of revenue shall remit the balance in**  
82 **the account to the city or county and close the account of that city or**  
83 **county. The director of revenue shall notify each city or county of each**  
84 **instance of any amount refunded or any check redeemed from receipts**  
85 **due the city or county.**

86           6. Any city or county imposing the tax authorized in this section shall  
87 establish an economic development tax board. The board shall consist of eleven  
88 members, to be appointed as follows:

89           (1) Two members shall be appointed by the school boards whose districts  
90 are included within any economic development plan or area funded by the sales  
91 tax authorized in this section. Such members shall be appointed in any manner  
92 agreed upon by the affected districts;

93           (2) One member shall be appointed, in any manner agreed upon by the

94 affected districts, to represent all other districts levying ad valorem taxes within  
95 the area selected for an economic development project or area funded by the sales  
96 tax authorized in this section, excluding representatives of the governing body of  
97 the city or county;

98 (3) One member shall be appointed by the largest public school district in  
99 the city or county;

100 (4) In each city or county, five members shall be appointed by the chief  
101 elected officer of the city or county with the consent of the majority of the  
102 governing body of the city or county;

103 (5) In each city, two members shall be appointed by the governing body  
104 of the county in which the city is located. In each county, two members shall be  
105 appointed by the governing body of the county. At the option of the members  
106 appointed by a city or county the members who are appointed by the school  
107 boards and other taxing districts may serve on the board for a term to coincide  
108 with the length of time an economic development project, plan, or designation of  
109 an economic development area is considered for approval by the board, or for the  
110 definite terms as provided in this subsection. If the members representing school  
111 districts and other taxing districts are appointed for a term coinciding with the  
112 length of time an economic development project, plan, or area is approved, such  
113 term shall terminate upon final approval of the project, plan, or designation of the  
114 area by the governing body of the city or county. If any school district or other  
115 taxing jurisdiction fails to appoint members of the board within thirty days of  
116 receipt of written notice of a proposed economic development plan, economic  
117 development project, or designation of an economic development area, the  
118 remaining members may proceed to exercise the power of the board. Of the  
119 members first appointed by the city or county, three shall be designated to serve  
120 for terms of two years, three shall be designated to serve for a term of three  
121 years, and the remaining members shall be designated to serve for a term of four  
122 years from the date of such initial appointments. Thereafter, the members  
123 appointed by the city or county shall serve for a term of four years, except that  
124 all vacancies shall be filled for unexpired terms in the same manner as were the  
125 original appointments.

126 [6.] 7. The board, subject to approval of the governing body of the city or  
127 county, shall develop economic development plans, economic development projects,  
128 or designations of an economic development area, and shall hold public hearings  
129 and provide notice of any such hearings. The board shall vote on all proposed  
130 economic development plans, economic development projects, or designations of

131 an economic development area, and amendments thereto, within thirty days  
132 following completion of the hearing on any such plan, project, or designation, and  
133 shall make recommendations to the governing body within ninety days of the  
134 hearing concerning the adoption of or amendment to economic development plans,  
135 economic development projects, or designations of an economic development area.

136 [7.] 8. The board shall report at least annually to the governing body of  
137 the city or county on the use of the funds provided under this section and on the  
138 progress of any plan, project, or designation adopted under this section.

139 [8.] 9. The governing body of any city or county that has adopted the  
140 sales tax authorized in this section may submit the question of repeal of the tax  
141 to the voters on any date available for elections for the city or county. The ballot  
142 of submission shall be in substantially the following form:

143 Shall \_\_\_\_\_ (insert the name of the city or county) repeal the sales  
144 tax imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent for  
145 economic development purposes?

146  YES  NO

147 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
148 shall become effective [on December thirty-first of the calendar year in which  
149 such repeal was approved] **as provided by subsection 19 of section 32.087.**

150 If a majority of the votes cast on the question by the qualified voters voting  
151 thereon are opposed to the repeal, then the sales tax authorized in this section  
152 shall remain effective until the question is resubmitted under this section to the  
153 qualified voters of the city or county, and the repeal is approved by a majority of  
154 the qualified voters voting on the question.

155 [9.] 10. Whenever the governing body of any city or county that has  
156 adopted the sales tax authorized in this section receives a petition, signed by ten  
157 percent of the registered voters of the city or county voting in the last  
158 gubernatorial election, calling for an election to repeal the sales tax imposed  
159 under this section, the governing body shall submit to the voters a proposal to  
160 repeal the tax. If a majority of the votes cast on the question by the qualified  
161 voters voting thereon are in favor of the repeal, that repeal shall become effective  
162 [on December thirty-first of the calendar year in which such repeal was approved]  
163 **as provided by subsection 19 of section 32.087.** If a majority of the votes  
164 cast on the question by the qualified voters voting thereon are opposed to the  
165 repeal, then the tax shall remain effective until the question is resubmitted under  
166 this section to the qualified voters and the repeal is approved by a majority of the

167 qualified voters voting on the question. **If the city or county abolishes the**  
168 **tax, the city or county shall notify the director of revenue of the action**  
169 **at least one hundred twenty days prior to the effective date of the**  
170 **repeal.**

171 **11. After the effective date of any tax imposed under the**  
172 **provisions of this section, the director of revenue shall perform all**  
173 **functions incident to the administration, collection, enforcement, and**  
174 **operation of the tax and collect, in addition to the sales tax for the state**  
175 **of Missouri, the additional tax authorized under this section. The tax**  
176 **imposed under this section and the tax imposed under the sales tax law**  
177 **of the state of Missouri shall be collected together and reported upon**  
178 **such forms and under such administrative rules and regulations as may**  
179 **be prescribed by the director of revenue.**

180 **12. Except as provided in this section, all provisions of sections**  
181 **32.085 to 32.087 shall apply to the tax imposed under this section.**

67.1305. 1. As used in this section, the term "city" shall mean any  
2 incorporated city, town, or village.

3 2. In lieu of the sales taxes authorized under sections 67.1300 and  
4 67.1303, the governing body of any city or county may impose, by order or  
5 ordinance, a sales tax on all retail sales made in the city or county which are  
6 subject to sales tax under chapter 144. The tax authorized in this section shall  
7 not be more than one-half of one percent. The order or ordinance imposing the  
8 tax shall not become effective unless the governing body of the city or county  
9 submits to the voters of the city or county at any citywide, county or state  
10 general, primary or special election a proposal to authorize the governing body to  
11 impose a tax under this section. The tax authorized in this section shall be in  
12 addition to all other sales taxes imposed by law, and shall be stated separately  
13 from all other charges and taxes. The tax authorized in this section shall not be  
14 imposed by any city or county that has imposed a tax under section 67.1300 or  
15 67.1303 unless the tax imposed under those sections has expired or been repealed.

16 3. The ballot of submission for the tax authorized in this section shall be  
17 in substantially the following form:

18 Shall \_\_\_\_\_ (insert the name of the city or county) impose a sales  
19 tax at a rate of \_\_\_\_\_ (insert rate of percent) percent for economic  
20 development purposes?

21

YES

NO



22 If a majority of the votes cast on the question by the qualified voters voting  
23 thereon are in favor of the question, then the tax shall become effective [on the  
24 first day of the second calendar quarter following the calendar quarter in which  
25 the election was held] **as provided by subsection 19 of section 32.087**. If a  
26 majority of the votes cast on the question by the qualified voters voting thereon  
27 are opposed to the question, then the tax shall not become effective unless and  
28 until the question is resubmitted under this section to the qualified voters and  
29 such question is approved by a majority of the qualified voters voting on the  
30 question, provided that no proposal shall be resubmitted to the voters sooner than  
31 twelve months from the date of the submission of the last proposal.

32 4. All sales taxes collected by the director of revenue under this section  
33 on behalf of any county or municipality, [less one percent for cost of collection  
34 which shall be deposited in the state's general revenue fund after payment of  
35 premiums for surety bonds as provided in section 32.087,] shall be deposited in  
36 a special trust fund, which is hereby created, to be known as the "Local Option  
37 Economic Development Sales Tax Trust Fund".

38 5. [The moneys in the local option economic development sales tax trust  
39 fund shall not be deemed to be state funds and shall not be commingled with any  
40 funds of the state.] The director of revenue shall keep accurate records of the  
41 amount of money in the trust fund and which was collected in each city or county  
42 imposing a sales tax pursuant to this section, and the records shall be open to the  
43 inspection of officers of the city or county and the public.

44 6. Not later than the tenth day of each month the director of revenue shall  
45 distribute all moneys deposited in the trust fund during the preceding month to  
46 the city or county which levied the tax. Such funds shall be deposited with the  
47 county treasurer of each such county or the appropriate municipal officer in the  
48 case of a municipal tax, and all expenditures of funds arising from the local  
49 economic development sales tax trust fund shall be in accordance with this  
50 section.

51 7. The director of revenue may authorize the state treasurer to make  
52 refunds from the amounts in the trust fund and credited to any city or county for  
53 erroneous payments and overpayments made, and may redeem dishonored checks  
54 and drafts deposited to the credit of such cities and counties.

55 8. If any county or municipality abolishes the tax, the city or county shall  
56 notify the director of revenue of the action [at least ninety days] prior to the  
57 effective date of the repeal and the **repeal shall be effective as provided by**  
58 **subsection 19 of section 32.087**. The director of revenue may order retention

59 in the trust fund, for a period of one year, of two percent of the amount collected  
60 after receipt of such notice to cover possible refunds or overpayment of the tax  
61 and to redeem dishonored checks and drafts deposited to the credit of such  
62 accounts. After one year has elapsed after the effective date of abolition of the  
63 tax in such city or county, the director of revenue shall remit the balance in the  
64 account to the city or county and close the account of that city or county. The  
65 director of revenue shall notify each city or county of each instance of any amount  
66 refunded or any check redeemed from receipts due the city or county.

67 9. Except as modified in this section, all provisions of sections 32.085  
68 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

69 10. (1) No revenue generated by the tax authorized in this section shall  
70 be used for any retail development project, except for the redevelopment of  
71 downtown areas and historic districts. Not more than twenty-five percent of the  
72 revenue generated shall be used annually for administrative purposes, including  
73 staff and facility costs.

74 (2) At least twenty percent of the revenue generated by the tax  
75 authorized in this section shall be used solely for projects directly related to  
76 long-term economic development preparation, including, but not limited to, the  
77 following:

- 78 (a) Acquisition of land;
- 79 (b) Installation of infrastructure for industrial or business parks;
- 80 (c) Improvement of water and wastewater treatment capacity;
- 81 (d) Extension of streets;
- 82 (e) Public facilities directly related to economic development and job  
83 creation; and
- 84 (f) Providing matching dollars for state or federal grants relating to such  
85 long-term projects.

86 (3) The remaining revenue generated by the tax authorized in this section  
87 may be used for, but shall not be limited to, the following:

- 88 (a) Marketing;
- 89 (b) Providing grants and loans to companies for job training, equipment  
90 acquisition, site development, and infrastructures;
- 91 (c) Training programs to prepare workers for advanced technologies and  
92 high skill jobs;
- 93 (d) Legal and accounting expenses directly associated with the economic  
94 development planning and preparation process;
- 95 (e) Developing value-added and export opportunities for Missouri

96 agricultural products.

97           11. All revenue generated by the tax shall be deposited in a special trust  
98 fund and shall be used solely for the designated purposes. If the tax is repealed,  
99 all funds remaining in the special trust fund shall continue to be used solely for  
100 the designated purposes. Any funds in the special trust fund which are not  
101 needed for current expenditures may be invested by the governing body in  
102 accordance with applicable laws relating to the investment of other city or county  
103 funds.

104           12. (1) Any city or county imposing the tax authorized in this section  
105 shall establish an economic development tax board. The volunteer board shall  
106 receive no compensation or operating budget.

107           (2) The economic development tax board established by a city shall consist  
108 of at least five members, but may be increased to nine members. Either a  
109 five-member or nine-member board shall be designated in the order or ordinance  
110 imposing the sales tax authorized by this section, and the members are to be  
111 appointed as follows:

112           (a) One member of a five-member board, or two members of a  
113 nine-member board, shall be appointed by the school districts included within any  
114 economic development plan or area funded by the sales tax authorized in this  
115 section. Such member or members shall be appointed in any manner agreed upon  
116 by the affected districts;

117           (b) Three members of a five-member board, or five members of a  
118 nine-member board, shall be appointed by the chief elected officer of the city with  
119 the consent of the majority of the governing body of the city;

120           (c) One member of a five-member board, or two members of a  
121 nine-member board, shall be appointed by the governing body of the county in  
122 which the city is located.

123           (3) The economic development tax board established by a county shall  
124 consist of seven members, to be appointed as follows:

125           (a) One member shall be appointed by the school districts included within  
126 any economic development plan or area funded by the sales tax authorized in this  
127 section. Such member shall be appointed in any manner agreed upon by the  
128 affected districts;

129           (b) Four members shall be appointed by the governing body of the county;  
130 and

131           (c) Two members from the cities, towns, or villages within the county  
132 appointed in any manner agreed upon by the chief elected officers of the cities or

133 villages.

134 Of the members initially appointed, three shall be designated to serve for terms  
135 of two years, except that when a nine-member board is designated, seven of the  
136 members initially appointed shall be designated to serve for terms of two years,  
137 and the remaining members shall be designated to serve for a term of four years  
138 from the date of such initial appointments. Thereafter, the members appointed  
139 shall serve for a term of four years, except that all vacancies shall be filled for  
140 unexpired terms in the same manner as were the original appointments.

141 (4) If an economic development tax board established by a city is already  
142 in existence on August 28, 2012, any increase in the number of members of the  
143 board shall be designated in an order or ordinance. The four board members  
144 added to the board shall be appointed to a term with an expiration coinciding  
145 with the expiration of the terms of the three board member positions that were  
146 originally appointed to terms of two years. Thereafter, the additional members  
147 appointed shall serve for a term of four years, except that all vacancies shall be  
148 filled for unexpired terms in the same manner as were the additional  
149 appointments.

150 13. The board, subject to approval of the governing body of the city or  
151 county, shall consider economic development plans, economic development  
152 projects, or designations of an economic development area, and shall hold public  
153 hearings and provide notice of any such hearings. The board shall vote on all  
154 proposed economic development plans, economic development projects, or  
155 designations of an economic development area, and amendments thereto, within  
156 thirty days following completion of the hearing on any such plan, project, or  
157 designation, and shall make recommendations to the governing body within  
158 ninety days of the hearing concerning the adoption of or amendment to economic  
159 development plans, economic development projects, or designations of an economic  
160 development area. The governing body of the city or county shall have the final  
161 determination on use and expenditure of any funds received from the tax imposed  
162 under this section.

163 14. The board may consider and recommend using funds received from the  
164 tax imposed under this section for plans, projects or area designations outside the  
165 boundaries of the city or county imposing the tax if, and only if:

166 (1) The city or county imposing the tax or the state receives significant  
167 economic benefit from the plan, project or area designation; and

168 (2) The board establishes an agreement with the governing bodies of all  
169 cities and counties in which the plan, project or area designation is located

170 detailing the authority and responsibilities of each governing body with regard to  
171 the plan, project or area designation.

172 15. Notwithstanding any other provision of law to the contrary, the  
173 economic development sales tax imposed under this section when imposed within  
174 a special taxing district, including but not limited to a tax increment financing  
175 district, neighborhood improvement district, or community improvement district,  
176 shall be excluded from the calculation of revenues available to such districts, and  
177 no revenues from any sales tax imposed under this section shall be used for the  
178 purposes of any such district unless recommended by the economic development  
179 tax board established under this section and approved by the governing body  
180 imposing the tax.

181 16. The board and the governing body of the city or county imposing the  
182 tax shall report at least annually to the governing body of the city or county on  
183 the use of the funds provided under this section and on the progress of any plan,  
184 project, or designation adopted under this section and shall make such report  
185 available to the public.

186 17. Not later than the first day of March each year the board shall submit  
187 to the joint committee on economic development a report, not exceeding one page  
188 in length, which must include the following information for each project using the  
189 tax authorized under this section:

- 190 (1) A statement of its primary economic development goals;
- 191 (2) A statement of the total economic development sales tax revenues  
192 received during the immediately preceding calendar year;
- 193 (3) A statement of total expenditures during the preceding calendar year  
194 in each of the following categories:
- 195 (a) Infrastructure improvements;
- 196 (b) Land and/or buildings;
- 197 (c) Machinery and equipment;
- 198 (d) Job training investments;
- 199 (e) Direct business incentives;
- 200 (f) Marketing;
- 201 (g) Administration and legal expenses; and
- 202 (h) Other expenditures.

203 18. The governing body of any city or county that has adopted the sales  
204 tax authorized in this section may submit the question of repeal of the tax to the  
205 voters on any date available for elections for the city or county. The ballot of  
206 submission shall be in substantially the following form:

207 Shall \_\_\_\_\_ (insert the name of the city or county) repeal the sales  
 208 tax imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent for  
 209 economic development purposes?

210  YES  NO

211 If a majority of the votes cast on the proposal are in favor of the repeal, that  
 212 repeal shall become effective [on December thirty-first of the calendar year in  
 213 which such repeal was approved] **as provided by subsection 19 of section**  
 214 **32.087**. If a majority of the votes cast on the question by the qualified voters  
 215 voting thereon are opposed to the repeal, then the sales tax authorized in this  
 216 section shall remain effective until the question is resubmitted under this section  
 217 to the qualified voters of the city or county, and the repeal is approved by a  
 218 majority of the qualified voters voting on the question.

219 19. Whenever the governing body of any city or county that has adopted  
 220 the sales tax authorized in this section receives a petition, signed by ten percent  
 221 of the registered voters of the city or county voting in the last gubernatorial  
 222 election, calling for an election to repeal the sales tax imposed under this section,  
 223 the governing body shall submit to the voters a proposal to repeal the tax. If a  
 224 majority of the votes cast on the question by the qualified voters voting thereon  
 225 are in favor of the repeal, that repeal shall become effective [on December  
 226 thirty-first of the calendar year in which such repeal was approved] **as provided**  
 227 **by subsection 19 of section 32.087**. If a majority of the votes cast on the  
 228 question by the qualified voters voting thereon are opposed to the repeal, then the  
 229 tax shall remain effective until the question is resubmitted under this section to  
 230 the qualified voters and the repeal is approved by a majority of the qualified  
 231 voters voting on the question.

232 20. If any provision of this section or section 67.1303 or the application  
 233 thereof to any person or circumstance is held invalid, the invalidity shall not  
 234 affect other provisions or application of this section or section 67.1303 which can  
 235 be given effect without the invalid provision or application, and to this end the  
 236 provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by  
 2 resolution a district sales and use tax on all retail sales made in such district  
 3 which are subject to taxation [pursuant to sections 144.010 to 144.525] **under**  
 4 **chapter 144**, except sales of motor vehicles, trailers, boats [or], outboard motors  
 5 [and sales to or by public utilities and providers of communications, cable, or  
 6 video services], **electricity, piped natural or artificial gas, or other fuels**

7 **delivered by the seller.** Any sales and use tax imposed pursuant to this section  
8 may be imposed in increments of one-eighth of one percent, up to a maximum of  
9 one percent. Such district sales and use tax may be imposed for any district  
10 purpose designated by the district in its ballot of submission to its qualified  
11 voters; except that, no resolution adopted pursuant to this section shall become  
12 effective unless the board of directors of the district submits to the qualified  
13 voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax  
14 pursuant to this section. If a majority of the votes cast by the qualified voters on  
15 the proposed sales tax are in favor of the sales tax, then the resolution is adopted.  
16 If a majority of the votes cast by the qualified voters are opposed to the sales tax,  
17 then the resolution is void.

18 2. The ballot shall be substantially in the following form:

19 Shall the \_\_\_\_\_ (insert name of district) Community Improvement  
20 District impose a community improvement districtwide sales and  
21 use tax at the maximum rate of \_\_\_\_\_ (insert amount) for a period  
22 of \_\_\_\_\_ (insert number) years from the date on which such tax is  
23 first imposed for the purpose of providing revenue for \_\_\_\_\_ (insert  
24 general description of the purpose)?

25  YES  NO

26 If you are in favor of the question, place an "X" in the box opposite "YES".

27 If you are opposed to the question, place an "X" in the box opposite "NO".

28 3. Within ten days after the qualified voters have approved the imposition  
29 of the sales and use tax, the district shall, in accordance with section 32.087,  
30 notify the director of the department of revenue. The sales and use tax  
31 authorized by this section shall become effective [on the first day of the second  
32 calendar quarter after the director of the department of revenue receives notice  
33 of the adoption of such tax] **as provided by subsection 19 of section 32.087.**

34 4. [The director of the department of revenue shall collect any tax adopted  
35 pursuant to this section pursuant to section 32.087] **After the effective date of**  
36 **any tax imposed under the provisions of this section, the director of**  
37 **revenue shall perform all functions incident to the administration,**  
38 **collection, enforcement, and operation of the tax and collect, in addition**  
39 **to the sales tax for the state of Missouri, the additional tax authorized**  
40 **under the authority of this section. The tax imposed under this section**  
41 **and the tax imposed under the sales tax law of the state of Missouri shall**  
42 **be collected together and reported upon such forms and under such**

43 **administrative rules and regulations as may be prescribed by the**  
44 **director of revenue.**

45 5. In each district in which a sales and use tax is imposed pursuant to  
46 this section, every retailer shall add such additional tax imposed by the district  
47 to such retailer's sale price, and when so added such tax shall constitute a part  
48 of the purchase price, shall be a debt of the purchaser to the retailer until paid  
49 and shall be recoverable at law in the same manner as the purchase price.

50 6. [In order to allow retailers to collect and report the sales and use tax  
51 authorized by this section as well as all other sales and use taxes required by law  
52 in the simplest and most efficient manner possible, a district may establish  
53 appropriate brackets to be used in the district imposing a tax pursuant to this  
54 section in lieu of the brackets provided in section 144.285.

55 7.] The penalties provided in [sections 144.010 to 144.525] **chapter 144**  
56 shall apply to violations of this section.

57 [8.] 7. All revenue received by the district from a sales and use tax  
58 imposed pursuant to this section which is designated for a specific purpose shall  
59 be deposited into a special trust fund and expended solely for such purpose. Upon  
60 the expiration of any sales and use tax adopted pursuant to this section, all funds  
61 remaining in the special trust fund shall continue to be used solely for the specific  
62 purpose designated in the resolution adopted by the qualified voters. Any funds  
63 in such special trust fund which are not needed for current expenditures may be  
64 invested by the board of directors pursuant to applicable laws relating to the  
65 investment of other district funds.

66 [9.] 8. A district may repeal by resolution any sales and use tax imposed  
67 pursuant to this section before the expiration date of such sales and use tax  
68 unless the repeal of such sales and use tax will impair the district's ability to  
69 repay any liabilities the district has incurred, moneys the district has borrowed  
70 or obligation the district has issued to finance any improvements or services  
71 rendered for the district.

72 [10.] 9. Notwithstanding the provisions of chapter 115, an election for a  
73 district sales and use tax under this section shall be conducted in accordance with  
74 the provisions of this section.

75 **10. Except as provided in this section, all provisions of sections**  
76 **32.085 to 32.087 shall apply to the tax imposed under this section.**

67.1712. 1. The governing body of any county located within the proposed  
2 metropolitan district is hereby authorized to impose by ordinance a one-tenth of  
3 one cent sales tax on all retail sales subject to taxation [pursuant to sections



4 144.010 to 144.525] **under chapter 144** for the purpose of funding the creation,  
5 operation and maintenance of a metropolitan park and recreation district.

6 2. In addition to the tax authorized in subsection 1 of this section, the  
7 governing body of any county located within the metropolitan district as of  
8 January 1, 2012, is authorized to impose by ordinance an incremental sales tax  
9 of up to three-sixteenths of one cent on all retail sales subject to taxation under  
10 [sections 144.010 to 144.525] **chapter 144** for the purpose of funding the  
11 operation and maintenance of the metropolitan park and recreation district. Such  
12 incremental sales tax shall not be implemented unless approved by the voters of  
13 the county with the largest population within the district and at least one other  
14 such county under subsection 2 of section 67.1715.

15 3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition  
16 to all other sales taxes allowed by law. The governing body of any county within  
17 the metropolitan district enacting such an ordinance shall submit to the voters  
18 of such county a proposal to approve its ordinance imposing or increasing the  
19 tax. Such ordinance shall become effective only after the majority of the voters  
20 voting on such ordinance approve such ordinance. The provisions of sections  
21 32.085 and 32.087 shall apply to any tax and increase in tax approved pursuant  
22 to this section and sections 67.1715 to 67.1721.

23 **4. After the effective date of any tax imposed under the provisions**  
24 **of this section, the director of revenue shall perform all functions**  
25 **incident to the administration, collection, enforcement, and operation**  
26 **of the tax and the director of revenue shall collect in addition to the**  
27 **sales tax for the state of Missouri the additional tax authorized under**  
28 **the authority of this section. The tax imposed under this section and the**  
29 **tax imposed under the sales tax law of the state of Missouri shall be**  
30 **collected together and reported upon such forms and under such**  
31 **administrative rules and regulations as may be prescribed by the**  
32 **director of revenue.**

67.1775. 1. The governing body of a city not within a county, or any  
2 county of this state may, after voter approval under this section, levy a sales tax  
3 not to exceed one-quarter of a cent in the county or city, or city not within a  
4 county, **on all retail sales made in the city or county which are subject to**  
5 **sales tax under chapter 144** for the purpose of providing services described in  
6 section 210.861, including counseling, family support, and temporary residential  
7 services to persons nineteen years of age or less. The question shall be submitted  
8 to the qualified voters of the county or city, or city not within a county, at a

9 county or city or state general, primary or special election upon the motion of the  
10 governing body of the county or city, or city not within a county or upon the  
11 petition of eight percent of the qualified voters of the county or city, or city not  
12 within a county, determined on the basis of the number of votes cast for governor  
13 in such county at the last gubernatorial election held prior to the filing of the  
14 petition. The election officials of the county or city, or city not within a county,  
15 shall give legal notice as provided in chapter 115. The question shall be  
16 submitted in substantially the following form:

17       Shall \_\_\_\_\_ County or City, solely for the purpose of establishing  
18       a community children's services fund for the purpose of providing  
19       services to protect the well-being and safety of children and youth  
20       nineteen years of age or less and to strengthen families, be  
21       authorized to levy a sales tax of \_\_\_\_\_ (not to exceed one-quarter  
22       of a cent) in the city or county?

23                                YES                                        NO

24 If a majority of the votes cast on the question by the qualified voters voting  
25 thereon are in favor of the question, then the ordinance or order and any  
26 amendments thereto shall be in effect [on the first day of the second calendar  
27 quarter after the director receives notification of the local sales tax] **as provided**  
28 **by subsection 19 of section 32.087**. If a question receives less than the  
29 required majority, then the governing authority of the city or county, or city not  
30 within a county, shall have no power to impose the sales tax unless and until the  
31 governing authority of the city or county, or city not within a county, has  
32 submitted another question to authorize the imposition of the sales tax authorized  
33 by this section and such question is approved by the required majority of the  
34 qualified voters voting thereon. However, in no event shall a question under this  
35 section be submitted to the voters sooner than twelve months from the date of the  
36 last question under this section.

37       2. After the effective date of any tax imposed under the provisions of this  
38 section, the director of revenue shall perform all functions incident to the  
39 administration, collection, enforcement, and operation of the tax and the director  
40 of revenue shall collect in addition to the sales tax for the state of Missouri the  
41 additional tax authorized under the authority of this section. The tax imposed  
42 under this section and the tax imposed under the sales tax law of the state of  
43 Missouri shall be collected together and reported upon such forms and under such  
44 administrative rules and regulations as may be prescribed by the director of

45 revenue.

46           3. All sales taxes collected by the director of revenue under this section  
47 on behalf of any city or county, or city not within a county[, less one percent for  
48 the cost of collection, which shall be deposited in the state's general revenue fund  
49 after payment of premiums for surety bonds as provided in section 32.087,] shall  
50 be deposited with the state treasurer in a special fund, which is hereby created,  
51 to be known as the "Community Children's Services Fund". [The moneys in the  
52 city or county, or city not within a county, community children's services fund  
53 shall not be deemed to be state funds and shall not be commingled with any funds  
54 of the state.] The director of revenue shall keep accurate records of the amount  
55 of money in the fund which was collected in each city or county, or city not within  
56 a county, imposing a sales tax under this section, and the records shall be open  
57 to the inspection of officers of each city or county, or city not within a county, and  
58 the general public. Not later than the tenth day of each month, the director of  
59 revenue shall distribute all moneys deposited in the fund during the preceding  
60 month by distributing to the city or county treasurer, or the treasurer of a city  
61 not within a county, or such other officer as may be designated by a city or county  
62 ordinance or order, or ordinance or order of a city not within a county, of each city  
63 or county, or city not within a county, imposing the tax authorized by this section,  
64 the sum, as certified by the director of revenue, due the city or county.

65           4. The director of revenue may authorize the state treasurer to make  
66 refunds from the amounts in the fund and credited to any city or county, or city  
67 not within a county, for erroneous payments and overpayments made, and may  
68 redeem dishonored checks and drafts deposited to the credit of such  
69 counties. Each city or county, or city not within a county, shall notify the director  
70 of revenue [at least ninety days] prior to the effective date of the expiration of the  
71 sales tax authorized by this section and the **repeal shall be effective as**  
72 **provided by subsection 19 of section 32.087.** The director of revenue may  
73 order retention in the fund, for a period of one year, of two percent of the amount  
74 collected after receipt of such notice to cover possible refunds or overpayment of  
75 such tax and to redeem dishonored checks and drafts deposited to the credit of  
76 such accounts. After one year has elapsed after the date of expiration of the tax  
77 authorized by this section in such city not within a county or such city or county,  
78 the director of revenue shall remit the balance in the account to the city or  
79 county, or city not within a county, and close the account of that city or county,  
80 or city not within a county. The director of revenue shall notify each city or  
81 county, or city not within a county, of each instance of any amount refunded or

82 any check redeemed from receipts due the city or county.

83 5. Except as modified in this section, all provisions of sections 32.085  
84 [and] to 32.087 shall apply to the tax imposed under this section.

85 6. All revenues generated by the tax prescribed in this section shall be  
86 deposited in the county treasury or, in a city not within a county, to the board  
87 established by law to administer such fund to the credit of a special community  
88 children's services fund to accomplish the purposes set out herein and in section  
89 210.861, and shall be used for no other purpose. Such fund shall be administered  
90 by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of  
2 such district a tax of not more than one percent on all retail sales, except sales  
3 of [food as defined in section 144.014, sales of] new or used motor vehicles,  
4 trailers, boats, or other outboard motors[, all utilities, telephone and wireless  
5 services, and sales of funeral services,] made **on or after January 1, 2020**,  
6 within the district which are subject to taxation [pursuant to the provisions of  
7 sections 144.010 to 144.525] **under chapter 144**. Upon the written request of  
8 the board to the election authority of the county in which a majority of the area  
9 of the district is situated, such election authority shall submit a proposition to the  
10 residents of such district at a municipal or statewide primary or general election,  
11 or at a special election called for that purpose. Such election authority shall give  
12 legal notice as provided in chapter 115.

13 2. Such proposition shall be submitted to the voters of the district in  
14 substantially the following form at such election:

15 Shall the Tourism Community Enhancement District impose a sales  
16 tax of \_\_\_\_\_ (insert amount) for the purpose of promoting tourism  
17 in the district?

18  YES  NO

19 If you are in favor of the question, place an "X" in the box opposite  
20 "YES". If you are opposed to the question, place an "X" in the box  
21 opposite "NO".

22 If a majority of the votes cast on the proposal by the qualified voters of the  
23 proposed district voting thereon are in favor of the proposal, then the order shall  
24 become effective [on the first day of the second calendar quarter after the director  
25 of revenue receives notice of adoption of the tax] **as provided in subsection 19**  
26 **of section 32.087**. If the proposal receives less than the required majority, then  
27 the board shall have no power to impose the sales tax authorized pursuant to this

28 section unless and until the board shall again have submitted another proposal  
29 to authorize the board to impose the sales tax authorized by this section and such  
30 proposal is approved by the required majority of the qualified voters of the  
31 district.

32 **3. Except as modified by this section, all provisions of sections**  
33 **32.085 to 32.087 shall apply to the tax imposed under this section.**

67.2000. 1. This section shall be known as the "Exhibition Center and  
2 Recreational Facility District Act".

3 2. An exhibition center and recreational facility district may be created  
4 under this section in the following counties:

5 (1) Any county of the first classification with more than seventy-one  
6 thousand three hundred but less than seventy-one thousand four hundred  
7 inhabitants;

8 (2) Any county of the first classification with more than one hundred  
9 ninety-eight thousand but less than one hundred ninety-nine thousand two  
10 hundred inhabitants;

11 (3) Any county of the first classification with more than eighty-five  
12 thousand nine hundred but less than eighty-six thousand inhabitants;

13 (4) Any county of the second classification with more than fifty-two  
14 thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

15 (5) Any county of the first classification with more than one hundred four  
16 thousand six hundred but less than one hundred four thousand seven hundred  
17 inhabitants;

18 (6) Any county of the third classification without a township form of  
19 government and with more than seventeen thousand nine hundred but less than  
20 eighteen thousand inhabitants;

21 (7) Any county of the first classification with more than thirty-seven  
22 thousand but less than thirty-seven thousand one hundred inhabitants;

23 (8) Any county of the third classification without a township form of  
24 government and with more than twenty-three thousand five hundred but less  
25 than twenty-three thousand six hundred inhabitants;

26 (9) Any county of the third classification without a township form of  
27 government and with more than nineteen thousand three hundred but less than  
28 nineteen thousand four hundred inhabitants;

29 (10) Any county of the first classification with more than two hundred  
30 forty thousand three hundred but less than two hundred forty thousand four  
31 hundred inhabitants;

32 (11) Any county of the third classification with a township form of  
33 government and with more than eight thousand nine hundred but fewer than nine  
34 thousand inhabitants;

35 (12) Any county of the third classification without a township form of  
36 government and with more than eighteen thousand nine hundred but fewer than  
37 nineteen thousand inhabitants;

38 (13) Any county of the third classification with a township form of  
39 government and with more than eight thousand but fewer than eight thousand  
40 one hundred inhabitants;

41 (14) Any county of the third classification with a township form of  
42 government and with more than eleven thousand five hundred but fewer than  
43 eleven thousand six hundred inhabitants.

44 3. Whenever not less than fifty owners of real property located within any  
45 county listed in subsection 2 of this section desire to create an exhibition center  
46 and recreational facility district, the property owners shall file a petition with the  
47 governing body of each county located within the boundaries of the proposed  
48 district requesting the creation of the district. The district boundaries may  
49 include all or part of the counties described in this section. The petition shall  
50 contain the following information:

51 (1) The name and residence of each petitioner and the location of the real  
52 property owned by the petitioner;

53 (2) A specific description of the proposed district boundaries, including a  
54 map illustrating the boundaries; and

55 (3) The name of the proposed district.

56 4. Upon the filing of a petition pursuant to this section, the governing  
57 body of any county described in this section may, by resolution, approve the  
58 creation of a district. Any resolution to establish such a district shall be adopted  
59 by the governing body of each county located within the proposed district, and  
60 shall contain the following information:

61 (1) A description of the boundaries of the proposed district;

62 (2) The time and place of a hearing to be held to consider establishment  
63 of the proposed district;

64 (3) The proposed sales tax rate to be voted on within the proposed district;  
65 and

66 (4) The proposed uses for the revenue generated by the new sales tax.

67 5. Whenever a hearing is held as provided by this section, the governing  
68 body of each county located within the proposed district shall:

69 (1) Publish notice of the hearing on two separate occasions in at least one  
70 newspaper of general circulation in each county located within the proposed  
71 district, with the first publication to occur not more than thirty days before the  
72 hearing, and the second publication to occur not more than fifteen days or less  
73 than ten days before the hearing;

74 (2) Hear all protests and receive evidence for or against the establishment  
75 of the proposed district; and

76 (3) Rule upon all protests, which determinations shall be final.

77 6. Following the hearing, if the governing body of each county located  
78 within the proposed district decides to establish the proposed district, it shall  
79 adopt an order to that effect; if the governing body of any county located within  
80 the proposed district decides to not establish the proposed district, the boundaries  
81 of the proposed district shall not include that county. The order shall contain the  
82 following:

83 (1) The description of the boundaries of the district;

84 (2) A statement that an exhibition center and recreational facility district  
85 has been established;

86 (3) The name of the district;

87 (4) The uses for any revenue generated by a sales tax imposed pursuant  
88 to this section; and

89 (5) A declaration that the district is a political subdivision of the state.

90 7. A district established pursuant to this section may, at a general,  
91 primary, or special election, submit to the qualified voters within the district  
92 boundaries a sales tax of one-fourth of one percent, for a period not to exceed  
93 twenty-five years, on all retail sales within the district, which are subject to  
94 taxation [pursuant to sections 144.010 to 144.525] **under chapter 144**, to fund  
95 the acquisition, construction, maintenance, operation, improvement, and  
96 promotion of an exhibition center and recreational facilities. The ballot of  
97 submission shall be in substantially the following form:

98 Shall the \_\_\_\_\_ (name of district) impose a sales tax of one-fourth  
99 of one percent to fund the acquisition, construction, maintenance,  
100 operation, improvement, and promotion of an exhibition center and  
101 recreational facilities, for a period of \_\_\_\_\_ (insert number of  
102 years)?

103  YES

NO

104 If you are in favor of the question, place an "X" in the box opposite

105 "YES". If you are opposed to the question, place an "X" in the box  
106 opposite "NO".

107 If a majority of the votes cast in the portion of any county that is part of the  
108 proposed district favor the proposal, then the sales tax shall become effective in  
109 that portion of the county [that is part of the proposed district on the first day of  
110 the first calendar quarter immediately following the election] **as provided by**  
111 **subsection 19 of section 32.087**. If a majority of the votes cast in the portion  
112 of a county that is a part of the proposed district oppose the proposal, then that  
113 portion of such county shall not impose the sales tax authorized in this section  
114 until after the county governing body has submitted another such sales tax  
115 proposal and the proposal is approved by a majority of the qualified voters voting  
116 thereon. However, if a sales tax proposal is not approved, the governing body of  
117 the county shall not resubmit a proposal to the voters pursuant to this section  
118 sooner than twelve months from the date of the last proposal submitted pursuant  
119 to this section. If the qualified voters in two or more counties that have  
120 contiguous districts approve the sales tax proposal, the districts shall combine to  
121 become one district.

122 8. There is hereby created a board of trustees to administer any district  
123 created and the expenditure of revenue generated pursuant to this section  
124 consisting of four individuals to represent each county approving the district, as  
125 provided in this subsection. The governing body of each county located within the  
126 district, upon approval of that county's sales tax proposal, shall appoint four  
127 members to the board of trustees; at least one shall be an owner of a nonlodging  
128 business located within the taxing district, or their designee, at least one shall be  
129 an owner of a lodging facility located within the district, or their designee, and  
130 all members shall reside in the district except that one nonlodging business  
131 owner, or their designee, and one lodging facility owner, or their designee, may  
132 reside outside the district. Each trustee shall be at least twenty-five years of age  
133 and a resident of this state. Of the initial trustees appointed from each county,  
134 two shall hold office for two years, and two shall hold office for four  
135 years. Trustees appointed after expiration of the initial terms shall be appointed  
136 to a four-year term by the governing body of the county the trustee represents,  
137 with the initially appointed trustee to remain in office until a successor is  
138 appointed, and shall take office upon being appointed. Each trustee may be  
139 reappointed. Vacancies shall be filled in the same manner in which the trustee  
140 vacating the office was originally appointed. The trustees shall not receive  
141 compensation for their services, but may be reimbursed for their actual and



142 necessary expenses. The board shall elect a chair and other officers necessary for  
143 its membership. Trustees may be removed if:

144 (1) By a two-thirds vote, the board moves for the member's removal and  
145 submits such motion to the governing body of the county from which the trustee  
146 was appointed; and

147 (2) The governing body of the county from which the trustee was  
148 appointed, by a majority vote, adopts the motion for removal.

149 9. The board of trustees shall have the following powers, authority, and  
150 privileges:

151 (1) To have and use a corporate seal;

152 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

153 (3) To enter into contracts, franchises, and agreements with any person  
154 or entity, public or private, affecting the affairs of the district, including contracts  
155 with any municipality, district, or state, or the United States, and any of their  
156 agencies, political subdivisions, or instrumentalities, for the funding, including  
157 without limitation interest rate exchange or swap agreements, planning,  
158 development, construction, acquisition, maintenance, or operation of a single  
159 exhibition center and recreational facilities or to assist in such  
160 activity. "Recreational facilities" means locations explicitly designated for public  
161 use where the primary use of the facility involves participation in hobbies or  
162 athletic activities;

163 (4) To borrow money and incur indebtedness and evidence the same by  
164 certificates, notes, or debentures, to issue bonds and use any one or more lawful  
165 funding methods the district may obtain for its purposes at such rates of interest  
166 as the district may determine. Any bonds, notes, and other obligations issued or  
167 delivered by the district may be secured by mortgage, pledge, or deed of trust of  
168 any or all of the property and income of the district. Every issue of such bonds,  
169 notes, or other obligations shall be payable out of property and revenues of the  
170 district and may be further secured by other property of the district, which may  
171 be pledged, assigned, mortgaged, or a security interest granted for such payment,  
172 without preference or priority of the first bonds issued, subject to any agreement  
173 with the holders of any other bonds pledging any specified property or  
174 revenues. Such bonds, notes, or other obligations shall be authorized by  
175 resolution of the district board, and shall bear such date or dates, and shall  
176 mature at such time or times, but not in excess of thirty years, as the resolution  
177 shall specify. Such bonds, notes, or other obligations shall be in such  
178 denomination, bear interest at such rate or rates, be in such form, either coupon

179 or registered, be issued as current interest bonds, compound interest bonds,  
180 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such  
181 manner, be payable in such place or places, and be subject to redemption as such  
182 resolution may provide, notwithstanding section 108.170. The bonds, notes, or  
183 other obligations may be sold at either public or private sale, at such interest  
184 rates, and at such price or prices as the district shall determine;

185 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber  
186 real and personal property in furtherance of district purposes;

187 (6) To refund any bonds, notes, or other obligations of the district without  
188 an election. The terms and conditions of refunding obligations shall be  
189 substantially the same as those of the original issue, and the board shall provide  
190 for the payment of interest at not to exceed the legal rate, and the principal of  
191 such refunding obligations in the same manner as is provided for the payment of  
192 interest and principal of obligations refunded;

193 (7) To have the management, control, and supervision of all the business  
194 and affairs of the district, and the construction, installation, operation, and  
195 maintenance of district improvements therein; to collect rentals, fees, and other  
196 charges in connection with its services or for the use of any of its facilities;

197 (8) To hire and retain agents, employees, engineers, and attorneys;

198 (9) To receive and accept by bequest, gift, or donation any kind of  
199 property;

200 (10) To adopt and amend bylaws and any other rules and regulations not  
201 in conflict with the constitution and laws of this state, necessary for the carrying  
202 on of the business, objects, and affairs of the board and of the district; and

203 (11) To have and exercise all rights and powers necessary or incidental to  
204 or implied from the specific powers granted by this section.

205 10. There is hereby created the "Exhibition Center and Recreational  
206 Facility District Sales Tax Trust Fund", which shall consist of all sales tax  
207 revenue collected pursuant to this section. The director of revenue shall be  
208 custodian of the trust fund, and moneys in the trust fund shall be used solely for  
209 the purposes authorized in this section. Moneys in the trust fund shall be  
210 considered nonstate funds pursuant to Section 15, Article IV, Constitution of  
211 Missouri. The director of revenue shall invest moneys in the trust fund in the  
212 same manner as other funds are invested. Any interest and moneys earned on  
213 such investments shall be credited to the trust fund. All sales taxes collected by  
214 the director of revenue pursuant to this section on behalf of the district[, less one  
215 percent for the cost of collection which shall be deposited in the state's general

216 revenue fund after payment of premiums for surety bonds as provided in section  
 217 32.087,] shall be deposited in the trust fund. The director of revenue shall keep  
 218 accurate records of the amount of moneys in the trust fund which was collected  
 219 in the district imposing a sales tax pursuant to this section, and the records shall  
 220 be open to the inspection of the officers of each district and the general  
 221 public. Not later than the tenth day of each month, the director of revenue shall  
 222 distribute all moneys deposited in the trust fund during the preceding month to  
 223 the district. The director of revenue may authorize refunds from the amounts in  
 224 the trust fund and credited to the district for erroneous payments and  
 225 overpayments made, and may redeem dishonored checks and drafts deposited to  
 226 the credit of the district.

227       11. The sales tax authorized by this section is in addition to all other sales  
 228 taxes allowed by law. **After the effective date of any tax imposed under the**  
 229 **provisions of this section, the director of revenue shall perform all**  
 230 **functions incident to the administration, collection, enforcement, and**  
 231 **operation of the tax and collect, in addition to the sales tax for the state**  
 232 **of Missouri, the additional tax authorized under the authority of this**  
 233 **section. The tax imposed under this section and the tax imposed under**  
 234 **the sales tax law of the state of Missouri shall be collected together and**  
 235 **reported upon such forms and under such administrative rules and**  
 236 **regulations as may be prescribed by the director of revenue.**

237       12. Except as modified in this section, all provisions of sections 32.085  
 238 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

239       [12.] 13. Any sales tax imposed pursuant to this section shall not extend  
 240 past the initial term approved by the voters unless an extension of the sales tax  
 241 is submitted to and approved by the qualified voters in each county in the manner  
 242 provided in this section. Each extension of the sales tax shall be for a period not  
 243 to exceed twenty years. The ballot of submission for the extension shall be in  
 244 substantially the following form:

245       Shall the \_\_\_\_\_ (name of district) extend the sales tax of  
 246 one-fourth of one percent for a period of \_\_\_\_\_ (insert number of  
 247 years) years to fund the acquisition, construction, maintenance,  
 248 operation, improvement, and promotion of an exhibition center and  
 249 recreational facilities?

250                                    YES                                    NO

251       If you are in favor of the question, place an "X" in the box opposite

252 "YES". If you are opposed to the question, place an "X" in the box  
253 opposite "NO".

254 If a majority of the votes cast favor the extension, then the sales tax shall remain  
255 in effect at the rate and for the time period approved by the voters. If a sales tax  
256 extension is not approved, the district may submit another sales tax proposal as  
257 authorized in this section, but the district shall not submit such a proposal to the  
258 voters sooner than twelve months from the date of the last extension submitted.

259 [13.] 14. Once the sales tax authorized by this section is abolished or  
260 terminated by any means, all funds remaining in the trust fund shall be used  
261 solely for the purposes approved in the ballot question authorizing the sales  
262 tax. The sales tax shall not be abolished or terminated while the district has any  
263 financing or other obligations outstanding; provided that any new financing, debt,  
264 or other obligation or any restructuring or refinancing of an existing debt or  
265 obligation incurred more than ten years after voter approval of the sales tax  
266 provided in this section or more than ten years after any voter-approved extension  
267 thereof shall not cause the extension of the sales tax provided in this section or  
268 cause the final maturity of any financing or other obligations outstanding to be  
269 extended. Any funds in the trust fund which are not needed for current  
270 expenditures may be invested by the district in the securities described in  
271 subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements  
272 secured by such securities. If the district abolishes the sales tax, the district  
273 shall notify the director of revenue of the action [at least ninety days] before the  
274 effective date of the repeal, and the **repeal shall be effective as provided by**  
275 **subsection 19 of section 32.087.** The director of revenue may order retention  
276 in the trust fund, for a period of one year, of two percent of the amount collected  
277 after receipt of such notice to cover possible refunds or overpayment of the sales  
278 tax and to redeem dishonored checks and drafts deposited to the credit of such  
279 accounts. After one year has elapsed after the effective date of abolition of the  
280 sales tax in the district, the director of revenue shall remit the balance in the  
281 account to the district and close the account of the district. The director of  
282 revenue shall notify the district of each instance of any amount refunded or any  
283 check redeemed from receipts due the district.

284 [14.] 15. In the event that the district is dissolved or terminated by any  
285 means, the governing bodies of the counties in the district shall appoint a person  
286 to act as trustee for the district so dissolved or terminated. Before beginning the  
287 discharge of duties, the trustee shall take and subscribe an oath to faithfully  
288 discharge the duties of the office, and shall give bond with sufficient security,

289 approved by the governing bodies of the counties, to the use of the dissolved or  
 290 terminated district, for the faithful discharge of duties. The trustee shall have  
 291 and exercise all powers necessary to liquidate the district, and upon satisfaction  
 292 of all remaining obligations of the district, shall pay over to the county treasurer  
 293 of each county in the district and take receipt for all remaining moneys in  
 294 amounts based on the ratio the levy of each county bears to the total levy for the  
 295 district in the previous three years or since the establishment of the district,  
 296 whichever time period is shorter. Upon payment to the county treasurers, the  
 297 trustee shall deliver to the clerk of the governing body of any county in the  
 298 district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification  
 2 with more than one thousand six hundred but less than one thousand seven  
 3 hundred inhabitants and located in any county of the first classification with  
 4 more than seventy-three thousand seven hundred but less than seventy-three  
 5 thousand eight hundred inhabitants is hereby authorized to impose, by ordinance  
 6 or order, a sales tax in the amount not to exceed one-half of one percent on all  
 7 retail sales made in such city which are subject to taxation [pursuant to sections  
 8 144.010 to 144.525] **under chapter 144** for the promotion of tourism in such  
 9 city. The tax authorized by this section shall be in addition to any and all other  
 10 sales taxes allowed by law, except that no ordinance or order imposing a sales tax  
 11 pursuant to this section shall be effective unless the governing authority of the  
 12 city submits to the qualified voters of the city, at any municipal or state general,  
 13 primary, or special election, a proposal to authorize the governing authority of the  
 14 city to impose a tax.

15 2. The ballot of submission shall be in substantially the following form:  
 16 Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of  
 17 \_\_\_\_\_ (insert amount) for the purpose of promoting tourism in the  
 18 city?

19  YES  NO

20 If you are in favor of the question, place an "X" in the box opposite  
 21 "YES". If you are opposed to the question, place an "X" in the box  
 22 opposite "NO".

23 If a majority of the votes cast on the proposal by the qualified voters voting  
 24 thereon are in favor of the proposal, then the ordinance or order and any  
 25 amendments thereto shall be in effect [on the first day of the first calendar  
 26 quarter immediately following notification to the director of the department of

27 revenue of the election approving the proposal] **as provided by subsection 19**  
28 **of section 32.087.** If a proposal receives less than the required majority, then  
29 the governing authority of the city shall have no power to impose the sales tax  
30 unless and until the governing authority of the city has submitted another  
31 proposal to authorize the imposition of the sales tax authorized by this section  
32 and such proposal is approved by the required majority of the qualified voters  
33 voting thereon. However, in no event shall a proposal pursuant to this section be  
34 submitted to the voters sooner than twelve months from the date of the last  
35 proposal pursuant to this section.

36 3. [On and after the effective date of any tax authorized in this section,  
37 the city may adopt one of the two following provisions for the collection and  
38 administration of the tax:

39 (1) The city may adopt rules and regulations for the internal collection of  
40 such tax by the city officers usually responsible for collection and administration  
41 of city taxes; or

42 (2) The city may enter into an agreement with the director of revenue of  
43 the state of Missouri for the purpose of collecting the tax authorized in this  
44 section. In the event any city enters into an agreement with the director of  
45 revenue of the state of Missouri for the collection of the tax authorized in this  
46 section, the director of revenue shall perform all functions incident to the  
47 administration, collection, enforcement, and operation of such tax, and the  
48 director of revenue shall collect the additional tax authorized in this section. The  
49 tax authorized in this section shall be collected and reported upon such forms and  
50 under such administrative rules and regulations as may be prescribed by the  
51 director of revenue, and the director of revenue shall retain an amount not to  
52 exceed one percent for cost of collection.

53 4. If a tax is imposed by a city pursuant to this section, the city may  
54 collect a penalty of one percent and interest not to exceed two percent per month  
55 on unpaid taxes which shall be considered delinquent thirty days after the last  
56 day of each quarter] **After the effective date of any tax imposed under the**  
57 **provisions of this section, the director of revenue shall perform all**  
58 **functions incident to the administration, collection, enforcement, and**  
59 **operation of the tax and collect, in addition to the sales tax for the state**  
60 **of Missouri, the additional tax authorized under the authority of this**  
61 **section. The tax imposed under this section and the tax imposed under**  
62 **the sales tax law of the state of Missouri shall be collected together and**  
63 **reported upon such forms and under such administrative rules and**

64 **regulations as may be prescribed by the director of revenue.**

65 [5.] 4. (1) The governing authority of any city that has adopted any sales  
66 tax pursuant to this section shall, upon filing of a petition calling for the repeal  
67 of such sales tax signed by at least ten percent of the qualified voters in the city,  
68 submit the question of repeal of the sales tax to the qualified voters at any  
69 primary or general election. The ballot of submission shall be in substantially the  
70 following form:

71 Shall \_\_\_\_\_ (insert name of city) repeal the sales tax of \_\_\_\_\_  
72 (insert rate of percent) percent for tourism purposes now in effect  
73 in \_\_\_\_\_ (insert name of city)?

74  YES  NO

75 If you are in favor of the question, place an "X" in the box opposite  
76 "YES". If you are opposed to the question, place an "X" in the box  
77 opposite "NO".

78 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
79 shall become effective [on December thirty-first of the calendar year in which  
80 such repeal was approved] **as provided by subsection 19 of section 32.087.**  
81 **If the city or county abolishes the tax, the city or county shall notify the**  
82 **director of revenue of the action prior to the effective date of the repeal.**

83 (2) Once the tax is repealed as provided in this section, all funds  
84 remaining in any trust fund or account established to receive revenues generated  
85 by the tax shall be used solely for the original stated purpose of the tax. Any  
86 funds which are not needed for current expenditures may be invested by the  
87 governing authority in accordance with applicable laws relating to the investment  
88 of other city funds.

89 (3) The governing authority of a city repealing a tax pursuant to this  
90 section shall notify the director of revenue of the action [at least forty-five days  
91 before] **prior to** the effective date of the repeal and the **repeal shall be**  
92 **effective as provided by subsection 19 of section 32.087.** The director of  
93 revenue may order retention in any trust fund created in the state treasury  
94 associated with the tax, for a period of one year, of two percent of the amount  
95 collected after receipt of such notice to cover refunds or overpayment of the tax  
96 and to redeem dishonored checks and drafts deposited to the credit of such  
97 accounts. After one year has elapsed after the effective date of repeal of the tax  
98 in the city, the director of revenue shall remit the balance in the trust fund to the  
99 city and close the account of that city. The director of revenue shall notify each

100 city of each instance of any amount refunded or any check redeemed from receipts  
101 due the city.

102 (4) In the event that the repeal of a sales tax pursuant to this section  
103 dissolves or terminates a taxing district, the governing authority of the city shall  
104 appoint a person to act as trustee for the district so dissolved or  
105 terminated. Before beginning the discharge of duties, the trustee shall take and  
106 subscribe an oath to faithfully discharge the duties of the office, and shall give  
107 bond with sufficient security, approved by the governing authority of the city, to  
108 the use of the dissolved or terminated district, for the faithful discharge of  
109 duties. The trustee shall have and exercise all powers necessary to liquidate the  
110 district, and upon satisfaction of all remaining obligations of the district, shall  
111 pay over to the city treasurer or the equivalent official and take receipt for all  
112 remaining moneys. Upon payment to the city treasurer, the trustee shall deliver  
113 to the clerk of the governing authority of the city all books, papers, records, and  
114 deeds belonging to the dissolved district.

115 [6.] 5. Except as modified in this section, all provisions of sections 32.085  
116 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the  
2 following qualifications:

3 (1) As to those subdistricts in which there are registered voters, a resident  
4 registered voter in the subdistrict that he or she represents, or be a property  
5 owner or, as to those subdistricts in which there are not registered voters who are  
6 residents, a property owner or representative of a property owner in the  
7 subdistrict he or she represents;

8 (2) Be at least twenty-one years of age and a registered voter in the  
9 district.

10 2. The district shall be subdivided into at least five but not more than  
11 fifteen subdistricts, which shall be represented by one representative on the  
12 district board of directors. All board members shall have terms of four years,  
13 including the initial board of directors. All members shall take office upon being  
14 appointed and shall remain in office until a successor is appointed by the mayor  
15 or chairman of the municipality in which the district is located, or elected by the  
16 property owners in those subdistricts without registered voters.

17 3. For those subdistricts which contain one or more registered voters, the  
18 mayor or chairman of the city, town, or village shall, with the consent of the  
19 governing body, appoint a registered voter residing in the subdistrict to the board  
20 of directors.



21           4. For those subdistricts which contain no registered voters, the property  
22 owners who collectively own one or more parcels of real estate comprising more  
23 than half of the land situated in each subdistrict shall meet and shall elect a  
24 representative to serve upon the board of directors. The clerk of the city, town,  
25 or village in which the petition was filed shall, unless waived in writing by all  
26 property owners in the subdistrict, give notice by causing publication to be made  
27 once a week for two consecutive weeks in a newspaper of general circulation in  
28 the county, the last publication of which shall be at least ten days before the day  
29 of the meeting required by this section, to call a meeting of the owners of real  
30 property within the subdistrict at a day and hour specified in a public place in the  
31 city, town, or village in which the petition was filed for the purpose of electing  
32 members of the board of directors.

33           5. The property owners, when assembled, shall organize by the election  
34 of a temporary chairman and secretary of the meeting who shall conduct the  
35 election. An election shall be conducted for each subdistrict, with the eligible  
36 property owners voting in that subdistrict. At the election, each acre of real  
37 property within the subdistrict shall represent one share, and each owner,  
38 including corporations and other entities, may have one vote in person or for  
39 every acre of real property owned by such person within the subdistrict. Each  
40 voter which is not an individual shall determine how to cast its vote as provided  
41 for in its articles of incorporation, articles of organization, articles of partnership,  
42 bylaws, or other document which sets forth an appropriate mechanism for the  
43 determination of the entity's vote. If a voter has no such mechanism, then its  
44 vote shall be cast as determined by a majority of the persons who run the  
45 day-to-day affairs of the voter. The results of the meeting shall be certified by the  
46 temporary chairman and secretary to the municipal clerk if the district is  
47 established by a municipality described in this section, or to the circuit clerk if  
48 the district is established by a circuit court.

49           6. Successor boards shall be appointed or elected, depending upon the  
50 presence or absence of resident registered voters, by the mayor or chairman of a  
51 city, town, or village described in this section, or the property owners as set forth  
52 above; provided, however, that elections held by the property owners after the  
53 initial board is elected shall be certified to the municipal clerk of the city, town,  
54 or village where the district is located and the board of directors of the district.

55           7. Should a vacancy occur on the board of directors, the mayor or  
56 chairman of the city, town, or village if there are registered voters within the  
57 subdistrict, or a majority of the owners of real property in a subdistrict if there

58 are not registered voters in the subdistrict, shall have the authority to appoint  
59 or elect, as set forth in this section, an interim director to complete any unexpired  
60 term of a director caused by resignation or disqualification.

61 8. The board shall possess and exercise all of the district's legislative and  
62 executive powers, including:

63 (1) The power to fund, promote and provide educational, civic, musical,  
64 theatrical, cultural, concerts, lecture series, and related or similar entertainment  
65 events or activities, and fund, promote, plan, design, construct, improve,  
66 maintain, and operate public improvements, transportation projects, and related  
67 facilities within the district;

68 (2) The power to accept and disburse tax or other revenue collected in the  
69 district; and

70 (3) The power to receive property by gift or otherwise.

71 9. Within thirty days after the selection of the initial directors, the board  
72 shall meet. At its first meeting and annually thereafter the board shall elect a  
73 chairman from its members.

74 10. The board shall appoint an executive director, district secretary,  
75 treasurer, and such other officers or employees as it deems necessary.

76 11. At the first meeting, the board, by resolution, shall define the first and  
77 subsequent fiscal years of the district, and shall adopt a corporate seal.

78 12. A simple majority of the board shall constitute a quorum. If a quorum  
79 exists, a majority of those voting shall have the authority to act in the name of  
80 the board, and approve any board resolution.

81 13. At the first meeting, the board, by resolution, shall receive the  
82 certification of the election regarding the sales tax, and may impose the sales tax  
83 in all subdistricts approving the imposing sales tax. In those subdistricts that  
84 approve the sales tax, the sales tax shall become effective [on the first day of the  
85 first calendar quarter immediately following the action by the district board of  
86 directors imposing the tax] **as provided by section 32.087.**

87 14. Each director shall devote such time to the duties of the office as the  
88 faithful discharge thereof may require and be reimbursed for his or her actual  
89 expenditures in the performance of his or her duties on behalf of the  
90 district. Directors may be compensated, but such compensation shall not exceed  
91 one hundred dollars per month.

92 15. In addition to all other powers granted by sections 67.2500 to 67.2530,  
93 the district shall have the following general powers:

94 (1) To sue and be sued in its own name, and to receive service of process,

- 95 which shall be served upon the district secretary;
- 96 (2) To fix compensation of its employees and contractors;
- 97 (3) To enter into contracts, franchises, and agreements with any person  
98 or entity, public or private, affecting the affairs of the district, including contracts  
99 with any municipality, district, or state, or the United States, and any of their  
100 agencies, political subdivisions, or instrumentalities, for the funding, including  
101 without limitation, interest rate exchange or swap agreements, planning,  
102 development, construction, acquisition, maintenance, or operation of a district  
103 facility or to assist in such activity;
- 104 (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange,  
105 mortgage, and encumber real and personal property in furtherance of district  
106 purposes;
- 107 (5) To collect and disburse funds for its activities;
- 108 (6) To collect taxes and other revenues;
- 109 (7) To borrow money and incur indebtedness and evidence the same by  
110 certificates, notes, bonds, debentures, or refunding of any such obligations for the  
111 purpose of paying all or any part of the cost of land, construction, development,  
112 or equipping of any facilities or operations of the district;
- 113 (8) To own or lease real or personal property for use in connection with  
114 the exercise of powers pursuant to this subsection;
- 115 (9) To provide for the election or appointment of officers, including a  
116 chairman, treasurer, and secretary. Officers shall not be required to be residents  
117 of the district, and one officer may hold more than one office;
- 118 (10) To hire and retain agents, employees, engineers, and attorneys;
- 119 (11) To enter into entertainment contracts binding the district and artists,  
120 agencies, or performers, management contracts, contracts relating to the booking  
121 of entertainment and the sale of tickets, and all other contracts which relate to  
122 the purposes of the district;
- 123 (12) To contract with a local government, a corporation, partnership, or  
124 individual regarding funding, promotion, planning, designing, constructing,  
125 improving, maintaining, or operating a project or to assist in such activity;
- 126 (13) To contract for transfer to a city, town, or village such district  
127 facilities and improvements free of cost or encumbrance on such terms set forth  
128 by contract;
- 129 (14) To exercise such other powers necessary or convenient for the district  
130 to accomplish its purposes which are not inconsistent with its express powers.
- 131 16. A district may at any time authorize or issue notes, bonds, or other

132 obligations for any of its powers or purposes. Such notes, bonds, or other  
133 obligations:

134 (1) Shall be in such amounts as deemed necessary by the district,  
135 including costs of issuance thereof;

136 (2) Shall be payable out of all or any portion of the revenues or other  
137 assets of the district;

138 (3) May be secured by any property of the district which may be pledged,  
139 assigned, mortgaged, or otherwise encumbered for payment;

140 (4) Shall be authorized by resolution of the district, and if issued by the  
141 district, shall bear such date or dates, and shall mature at such time or times, but  
142 not in excess of forty years, as the resolution shall specify;

143 (5) Shall be in such denomination, bear interest at such rates, be in such  
144 form, be issued as current interest bonds, compound interest bonds, variable rate  
145 bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be  
146 payable in such place or places and subject to redemption as such resolution may  
147 provide; and

148 (6) May be sold at either public or private sale, at such interest rates, and  
149 at such price or prices as the district shall determine.

150 The provisions of this subsection are applicable to the district notwithstanding  
151 the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be  
2 refunded at any time by the district by issuing refunding bonds in such amount  
3 as the district may deem necessary. Such bonds shall be subject to and shall have  
4 the benefit of the foregoing provisions regarding notes, bonds, and other  
5 obligations. Without limiting the generality of the foregoing, refunding bonds  
6 may include amounts necessary to finance any premium, unpaid interest, and  
7 costs of issuance in connection with the refunding bonds. Any such refunding  
8 may be effected whether the bonds to be refunded then shall have matured or  
9 thereafter shall mature, either by sale of the refunding bonds and the application  
10 of the proceeds thereof to the payment of the obligations being refunded or the  
11 exchange of the refunding bonds for the obligations being refunded with the  
12 consent of the holders of the obligations being refunded.

13 2. Notes, bonds, or other indebtedness of the district shall be exclusively  
14 the responsibility of the district payable solely out of the district funds and  
15 property and shall not constitute a debt or liability of the state of Missouri or any  
16 agency or political subdivision of the state. Any notes, bonds, or other  
17 indebtedness of the district shall state on their face that they are not obligations

18 of the state of Missouri or any agency or political subdivision thereof other than  
19 the district.

20 3. Any district may by resolution impose a district sales tax of up to  
21 one-half of one percent on all retail sales made in such district that are subject  
22 to taxation [pursuant to the provisions of sections 144.010 to 144.525] **under**  
23 **chapter 144**. Upon voter approval, and receiving the necessary certifications  
24 from the governing body of the municipality in which the district is located, or  
25 from the circuit court if the district was formed by the circuit court, the board of  
26 directors shall have the power to impose a sales tax at its first meeting, or any  
27 meeting thereafter. Voter approval of the question of the imposing sales tax shall  
28 be in accordance with section 67.2520. [The sales tax shall become effective in  
29 those subdistricts that approve the sales tax on the first day of the first calendar  
30 quarter immediately following the passage of a resolution by the board of  
31 directors imposing the sales tax.

32 4. In each district in which a sales tax has been imposed in the manner  
33 provided by this section, every retailer shall add the tax imposed by the district  
34 pursuant to this section to the retailer's sale price, and when so added, such tax  
35 shall constitute a part of the price, shall be a debt of the purchaser to the retailer  
36 until paid, and shall be recoverable at law in the same manner as the purchase  
37 price.

38 5. In order to permit sellers required to collect and report the sales tax  
39 authorized by this section to collect the amount required to be reported and  
40 remitted, but not to change the requirements of reporting or remitting tax or to  
41 serve as a levy of the tax, and in order to avoid fractions of pennies, the district  
42 may establish appropriate brackets which shall be used in the district imposing  
43 a tax pursuant to this section in lieu of those brackets provided in section  
44 144.285.

45 6.] 4. All revenue received by a district from the sales tax authorized by  
46 this section shall be deposited in a special trust fund and shall be used solely for  
47 the purposes of the district. Any funds in such special trust fund which are not  
48 needed for the district's current expenditures may be invested by the district  
49 board of directors in accordance with applicable laws relating to the investment  
50 of other district funds.

51 [7.] 5. The sales tax may be imposed at a rate of up to one-half of one  
52 percent on the receipts from the sale at retail of all [tangible personal property  
53 or taxable services] **sales** at retail within the district adopting such tax, if such  
54 property and services are subject to taxation by the state of Missouri [pursuant

55 to the provisions of sections 144.010 to 144.525] **under chapter 144.** Any  
56 district sales tax imposed pursuant to this section shall be imposed at a rate that  
57 shall be uniform throughout the subdistricts approving the sales tax.

58 [8. The resolution imposing the sales tax pursuant to this section shall  
59 impose upon all sellers a tax for the privilege of engaging in the business of  
60 selling tangible personal property or rendering taxable services at retail to the  
61 extent and in the manner provided in sections 144.010 to 144.525 and the rules  
62 and regulations of the director of revenue issued pursuant thereto; except that the  
63 rate of the tax shall be the rate imposed by the resolution as the sales tax and the  
64 tax shall be reported and returned to and collected by the district.

65 9. (1) On and after the effective date of any sales tax imposed pursuant  
66 to this section, the district shall perform all functions incident to the  
67 administration, collection, enforcement, and operation of the tax. The sales tax  
68 imposed pursuant to this section shall be collected and reported upon such forms  
69 and under such administrative rules and regulations as may be prescribed by the  
70 district.

71 (2)]

72 **6. After the effective date of any tax imposed under the provisions**  
73 **of this section, the director of revenue shall perform all functions**  
74 **incident to the administration, collection, enforcement, and operation**  
75 **of the tax and collect, in addition to the sales tax for the state of**  
76 **Missouri, the additional tax authorized under the authority of this**  
77 **section. The tax imposed under this section and the tax imposed under**  
78 **the sales tax law of the state of Missouri shall be collected together and**  
79 **reported upon such forms and under such administrative rules and**  
80 **regulations as may be prescribed by the director of revenue.**

81 7. All [such] sales taxes [collected by the district] shall be deposited by  
82 the district in a special fund to be expended for the purposes authorized in this  
83 section. The district shall keep accurate records of the amount of money which  
84 was collected pursuant to this section, and the records shall be open to the  
85 inspection of officers of each district and the general public.

86 [(3) The district may contract with the municipality that the district is  
87 within for the municipality to collect any revenue received by the district and,  
88 after deducting the cost of such collection, but not to exceed one percent of the  
89 total amount collected, deposit such revenue in a special trust account. Such  
90 revenue and interest may be applied by the municipality to expenses, costs, or  
91 debt service of the district at the direction of the district as set forth in a contract

92 between the municipality and the district.

93           10. (1) All applicable provisions contained in sections 144.010 to 144.525  
94 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the  
95 uniform confidentiality provision, shall apply to the collection of the tax imposed  
96 by this section, except as modified in this section.

97           (2) All exemptions granted to agencies of government, organizations,  
98 persons, and to the sale of certain articles and items of tangible personal property  
99 and taxable services pursuant to the provisions of sections 144.010 to 144.525 are  
100 hereby made applicable to the imposition and collection of the tax imposed by this  
101 section.

102           (3) The same sales tax permit, exemption certificate, and retail certificate  
103 required by sections 144.010 to 144.525 for the administration and collection of  
104 the state sales tax shall satisfy the requirements of this section, and no additional  
105 permit or exemption certificate or retail certificate shall be required; except that  
106 the district may prescribe a form of exemption certificate for an exemption from  
107 the tax imposed by this section.

108           (4) All discounts allowed the retailer pursuant to the provisions of the  
109 state sales tax laws for the collection of and for payment of taxes pursuant to  
110 such laws are hereby allowed and made applicable to any taxes collected pursuant  
111 to the provisions of this section.

112           (5) The penalties provided in section 32.057 and sections 144.010 to  
113 144.525 for violation of those sections are hereby made applicable to violations of  
114 this section.

115           (6) For the purpose of a sales tax imposed by a resolution pursuant to this  
116 section, all retail sales shall be deemed to be consummated at the place of  
117 business of the retailer unless the tangible personal property sold is delivered by  
118 the retailer or the retailer's agent to an out-of-state destination or to a common  
119 carrier for delivery to an out-of-state destination. In the event a retailer has  
120 more than one place of business in this state which participates in the sale, the  
121 sale shall be deemed to be consummated at the place of business of the retailer  
122 where the initial order for the tangible personal property is taken, even though  
123 the order must be forwarded elsewhere for acceptance, approval of credit,  
124 shipment, or billing. A sale by a retailer's employee shall be deemed to be  
125 consummated at the place of business from which the employee works.

126           (7)] 8. Subsequent to the initial approval by the voters and  
127 implementation of a sales tax in the district, the rate of the sales tax may be  
128 increased, but not to exceed a rate of one-half of one percent on retail sales **made**

129 **in the district which are subject to sales tax under chapter 144** as  
 130 provided in this subsection. The election shall be conducted in accordance with  
 131 section 67.2520; provided, however, that the district board of directors may place  
 132 the question of the increase of the sales tax before the voters of the district by  
 133 resolution, and the municipal clerk of the city, town, or village which originally  
 134 conducted the incorporation of the district, or the circuit clerk of the court which  
 135 originally conducted the incorporation of the district, shall conduct the subsequent  
 136 election. In subsequent elections, the election judges shall certify the election  
 137 results to the district board of directors. The ballot of submission shall be in  
 138 substantially the following form:

139        Shall \_\_\_\_\_ (name of district) increase the \_\_\_\_\_ (insert amount)  
 140        percent district sales tax now in effect to \_\_\_\_\_ (insert amount) in  
 141        the \_\_\_\_\_ (name of district)?

142                                 YES                                 NO

143        If you are in favor of the question, place an "X" in the box opposite  
 144        "YES". If you are opposed to the question, place an "X" in the box  
 145        opposite "NO".

146 If a majority of the votes cast on the proposal by the qualified voters of the  
 147 district voting thereon are in favor of the increase, the increase shall become  
 148 effective [December thirty-first of the calendar year in which such increase was  
 149 approved] **as provided by subsection 19 of section 32.087.**

150        [11.] **9.** (1) There shall not be any election as provided for in this section  
 151 while the district has any financing or other obligations outstanding.

152        (2) The board, when presented with a petition signed by at least one-third  
 153 of the registered voters in a district that voted in the last gubernatorial election,  
 154 or signed by at least two-thirds of property owners of the district, calling for an  
 155 election to dissolve and repeal the tax shall submit the question to the voters  
 156 using the same procedure by which the imposing tax was voted. The ballot of  
 157 submission shall be in substantially the following form:

158        Shall \_\_\_\_\_ (name of district) dissolve and repeal the \_\_\_\_\_  
 159        (insert amount) percent district sales tax now in effect in the  
 160        \_\_\_\_\_ (name of district)?

161                                 YES                                 NO

162        If you are in favor of the question, place an "X" in the box opposite  
 163        "YES". If you are opposed to the question, place an "X" in the box  
 164        opposite "NO".



165 Such subsequent elections for the repeal of the sales tax shall be conducted in  
166 accordance with section 67.2520; provided, however, that the district board of  
167 directors may place the question of the repeal of the sales tax before the voters  
168 of the district, and the municipal clerk of the city, town, or village which  
169 originally conducted the incorporation of the district, or the circuit clerk of the  
170 court which originally conducted the incorporation of the district, shall conduct  
171 the subsequent election. In subsequent elections the election judges shall certify  
172 the election results to the district board of directors.

173 (3) If a majority of the votes cast on the proposal by the qualified voters  
174 of the district voting thereon are in favor of repeal, that repeal shall become  
175 effective [December thirty-first of the calendar year in which such repeal was  
176 approved or after the repayment of the district's indebtedness, whichever occurs  
177 later] **as provided by subsection 19 of section 32.087. If the district**  
178 **abolishes the tax, the district shall notify the director of revenue of the**  
179 **action prior to the effective date of the repeal and the repeal shall be**  
180 **effective as provided by subsection 19 of section 32.087.**

181 [12.] 10. (1) At such time as the board of directors of the district  
182 determines that further operation of the district is not in the best interests of the  
183 inhabitants of the district, and that the district should dissolve, the board shall  
184 submit for a vote in an election held throughout the district the question of  
185 whether the district should be abolished. The question shall be submitted in  
186 substantially the following form:

187 Shall the \_\_\_\_\_ theater, cultural arts, and entertainment district  
188 be abolished?

189  YES  NO

190 If you are in favor of the question, place an "X" in the box opposite  
191 "YES". If you are opposed to the question, place an "X" in the box  
192 opposite "NO".

193 (2) The district board shall not propose the question to abolish the district  
194 while there are outstanding claims or causes of action pending against the  
195 district, while the district liabilities exceed its assets, while indebtedness of the  
196 district is outstanding, or while the district is insolvent, in receivership or under  
197 the jurisdiction of the bankruptcy court. Prior to submitting the question to  
198 abolish the district to a vote of the entire district, the state auditor shall audit the  
199 district to determine the financial status of the district, and whether the district  
200 may be abolished pursuant to law. The vote on the abolition of the district shall

201 be conducted by the municipal clerk of the city, town, or village in which the  
202 district is located. The procedure shall be the same as in section 67.2520, except  
203 that the question shall be determined by the qualified voters of the entire district. No  
204 individual subdistrict may be abolished, except at such time as the district is  
205 abolished.

206 (3) While the district still exists, it shall continue to accrue all revenues  
207 to which it is entitled at law.

208 (4) Upon receipt by the board of directors of the district of the certification  
209 by the city, town, or village in which the district is located that the majority of  
210 those voting within the entire district have voted to abolish the district, and if the  
211 state auditor has determined that the district's financial condition is such that it  
212 may be abolished pursuant to law, then the board of directors of the district shall:

213 (a) Sell any remaining district real or personal property it wishes, and  
214 then transfer the proceeds and any other real or personal property owned by the  
215 district to the city, town, or village in which the district is located, including  
216 revenues due and owing the district, for its further use and disposition;

217 (b) Terminate the employment of any remaining district employees, and  
218 otherwise conclude its affairs;

219 (c) At a public meeting of the district, declare by a resolution of the board  
220 of directors passed by a majority vote that the district has been abolished  
221 effective that date;

222 (d) Cause copies of that resolution under seal to be filed with the secretary  
223 of state and the city, town, or village in which the district is located.

224 Upon the completion of the final act specified in this subsection, the legal  
225 existence of the district shall cease.

226 (5) The legal existence of the district shall not cease for a period of two  
227 years after voter approval of the abolition.

228 **11. Except as provided in this section, all provisions of sections**  
229 **32.085 to 32.087 shall apply to the tax imposed under this section.**

94.578. 1. In addition to the sales tax authorized in section 94.577, the  
2 governing body of any home rule city with more than one hundred fifty-one  
3 thousand five hundred but less than one hundred fifty-one thousand six hundred  
4 inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on  
5 all retail sales made within the city which are subject to sales tax under chapter  
6 144. The tax authorized in this section may be imposed at a rate of one-eighth,  
7 one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half  
8 of one percent, shall not be imposed for longer than three years, and shall be

9 imposed solely for the purpose of funding the construction, operation, and  
10 maintenance of capital improvements in the city's center city. The governing body  
11 may issue bonds for the funding of such capital improvements, which will be  
12 retired by the revenues received from the sales tax authorized by this  
13 section. The order or ordinance shall not become effective unless the governing  
14 body of the city submits to the voters residing within the city at a state or  
15 municipal general, primary, or special election a proposal to authorize the  
16 governing body of the city to impose a tax under this section. The tax authorized  
17 in this section shall be in addition to all other sales taxes imposed by law, and  
18 shall be stated separately from all other charges and taxes.

19 2. The ballot submission for the tax authorized in this section shall be in  
20 substantially the following form:

21 Shall \_\_\_\_\_ (insert the name of the city) impose a sales tax at a  
22 rate of \_\_\_\_\_ (insert rate of percent) percent for [a] capital  
23 improvements purposes in the city's center city for a period of  
24 \_\_\_\_\_ (insert number of years, not to exceed three) years?

25  YES  NO

26 If a majority of the votes cast on the question by the qualified voters voting  
27 thereon are in favor of the question, then the tax shall become effective [on the  
28 first day of the second calendar quarter after the director of revenue receives  
29 notice of the adoption of the sales tax] **as provided by subsection 19 of**  
30 **section 32.087**. If a majority of the votes cast on the question by the qualified  
31 voters voting thereon are opposed to the question, then the tax shall not become  
32 effective unless and until the question is resubmitted under this section to the  
33 qualified voters and such question is approved by a majority of the qualified  
34 voters voting on the question. In no case shall a tax be resubmitted to the  
35 qualified voters of the city sooner than twelve months from the date of the  
36 proposal under this section.

37 3. Any sales tax imposed under this section shall be administered,  
38 collected, enforced, and operated as required in [section] **sections 32.085 to**  
39 **32.087**. All revenue generated by the tax shall be deposited in a special trust  
40 fund and shall be used solely for the designated purposes. If the tax is repealed,  
41 all funds remaining in the special trust fund shall continue to be used solely for  
42 the designated purposes. Any funds in the special trust fund which are not  
43 needed for current expenditures shall be invested in the same manner as other  
44 funds are invested. Any interest and moneys earned on such investments shall

45 be credited to the fund.

46 4. The director of revenue may authorize the state treasurer to make  
47 refunds from the amounts in the trust fund and credited to any city for erroneous  
48 payments and overpayments made, and may redeem dishonored checks and drafts  
49 deposited to the credit of such cities. If any city abolishes the tax, the city shall  
50 notify the director of revenue of the action [at least ninety days before] **prior to**  
51 the effective date of the repeal, and the **repeal shall be effective as provided**  
52 **by subsection 19 of section 32.087.** The director of revenue may order  
53 retention in the trust fund, for a period of one year, of two percent of the amount  
54 collected after receipt of such notice to cover possible refunds or overpayment of  
55 the tax and to redeem dishonored checks and drafts deposited to the credit of such  
56 accounts. After one year has elapsed after the effective date of abolition of the  
57 tax in such city, the director of revenue shall remit the balance in the account to  
58 the city and close the account of that city. The director of revenue shall notify  
59 each city of each instance of any amount refunded.

60 5. The governing body of any city that has adopted the sales tax  
61 authorized in this section may submit the question of repeal of the tax to the  
62 voters on any date available for elections for the city. The ballot of submission  
63 shall be in substantially the following form:

64 Shall \_\_\_\_\_ (insert the name of the city) repeal the sales tax  
65 imposed at a rate of \_\_\_\_\_ (insert rate of percent) percent for  
66 capital improvements purposes in the city's center city?

67  YES  NO

68 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
69 shall become effective [on December thirty-first of the calendar year in which  
70 such repeal was approved] **as provided by subsection 19 of section 32.087.**

71 If a majority of the votes cast on the question by the qualified voters voting  
72 thereon are opposed to the repeal, then the sales tax authorized in this section  
73 shall remain effective until the question is resubmitted under this section to the  
74 qualified voters, and the repeal is approved by a majority of the qualified voters  
75 voting on the question. **If the city or county abolishes the tax, the city or**  
76 **county shall notify the director of revenue of the action prior to the**  
77 **effective date of the repeal.**

78 6. Whenever the governing body of any city that has adopted the sales tax  
79 authorized in this section receives a petition, signed by ten percent of the  
80 registered voters of the city voting in the last gubernatorial election, calling for

81 an election to repeal the sales tax imposed under this section, the governing body  
82 shall submit to the voters of the city a proposal to repeal the tax. If a majority  
83 of the votes cast on the question by the qualified voters voting thereon are in  
84 favor of the repeal, that repeal shall become effective [on December thirty-first  
85 of the calendar year in which such repeal was approved] **as provided by**  
86 **subsection 19 of section 32.087**. If a majority of the votes cast on the question  
87 by the qualified voters voting thereon are opposed to the repeal, then the tax  
88 shall remain effective until the question is resubmitted under this section to the  
89 qualified voters and the repeal is approved by a majority of the qualified voters  
90 voting on the question.

91 **7. Except as provided in this section, all provisions of sections**  
92 **32.085 to 32.087 apply to the sales tax imposed under this section.**

94.605. 1. Any city as defined in section 94.600 may by a majority vote  
2 of its governing body impose a sales tax for transportation purposes enumerated  
3 in sections 94.600 to 94.655.

4 2. The sales tax may be imposed at a rate not to exceed one-half of one  
5 percent on [the receipts from the sale at] **all** retail [of all tangible personal  
6 property or taxable services at retail] **sales** within any city adopting such tax, if  
7 such property and services are subject to taxation by the state of Missouri under  
8 [the provisions of sections 144.010 to 144.525] **chapter 144**.

9 3. With respect to any tax increment financing plan originally approved  
10 by ordinance of the city council after March 31, 2009, in any home rule city with  
11 more than four hundred thousand inhabitants and located in more than one  
12 county, any three-eighths of one cent sales tax imposed under sections 94.600 to  
13 94.655 shall not be considered economic activity taxes as such term is defined  
14 under sections 99.805 and 99.918, and tax revenues derived from such taxes shall  
15 not be subject to allocation under the provisions of subsection 3 of section 99.845  
16 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed  
17 in such city under sections 94.600 to 94.655 for constructing and operating a  
18 light-rail transit system shall not be considered economic activity taxes as such  
19 term is defined under sections 99.805 and 99.918, and tax revenues derived from  
20 such tax shall not be subject to allocation under the provisions of subsection 3 of  
21 section 99.845 or subsection 4 of section 99.957.

22 4. [If the boundaries of a city in which such sales tax has been imposed  
23 shall thereafter be changed or altered, the city or county clerk shall forward to  
24 the director of revenue by United States registered mail or certified mail a  
25 certified copy of the ordinance adding or detaching territory from the city. The

26 ordinance shall reflect the effective date thereof, and shall be accompanied by a  
 27 map of the city clearly showing the territory added thereto or detached  
 28 therefrom. Upon receipt of the ordinance and map, the tax imposed by sections  
 29 94.600 to 94.655 shall be effective in the added territory or abolished in the  
 30 detached territory on the effective date of the change of the city boundary]  
 31 **Except as modified by this section, all provisions of sections 32.085 to**  
 32 **32.087 shall apply to the tax imposed under this section.**

94.660. 1. The governing body of any city not within a county and any  
 2 county of the first classification having a charter form of government with a  
 3 population of over nine hundred thousand inhabitants may propose, by ordinance  
 4 or order, a transportation sales tax of up to one percent for submission to the  
 5 voters of that city or county at an authorized election date selected by the  
 6 governing body.

7 2. Any sales tax approved under this section shall be imposed on [the  
 8 receipts from the sale at] **all** retail [of all tangible personal property or taxable  
 9 services] **sales** within the city or county adopting the tax, if such property and  
 10 services are subject to taxation by the state of Missouri under [sections 144.010  
 11 to 144.525] **chapter 144.**

12 3. The ballot of submission shall contain, but need not be limited to, the  
 13 following language:

14 Shall the county/city of \_\_\_\_\_ (county's or city's name) impose a  
 15 county/city-wide sales tax of \_\_\_\_\_ percent for the purpose of  
 16 providing a source of funds for public transportation purposes?

17  YES  NO

18 Except as provided in subsection 4 of this section, if a majority of the votes cast  
 19 in that county or city not within a county on the proposal by the qualified voters  
 20 voting thereon are in favor of the proposal, then the tax shall go into effect [on  
 21 the first day of the next calendar quarter beginning after its adoption and notice  
 22 to the director of revenue, but no sooner than thirty days after such adoption and  
 23 notice] **as provided by subsection 19 of section 32.087.** If a majority of the  
 24 votes cast in that county or city not within a county by the qualified voters voting  
 25 are opposed to the proposal, then the additional sales tax shall not be imposed in  
 26 that county or city not within a county unless and until the governing body of  
 27 that county or city not within a county shall have submitted another proposal to  
 28 authorize the local option transportation sales tax authorized in this section, and  
 29 such proposal is approved by a majority of the qualified voters voting on it. In no

30 event shall a proposal pursuant to this section be submitted to the voters sooner  
31 than twelve months from the date of the last proposal.

32 4. No tax shall go into effect under this section in any city not within a  
33 county or any county of the first classification having a charter form of  
34 government with a population over nine hundred thousand inhabitants unless and  
35 until both such city and such county approve the tax.

36 5. The provisions of subsection 4 of this section requiring both the city and  
37 county to approve a transportation sales tax before a transportation sales tax may  
38 go into effect in either jurisdiction shall not apply to any transportation sales tax  
39 submitted to and approved by the voters in such city or such county on or after  
40 August 28, 2007.

41 6. All sales taxes collected by the director of revenue under this section  
42 on behalf of any city or county[, less one percent for cost of collection which shall  
43 be deposited in the state's general revenue fund after payment of premiums for  
44 surety bonds,] shall be deposited with the state treasurer in a special trust fund,  
45 which is hereby created, to be known as the "County Public Transit Sales Tax  
46 Trust Fund". [The sales taxes shall be collected as provided in section  
47 32.087. The moneys in the trust fund shall not be deemed to be state funds and  
48 shall not be commingled with any funds of the state.] The director of revenue  
49 shall keep accurate records of the amount of money in the trust fund which was  
50 collected in each city or county approving a sales tax under this section, and the  
51 records shall be open to inspection by officers of the city or county and the  
52 public. Not later than the tenth day of each month the director of revenue shall  
53 distribute all moneys deposited in the trust fund during the preceding month to  
54 the city or county which levied the tax, and such funds shall be deposited with  
55 the treasurer of each such city or county and all expenditures of funds arising  
56 from the county public transit sales tax trust fund shall be by an appropriation  
57 act to be enacted by the governing body of each such county or city not within a  
58 county.

59 7. The revenues derived from any transportation sales tax under this  
60 section shall be used only for the planning, development, acquisition,  
61 construction, maintenance and operation of public transit facilities and systems  
62 other than highways.

63 8. The director of revenue may authorize the state treasurer to make  
64 refunds from the amount in the trust fund and credited to any city or county for  
65 erroneous payments and overpayments made, and may redeem dishonored checks  
66 and drafts deposited to the credit of such cities or counties. If any city or county

67 abolishes the tax, the city or county shall notify the director of revenue of the  
 68 action [at least ninety days prior to the effective date of the repeal] and the  
 69 director of revenue may order retention in the trust fund, for a period of one year,  
 70 of two percent of the amount collected after receipt of such notice to cover possible  
 71 refunds or overpayment of the tax and to redeem dishonored checks and drafts  
 72 deposited to the credit of such accounts. After one year has elapsed after the  
 73 effective date of abolition of the tax in such city or county, the director of revenue  
 74 shall authorize the state treasurer to remit the balance in the account to the city  
 75 or county and close the account of that city or county. The director of revenue  
 76 shall notify each city or county of each instance of any amount refunded or any  
 77 check redeemed from receipts due the city or county.

78 **9. Except as modified by this section, all provisions of sections**  
 79 **32.085 to 32.087 shall apply to the tax imposed under this section.**

94.705. 1. Any city may by a majority vote of its governing body impose  
 2 a sales tax **on all retail sales made in the city which are subject to sales**  
 3 **tax under chapter 144** for transportation purposes enumerated in sections  
 4 94.700 to 94.755, and issue bonds for transportation purposes which shall be  
 5 retired by the revenues received from the sales tax authorized by this  
 6 section. The tax authorized by this section shall be in addition to any and all  
 7 other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to  
 8 the provisions of this section shall become effective unless the council or other  
 9 governing body submits to the voters of the city, at a city or state general,  
 10 primary, or special election, a proposal to authorize the council or other governing  
 11 body of the city to impose such a sales tax and, if such tax is to be used to retire  
 12 bonds authorized pursuant to this section, to authorize such bonds and their  
 13 retirement by such tax; except that no vote shall be required in any city that  
 14 imposed and collected such tax under sections 94.600 to 94.655, before January  
 15 5, 1984. The ballot of the submission shall contain, but is not limited to, the  
 16 following language:

17 (1) If the proposal submitted involves only authorization to impose the tax  
 18 authorized by this section, the following language:

19 Shall the city of \_\_\_\_\_ (city's name) impose a sales tax of \_\_\_\_\_  
 20 (insert amount) for transportation purposes?

21  YES  NO

22 If you are in favor of the question, place an "X" in the box opposite  
 23 "YES". If you are opposed to the question, place an "X" in the box



24 opposite "NO";

25 (2) If the proposal submitted involves authorization to issue bonds and  
26 repay such bonds with revenues from the tax authorized by this section, the  
27 following language:

28 Shall the city of \_\_\_\_\_ (city's name) issue bonds in the amount of  
29 \_\_\_\_\_ (insert amount) for transportation purposes and impose a  
30 sales tax of \_\_\_\_\_ (insert amount) to repay such bonds?

31  YES  NO

32 If you are in favor of the question, place an "X" in the box opposite  
33 "YES". If you are opposed to the question, place an "X" in the box  
34 opposite "NO".

35 If a majority of the votes cast on the proposal, provided in subdivision (1) of this  
36 subsection, by the qualified voters voting thereon are in favor of the proposal,  
37 then the ordinance and any amendments thereto shall be in effect **as provided**  
38 **by subsection 19 of section 32.087**. If the four-sevenths majority of the votes,  
39 as required by the Missouri Constitution, Article VI, Section 26, cast on the  
40 proposal, provided in subdivision (2) of this subsection to issue bonds and impose  
41 a sales tax to retire such bonds, by the qualified voters voting thereon are in favor  
42 of the proposal, then the ordinance and any amendments thereto shall be in effect  
43 **as provided by subsection 19 of section 32.087**. If a majority of the votes  
44 cast on the proposal, as provided in subdivision (1) of this subsection, by the  
45 qualified voters voting thereon are opposed to the proposal, then the council or  
46 other governing body of the city shall have no power to impose the tax authorized  
47 in subdivision (1) of this subsection unless and until the council or other  
48 governing body of the city submits another proposal to authorize the council or  
49 other governing body of the city to impose the tax and such proposal is approved  
50 by a majority of the qualified voters voting thereon. If more than three-sevenths  
51 of the votes cast by the qualified voters voting thereon are opposed to the  
52 proposal, as provided in subdivision (2) of this subsection to issue bonds and  
53 impose a sales tax to retire such bonds, then the council or other governing body  
54 of the city shall have no power to issue any bonds or to impose the tax authorized  
55 in subdivision (2) of this subsection unless and until the council or other  
56 governing body of the city submits another proposal to authorize the council or  
57 other governing body of the city to issue such bonds or impose the tax to retire  
58 such bonds and such proposal is approved by four-sevenths of the qualified voters  
59 voting thereon.

60           2. No incorporated municipality located wholly or partially within any  
61 first class county operating under a charter form of government and having a  
62 population of over nine hundred thousand inhabitants shall impose such a sales  
63 tax for that part of the city, town or village that is located within such first class  
64 county, in the event such a first class county imposes a sales tax under the  
65 provisions of sections 94.600 to 94.655.

66           3. The sales tax may be imposed at a rate not to exceed one-half of one  
67 percent on the receipts from the sale at retail of all tangible personal property or  
68 taxable services at retail within any city adopting such tax, if such property and  
69 services are subject to taxation by the state of Missouri under the provisions of  
70 [sections 144.010 to 144.525] **chapter 144.**

71           4. [If the boundaries of a city in which such sales tax has been imposed  
72 shall thereafter be changed or altered, the city clerk shall forward to the director  
73 of revenue by United States registered mail or certified mail a certified copy of  
74 the ordinance adding or detaching territory from the city. The ordinance shall  
75 reflect the effective date thereof, and shall be accompanied by a map of the city  
76 clearly showing the territory added thereto or detached therefrom. Upon receipt  
77 of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be  
78 effective in the added territory or abolished in the detached territory on the  
79 effective date of the change of the city boundary.

80           5.] No tax imposed pursuant to this section for the purpose of retiring  
81 bonds issued pursuant to this section may be terminated until all of such bonds  
82 have been retired.

83           **5. Except as modified by this section, all provisions of sections**  
84 **32.085 to 32.087 shall apply to the tax imposed under this section.**

          94.900. 1. (1) The governing body of the following cities may impose a tax  
2 as provided in this section:

3           (a) Any city of the third classification with more than ten thousand eight  
4 hundred but less than ten thousand nine hundred inhabitants located at least  
5 partly within a county of the first classification with more than one hundred  
6 eighty-four thousand but less than one hundred eighty-eight thousand  
7 inhabitants;

8           (b) Any city of the fourth classification with more than four thousand five  
9 hundred but fewer than five thousand inhabitants;

10          (c) Any city of the fourth classification with more than eight thousand  
11 nine hundred but fewer than nine thousand inhabitants;

12          (d) Any home rule city with more than forty-eight thousand but fewer

13 than forty-nine thousand inhabitants;

14 (e) Any home rule city with more than seventy-three thousand but fewer  
15 than seventy-five thousand inhabitants;

16 (f) Any city of the fourth classification with more than thirteen thousand  
17 five hundred but fewer than sixteen thousand inhabitants;

18 (g) Any city of the fourth classification with more than seven thousand but  
19 fewer than eight thousand inhabitants;

20 (h) Any city of the fourth classification with more than four thousand but  
21 fewer than four thousand five hundred inhabitants and located in any county of  
22 the first classification with more than one hundred fifty thousand but fewer than  
23 two hundred thousand inhabitants; or

24 (i) Any city of the third classification with more than thirteen thousand  
25 but fewer than fifteen thousand inhabitants and located in any county of the third  
26 classification without a township form of government and with more than  
27 thirty-three thousand but fewer than thirty-seven thousand inhabitants.

28 (2) The governing body of any city listed in subdivision (1) of this  
29 subsection is hereby authorized to impose, by ordinance or order, a sales tax in  
30 the amount of up to one-half of one percent on all retail sales made in such city  
31 which are subject to taxation under the provisions of [sections 144.010 to 144.525]  
32 **chapter 144** for the purpose of improving the public safety for such city,  
33 including but not limited to expenditures on equipment, city employee salaries  
34 and benefits, and facilities for police, fire and emergency medical providers. The  
35 tax authorized by this section shall be in addition to any and all other sales taxes  
36 allowed by law, except that no ordinance or order imposing a sales tax pursuant  
37 to the provisions of this section shall be effective unless the governing body of the  
38 city submits to the voters of the city, at a county or state general, primary or  
39 special election, a proposal to authorize the governing body of the city to impose  
40 a tax.

41 2. If the proposal submitted involves only authorization to impose the tax  
42 authorized by this section, the ballot of submission shall contain, but need not be  
43 limited to, the following language:

44 Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of  
45 \_\_\_\_\_ (insert amount) for the purpose of improving the public  
46 safety of the city?

47  YES

NO

48 If you are in favor of the question, place an "X" in the box opposite

49 "YES". If you are opposed to the question, place an "X" in the box  
50 opposite "NO".

51 If a majority of the votes cast on the proposal by the qualified voters voting  
52 thereon are in favor of the proposal submitted pursuant to this subsection, then  
53 the ordinance or order and any amendments thereto shall be in effect on the first  
54 day of the second calendar quarter after the director of revenue receives  
55 notification of adoption of the local sales tax. If a proposal receives less than the  
56 required majority, then the governing body of the city shall have no power to  
57 impose the sales tax herein authorized unless and until the governing body of the  
58 city shall again have submitted another proposal to authorize the governing body  
59 of the city to impose the sales tax authorized by this section and such proposal  
60 is approved by the required majority of the qualified voters voting  
61 thereon. However, in no event shall a proposal pursuant to this section be  
62 submitted to the voters sooner than twelve months from the date of the last  
63 proposal pursuant to this section.

64 3. All revenue received by a city from the tax authorized under the  
65 provisions of this section shall be deposited in a special trust fund and shall be  
66 used solely for improving the public safety for such city for so long as the tax  
67 shall remain in effect.

68 4. Once the tax authorized by this section is abolished or is terminated by  
69 any means, all funds remaining in the special trust fund shall be used solely for  
70 improving the public safety for the city. Any funds in such special trust fund  
71 which are not needed for current expenditures may be invested by the governing  
72 body in accordance with applicable laws relating to the investment of other city  
73 funds.

74 5. All sales taxes collected by the director of the department of revenue  
75 under this section on behalf of any city, less one percent for cost of collection  
76 which shall be deposited in the state's general revenue fund after payment of  
77 premiums for surety bonds as provided in section 32.087, shall be deposited in a  
78 special trust fund, which is hereby created, to be known as the "City Public Safety  
79 Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be  
80 state funds and shall not be commingled with any funds of the state. The  
81 provisions of section 33.080 to the contrary notwithstanding, money in this fund  
82 shall not be transferred and placed to the credit of the general revenue fund. The  
83 director of the department of revenue shall keep accurate records of the amount  
84 of money in the trust and which was collected in each city imposing a sales tax  
85 pursuant to this section, and the records shall be open to the inspection of officers

86 of the city and the public. Not later than the tenth day of each month the  
 87 director of the department of revenue shall distribute all moneys deposited in the  
 88 trust fund during the preceding month to the city which levied the tax; such funds  
 89 shall be deposited with the city treasurer of each such city, and all expenditures  
 90 of funds arising from the trust fund shall be by an appropriation act to be enacted  
 91 by the governing body of each such city. Expenditures may be made from the  
 92 fund for any functions authorized in the ordinance or order adopted by the  
 93 governing body submitting the tax to the voters.

94         6. The director of the department of revenue may make refunds from the  
 95 amounts in the trust fund and credited to any city for erroneous payments and  
 96 overpayments made, and may redeem dishonored checks and drafts deposited to  
 97 the credit of such cities. If any city abolishes the tax, the city shall notify the  
 98 director of the department of revenue of the action at least ninety days prior to  
 99 the effective date of the repeal and the director of the department of revenue may  
 100 order retention in the trust fund, for a period of one year, of two percent of the  
 101 amount collected after receipt of such notice to cover possible refunds or  
 102 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
 103 the credit of such accounts. After one year has elapsed after the effective date of  
 104 abolition of the tax in such city, the director of the department of revenue shall  
 105 remit the balance in the account to the city and close the account of that  
 106 city. The director of the department of revenue shall notify each city of each  
 107 instance of any amount refunded or any check redeemed from receipts due the  
 108 city.

109         7. Except as modified in this section, all provisions of sections 32.085  
 110 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

143.011. 1. A tax is hereby imposed for every taxable year on the  
 2 Missouri taxable income of every resident. The tax shall be determined by  
 3 applying the tax table or the rate provided in section 143.021, which is based  
 4 upon the following rates:

5	If the Missouri taxable income is:	The tax is:
6	Not over \$1,000.00	1 1/2% of the Missouri taxable income
7	Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
8	Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
9	Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
10	Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
11	Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
12	Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000

13	Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
14	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
15	Over \$9,000	\$315 plus 6% of excess over \$9,000

16       2. (1) Beginning with the 2017 calendar year, the top rate of tax under  
17 subsection 1 of this section may be reduced over a period of years. Each reduction  
18 in the top rate of tax shall be by one-tenth of a percent and no more than one  
19 reduction shall occur in a calendar year. No more than five reductions shall be  
20 made under this subsection. Reductions in the rate of tax shall take effect on  
21 January first of a calendar year and such reduced rates shall continue in effect  
22 until the next reduction occurs.

23       (2) A reduction in the rate of tax shall only occur if the amount of net  
24 general revenue collected in the previous fiscal year exceeds the highest amount  
25 of net general revenue collected in any of the three fiscal years prior to such fiscal  
26 year by at least one hundred fifty million dollars.

27       (3) Any modification of tax rates under this subsection shall only apply to  
28 tax years that begin on or after a modification takes effect.

29       (4) The director of the department of revenue shall, by rule, adjust the tax  
30 tables under subsection 1 of this section to effectuate the provisions of this  
31 subsection. The bracket for income subject to the top rate of tax shall be  
32 eliminated once the top rate of tax has been reduced to five and one-half percent,  
33 and the top remaining rate of tax shall apply to all income in excess of the income  
34 in the second highest remaining income bracket.

35       3. (1) In addition to the rate reductions under subsection 2 of this section,  
36 beginning with the 2019 calendar year, the top rate of tax under subsection 1 of  
37 this section shall be reduced by four-tenths of one percent. Such reduction in the  
38 rate of tax shall take effect on January first of the 2019 calendar year.

39       (2) The modification of tax rates under this subsection shall only apply to  
40 tax years that begin on or after the date the modification takes effect.

41       (3) The director of the department of revenue shall, by rule, adjust the tax  
42 tables under subsection 1 of this section to effectuate the provisions of this  
43 subsection.

44       **4. (1) In addition to the rate reductions under subsections 2 and**  
45 **3 of this section, beginning with the 2020 calendar year, the top rate of**  
46 **tax under subsection 1 of this section shall be reduced by three-tenths**  
47 **of one percent. Such reduction in the rate of tax shall take effect on**  
48 **January first of the 2020 calendar year.**

49       **(2) The modification of tax rates under this subsection shall only**

50 **apply to tax years that begin on or after the date the modification takes**  
51 **effect.**

52 **(3) The director of the department of revenue shall, by rule,**  
53 **adjust the tax tables under subsection 1 of this section to effectuate the**  
54 **provisions of this subsection.**

55 **5.** Beginning with the 2017 calendar year, the brackets of Missouri taxable  
56 income identified in subsection 1 of this section shall be adjusted annually by the  
57 percent increase in inflation. The director shall publish such brackets annually  
58 beginning on or after October 1, 2016. Modifications to the brackets shall take  
59 effect on January first of each calendar year and shall apply to tax years  
60 beginning on or after the effective date of the new brackets.

61 **[5.] 6.** As used in this section, the following terms mean:

62 (1) "CPI", the Consumer Price Index for All Urban Consumers for the  
63 United States as reported by the Bureau of Labor Statistics, or its successor  
64 index;

65 (2) "CPI for the preceding calendar year", the average of the CPI as of the  
66 close of the twelve month period ending on August thirty-first of such calendar  
67 year;

68 (3) "Net general revenue collected", all revenue deposited into the general  
69 revenue fund, less refunds and revenues originally deposited into the general  
70 revenue fund but designated by law for a specific distribution or transfer to  
71 another state fund;

72 (4) "Percent increase in inflation", the percentage, if any, by which the  
73 CPI for the preceding calendar year exceeds the CPI for the year beginning  
74 September 1, 2014, and ending August 31, 2015.

143.121. 1. The Missouri adjusted gross income of a resident individual  
2 shall be the taxpayer's federal adjusted gross income subject to the modifications  
3 in this section.

4 2. There shall be added to the taxpayer's federal adjusted gross income:

5 (1) The amount of any federal income tax refund received for a prior year  
6 which resulted in a Missouri income tax benefit;

7 (2) Interest on certain governmental obligations excluded from federal  
8 gross income by Section 103 of the Internal Revenue Code. The previous sentence  
9 shall not apply to interest on obligations of the state of Missouri or any of its  
10 political subdivisions or authorities and shall not apply to the interest described  
11 in subdivision (1) of subsection 3 of this section. The amount added pursuant to  
12 this subdivision shall be reduced by the amounts applicable to such interest that

13 would have been deductible in computing the taxable income of the taxpayer  
14 except only for the application of Section 265 of the Internal Revenue Code. The  
15 reduction shall only be made if it is at least five hundred dollars;

16 (3) The amount of any deduction that is included in the computation of  
17 federal taxable income pursuant to Section 168 of the Internal Revenue Code as  
18 amended by the Job Creation and Worker Assistance Act of 2002 to the extent the  
19 amount deducted relates to property purchased on or after July 1, 2002, but  
20 before July 1, 2003, and to the extent the amount deducted exceeds the amount  
21 that would have been deductible pursuant to Section 168 of the Internal Revenue  
22 Code of 1986 as in effect on January 1, 2002;

23 (4) The amount of any deduction that is included in the computation of  
24 federal taxable income for net operating loss allowed by Section 172 of the  
25 Internal Revenue Code of 1986, as amended, other than the deduction allowed by  
26 Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as  
27 amended, for a net operating loss the taxpayer claims in the tax year in which the  
28 net operating loss occurred or carries forward for a period of more than twenty  
29 years and carries backward for more than two years. Any amount of net  
30 operating loss taken against federal taxable income but disallowed for Missouri  
31 income tax purposes pursuant to this subdivision after June 18, 2002, may be  
32 carried forward and taken against any income on the Missouri income tax return  
33 for a period of not more than twenty years from the year of the initial loss; and

34 (5) For nonresident individuals in all taxable years ending on or after  
35 December 31, 2006, the amount of any property taxes paid to another state or a  
36 political subdivision of another state for which a deduction was allowed on such  
37 nonresident's federal return in the taxable year unless such state, political  
38 subdivision of a state, or the District of Columbia allows a subtraction from  
39 income for property taxes paid to this state for purposes of calculating income for  
40 the income tax for such state, political subdivision of a state, or the District of  
41 Columbia.

42 3. There shall be subtracted from the taxpayer's federal adjusted gross  
43 income the following amounts to the extent included in federal adjusted gross  
44 income:

45 (1) Interest **received on deposits held at a federal reserve bank or**  
46 **interest or** dividends on obligations of the United States and its territories and  
47 possessions or of any authority, commission or instrumentality of the United  
48 States to the extent exempt from Missouri income taxes pursuant to the laws of  
49 the United States. The amount subtracted pursuant to this subdivision shall be



50 reduced by any interest on indebtedness incurred to carry the described  
51 obligations or securities and by any expenses incurred in the production of  
52 interest or dividend income described in this subdivision. The reduction in the  
53 previous sentence shall only apply to the extent that such expenses including  
54 amortizable bond premiums are deducted in determining the taxpayer's federal  
55 adjusted gross income or included in the taxpayer's Missouri itemized  
56 deduction. The reduction shall only be made if the expenses total at least five  
57 hundred dollars;

58 (2) The portion of any gain, from the sale or other disposition of property  
59 having a higher adjusted basis to the taxpayer for Missouri income tax purposes  
60 than for federal income tax purposes on December 31, 1972, that does not exceed  
61 such difference in basis. If a gain is considered a long-term capital gain for  
62 federal income tax purposes, the modification shall be limited to one-half of such  
63 portion of the gain;

64 (3) The amount necessary to prevent the taxation pursuant to this chapter  
65 of any annuity or other amount of income or gain which was properly included in  
66 income or gain and was taxed pursuant to the laws of Missouri for a taxable year  
67 prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose  
68 death the taxpayer acquired the right to receive the income or gain, or to a trust  
69 or estate from which the taxpayer received the income or gain;

70 (4) Accumulation distributions received by a taxpayer as a beneficiary of  
71 a trust to the extent that the same are included in federal adjusted gross income;

72 (5) The amount of any state income tax refund for a prior year which was  
73 included in the federal adjusted gross income;

74 (6) The portion of capital gain specified in section 135.357 that would  
75 otherwise be included in federal adjusted gross income;

76 (7) The amount that would have been deducted in the computation of  
77 federal taxable income pursuant to Section 168 of the Internal Revenue Code as  
78 in effect on January 1, 2002, to the extent that amount relates to property  
79 purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that  
80 amount exceeds the amount actually deducted pursuant to Section 168 of the  
81 Internal Revenue Code as amended by the Job Creation and Worker Assistance  
82 Act of 2002;

83 (8) For all tax years beginning on or after January 1, 2005, the amount  
84 of any income received for military service while the taxpayer serves in a combat  
85 zone which is included in federal adjusted gross income and not otherwise  
86 excluded therefrom. As used in this section, "combat zone" means any area which

87 the President of the United States by Executive Order designates as an area in  
88 which Armed Forces of the United States are or have engaged in combat. Service  
89 is performed in a combat zone only if performed on or after the date designated  
90 by the President by Executive Order as the date of the commencing of combat  
91 activities in such zone, and on or before the date designated by the President by  
92 Executive Order as the date of the termination of combatant activities in such  
93 zone;

94 (9) For all tax years ending on or after July 1, 2002, with respect to  
95 qualified property that is sold or otherwise disposed of during a taxable year by  
96 a taxpayer and for which an additional modification was made under subdivision  
97 (3) of subsection 2 of this section, the amount by which additional modification  
98 made under subdivision (3) of subsection 2 of this section on qualified property  
99 has not been recovered through the additional subtractions provided in  
100 subdivision (7) of this subsection; and

101 (10) For all tax years beginning on or after January 1, 2014, the amount  
102 of any income received as payment from any program which provides  
103 compensation to agricultural producers who have suffered a loss as the result of  
104 a disaster or emergency, including the:

- 105 (a) Livestock Forage Disaster Program;
- 106 (b) Livestock Indemnity Program;
- 107 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised  
108 Fish;
- 109 (d) Emergency Conservation Program;
- 110 (e) Noninsured Crop Disaster Assistance Program;
- 111 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 112 (g) Annual Forage Pilot Program;
- 113 (h) Livestock Risk Protection Insurance Plan; and
- 114 (i) Livestock Gross Margin insurance plan.

115 4. There shall be added to or subtracted from the taxpayer's federal  
116 adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment  
117 provided in section 143.351.

118 5. There shall be added to or subtracted from the taxpayer's federal  
119 adjusted gross income the modifications provided in section 143.411.

120 6. In addition to the modifications to a taxpayer's federal adjusted gross  
121 income in this section, to calculate Missouri adjusted gross income there shall be  
122 subtracted from the taxpayer's federal adjusted gross income any gain recognized  
123 pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended,

124 arising from compulsory or involuntary conversion of property as a result of  
125 condemnation or the imminence thereof.

126         7. (1) As used in this subsection, "qualified health insurance premium"  
127 means the amount paid during the tax year by such taxpayer for any insurance  
128 policy primarily providing health care coverage for the taxpayer, the taxpayer's  
129 spouse, or the taxpayer's dependents.

130         (2) In addition to the subtractions in subsection 3 of this section, one  
131 hundred percent of the amount of qualified health insurance premiums shall be  
132 subtracted from the taxpayer's federal adjusted gross income to the extent the  
133 amount paid for such premiums is included in federal taxable income. The  
134 taxpayer shall provide the department of revenue with proof of the amount of  
135 qualified health insurance premiums paid.

136         8. (1) Beginning January 1, 2014, in addition to the subtractions provided  
137 in this section, one hundred percent of the cost incurred by a taxpayer for a home  
138 energy audit conducted by an entity certified by the department of natural  
139 resources under section 640.153 or the implementation of any energy efficiency  
140 recommendations made in such an audit shall be subtracted from the taxpayer's  
141 federal adjusted gross income to the extent the amount paid for any such activity  
142 is included in federal taxable income. The taxpayer shall provide the department  
143 of revenue with a summary of any recommendations made in a qualified home  
144 energy audit, the name and certification number of the qualified home energy  
145 auditor who conducted the audit, and proof of the amount paid for any activities  
146 under this subsection for which a deduction is claimed. The taxpayer shall also  
147 provide a copy of the summary of any recommendations made in a qualified home  
148 energy audit to the department of natural resources.

149         (2) At no time shall a deduction claimed under this subsection by an  
150 individual taxpayer or taxpayers filing combined returns exceed one thousand  
151 dollars per year for individual taxpayers or cumulatively exceed two thousand  
152 dollars per year for taxpayers filing combined returns.

153         (3) Any deduction claimed under this subsection shall be claimed for the  
154 tax year in which the qualified home energy audit was conducted or in which the  
155 implementation of the energy efficiency recommendations occurred. If  
156 implementation of the energy efficiency recommendations occurred during more  
157 than one year, the deduction may be claimed in more than one year, subject to the  
158 limitations provided under subdivision (2) of this subsection.

159         (4) A deduction shall not be claimed for any otherwise eligible activity  
160 under this subsection if such activity qualified for and received any rebate or

161 other incentive through a state-sponsored energy program or through an electric  
162 corporation, gas corporation, electric cooperative, or municipally owned utility.

163 9. The provisions of subsection 8 of this section shall expire on December  
164 31, 2020.

144.010. 1. The following words, terms, and phrases when used in  
2 [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to  
3 them in this section, except when the context indicates a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and other  
5 similar accommodations and charges made therefor and amount paid for  
6 admission, exclusive of any admission tax imposed by the federal government or  
7 by sections 144.010 to 144.525;

8 (2) **"Advertising and promotional direct mail", printed material**  
9 **that meets the definition of direct mail, the primary purpose of which**  
10 **is to attract public attention to a product, person, business, or**  
11 **organization, or to attempt to sell, popularize, or secure financial**  
12 **support for a product, person, business, or organization. As used in this**  
13 **subdivision, the word "product" means tangible personal property, a**  
14 **product transferred electronically or a service;**

15 (3) **"Agreement", the streamlined sales and use tax agreement, as**  
16 **amended from time to time;**

17 (4) **"Air-to-ground radiotelephone service", a radio service, as that**  
18 **term is defined in 47 CFR 22.99, in which common carriers are**  
19 **authorized to offer and provide radio telecommunications service for**  
20 **hire to subscribers in aircraft;**

21 (5) **"Alcoholic beverages", beverages that are suitable for human**  
22 **consumption and contain one-half of one percent or more of alcohol by**  
23 **volume;**

24 (6) **"Ancillary services", services that are associated with or**  
25 **incidental to the provisions of telecommunications services, including**  
26 **but not limited to, detailed telecommunications billing, directory**  
27 **assistance, vertical service, and voice mail services. Ancillary services**  
28 **shall not include specified digital products, digital audio-visual works,**  
29 **digital audio works, or digital books;**

30 (7) **"Appliance", clothes washers and dryers, water heaters, trash**  
31 **compactors, dishwashers, conventional ovens, ranges, stoves, air**  
32 **conditioners, furnaces, refrigerators, and freezers;**

33 (8) **"Bottled water", water that is placed in a safety sealed**

34 container or package for human consumption. Bottled water is calorie  
35 free and does not contain sweeteners or other additives except that it  
36 may contain:

- 37 (a) Antimicrobial agents;
- 38 (b) Fluoride;
- 39 (c) Carbonation;
- 40 (d) Vitamins, minerals, and electrolytes;
- 41 (e) Oxygen;
- 42 (f) Preservatives; and
- 43 (g) Only those flavors, extracts, or essences derived from a spice  
44 or fruit.

45 Bottled water includes water that is delivered to the buyer in a reusable  
46 container that is not sold with the water;

47 (9) "Bundled transaction":

48 (a) The retail sale of two or more products, except real property  
49 and services to real property, where the products are otherwise distinct  
50 and identifiable, and the products are sold for one nonitemized price. A  
51 bundled transaction shall not include the sale of any products in which  
52 the sales price varies, or is negotiable, based on the selection by the  
53 purchaser of the products included in the transaction;

54 (b) As used in this subdivision, the term "distinct and identifiable  
55 products" shall not include:

56 a. Packaging, such as containers, boxes, sacks, bags, and bottles,  
57 or other materials, such as wrapping, labels, tags, and instruction  
58 guides, that accompany the retail sale of the products and are incidental  
59 or immaterial to the retail sale thereof;

60 b. A product provided free of charge with the required purchase  
61 of another product. A product is provided free of charge if the sales  
62 price of the product purchased does not vary depending on the inclusion  
63 of the product provided free of charge;

64 c. Items included in the definition of the term sales price;

65 (c) As used in this subdivision, the term "one nonitemized price"  
66 shall not include a price that is separately identified by product on  
67 binding sales or other supporting sales-related documentation made  
68 available to the customer in paper or electronic form, including but not  
69 limited to an invoice, bill of sale, receipt, contract, service agreement,  
70 lease agreement, periodic notice of rates and services, rate card, or price

71 list;

72 (d) a. A transaction that otherwise meets the definition of a  
73 bundled transaction as defined in this subdivision shall not constitute  
74 a bundled transaction if it is:

75 (i) A retail sale of tangible personal property and a service where  
76 the tangible personal property is essential to the use of the service, and  
77 is provided exclusively in connection with the service, and the true  
78 object of the transaction is the service; or

79 (ii) A retail sale of services where one service is provided that is  
80 essential to the use or receipt of a second service and the first service  
81 is provided exclusively in connection with the second service and the  
82 true object of the transaction is the second service; or

83 (iii) A transaction that includes taxable products and nontaxable  
84 products and the purchase price or sales price of the taxable products  
85 is de minimis.

86 b. "De minimis" means the seller's purchase price or sales price of  
87 the taxable product is ten percent or less of the total purchase price or  
88 sales price of the bundled products.

89 c. Sellers shall use either the purchase price or the sales price of  
90 the products to determine if the taxable products are de  
91 minimis. Sellers shall not use a combination of the purchase price and  
92 sales price of the products to determine if the taxable products are de  
93 minimis.

94 d. (i) Sellers shall use the full term of a service contract to  
95 determine if the taxable products are de minimis; or

96 (ii) A retail sale of exempt tangible personal property and taxable  
97 tangible personal property where:

98 i. The transaction included food and food ingredients, drugs,  
99 durable medical equipment, mobility enhancing equipment,  
100 over-the-counter drugs, prosthetic devices, or medical supplies; and

101 ii. The seller's purchase price or sales price of the taxable  
102 tangible personal property is fifty percent or less of the total purchase  
103 price or sales price of the bundled tangible personal property. Sellers  
104 shall not use a combination of the purchase price and sales price of the  
105 tangible personal property when making the fifty percent determination  
106 for a transaction;

107 (10) "Business" includes any activity engaged in by any person, or caused

108 to be engaged in by him, with the object of gain, benefit or advantage, either  
109 direct or indirect, and the classification of which business is of such character as  
110 to be subject to the terms of [sections 144.010 to 144.525] **chapter 144**. A person  
111 is "engaging in business" in this state for purposes of [sections 144.010 to  
112 144.525] **chapter 144** if such person engages in business activities within this  
113 state or maintains a place of business in this state under section [144.605]  
114 **144.612**. The isolated or occasional sale of tangible personal property, service,  
115 substance, or thing, by a person not engaged in such business, does not constitute  
116 engaging in business within the meaning of [sections 144.010 to 144.525]  
117 **chapter 144** unless the total amount of the gross receipts from such sales,  
118 exclusive of receipts from the sale of tangible personal property by persons which  
119 property is sold in the course of the partial or complete liquidation of a household,  
120 farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar  
121 year. The provisions of this subdivision shall not be construed to make any sale  
122 of property which is exempt from sales tax or use tax on June 1, 1977, subject to  
123 that tax thereafter;

124 **(11) "Calendar quarter", the period of three consecutive calendar**  
125 **months ending on March thirty-first, June thirtieth, September thirtieth**  
126 **or December thirty-first;**

127 **(12) "Call-by-call basis", any method of charging for**  
128 **telecommunications services where the price is measured by individual**  
129 **calls;**

130 **(13) "Candy", a preparation of sugar, honey, or other natural or**  
131 **artificial sweeteners in combination with chocolate, fruits, nuts, or other**  
132 **ingredients or flavorings in the form of bars, drops, or pieces. Candy**  
133 **shall not include any preparation containing flour and shall require no**  
134 **refrigeration;**

135 **[(3)] (14) "Captive wildlife", includes but is not limited to exotic**  
136 **partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive**  
137 **waterfowl, captive white-tailed deer, captive elk, and captive furbearers held**  
138 **under permit issued by the Missouri department of conservation for hunting**  
139 **purposes. The provisions of this subdivision shall not apply to sales tax on a**  
140 **harvested animal;**

141 **(15) "Certified automated system" or "CAS", software certified**  
142 **under the streamlined sales and use tax agreement to calculate the tax**  
143 **imposed by each jurisdiction on a transaction, determine the amount of**  
144 **tax to remit to the appropriate state, and maintain a record of the**

145 transaction;

146 (16) "Certified service provider" or "CSP", an agent certified under  
147 the streamlined sales and use tax agreement to perform all the seller's  
148 sales and use tax functions, other than the seller's obligation to remit  
149 tax on its own purchases;

150 (17) "Clothing":

151 (a) All human wearing apparel suitable for general use;

152 (b) Clothing shall include:

153 a. Aprons, household and shop;

154 b. Athletic supporters;

155 c. Baby receiving blankets;

156 d. Bathing suits and caps;

157 e. Beach capes and coats;

158 f. Belts and suspenders;

159 g. Boots;

160 h. Coats and jackets;

161 i. Costumes;

162 j. Diapers, children and adult, including disposable diapers;

163 k. Ear muffs;

164 l. Footlets;

165 m. Formal wear;

166 n. Garters and garter belts;

167 o. Girdles;

168 p. Gloves and mittens for general use;

169 q. Hats and caps;

170 r. Hosiery;

171 s. Insoles for shoes;

172 t. Lab coats;

173 u. Neckties;

174 v. Overshoes;

175 w. Pantyhose;

176 x. Rainwear;

177 y. Rubber pants;

178 z. Sandals;

179 aa. Scarves;

180 bb. Shoes and shoe laces;

181 cc. Slippers;



- 182           **dd. Sneakers;**
- 183           **ee. Socks and stockings;**
- 184           **ff. Steel toed shoes;**
- 185           **gg. Underwear;**
- 186           **hh. Uniforms, athletic and nonathletic; and**
- 187           **ii. Wedding apparel;**
- 188           **(c) Clothing shall not include:**
- 189           **a. Belt buckles sold separately;**
- 190           **b. Costume masks sold separately;**
- 191           **c. Patches and emblems sold separately;**
- 192           **d. Sewing equipment and supplies, including but not limited to,**
- 193 **knitting needles, patterns, pins, scissors, sewing machines, sewing**
- 194 **needles, tape measures, and thimbles; and**
- 195           **e. Sewing materials that become part of clothing, including but**
- 196 **not limited to buttons, fabric, lace, thread, yarn, and zippers;**
- 197           **(18) "Clothing accessories and equipment", incidental items worn**
- 198 **on the person or in conjunction with clothing. Clothing accessories or**
- 199 **equipment are mutually exclusive of clothing, sport or recreational**
- 200 **equipment, and protective equipment;**
- 201           **(19) "Coin-operated telephone service", a telecommunications**
- 202 **service paid for by inserting money into a telephone accepting direct**
- 203 **deposits of money to operate;**
- 204           **(20) "Communications channel", a physical or virtual path of**
- 205 **communications over which signals are transmitted between or among**
- 206 **customer channel termination points;**
- 207           **(21) "Computer", an electronic device that accepts information in**
- 208 **digital or similar form and manipulates it for a result based on a**
- 209 **sequence of instructions;**
- 210           **(22) "Computer software", a set of coded instructions designed to**
- 211 **cause a computer or automatic data processing equipment to perform a**
- 212 **task. Computer software shall not include specified digital products,**
- 213 **digital audio-visual works, digital audio works, or digital books;**
- 214           **(23) "Conference bridging service", an ancillary service that links**
- 215 **two or more participants of an audio or video conference call and may**
- 216 **include the provision of a telephone number. Conference bridging**
- 217 **service does not include the telecommunications services used to reach**
- 218 **the conference bridge;**

219           (24) "Customer", the person or entity that contracts with the seller  
220 of telecommunications services. If the end user of telecommunications  
221 services is not the contracting party, the end user of the  
222 telecommunications service is the customer of the telecommunication  
223 service, but this definition only applies for the purpose of sourcing sales  
224 of telecommunications services under section 144.114. Customer shall  
225 not include a reseller of telecommunications service or for mobile  
226 telecommunications service of a serving carrier under an agreement to  
227 serve the customer outside the home service provider's licensed service  
228 area;

229           (25) "Customer channel termination point", the location where the  
230 customer either inputs or receives the communication;

231           (26) "Delivered electronically", delivered to the purchaser by  
232 means other than tangible storage media;

233           (27) "Delivery charges", charges by the seller of personal property  
234 or services for preparation and delivery to a location designated by the  
235 purchaser of personal property or services, including but not limited to  
236 transportation, shipping, postage, handling, crating, and packing;

237           (28) "Detailed telecommunications billing service", an ancillary  
238 service of separately stating information pertaining to individual calls  
239 on a customer's billing statement;

240           (29) "Dietary supplement", any product, other than tobacco,  
241 intended to supplement the diet that contains one or more of the  
242 following dietary ingredients: a vitamin; a mineral; an herb or other  
243 botanical; an amino acid; a dietary substance for use by humans to  
244 supplement the diet by increasing the total dietary intake; or a  
245 concentrate, metabolite, constituent, extract, or combination of any  
246 ingredient described above; and that is intended for ingestion in tablet,  
247 capsule, powder, softgel, gelcap, or liquid form, or if not intended for  
248 ingestion in such a form, is not represented as a conventional food and  
249 is not represented for use as a sole item of a meal or of the diet; and that  
250 is required to be labeled as a dietary supplement, identifiable by the  
251 supplemental facts box found on the label and as required under 21 CFR  
252 Section 101.36;

253           (30) "Digital audio works", works that result from the fixation of  
254 a series of musical, spoken, or other sounds, including ringtones;

255           (31) "Digital audio-visual works", a series of related images which,

256 when shown in succession, impart an impression of motion, together  
257 with accompanying sounds, if any;

258 (32) "Digital books", works that are generally recognized in the  
259 ordinary and usual sense as books;

260 (33) "Direct mail", printed material delivered or distributed by  
261 United States mail or other delivery service to a mass audience or to  
262 addressees on a mailing list provided by the purchaser or at the  
263 direction of the purchaser when the cost of the items are not billed  
264 directly to the recipients. Direct mail shall include tangible personal  
265 property supplied directly or indirectly by the purchaser to the direct  
266 mail seller for inclusion in the package containing the printed  
267 material. Direct mail shall not include multiple items of printed  
268 material delivered to a single address;

269 (34) "Directory assistance", an ancillary service of providing  
270 telephone number information, and/or address information;

271 (35) "Drug":

272 (a) A compound, substance, or preparation, and any component  
273 of a compound, substance, or preparation, other than food and food  
274 ingredients, dietary supplements, alcoholic beverages, or grooming and  
275 hygiene products:

276 a. Recognized in the official United States Pharmacopoeia, official  
277 Homeopathic Pharmacopoeia of the United States, or official National  
278 Formulary, and supplement to any of them;

279 b. Intended for use in the diagnosis, cure, mitigation, treatment,  
280 or prevention of disease; or

281 c. Intended to affect the structure or any function of the body;

282 (b) Drug shall include insulin and medical oxygen;

283 (36) "Durable medical equipment", equipment including repair and  
284 replacement parts for same, excluding mobility enhancing  
285 equipment. Durable medical equipment:

286 (a) Can withstand repeated use;

287 (b) Is primarily and customarily used to serve a medical purpose;

288 (c) Generally is not useful to a person in the absence of illness or  
289 injury;

290 (d) Is not worn in or on the body;

291 (e) Is for home use;

292 (f) Is within the classification of devices eligible for MO HealthNet

293 and Medicare reimbursement;

294 (g) Shall not include:

295 a. Kidney dialysis equipment not worn in or on the body,  
296 including repair and replacement parts; and

297 b. Enteral feeding systems not worn in or on the body, including  
298 repair and replacement parts.

299 As used in this subdivision, repair and replacement parts shall include  
300 all components or attachments used in conjunction with the durable  
301 medical equipment;

302 (37) "Electronic", relating to technology having electrical, digital,  
303 magnetic, wireless, optical, electromagnetic, or similar capabilities;

304 (38) "End user", the person who utilizes the telecommunication  
305 service. In case of an entity, "end user" means the individual who  
306 utilizes the service on behalf of the entity;

307 (39) "Energy star qualified product", a product that meets the  
308 energy efficient guidelines set by the United States Environmental  
309 Protection Agency and the United States Department of Energy that are  
310 authorized to carry the Energy Star label. Covered products are those  
311 listed at [www.energystar.gov](http://www.energystar.gov) or successor address;

312 (40) "Engages in business activities within this state" includes:

313 (a) Maintaining or having a franchisee or licensee operating  
314 under the seller's trade name in this state if the franchisee or licensee  
315 is required to collect sales tax under chapter 144;

316 (b) Soliciting sales or taking orders by sales agents or traveling  
317 representatives;

318 (c) A vendor is presumed to engage in business activities within  
319 this state if any person, other than a common carrier acting in its  
320 capacity as such, that has substantial nexus with this state:

321 a. Sells a similar line of products as the vendor and does so under  
322 the same or a similar business name;

323 b. Maintains an office, distribution facility, warehouse, or storage  
324 place, or similar place of business in the state to facilitate the delivery  
325 of property or services sold by the vendor to the vendor's customers;

326 c. Delivers, installs, assembles, or performs maintenance services  
327 for the vendor's customers within the state;

328 d. Facilitates the vendor's delivery of property to customers in the  
329 state by allowing the vendor's customers to pick up property sold by the

330 vendor at an office, distribution facility, warehouse, storage place, or  
331 similar place of business maintained by the person in the state; or

332 e. Conducts any other activities in the state that are significantly  
333 associated with the vendor's ability to establish and maintain a market  
334 in the state for the sales;

335 (d) The presumption in paragraph (c) may be rebutted by  
336 demonstrating that the person's activities in the state are not  
337 significantly associated with the vendor's ability to establish or maintain  
338 a market in this state for the vendor's sales;

339 (e) Notwithstanding paragraph (c), a vendor shall be presumed to  
340 engage in business activities within this state if the vendor enters into  
341 an agreement with one or more residents of this state under which the  
342 resident, for a commission or other consideration, directly or indirectly  
343 refers potential customers, whether by a link on an internet website, an  
344 in-person oral presentation, telemarketing, or otherwise, to the vendor,  
345 if the cumulative gross receipts from sales by the vendor to customers  
346 in the state who are referred to the vendor by all residents with this  
347 type of an agreement with the vendor is in excess of ten thousand  
348 dollars during the preceding twelve months;

349 (f) The presumption in paragraph (e) may be rebutted by  
350 submitting proof that the residents with whom the vendor has an  
351 agreement did not engage in any activity within the state that was  
352 significantly associated with the vendor's ability to establish or maintain  
353 the vendor's market in the state during the preceding twelve  
354 months. Such proof may consist of sworn written statements from all of  
355 the residents with whom the vendor has an agreement stating that they  
356 did not engage in any solicitation in the state on behalf of the vendor  
357 during the preceding year provided that such statements were provided  
358 and obtained in good faith;

359 (41) "Food and food ingredients", substances, whether in liquid,  
360 concentrated, solid, frozen, dried, or dehydrated form, that are sold for  
361 ingestion or chewing by humans and are consumed for their taste or  
362 nutritional value. Food and food ingredients shall not include alcoholic  
363 beverages, tobacco, or dietary supplements;

364 (42) "Food sold through vending machines", food, food ingredients,  
365 prepared food, bottled water, candy, and soft drinks dispensed from a  
366 machine or other mechanical device that accepts payment;

367           **(43) "Grooming and hygiene products", soaps and cleaning**  
368 **solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan**  
369 **lotions and screens, regardless of whether the items meet the definition**  
370 **of over-the-counter-drugs;**

371           **[(4)] (44) "Gross receipts"[.] or "sales price":**

372           **(a) Except as provided in section 144.012, [means the total amount of the**  
373 **sale price of the sales at retail including any services other than charges incident**  
374 **to the extension of credit that are a part of such sales made by the businesses**  
375 **herein referred to, capable of being valued in money, whether received in money**  
376 **or otherwise; except that, the term gross receipts shall not include the sale price**  
377 **of property returned by customers when the full sale price thereof is refunded**  
378 **either in cash or by credit. In determining any tax due under sections 144.010**  
379 **to 144.525 on the gross receipts, charges incident to the extension of credit shall**  
380 **be specifically exempted. For the purposes of sections 144.010 to 144.525 the**  
381 **total amount of the sale price above mentioned shall be deemed to be the amount**  
382 **received. It shall also include the lease or rental consideration where the right**  
383 **to continuous possession or use of any article of tangible personal property is**  
384 **granted under a lease or contract and such transfer of possession would be**  
385 **taxable if outright sale were made and, in such cases, the same shall be taxable**  
386 **as if outright sale were made and considered as a sale of such article, and the tax**  
387 **shall be computed and paid by the lessee upon the rentals paid. The term gross**  
388 **receipts shall not include usual and customary delivery charges that are stated**  
389 **separately from the sale price] **applies to the measure subject to sales tax****  
390 **and means the total amount of consideration, including cash, credit,**  
391 **property, and services, for which personal property or services are sold,**  
392 **leased, or rented, valued in money, whether received in money or**  
393 **otherwise, without any deduction for the following:**

394           **a. The seller's cost of the property sold;**

395           **b. The cost of materials used, labor or service cost, interest,**  
396 **losses, all costs of transportation to the seller, all taxes imposed on the**  
397 **seller, and any other expense of the seller;**

398           **c. Charges by the seller for any services necessary to complete the**  
399 **sale, other than delivery and installation charges;**

400           **d. Delivery charges;**

401           **e. Installation charges; and**

402           **f. Credit for any trade-in;**

403           **(b) Shall not include:**

404           a. Discounts, including cash, term, or coupons that are not  
405 reimbursed by a third party that are allowed by a seller and taken by a  
406 purchaser on a sale;

407           b. Interest, financing, and carrying charges from credit extended  
408 on the sale of personal property or services, if the amount is separately  
409 stated on the invoice, bill of sale or similar document given to the  
410 purchaser; and

411           c. Any taxes legally imposed directly on the consumer that are  
412 separately stated on the invoice, bill of sale or similar document given  
413 to the purchaser;

414           (c) Shall include consideration received by the seller from third  
415 parties if:

416           a. The seller actually receives consideration from a party other  
417 than the purchaser and the consideration is directly related to a price  
418 reduction or discount on the sale;

419           b. The seller has an obligation to pass the price reduction or  
420 discount through to the purchaser;

421           c. The amount of the consideration attributable to the sale is fixed  
422 and determinable by the seller at the time of the sale of the item to the  
423 purchaser; and

424           d. One of the following criteria is met:

425           (i) The purchaser presents a coupon, certificate or other  
426 documentation to the seller to claim a price reduction or discount where  
427 the coupon, certificate or documentation is authorized, distributed, or  
428 granted by a third party with the understanding that the third party  
429 will reimburse any seller to whom the coupon, certificate or  
430 documentation is presented;

431           (ii) The purchaser identifies himself or herself to the seller as a  
432 member of a group or organization entitled to a price reduction or  
433 discount (a preferred customer card that is available to any patron does  
434 not constitute membership in such a group); or

435           (iii) The price reduction or discount is identified as a third-party  
436 price reduction or discount on the invoice received by the purchaser or  
437 on a coupon, certificate or other documentation presented by the  
438 purchaser;

439           (45) "Home service provider", the same as such term is defined in  
440 Section 124(5) of Public Law 106-252, Mobile Telecommunications

441 **Sourcing Act;**

442           **[(5)] (46)** "Instructional class", includes any class, lesson, or instruction  
443 intended or used for teaching;

444           **(47) "Lease or rental":**

445           **(a) Any transfer of possession or control of tangible personal**  
446 **property for a fixed or indeterminate term for consideration. A lease or**  
447 **rental may include future options to purchase or extend;**

448           **(b) Lease or rental shall not include:**

449           **a. A transfer of possession or control of property under a security**  
450 **agreement or deferred payment plan that requires the transfer of title**  
451 **upon completion of the required payments;**

452           **b. A transfer of possession or control of property under an**  
453 **agreement that requires the transfer of title upon completion of required**  
454 **payments and where any payment of an option price does not exceed the**  
455 **greater of one hundred dollars or one percent of the total required**  
456 **payments;**

457           **c. Providing tangible personal property along with an operator**  
458 **for a fixed or indeterminate period of time provided that the operator**  
459 **is necessary for the equipment to perform as designed and the operator**  
460 **does more than maintain, inspect, or set up the tangible personal**  
461 **property;**

462           **(c) Lease or rental includes agreements covering motor vehicles**  
463 **and trailers where the amount of consideration may be increased or**  
464 **decreased by reference to the amount realized upon sale or disposition**  
465 **of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;**

466           **(48) "Light aircraft", a light airplane that seats no more than four**  
467 **persons, with a gross weight of three thousand pounds or less, which is**  
468 **primarily used for recreational flying or flight training;**

469           **(49) "Light aircraft kit", factory manufactured light aircraft parts**  
470 **and components, including engine, propeller, instruments, wheels,**  
471 **brakes, and air frame parts which make up a complete aircraft kit or**  
472 **partial kit designed to be assembled into a light aircraft and then**  
473 **operated by a qualified light aircraft purchaser for recreational and**  
474 **educational purposes;**

475           **(50) "Light aircraft parts and components", manufactured light**  
476 **aircraft parts, including air frame and engine parts, that are required**  
477 **by the qualified light aircraft purchaser to complete a light aircraft kit,**



478 **or spare or replacement parts for an already completed light aircraft;**

479 **[(6)] (51) "Livestock", cattle, calves, sheep, swine, ratite birds, including**  
480 **but not limited to, ostrich and emu, aquatic products as described in section**  
481 **277.024, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal**  
482 **source and not from the wild, goats, horses, other equine, honey bees, or rabbits**  
483 **raised in confinement for human consumption;**

484 **(52) "Load and leave", delivery to the purchaser by use of a**  
485 **tangible storage media where the tangible storage media is not**  
486 **physically transferred to the purchaser;**

487 **(53) "Maintains a place of business in this state", includes**  
488 **maintaining, occupying, or using, permanently or temporarily, directly**  
489 **or indirectly, or through a subsidiary, or agent, by whatever name**  
490 **called, an office, place of distribution, sales or sample room or place,**  
491 **warehouse or storage place, or other place of business;**

492 **(54) "Mobile telecommunications service", the same as such term**  
493 **is defined in Section 124(7) of Public Law 106-252, Mobile**  
494 **Telecommunications Sourcing Act;**

495 **(55) "Mobility enhancing equipment", equipment, including repair**  
496 **and replacement parts to same, which:**

497 **(a) Is primarily and customarily used to provide or increase the**  
498 **ability to move from one place to another and which is appropriate for**  
499 **use either in a home or a motor vehicle; and**

500 **(b) Is not generally used by persons with normal mobility; and**

501 **(c) Is within the classification of devices eligible for MO**  
502 **HealthNet and Medicare reimbursement.**

503 **Mobility enhancement equipment shall not include durable medical**  
504 **equipment or any motor vehicle or equipment on a motor vehicle**  
505 **normally provided by a motor vehicle manufacturer;**

506 **(56) "Model 1 seller", a seller registered under the agreement that**  
507 **has selected a certified service provider as its agent to perform all the**  
508 **seller's sales and use tax functions, other than the seller's obligation to**  
509 **remit tax on its own purchases;**

510 **(57) "Model 2 seller", a seller that has selected a certified**  
511 **automated system (CAS) to perform part of its sales and use tax**  
512 **functions, but retains responsibility for remitting the tax;**

513 **(58) "Model 3 seller", a seller registered under the agreement that**  
514 **has sales in at least five member states, has total annual sales revenue**

515 of at least five hundred million dollars, has a proprietary system that  
516 calculates the amount of tax due each jurisdiction, and has entered into  
517 a performance agreement with the member states that establishes a tax  
518 performance standard for the seller. As used in this subdivision, a seller  
519 shall include an affiliated group of sellers using the same proprietary  
520 system;

521 (59) "Model 4 seller", a seller that is registered under the  
522 agreement and is not a model 1 seller, a model 2 seller, or a model 3  
523 seller;

524 [(7)] (60) "Motor vehicle leasing company" [shall be], a company  
525 obtaining a permit from the director of revenue to operate as a motor vehicle  
526 leasing company. Not all persons renting or leasing trailers or motor vehicles  
527 need to obtain such a permit; however, no person failing to obtain such a permit  
528 may avail itself of the optional tax provisions of subsection 5 of section 144.070,  
529 as hereinafter provided;

530 (61) "Optional computer software maintenance contract", a  
531 computer software maintenance contract that a customer is not  
532 obligated to purchase as a condition to the retail sale of computer  
533 software;

534 (62) "Other direct mail", any direct mail that is not advertising  
535 and promotional direct mail regardless of whether advertising and  
536 promotional direct mail is included in the same mailing. Other direct  
537 mail includes, but is not limited to:

538 (a) Transactional direct mail that contains personal information  
539 specific to the one addressee including, but not limited to, invoices, bills,  
540 statements of account, and payroll advices;

541 (b) Any legally required mailings including, but not limited to,  
542 privacy notices, tax reports, and stockholder reports; and

543 (c) Other nonpromotional direct mail delivered to existing or  
544 former shareholders, customers, employees, or agents including, but not  
545 limited to, newsletters and informational pieces.

546 Other direct mail shall not include the development of billing  
547 information or the provision or any data processing service that is more  
548 than incidental;

549 (63) "Over-the-counter-drug", a drug, excluding grooming and  
550 hygiene products, that contains a label that identifies the product as a  
551 drug as required by 21 CFR Section 201.66 and includes:

552 (a) A drug facts panel; or

553 (b) A statement of the active ingredients with a list of those  
554 ingredients contained in the compound, substance, or preparation;

555 [(8)] (64) "Person" includes any individual, firm, copartnership, joint  
556 adventure, association, corporation, municipal or private, and whether organized  
557 for profit or not, state, county, political subdivision, state department,  
558 commission, board, bureau or agency, [except the state transportation  
559 department,] estate, trust, business trust, receiver or trustee appointed by the  
560 state or federal court, syndicate, or any other group or combination acting as a  
561 unit, and the plural as well as the singular number, or any other legal entity;

562 (65) "Place of primary use", the street address representative of  
563 where the customer's use of the telecommunications service primarily  
564 occurs, which must be the residential street address or the primary  
565 business street address of the customer. In the case of mobile  
566 telecommunications services, place of primary use must be within the  
567 licensed service area of the home service provider;

568 (66) "Post-paid calling service", the telecommunications service  
569 obtained by making a payment on a call-by-call basis either through the  
570 use of a credit card or payment mechanism such as a bank card, travel  
571 card, credit card, or debit card, or by charge made to a telephone  
572 number which is not associated with the origination or termination of  
573 the telecommunications service. A post-paid calling service includes a  
574 telecommunications service, except a prepaid wireless calling service,  
575 that would be a prepaid calling service except it is not exclusively a  
576 telecommunications service;

577 (67) "Prepaid calling service", the right to access exclusively  
578 telecommunications services, which must be paid for in advance and  
579 which enables the origination of calls using an access number or  
580 authorization code, whether manually or electronically dialed, and that  
581 is sold in predetermined units or dollars of which the number declines  
582 with use in a known amount;

583 (68) "Prepaid wireless calling service", a telecommunications  
584 service that provides the right to utilize mobile wireless services as well  
585 as other nontelecommunications services, including the download of  
586 digital products delivered electronically, content and ancillary services,  
587 which must be paid for in advance and that is sold in predetermined  
588 units or dollars of which the number declines with use in a known

589 amount;

590 (69) "Prepared food", food sold in a heated state or heated by the  
591 seller; two or more food ingredients mixed or combined by the seller for  
592 sale as a single item; or food sold with eating utensils provided by the  
593 seller, including plates, knives, forks, spoons, glasses, cups, napkins, or  
594 straws. A plate shall not include a container or packaging used to  
595 transport the food. Prepared food shall not include food that is only cut,  
596 repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry,  
597 and foods containing these raw animal foods requiring cooking by the  
598 consumer as recommended by the Food and Drug Administration in  
599 Chapter 3, Part 401.11 of the Food Code so as to prevent food borne  
600 illnesses;

601 (70) "Prescription", an order, formula, or recipe issued in any form  
602 of oral, written, electronic, or other means of transmission by a duly  
603 licensed practitioner authorized by the laws of the state;

604 (71) "Prewritten computer software", computer software, including  
605 prewritten upgrades, which is not designed and developed by the author  
606 or other creator to the specifications of a specific purchaser. The  
607 combining of two or more prewritten computer software programs or  
608 prewritten portions thereof shall not cause the combination to be other  
609 than prewritten computer software. Prewritten computer software shall  
610 include software designed and developed by the author or other creator  
611 to the specifications of a specific purchaser when it is sold to a person  
612 other than the specific purchaser. Where a person modifies or enhances  
613 computer software of which the person is not the author or creator, the  
614 person shall be deemed to be the author or creator only of such person's  
615 modifications or enhancements. Prewritten computer software or a  
616 prewritten portion thereof that is modified or enhanced to any degree,  
617 where such modification or enhancement is designed and developed to  
618 the specifications of a specific purchaser, remains prewritten computer  
619 software; provided, however, that where there is a reasonable,  
620 separately stated charge or an invoice or other statement of the price  
621 given to the purchaser for such modification or enhancement, such  
622 modification or enhancement shall not constitute prewritten computer  
623 software;

624 (72) "Private communication service", a telecommunications  
625 service that entitles the customer to exclusive or priority use of a

626 **communications channel or group of channels between or among**  
627 **termination points, regardless of the manner in which such channel or**  
628 **channels are connected, and includes switching capacity, extension**  
629 **lines, stations, and any other associated services that are provided in**  
630 **connection with the use of such channel or channels;**

631 **(73) "Product-based exemption", an exemption based on the**  
632 **description of the product and not based on who purchases the product**  
633 **or how the purchaser intends to use the product;**

634 **[(9)] (74) "Product which is intended to be sold ultimately for final use**  
635 **or consumption" [means], tangible personal property, or any service that is**  
636 **subject to state or local sales or use taxes, or any tax that is substantially**  
637 **equivalent thereto, in this state or any other state;**

638 **(75) "Prosthetic device", a replacement, corrective, or supportive**  
639 **device including repair and replacement parts for same worn on or in**  
640 **the body to artificially replace a missing portion of the body, prevent or**  
641 **correct physical deformity or malfunction, or support a weak or**  
642 **deformed portion of the body. The term "prosthetic device" shall not**  
643 **include corrective eyeglasses or contact lenses and shall be limited to**  
644 **the classification of devices eligible for MO HealthNet and Medicare**  
645 **reimbursement;**

646 **(76) "Protective equipment", items for human wear and designed**  
647 **as protection of the wearer against injury or disease or as protections**  
648 **against damage or injury of other persons or property but not suitable**  
649 **for general use. Protective equipment are mutually exclusive of**  
650 **clothing, clothing accessories or equipment, and sport or recreational**  
651 **equipment;**

652 **(77) "Purchase", the acquisition of the ownership of, or title to,**  
653 **tangible personal property, through a sale, as defined herein, for the**  
654 **purpose of storage, use, or consumption in this state;**

655 **(78) "Purchase price", applies to the measure subject to use tax**  
656 **and has the same meaning as sales price;**

657 **[(10)] (79) "Purchaser" [means], a person who purchases tangible**  
658 **personal property or to whom are rendered services, receipts from which are**  
659 **taxable under [sections 144.010 to 144.525] chapter 144;**

660 **(80) "Qualified light aircraft purchaser", a purchaser of a light**  
661 **aircraft, light aircraft kit, light aircraft parts or components who is a**  
662 **nonresident of this state, who will transport the light aircraft, light**

663 aircraft kit, light aircraft parts or components outside this state within  
664 ten days after the date of purchase, and who will register any light  
665 aircraft so purchased in another state or country. Such purchaser shall  
666 not base such aircraft in this state and such purchaser shall not be a  
667 resident of the state unless such purchaser has paid sales or use tax on  
668 such aircraft in another state;

669 (81) "Receive" or "receipt", taking possession of tangible personal  
670 property; making first use of services; or taking possession or making  
671 first use of digital goods, whichever comes first. Receive and receipt  
672 shall not include possession by a shipping company on behalf of the  
673 purchaser;

674 (82) "Registered under the agreement", registration by a seller  
675 with the member states under the central registration system provided  
676 in Article IV of the agreement;

677 [(11)] (83) "Research or experimentation activities" [are], the  
678 development of an experimental or pilot model, plant process, formula, invention  
679 or similar property, and the improvement of existing property of such  
680 type. Research or experimentation activities do not include activities such as  
681 ordinary testing or inspection of materials or products for quality control,  
682 efficiency surveys, advertising promotions or research in connection with literary,  
683 historical or similar projects;

684 [(12)] "Sale" or "sales" includes installment and credit sales, and the  
685 exchange of properties as well as the sale thereof for money, every closed  
686 transaction constituting a sale, and means any transfer, exchange or barter,  
687 conditional or otherwise, in any manner or by any means whatsoever, of tangible  
688 personal property for valuable consideration and the rendering, furnishing or  
689 selling for a valuable consideration any of the substances, things and services  
690 herein designated and defined as taxable under the terms of sections 144.010 to  
691 144.525;

692 (13)] (84) "Sale at retail" [means any transfer made by any person  
693 engaged in business as defined herein of the ownership of, or title to, tangible  
694 personal property to the purchaser, for use or consumption and not for resale in  
695 any form as tangible personal property, for a valuable consideration; except that,  
696 for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)  
697 purchases of tangible personal property made by duly licensed physicians,  
698 dentists, optometrists and veterinarians and used in the practice of their  
699 professions shall be deemed to be purchases for use or consumption and not for

700 resale; and (ii) the selling of computer printouts, computer output or microfilm or  
701 microfiche and computer-assisted photo compositions to a purchaser to enable the  
702 purchaser to obtain for his or her own use the desired information contained in  
703 such computer printouts, computer output on microfilm or microfiche and  
704 computer-assisted photo compositions shall be considered as the sale of a service  
705 and not as the sale of tangible personal property] or "retail sale", any sale,  
706 lease, or rental for any purpose other than for resale, sublease, or  
707 subrent. Purchases of tangible personal property made by duly licensed  
708 physicians, dentists, optometrists, and veterinarians and used in the  
709 practice of their professions shall be deemed to be purchases for use or  
710 consumption and not for resale. Where necessary to conform to the context  
711 of [sections 144.010 to 144.525] chapter 144 and the tax imposed thereby, the  
712 term sale at retail shall be construed to embrace:

713 (a) Sales of admission tickets, cash admissions, charges and fees to or in  
714 places of amusement, entertainment and recreation, games and athletic events,  
715 except amounts paid for any instructional class;

716 (b) Sales of electricity, electrical current, water and gas, natural or  
717 artificial, to domestic, commercial or industrial consumers;

718 (c) Sales of [local and long distance] telecommunications [service to  
719 telecommunications subscribers] services and [to others through equipment of  
720 telecommunications subscribers for the transmission of messages and  
721 conversations,] ancillary and the sale, rental or leasing of all equipment or  
722 services pertaining or incidental thereto;

723 (d) Sales of service for transmission of messages by telegraph companies;

724 (e) Sales or charges for all rooms, meals and drinks furnished at any  
725 hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist  
726 camp, tourist cabin, or other place in which rooms, meals or drinks are regularly  
727 served to the public;

728 (f) Sales of tickets by every person operating a railroad, sleeping car,  
729 dining car, express car, boat, airplane, and such buses and trucks as are licensed  
730 by the division of motor carrier and railroad safety of the department of economic  
731 development of Missouri, engaged in the transportation of persons for hire;

732 (85) "School art supply":

733 (a) An item commonly used by a student in a course of study for  
734 artwork. The term is mutually exclusive of the terms school supply,  
735 school instructional material, and school computer supply;

736 (b) The following is an all-inclusive list:

- 737 a. Clay and glazes;
- 738 b. Paints, acrylic, tempora, and oil;
- 739 c. Paintbrushes for artwork;
- 740 d. Sketch and drawing pads; and
- 741 e. Watercolors;
- 742 (86) "School computer supply":
- 743 (a) An item commonly used by a student in a course of study in
- 744 which a computer is used. The term is mutually exclusive of the terms
- 745 school supply, school art supply, and school instructional material;
- 746 (b) The following is an all-inclusive list:
- 747 a. Computer storage media, diskettes, compact disks;
- 748 b. Handheld electronic schedulers, except devices that are cellular
- 749 phones;
- 750 c. Personal digital assistants, except devices that are cellular
- 751 phones; and
- 752 d. Computer printers and printer supplies for computers, printer
- 753 paper, and printer ink;
- 754 (87) "School instructional material":
- 755 (a) Written material commonly used by a student in a course of
- 756 study as a reference and to learn the subject being taught. The term is
- 757 mutually exclusive of the terms school supply, school art supply, and
- 758 school computer supply;
- 759 (b) The following is an all-inclusive list:
- 760 a. Reference books;
- 761 b. Reference maps and globes;
- 762 c. Textbooks; and
- 763 d. Workbooks;
- 764 (88) "School supply":
- 765 (a) An item commonly used by a student in a course of study. The
- 766 term is mutually exclusive of the terms school art supply, school
- 767 instructional material, and school computer supply;
- 768 (b) The following is an all-inclusive list:
- 769 a. Binders;
- 770 b. Book bags;
- 771 c. Calculators;
- 772 d. Cellophane tape;
- 773 e. Blackboard chalk;



- 774 f. Compasses;
- 775 g. Composition books;
- 776 h. Crayons;
- 777 i. Erasers;
- 778 j. Folders, expandable, pocket, plastic, and manila;
- 779 k. Glue, paste, and paste sticks;
- 780 l. Highlighters;
- 781 m. Index cards;
- 782 n. Index card boxes;
- 783 o. Legal pads;
- 784 p. Lunch boxes;
- 785 q. Markers;
- 786 r. Notebooks;
- 787 s. Paper, loose leaf notebook paper, copy paper, graph paper,
- 788 tracing paper, manila paper, colored paper, poster board, and
- 789 construction paper;
- 790 t. Pencil boxes and other school supply boxes;
- 791 u. Pencil sharpeners;
- 792 v. Pencils;
- 793 w. Pens;
- 794 x. Protractors;
- 795 y. Rulers;
- 796 z. Scissors; and
- 797 aa. Writing tablets;

798 [(14)] (89) "Seller" means, a person [selling or furnishing tangible]

799 making sales, leases, or rentals of personal property or [rendering services,

800 on the receipts from which a tax is imposed pursuant to section 144.020] service;

801 (90) "Selling agent", every person acting as a representative of a

802 principal, when such principal is not registered with the director of

803 revenue of the state of Missouri for the collection of the taxes imposed

804 under this chapter and who receives compensation by reason of the sale

805 of tangible personal property of the principal, if such property is to be

806 stored, used, or consumed in this state;

807 (91) "Service address":

808 (a) The location of the telecommunications equipment to which

809 a customer's call is charged and from which the call originates or

810 terminates, regardless of where the call is billed or paid;

811           **(b) If the location in paragraph (a) of this subdivision is not**  
812 **known, "service address" means the origination point of the signal of the**  
813 **telecommunications services first identified by either the seller's**  
814 **telecommunications system or in information received by the seller from**  
815 **its service provider, where the system used to transport such signals is**  
816 **not that of the seller;**

817           **(c) If the location in paragraphs (a) and (b) of this subdivision are**  
818 **not known, the service address shall be the location of the customer's**  
819 **place of primary use;**

820           **(92) "Specified digital products", electronically transferred digital**  
821 **audio-visual works, digital audio works, and digital books;**

822           **(93) "Sport or recreational equipment", items designed for human**  
823 **use and worn in conjunction with an athletic or recreational activity**  
824 **that are not suitable for general use. Sport or recreational equipment**  
825 **are mutually exclusive of clothing, clothing accessories or equipment,**  
826 **and protective equipment;**

827           **(94) "State", any state of the United States, the District of**  
828 **Columbia, and the Commonwealth of Puerto Rico;**

829           **(95) "Storage", any keeping or retention in this state of tangible**  
830 **personal property purchased from a vendor, except property for sale or**  
831 **property that is temporarily kept or retained in this state for subsequent**  
832 **use outside the state;**

833           **(96) "Tangible personal property", personal property that can be**  
834 **seen, weighed, measured, felt, or touched, or that is in any other manner**  
835 **perceptible to the senses. Tangible personal property shall include**  
836 **electricity, water, gas, steam, and prewritten computer**  
837 **software. Tangible personal property shall not include specified digital**  
838 **products, digital audio-visual works, digital audio works, or digital**  
839 **books;**

840           [(15) The noun "tax" means]

841           **(97) "Tax", either the tax payable by the purchaser of a commodity or**  
842 **service subject to tax, or the aggregate amount of taxes due from the vendor of**  
843 **such commodities or services during the period for which he or she is required to**  
844 **report his or her collections, as the context may require; [and]**

845           **(98) "Taxpayer", any person remitting the tax or who should remit**  
846 **the tax levied by this chapter;**

847           **(99) "Telecommunications nonrecurring charges", an amount billed**

848 **for the installation, connection, change or initiation of**  
849 **telecommunications service received by the customer;**

850 [(16)] (100) "Telecommunications service"[, for the purpose of this  
851 chapter, the transmission of information by wire, radio, optical cable, coaxial  
852 cable, electronic impulses, or other similar means. As used in this definition,  
853 "information" means knowledge or intelligence represented by any form of writing,  
854 signs, signals, pictures, sounds, or any other symbols. Telecommunications service  
855 does not include the following if such services are separately stated on the  
856 customer's bill or on records of the seller maintained in the ordinary course of  
857 business:

858 (a) Access to the internet, access to interactive computer services or  
859 electronic publishing services, except the amount paid for the telecommunications  
860 service used to provide such access;

861 (b) Answering services and one-way paging services;

862 (c) Private mobile radio services which are not two-way commercial mobile  
863 radio services such as wireless telephone, personal communications services or  
864 enhanced specialized mobile radio services as defined pursuant to federal law; or

865 (d) Cable or satellite television or music services];

866 (a) **The electronic transmission, conveyance, or routing of voice,**  
867 **data, audio, video, or any other information or signals to a point, or**  
868 **between or among points;**

869 (b) **Telecommunications service shall include such transmission,**  
870 **conveyance, or routing in which computer processing applications are**  
871 **used to act on the form, code, or protocol of the content for purposes of**  
872 **transmission, conveyance, or routing without regard to whether such**  
873 **service is referred to as voice over internet protocol services or is**  
874 **classified by the Federal Communications Commission as enhanced or**  
875 **value added;**

876 (c) **Telecommunications service shall include air-to-ground**  
877 **radiotelephone service, mobile telecommunications service, post-paid**  
878 **calling service, prepaid calling service, prepaid wireless calling service,**  
879 **and private communication service;**

880 (d) **Telecommunications service shall not include:**

881 a. **Data processing and information services that allow data to be**  
882 **generated, acquired, stored, processed, or retrieved and delivered by an**  
883 **electronic transmission to a purchaser where such purchaser's primary**  
884 **purpose for the underlying transaction is the processed data or**

885 information;

886       b. Installation or maintenance of wiring or equipment on a  
887 customer's premises;

888       c. Tangible personal property;

889       d. Advertising, including but not limited to directory advertising;

890       e. Billing and collection services provided to third parties;

891       f. Internet access service;

892       g. Radio and television audio and video programming services,  
893 regardless of the medium, including the furnishing of transmission,  
894 conveyance, and routing of such services by the programming service  
895 provider. Radio and television audio and video programming services  
896 shall include, but not be limited to, cable service, as defined in 47 U.S.C.  
897 Section 522(6), and audio and video programming services delivered by  
898 commercial mobile radio service providers, as defined in 47 CFR 20.3;

899       h. Ancillary services; or

900       i. Digital products delivered electronically, including, but not  
901 limited to, software, music, video, reading materials, or ring tones;

902       (101) "Transportation equipment", any of the following:

903       (a) Locomotives and railcars that are utilized for the carriage of  
904 persons or property in interstate commerce;

905       (b) Trucks and truck-tractors with a gross vehicle weight rating  
906 (GVWR) of ten thousand one pounds or greater, trailers, semi-trailers, or  
907 passenger buses that are:

908       a. Registered through the International Registration Plan; and

909       b. Operated under authority of a carrier authorized and  
910 certificated by the United States Department of Transportation or  
911 another federal authority to engage in the carriage of persons or  
912 property in interstate commerce;

913       (c) Aircraft that are operated by air carriers authorized and  
914 certificated by the United States Department of Transportation or  
915 another federal or a foreign authority to engage in the carriage of  
916 persons or property in interstate or foreign commerce;

917       (d) Containers designed for use on and component parts attached  
918 or secured on the items set forth in paragraphs (a) to (c) of this  
919 subdivision;

920       (102) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any  
921 other item that contains tobacco;

922           **(103) "Use", the exercise of any right or power over tangible**  
923 **personal property incident to the ownership or control of that property,**  
924 **except that it does not include the temporary storage of property in this**  
925 **state for subsequent use outside the state, or the sale of the property in**  
926 **the regular course of business;**

927           **(104) "Use-based exemption", an exemption based on a specified**  
928 **use of the product by the purchaser;**

929           **(105) "Vendor", every person engaged in making sales of tangible**  
930 **personal property by mail order, by advertising, by agent or peddling**  
931 **tangible personal property, soliciting or taking orders for sales of**  
932 **tangible personal property, for storage, use or consumption in this state,**  
933 **all salesmen, solicitors, hawkers, representatives, consignees, peddlers**  
934 **or canvassers, as agents of the dealers, distributors, consignors,**  
935 **supervisors, principals or employers under whom they operate or from**  
936 **whom they obtain the tangible personal property sold by them, and**  
937 **every person who maintains a place of business in this state, maintains**  
938 **a stock of goods in this state, or engages in business activities within**  
939 **this state and every person who engages in this state in the business of**  
940 **acting as a selling agent for persons not otherwise vendors as defined in**  
941 **this subdivision. Irrespective of whether they are making sales on their**  
942 **own behalf or on behalf of the dealers, distributors, consignors,**  
943 **supervisors, principals or employers, they must be regarded as vendors**  
944 **and the dealers, distributors, consignors, supervisors, principals or**  
945 **employers must be regarded as vendors for the purposes of sections**  
946 **144.600 to 144.745.**

947           2. For purposes of the taxes imposed under [sections 144.010 to 144.525]  
948 **chapter 144**, and any other provisions of law pertaining to sales or use taxes  
949 which incorporate the provisions of sections [144.010 to 144.525] **chapter 144** by  
950 reference, the term manufactured homes shall have the same meaning given it  
951 in section 700.010.

952           [3. Sections 144.010 to 144.525 may be known and quoted as the "Sales  
953 Tax Law".]

          144.011. 1. For purposes of [sections 144.010 to 144.525 and 144.600 to  
2 144.748] **chapter 144**, and the taxes imposed thereby, the definition of "retail  
3 sale" or "sale at retail" shall not be construed to include any of the following:

4           (1) The transfer by one corporation of substantially all of its tangible  
5 personal property to another corporation pursuant to a merger or consolidation

6 effected under the laws of the state of Missouri or any other jurisdiction;

7 (2) The transfer of tangible personal property incident to the liquidation  
8 or cessation of a taxpayer's trade or business, conducted in proprietorship,  
9 partnership or corporate form, except to the extent any transfer is made in the  
10 ordinary course of the taxpayer's trade or business;

11 (3) The transfer of tangible personal property to a corporation solely in  
12 exchange for its stock or securities;

13 (4) The transfer of tangible personal property to a corporation by a  
14 shareholder as a contribution to the capital of the transferee corporation;

15 (5) The transfer of tangible personal property to a partnership solely in  
16 exchange for a partnership interest therein;

17 (6) The transfer of tangible personal property by a partner as a  
18 contribution to the capital of the transferee partnership;

19 (7) The transfer of tangible personal property by a corporation to one or  
20 more of its shareholders as a dividend, return of capital, distribution in the  
21 partial or complete liquidation of the corporation or distribution in redemption of  
22 the shareholder's interest therein;

23 (8) The transfer of tangible personal property by a partnership to one or  
24 more of its partners as a current distribution, return of capital or distribution in  
25 the partial or complete liquidation of the partnership or of the partner's interest  
26 therein;

27 (9) The transfer of reusable containers used in connection with the sale  
28 of tangible personal property contained therein for which a deposit is required  
29 and refunded on return;

30 (10) The purchase by persons operating eating or food service  
31 establishments, of items of a nonreusable nature which are furnished to the  
32 customers of such establishments with or in conjunction with the retail sales of  
33 their food or beverage. Such items shall include, but not be limited to, wrapping  
34 or packaging materials and nonreusable paper, wood, plastic and aluminum  
35 articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes,  
36 straws, sticks and toothpicks;

37 (11) The purchase by persons operating hotels, motels or other transient  
38 accommodation establishments, of items of a nonreusable nature which are  
39 furnished to the guests in the guests' rooms of such establishments and such  
40 items are included in the charge made for such accommodations. Such items shall  
41 include, but not be limited to, soap, shampoo, tissue and other toiletries and food  
42 or confectionery items offered to the guests without charge;

43 (12) The transfer of a manufactured home other than:

44 (a) A transfer which involves the delivery of the document known as the  
45 "Manufacturer's Statement of Origin" to a person other than a manufactured  
46 home dealer, as defined in section 700.010, for purposes of allowing such person  
47 to obtain a title to the manufactured home from the department of revenue of this  
48 state or the appropriate agency or officer of any other state;

49 (b) A transfer which involves the delivery of a "Repossessed Title" to a  
50 resident of this state if the tax imposed by [sections 144.010 to 144.525] **chapter**  
51 **144** was not paid on the transfer of the manufactured home described in  
52 paragraph (a) of this subdivision;

53 (c) The first transfer which occurs after December 31, 1985, if the tax  
54 imposed by [sections 144.010 to 144.525] **chapter 144** was not paid on any  
55 transfer of the same manufactured home which occurred before December 31,  
56 1985; or

57 (13) Charges for initiation fees or dues to:

58 (a) Fraternal beneficiaries societies, or domestic fraternal societies, orders  
59 or associations operating under the lodge system a substantial part of the  
60 activities of which are devoted to religious, charitable, scientific, literary,  
61 educational or fraternal purposes;

62 (b) Posts or organizations of past or present members of the Armed Forces  
63 of the United States or an auxiliary unit or society of, or a trust or foundation for,  
64 any such post or organization substantially all of the members of which are past  
65 or present members of the Armed Forces of the United States or who are cadets,  
66 spouses, widows, or widowers of past or present members of the Armed Forces of  
67 the United States, no part of the net earnings of which inures to the benefit of  
68 any private shareholder or individual; or

69 (c) Nonprofit organizations exempt from taxation under Section 501(c)(7)  
70 of the Internal Revenue Code of 1986, as amended.

71 2. The assumption of liabilities of the transferor by the transferee incident  
72 to any of the transactions enumerated in the above subdivisions (1) to (8) of  
73 subsection 1 of this section shall not disqualify the transfer from the exclusion  
74 described in this section, where such liability assumption is related to the  
75 property transferred and where the assumption does not have as its principal  
76 purpose the avoidance of Missouri sales or use tax.

144.014. 1. Notwithstanding other provisions of law to the contrary,  
2 beginning October 1, 1997, the tax levied and imposed [pursuant to sections  
3 144.010 to 144.525 and sections 144.600 to 144.746] **under chapter 144** on all

4 retail sales of food, **food sold through vending machines, and food**  
5 **ingredients** shall be at the rate of one percent. The revenue derived from the  
6 one percent rate pursuant to this section shall be deposited by the state treasurer  
7 in the school district trust fund and shall be distributed as provided in section  
8 144.701.

9 2. [For the purposes of this section, the term "food" shall include only  
10 those products and types of food for which food stamps may be redeemed pursuant  
11 to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C.  
12 Section 2012, as that section now reads or as it may be amended hereafter, and  
13 shall include food dispensed by or through vending machines. For the purpose of  
14 this section,] Except for **food sold through** vending [machine sales, the term  
15 "food"] **machines, subsection 1 of this section** shall not [include] **apply to**  
16 food or drink sold by any establishment where the gross receipts derived from the  
17 sale of food prepared by such establishment for immediate consumption on or off  
18 the premises of the establishment constitutes more than eighty percent of the  
19 total gross receipts of that establishment, regardless of whether such prepared  
20 food is consumed on the premises of that establishment, including, but not limited  
21 to, sales of food by any restaurant, fast food restaurant, delicatessen, eating  
22 house, or café.

144.020. 1. A tax is hereby levied and imposed for the privilege of titling  
2 new and used motor vehicles, trailers, boats, and outboard motors purchased or  
3 acquired for use on the highways or waters of this state which are required to be  
4 titled under the laws of the state of Missouri and, except as provided in  
5 subdivision (9) of this subsection, upon all sellers for the privilege of engaging in  
6 the business of selling tangible personal property or rendering taxable service at  
7 retail in this state. The rate of tax shall be as follows:

8 (1) Upon every retail sale in this state of tangible personal property,  
9 excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and  
10 outboard motors required to be titled under the laws of the state of Missouri and  
11 subject to tax under subdivision (9) of this subsection, a tax equivalent to four  
12 percent of the purchase price paid or charged, or in case such sale involves the  
13 exchange of property, a tax equivalent to four percent of the consideration paid  
14 or charged, including the fair market value of the property exchanged at the time  
15 and place of the exchange, except as otherwise provided in section 144.025;

16 (2) A tax equivalent to four percent of the amount paid for admission and  
17 seating accommodations, or fees paid to, or in any place of amusement,  
18 entertainment or recreation, games and athletic events, except amounts paid for



19 any instructional class;

20 (3) A tax equivalent to four percent of the basic rate paid or charged on  
21 all sales of electricity or electrical current, water and gas, natural or artificial, to  
22 domestic, commercial or industrial consumers;

23 (4) A tax equivalent to four percent on the basic rate paid or charged on  
24 all sales of [local and long distance] telecommunications service [to  
25 telecommunications subscribers and to others through equipment of  
26 telecommunications subscribers for the transmission of messages and  
27 conversations], **upon ancillary services** and upon the sale, rental or leasing of  
28 all equipment or services pertaining or incidental thereto; except that, the  
29 payment made by telecommunications subscribers or others, pursuant to section  
30 144.060, and any amounts paid for access to the internet or interactive computer  
31 services shall not be considered as amounts paid for telecommunications services;

32 (5) A tax equivalent to four percent of the basic rate paid or charged for  
33 all sales of services for transmission of messages of telegraph companies;

34 (6) A tax equivalent to four percent on the amount of sales or charges for  
35 all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant,  
36 eating house, drugstore, dining car, tourist cabin, tourist camp or other place in  
37 which rooms, meals or drinks are regularly served to the public. The tax imposed  
38 under this subdivision shall not apply to any automatic mandatory gratuity for  
39 a large group imposed by a restaurant when such gratuity is reported as employee  
40 tip income and the restaurant withholds income tax under section 143.191 on  
41 such gratuity;

42 (7) A tax equivalent to four percent of the amount paid or charged for  
43 intrastate tickets by every person operating a railroad, sleeping car, dining car,  
44 express car, boat, airplane and such buses and trucks as are licensed by the  
45 division of motor carrier and railroad safety of the department of economic  
46 development of Missouri, engaged in the transportation of persons for hire;

47 (8) A tax equivalent to four percent of the amount paid or charged for  
48 rental or lease of tangible personal property, provided that if the lessor or renter  
49 of any tangible personal property had previously purchased the property under  
50 the conditions of sale at retail or leased or rented the property and the tax was  
51 paid at the time of purchase, lease or rental, the lessor, sublessor, renter or  
52 subrenter shall not apply or collect the tax on the subsequent lease, sublease,  
53 rental or subrental receipts from that property. The purchase, rental or lease of  
54 motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard  
55 motors shall be taxed and the tax paid as provided in this section and section

56 144.070. In no event shall the rental or lease of boats and outboard motors be  
57 considered a sale, charge, or fee to, for or in places of amusement, entertainment  
58 or recreation nor shall any such rental or lease be subject to any tax imposed to,  
59 for, or in such places of amusement, entertainment or recreation. Rental and  
60 leased boats or outboard motors shall be taxed under the provisions of the sales  
61 tax laws as provided under such laws for motor vehicles and trailers. Tangible  
62 personal property which is exempt from the sales or use tax under section 144.030  
63 upon a sale thereof is likewise exempt from the sales or use tax upon the lease  
64 or rental thereof;

65 (9) A tax equivalent to four percent of the purchase price, as defined in  
66 section 144.070, of new and used motor vehicles, trailers, boats, and outboard  
67 motors purchased or acquired for use on the highways or waters of this state  
68 which are required to be registered under the laws of the state of Missouri. This  
69 tax is imposed on the person titling such property, and shall be paid according to  
70 the procedures in section 144.440.

71 2. All tickets sold which are sold under the provisions of [sections 144.010  
72 to 144.525] **chapter 144** which are subject to the sales tax shall have printed,  
73 stamped or otherwise endorsed thereon, the words "This ticket is subject to a  
74 sales tax."

144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to  
2 impose a tax upon the privilege of engaging in the business, in this state, of  
3 selling tangible personal property and those services listed in section 144.020 and  
4 for the privilege of titling new and used motor vehicles, trailers, boats, and  
5 outboard motors purchased or acquired for use on the highways or waters of this  
6 state which are required to be registered under the laws of the state of  
7 Missouri. Except as otherwise provided, the primary tax burden is placed upon  
8 the seller making the taxable sales of property or service and is levied at the rate  
9 provided for in section 144.020. Excluding subdivision (9) of subsection 1 of  
10 section 144.020 and sections 144.070, 144.440 and 144.450, the extent to which  
11 a seller is required to collect the tax from the purchaser of the taxable property  
12 or service is governed by section 144.285 and in no way affects sections 144.080  
13 and 144.100, which require all sellers to report to the director of revenue their  
14 "gross receipts", defined herein to mean the aggregate amount of the sales price  
15 of all sales at retail, and remit tax at four percent of their gross receipts.

16 2. If any item of tangible personal property or service determined to be  
17 taxable under the sales tax law or the compensating use tax law is modified by  
18 a decision or order of:

- 19           (1) The director of revenue;  
20           (2) The administrative hearing commission; or  
21           (3) A court of competent jurisdiction;

22 which changes which items of tangible personal property or services are taxable,  
23 and a reasonable person would not have expected the decision or order based  
24 solely on prior law or regulation, all affected sellers shall be notified by the  
25 department of revenue before such modification shall take effect for such  
26 sellers. Failure of the department of revenue to notify a seller shall relieve such  
27 seller of liability for taxes that would be due under the modification until the  
28 seller is notified. The waiver of liability for taxes under this subsection shall only  
29 apply to sellers actively selling the type of tangible personal property or service  
30 affected by the decision on the date the decision or order is made or handed down  
31 and shall not apply to any seller that has previously remitted tax on the tangible  
32 personal property or taxable services subject to the decision or order or to any  
33 seller that had prior notice that the seller must collect and remit the tax.

34           3. The notification required by subsection 2 of this section shall be  
35 delivered by United States mail, electronic mail, or other secure electronic means  
36 of direct communications. The department of revenue shall update its website  
37 with information regarding modifications in sales tax law but such updates shall  
38 not constitute a notification required by subsection 2 of this section.

39           **4. Notwithstanding any other provision of law to the contrary,**  
40 **any seller, as defined in section 144.010, selling tangible personal**  
41 **property or services designated and defined as taxable under the**  
42 **provisions of this chapter for delivery into Missouri, who does not have**  
43 **a physical presence in the state, is subject to the provisions of sections**  
44 **144.010 to 144.560, shall remit the sales tax, and shall follow all**  
45 **applicable procedures and requirements of law as if the seller had a**  
46 **physical presence in the state, provided the seller meets either of the**  
47 **following criteria in the previous or current calendar year:**

48           **(1) The seller's gross revenue from delivery of tangible personal**  
49 **property into this state in the previous or current calendar year exceeds**  
50 **one hundred thousand dollars; or**

51           **(2) The seller sold tangible personal property into this state in**  
52 **two hundred or more separate transactions in the previous or current**  
53 **calendar year.**

54 **No obligation to collect and remit sales tax required under this**  
55 **subsection shall be applied prior to January 1, 2020.**

144.022. 1. In the case of a bundled transaction that includes any  
2 of the following: telecommunication service, ancillary service, internet  
3 access, or audio or video programming service:

4 (1) If the price is attributable to products that are taxable and  
5 products that are nontaxable, the portion of the price attributable to the  
6 nontaxable products may be subject to tax unless the provider can  
7 identify by reasonable and verifiable standards such portion from its  
8 books and records that are kept in the regular course of business for  
9 other purposes, including, but not limited to, nontax purposes;

10 (2) If the price is attributable to products that are subject to tax  
11 at different tax rates, the total price shall be treated as attributable to  
12 the products subject to tax at the highest tax rate unless the provider  
13 can identify by reasonable and verifiable standards the portion of the  
14 price attributable to the products subject to tax at the lower rate from  
15 its books and records that are kept in the regular course of business for  
16 other purposes, including, but not limited to, nontax purposes;

17 (3) The provisions of this section shall apply unless otherwise  
18 provided by federal law.

19 2. In the case of a transaction that includes an optional computer  
20 software maintenance contract for prewritten computer software, the  
21 following provisions apply:

22 (1) If an optional computer software maintenance contract only  
23 obligates the vendor to provide upgrades and updates, it shall be  
24 characterized as a sale of prewritten computer software;

25 (2) If an optional computer software maintenance contract only  
26 obligates the vendor to provide support services, it shall be  
27 characterized as a sale of services and not a sale of tangible personal  
28 property;

29 (3) If an optional computer software maintenance contract is a  
30 bundled transaction in which both taxable and nontaxable or exempt  
31 products that are not separately itemized on the invoice or similar  
32 billing document, the purchase price under the contract shall be taxable.

33 3. In the case of a bundled transaction that includes the retail  
34 sale of two or more products not listed in subsections 1 or 2 of this  
35 section, if the price is attributable to products that are taxable and  
36 products that are nontaxable, the bundled transaction is subject to tax.

144.030. 1. There is hereby specifically exempted from the provisions of

2 [sections 144.010 to 144.525] **chapter 144** and from the computation of the tax  
3 levied, assessed or payable [pursuant to sections 144.010 to 144.525] **chapter 144**  
4 such retail sales as may be made in commerce between this state and any other  
5 state of the United States, or between this state and any foreign country, and any  
6 retail sale which the state of Missouri is prohibited from taxing pursuant to the  
7 Constitution or laws of the United States of America, and such retail sales of  
8 tangible personal property which the general assembly of the state of Missouri is  
9 prohibited from taxing or further taxing by the constitution of this state.

10         2. There are also specifically exempted from the provisions of the local  
11 sales tax law as defined in section 32.085, section 238.235, and [sections 144.010  
12 to 144.525 and 144.600 to 144.761] **chapter 144** and from the computation of the  
13 tax levied, assessed or payable pursuant to the local sales tax law as defined in  
14 section 32.085, section 238.235, and [sections 144.010 to 144.525 and 144.600 to  
15 144.745] **chapter 144**:

16         (1) Motor fuel or special fuel subject to an excise tax of this state, unless  
17 all or part of such excise tax is refunded pursuant to section 142.824; or upon the  
18 sale at retail of fuel to be consumed in manufacturing or creating gas, power,  
19 steam, electrical current or in furnishing water to be sold ultimately at retail; or  
20 feed for livestock or poultry; or grain to be converted into foodstuffs which are to  
21 be sold ultimately in processed form at retail; or seed, limestone or fertilizer  
22 which is to be used for seeding, liming or fertilizing crops which when harvested  
23 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in  
24 processed form at retail; economic poisons registered pursuant to the provisions  
25 of [the Missouri pesticide registration law,] sections 281.220 to 281.310, which are  
26 to be used in connection with the growth or production of crops, fruit trees or  
27 orchards applied before, during, or after planting, the crop of which when  
28 harvested will be sold at retail or will be converted into foodstuffs which are to  
29 be sold ultimately in processed form at retail;

30         (2) Materials, manufactured goods, machinery and parts which when used  
31 in manufacturing, processing, compounding, mining, producing or fabricating  
32 become a component part or ingredient of the new personal property resulting  
33 from such manufacturing, processing, compounding, mining, producing or  
34 fabricating and which new personal property is intended to be sold ultimately for  
35 final use or consumption; and materials, including without limitation, gases and  
36 manufactured goods, including without limitation slagging materials and  
37 firebrick, which are ultimately consumed in the manufacturing process by  
38 blending, reacting or interacting with or by becoming, in whole or in part,

39 component parts or ingredients of steel products intended to be sold ultimately  
40 for final use or consumption;

41 (3) Materials, replacement parts and equipment purchased for use directly  
42 upon, and for the repair and maintenance or manufacture of, motor vehicles,  
43 watercraft, railroad rolling stock or aircraft engaged as common carriers of  
44 persons or property;

45 (4) Replacement machinery, equipment, and parts and the materials and  
46 supplies solely required for the installation or construction of such replacement  
47 machinery, equipment, and parts, used directly in manufacturing, mining,  
48 fabricating or producing a product which is intended to be sold ultimately for final  
49 use or consumption; and machinery and equipment, and the materials and  
50 supplies required solely for the operation, installation or construction of such  
51 machinery and equipment, purchased and used to establish new, or to replace or  
52 expand existing, material recovery processing plants in this state. For the  
53 purposes of this subdivision, a "material recovery processing plant" means a  
54 facility that has as its primary purpose the recovery of materials into a usable  
55 product or a different form which is used in producing a new product and shall  
56 include a facility or equipment which are used exclusively for the collection of  
57 recovered materials for delivery to a material recovery processing plant but shall  
58 not include motor vehicles used on highways. For purposes of this section, the  
59 terms motor vehicle and highway shall have the same meaning pursuant to  
60 section 301.010. For the purposes of this subdivision, subdivision (5) of this  
61 subsection, and section 144.054, as well as the definition in subdivision (9) of  
62 subsection 1 of section 144.010, the term "product" includes telecommunications  
63 services and the term "manufacturing" shall include the production, or production  
64 and transmission, of telecommunications services. The preceding sentence does  
65 not make a substantive change in the law and is intended to clarify that the term  
66 "manufacturing" has included and continues to include the production and  
67 transmission of "telecommunications services", as enacted in this subdivision and  
68 subdivision (5) of this subsection, as well as the definition in subdivision (9) of  
69 subsection 1 of section 144.010. The preceding two sentences reaffirm legislative  
70 intent consistent with the interpretation of this subdivision and subdivision (5)  
71 of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d  
72 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182  
73 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme  
74 court's interpretation of those exemptions in *IBM Corporation v. Director of*  
75 *Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this

76 section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo.  
77 banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226  
78 (Mo. banc 2005). The construction and application of this subdivision as  
79 expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of*  
80 *Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director*  
81 *of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v.*  
82 *Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby  
83 affirmed. Material recovery is not the reuse of materials within a manufacturing  
84 process or the use of a product previously recovered. The material recovery  
85 processing plant shall qualify under the provisions of this section regardless of  
86 ownership of the material being recovered;

87 (5) Machinery and equipment, and parts and the materials and supplies  
88 solely required for the installation or construction of such machinery and  
89 equipment, purchased and used to establish new or to expand existing  
90 manufacturing, mining or fabricating plants in the state if such machinery and  
91 equipment is used directly in manufacturing, mining or fabricating a product  
92 which is intended to be sold ultimately for final use or consumption. The  
93 construction and application of this subdivision as expressed by the Missouri  
94 supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo.  
95 banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo.  
96 banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d  
97 226 (Mo. banc 2005), is hereby affirmed;

98 (6) Tangible personal property which is used exclusively in the  
99 manufacturing, processing, modification or assembling of products sold to the  
100 United States government or to any agency of the United States government;

101 (7) Animals or poultry used for breeding or feeding purposes, or captive  
102 wildlife;

103 (8) Newsprint, ink, computers, photosensitive paper and film, toner,  
104 printing plates and other machinery, equipment, replacement parts and supplies  
105 used in producing newspapers published for dissemination of news to the general  
106 public;

107 (9) The rentals of films, records or any type of sound or picture  
108 transcriptions for public commercial display;

109 (10) Pumping machinery and equipment used to propel products delivered  
110 by pipelines engaged as common carriers;

111 (11) Railroad rolling stock for use in transporting persons or property in  
112 interstate commerce and motor vehicles licensed for a gross weight of twenty-four

113 thousand pounds or more or trailers used by common carriers, as defined in  
114 section 390.020, in the transportation of persons or property;

115 (12) Electrical energy used in the actual primary manufacture, processing,  
116 compounding, mining or producing of a product, or electrical energy used in the  
117 actual secondary processing or fabricating of the product, or a material recovery  
118 processing plant as defined in subdivision (4) of this subsection, in facilities  
119 owned or leased by the taxpayer, if the total cost of electrical energy so used  
120 exceeds ten percent of the total cost of production, either primary or secondary,  
121 exclusive of the cost of electrical energy so used or if the raw materials used in  
122 such processing contain at least twenty-five percent recovered materials as  
123 defined in section 260.200. There shall be a rebuttable presumption that the raw  
124 materials used in the primary manufacture of automobiles contain at least  
125 twenty-five percent recovered materials. For purposes of this subdivision,  
126 "processing" means any mode of treatment, act or series of acts performed upon  
127 materials to transform and reduce them to a different state or thing, including  
128 treatment necessary to maintain or preserve such processing by the producer at  
129 the production facility;

130 (13) Anodes which are used or consumed in manufacturing, processing,  
131 compounding, mining, producing or fabricating and which have a useful life of less  
132 than one year;

133 (14) Machinery, equipment, appliances and devices purchased or leased  
134 and used solely for the purpose of preventing, abating or monitoring air pollution,  
135 and materials and supplies solely required for the installation, construction or  
136 reconstruction of such machinery, equipment, appliances and devices;

137 (15) Machinery, equipment, appliances and devices purchased or leased  
138 and used solely for the purpose of preventing, abating or monitoring water  
139 pollution, and materials and supplies solely required for the installation,  
140 construction or reconstruction of such machinery, equipment, appliances and  
141 devices;

142 (16) Tangible personal property purchased by a rural water district;

143 (17) All amounts paid or charged for admission or participation or other  
144 fees paid by or other charges to individuals in or for any place of amusement,  
145 entertainment or recreation, games or athletic events, including museums, fairs,  
146 zoos and planetariums, owned or operated by a municipality or other political  
147 subdivision where all the proceeds derived therefrom benefit the municipality or  
148 other political subdivision and do not inure to any private person, firm, or  
149 corporation, provided, however, that a municipality or other political subdivision



150 may enter into revenue-sharing agreements with private persons, firms, or  
151 corporations providing goods or services, including management services, in or for  
152 the place of amusement, entertainment or recreation, games or athletic events,  
153 and provided further that nothing in this subdivision shall exempt from tax any  
154 amounts retained by any private person, firm, or corporation under such  
155 revenue-sharing agreement;

156 (18) All sales of [insulin, and all sales, rentals, repairs, and parts of  
157 durable medical equipment, prosthetic devices, and orthopedic devices as defined  
158 on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of  
159 the Social Security Act of 1965, including the items specified in Section  
160 1862(a)(12) of that act, and also specifically including hearing aids and hearing  
161 aid supplies and all sales of drugs which may be legally dispensed by a licensed  
162 pharmacist only upon a lawful prescription of a practitioner licensed to  
163 administer those items, including samples and materials used to manufacture  
164 samples which may be dispensed by a practitioner authorized to dispense such  
165 samples and all sales or rental of medical oxygen, home respiratory equipment  
166 and accessories including parts, and hospital beds and accessories and ambulatory  
167 aids including parts, and all sales or rental of manual and powered wheelchairs  
168 including parts, and stairway lifts, Braille writers, electronic Braille equipment  
169 and, if purchased or rented by or on behalf of a person with one or more physical  
170 or mental disabilities to enable them to function more independently, all sales or  
171 rental of scooters including parts, and reading machines, electronic print  
172 enlargers and magnifiers, electronic alternative and augmentative communication  
173 devices, and items used solely to modify motor vehicles to permit the use of such  
174 motor vehicles by individuals with disabilities or sales of] over-the-counter [or  
175 nonprescription] drugs to individuals with disabilities, **and all sales of drugs,**  
176 **including prescriptions, durable medical equipment, prosthetic devices,**  
177 **mobility enhancing equipment, kidney dialysis equipment, and enteral**  
178 **feeding systems,** and drugs required by the Food and Drug Administration to  
179 meet the over-the-counter drug product labeling requirements in 21 CFR 201.66,  
180 or its successor, as prescribed by a health care practitioner licensed to prescribe;

181 (19) All sales made by or to religious and charitable organizations and  
182 institutions in their religious, charitable or educational functions and activities  
183 and all sales made by or to all elementary and secondary schools operated at  
184 public expense in their educational functions and activities;

185 (20) All sales of aircraft to common carriers for storage or for use in  
186 interstate commerce and all sales made by or to not-for-profit civic, social, service

187 or fraternal organizations, including fraternal organizations which have been  
188 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the  
189 1986 Internal Revenue Code, as amended, in their civic or charitable functions  
190 and activities and all sales made to eleemosynary and penal institutions and  
191 industries of the state, and all sales made to any private not-for-profit institution  
192 of higher education not otherwise excluded pursuant to subdivision (19) of this  
193 subsection or any institution of higher education supported by public funds, and  
194 all sales made to a state relief agency in the exercise of relief functions and  
195 activities;

196 (21) All ticket sales made by benevolent, scientific and educational  
197 associations which are formed to foster, encourage, and promote progress and  
198 improvement in the science of agriculture and in the raising and breeding of  
199 animals, and by nonprofit summer theater organizations if such organizations are  
200 exempt from federal tax pursuant to the provisions of the Internal Revenue Code  
201 and all admission charges and entry fees to the Missouri state fair or any fair  
202 conducted by a county agricultural and mechanical society organized and operated  
203 pursuant to sections 262.290 to 262.530;

204 (22) All sales made to any private not-for-profit elementary or secondary  
205 school, all sales of feed additives, medications or vaccines administered to  
206 livestock or poultry in the production of food or fiber, all sales of pesticides used  
207 in the production of crops, livestock or poultry for food or fiber, all sales of  
208 bedding used in the production of livestock or poultry for food or fiber, all sales  
209 of propane or natural gas, electricity or diesel fuel used exclusively for drying  
210 agricultural crops, natural gas used in the primary manufacture or processing of  
211 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity  
212 used by an eligible new generation cooperative or an eligible new generation  
213 processing entity as defined in section 348.432, and all sales of farm machinery  
214 and equipment, other than airplanes, motor vehicles and trailers, and any freight  
215 charges on any exempt item. As used in this subdivision, the term "feed  
216 additives" means tangible personal property which, when mixed with feed for  
217 livestock or poultry, is to be used in the feeding of livestock or poultry. As used  
218 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,  
219 surfactants, wetting agents and other assorted pesticide carriers used to improve  
220 or enhance the effect of a pesticide and the foam used to mark the application of  
221 pesticides and herbicides for the production of crops, livestock or poultry. As used  
222 in this subdivision, the term "farm machinery and equipment" means new or used  
223 farm tractors and such other new or used farm machinery and equipment and

224 repair or replacement parts thereon and any accessories for and upgrades to such  
225 farm machinery and equipment, rotary mowers used exclusively for agricultural  
226 purposes, and supplies and lubricants used exclusively, solely, and directly for  
227 producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar,  
228 quail, or for producing milk for ultimate sale at retail, including field drain tile,  
229 and one-half of each purchaser's purchase of diesel fuel therefor which is:

230 (a) Used exclusively for agricultural purposes;

231 (b) Used on land owned or leased for the purpose of producing farm  
232 products; and

233 (c) Used directly in producing farm products to be sold ultimately in  
234 processed form or otherwise at retail or in producing farm products to be fed to  
235 livestock or poultry to be sold ultimately in processed form at retail;

236 (23) Except as otherwise provided in section 144.032, all sales of metered  
237 water service, electricity, [electrical current, natural, artificial or propane gas,  
238 wood, coal or home heating oil] **piped natural or artificial gas, or other fuels**  
239 **delivered by the seller** for domestic use and in any city not within a county, all  
240 sales of metered or unmetered water service for domestic use:

241 (a) "Domestic use" means that portion of metered water service,  
242 electricity, [electrical current, natural, artificial or propane gas, wood, coal or  
243 home heating oil,] **piped natural or artificial gas, or other fuels delivered**  
244 **by the seller** and in any city not within a county, metered or unmetered water  
245 service, which an individual occupant of a residential premises uses for  
246 nonbusiness, noncommercial or nonindustrial purposes. Utility service through  
247 a single or master meter for residential apartments or condominiums, including  
248 service for common areas and facilities and vacant units, shall be deemed to be  
249 for domestic use. Each seller shall establish and maintain a system whereby  
250 individual purchases are determined as exempt or nonexempt;

251 (b) Regulated utility sellers shall determine whether individual purchases  
252 are exempt or nonexempt based upon the seller's utility service rate  
253 classifications as contained in tariffs on file with and approved by the Missouri  
254 public service commission. Sales and purchases made pursuant to the rate  
255 classification "residential" and sales to and purchases made by or on behalf of the  
256 occupants of residential apartments or condominiums through a single or master  
257 meter, including service for common areas and facilities and vacant units, shall  
258 be considered as sales made for domestic use and such sales shall be exempt from  
259 sales tax. Sellers shall charge sales tax upon the entire amount of purchases  
260 classified as nondomestic use. The seller's utility service rate classification and

261 the provision of service thereunder shall be conclusive as to whether or not the  
262 utility must charge sales tax;

263 (c) Each person making domestic use purchases of [services or property]  
264 **electricity, piped natural or artificial gas, or other fuels delivered by the**  
265 **seller** and who uses any portion of the services or property so purchased for a  
266 nondomestic use shall, by the fifteenth day of the fourth month following the year  
267 of purchase, and without assessment, notice or demand, file a return and pay  
268 sales tax on that portion of nondomestic purchases. Each person making  
269 nondomestic purchases of [services or property] **electricity, piped natural or**  
270 **artificial gas, or other fuels delivered by the seller** and who uses any  
271 portion of the [services or property] **electricity, piped natural or artificial**  
272 **gas, or other fuels delivered by the seller** so purchased for domestic use, and  
273 each person making domestic purchases on behalf of occupants of residential  
274 apartments or condominiums through a single or master meter, including service  
275 for common areas and facilities and vacant units, under a nonresidential utility  
276 service rate classification may, between the first day of the first month and the  
277 fifteenth day of the fourth month following the year of purchase, apply for credit  
278 or refund to the director of revenue and the director shall give credit or make  
279 refund for taxes paid on the domestic use portion of the purchase. The person  
280 making such purchases on behalf of occupants of residential apartments or  
281 condominiums shall have standing to apply to the director of revenue for such  
282 credit or refund;

283 (24) All sales of handicraft items made by the seller or the seller's spouse  
284 if the seller or the seller's spouse is at least sixty-five years of age, and if the total  
285 gross proceeds from such sales do not constitute a majority of the annual gross  
286 income of the seller;

287 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,  
288 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States  
289 Code. The director of revenue shall promulgate rules pursuant to chapter 536 to  
290 eliminate all state and local sales taxes on such excise taxes;

291 (26) Sales of fuel consumed or used in the operation of ships, barges, or  
292 waterborne vessels which are used primarily in or for the transportation of  
293 property or cargo, or the conveyance of persons for hire, on navigable rivers  
294 bordering on or located in part in this state, if such fuel is delivered by the seller  
295 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such  
296 river;

297 (27) All sales made to an interstate compact agency created pursuant to

298 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the  
299 functions and activities of such agency as provided pursuant to the compact;

300 (28) Computers, computer software and computer security systems  
301 purchased for use by architectural or engineering firms headquartered in this  
302 state. For the purposes of this subdivision, "headquartered in this state" means  
303 the office for the administrative management of at least four integrated facilities  
304 operated by the taxpayer is located in the state of Missouri;

305 (29) All livestock sales when either the seller is engaged in the growing,  
306 producing or feeding of such livestock, or the seller is engaged in the business of  
307 buying and selling, bartering or leasing of such livestock;

308 (30) All sales of barges which are to be used primarily in the  
309 transportation of property or cargo on interstate waterways;

310 (31) Electrical energy or gas, whether natural, artificial or propane, water,  
311 or other utilities which are ultimately consumed in connection with the  
312 manufacturing of cellular glass products or in any material recovery processing  
313 plant as defined in subdivision (4) of this subsection;

314 (32) Notwithstanding other provisions of law to the contrary, all sales of  
315 pesticides or herbicides used in the production of crops, aquaculture, livestock or  
316 poultry;

317 (33) Tangible personal property and utilities purchased for use or  
318 consumption directly or exclusively in the research and development of  
319 agricultural/biotechnology and plant genomics products and prescription  
320 pharmaceuticals consumed by humans or animals;

321 (34) All sales of grain bins for storage of grain for resale;

322 (35) All sales of feed which are developed for and used in the feeding of  
323 pets owned by a commercial breeder when such sales are made to a commercial  
324 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325  
325 to 273.357;

326 (36) All purchases by a contractor on behalf of an entity located in another  
327 state, provided that the entity is authorized to issue a certificate of exemption for  
328 purchases to a contractor under the provisions of that state's laws. For purposes  
329 of this subdivision, the term "certificate of exemption" shall mean any document  
330 evidencing that the entity is exempt from sales and use taxes on purchases  
331 pursuant to the laws of the state in which the entity is located. Any contractor  
332 making purchases on behalf of such entity shall maintain a copy of the entity's  
333 exemption certificate as evidence of the exemption. If the exemption certificate  
334 issued by the exempt entity to the contractor is later determined by the director

335 of revenue to be invalid for any reason [and the contractor has accepted the  
336 certificate in good faith], neither the contractor or the exempt entity shall be  
337 liable for the payment of any taxes, interest and penalty due as the result of use  
338 of the invalid exemption certificate **unless the contractor fraudulently**  
339 **accepted the certificate**. Materials shall be exempt from all state and local  
340 sales and use taxes when purchased by a contractor for the purpose of fabricating  
341 tangible personal property which is used in fulfilling a contract for the purpose  
342 of constructing, repairing or remodeling facilities for the following:

343 (a) An exempt entity located in this state, if the entity is one of those  
344 entities able to issue project exemption certificates in accordance with the  
345 provisions of section 144.062; or

346 (b) An exempt entity located outside the state if the exempt entity is  
347 authorized to issue an exemption certificate to contractors in accordance with the  
348 provisions of that state's law and the applicable provisions of this section;

349 (37) All sales or other transfers of tangible personal property to a lessor  
350 who leases the property under a lease of one year or longer executed or in effect  
351 at the time of the sale or other transfer to an interstate compact agency created  
352 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

353 (38) Sales of tickets to any collegiate athletic championship event that is  
354 held in a facility owned or operated by a governmental authority or commission,  
355 a quasi-governmental agency, a state university or college or by the state or any  
356 political subdivision thereof, including a municipality, and that is played on a  
357 neutral site and may reasonably be played at a site located outside the state of  
358 Missouri. For purposes of this subdivision, "neutral site" means any site that is  
359 not located on the campus of a conference member institution participating in the  
360 event;

361 (39) All purchases by a sports complex authority created under section  
362 64.920, and all sales of utilities by such authority at the authority's cost that are  
363 consumed in connection with the operation of a sports complex leased to a  
364 professional sports team;

365 (40) All materials, replacement parts, and equipment purchased for use  
366 directly upon, and for the modification, replacement, repair, and maintenance of  
367 aircraft, aircraft power plants, and aircraft accessories;

368 (41) Sales of sporting clays, wobble, skeet, and trap targets to any  
369 shooting range or similar places of business for use in the normal course of  
370 business and money received by a shooting range or similar places of business  
371 from patrons and held by a shooting range or similar place of business for

372 redistribution to patrons at the conclusion of a shooting event;

373 (42) All sales of motor fuel, as defined in section 142.800, used in any  
374 watercraft, as defined in section 306.010;

375 (43) Any new or used aircraft sold or delivered in this state to a person  
376 who is not a resident of this state or a corporation that is not incorporated in this  
377 state, and such aircraft is not to be based in this state and shall not remain in  
378 this state more than ten business days subsequent to the last to occur of:

379 (a) The transfer of title to the aircraft to a person who is not a resident  
380 of this state or a corporation that is not incorporated in this state; or

381 (b) The date of the return to service of the aircraft in accordance with 14  
382 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations,  
383 repairs, or installations that are completed contemporaneously with the transfer  
384 of title to the aircraft to a person who is not a resident of this state or a  
385 corporation that is not incorporated in this state;

386 (44) Motor vehicles registered in excess of fifty-four thousand pounds, and  
387 the trailers pulled by such motor vehicles, that are actually used in the normal  
388 course of business to haul property on the public highways of the state, and that  
389 are capable of hauling loads commensurate with the motor vehicle's registered  
390 weight; and the materials, replacement parts, and equipment purchased for use  
391 directly upon, and for the repair and maintenance or manufacture of such  
392 vehicles. For purposes of this subdivision, "motor vehicle" and "public highway"  
393 shall have the meaning as ascribed in section 390.020;

394 (45) All internet access or the use of internet access regardless of whether  
395 the tax is imposed on a provider of internet access or a buyer of internet  
396 access. For purposes of this subdivision, the following terms shall mean:

397 (a) "Direct costs", costs incurred by a governmental authority solely  
398 because of an internet service provider's use of the public right-of-way. The term  
399 shall not include costs that the governmental authority would have incurred if the  
400 internet service provider did not make such use of the public right-of-way. Direct  
401 costs shall be determined in a manner consistent with generally accepted  
402 accounting principles;

403 (b) "Internet", computer and telecommunications facilities, including  
404 equipment and operating software, that comprises the interconnected worldwide  
405 network that employ the transmission control protocol or internet protocol, or any  
406 predecessor or successor protocols to that protocol, to communicate information  
407 of all kinds by wire or radio;

408 (c) "Internet access", a service that enables users to connect to the

409 internet to access content, information, or other services without regard to  
410 whether the service is referred to as telecommunications, communications,  
411 transmission, or similar services, and without regard to whether a provider of the  
412 service is subject to regulation by the Federal Communications Commission as a  
413 common carrier under 47 U.S.C. Section 201, et seq. For purposes of this  
414 subdivision, internet access also includes: the purchase, use, or sale of  
415 communications services, including telecommunications services as defined in  
416 section 144.010, to the extent the communications services are purchased, used,  
417 or sold to provide the service described in this subdivision or to otherwise enable  
418 users to access content, information, or other services offered over the internet;  
419 services that are incidental to the provision of a service described in this  
420 subdivision, when furnished to users as part of such service, including a home  
421 page, electronic mail, and instant messaging, including voice-capable and  
422 video-capable electronic mail and instant messaging, video clips, and personal  
423 electronic storage capacity; a home page electronic mail and instant messaging,  
424 including voice-capable and video-capable electronic mail and instant messaging,  
425 video clips, and personal electronic storage capacity that are provided  
426 independently or that are not packed with internet access. As used in this  
427 subdivision, internet access does not include voice, audio, and video programming  
428 or other products and services, except services described in this paragraph or this  
429 subdivision, that use internet protocol or any successor protocol and for which  
430 there is a charge, regardless of whether the charge is separately stated or  
431 aggregated with the charge for services described in this paragraph or this  
432 subdivision;

433 (d) "Tax", any charge imposed by the state or a political subdivision of the  
434 state for the purpose of generating revenues for governmental purposes and that  
435 is not a fee imposed for a specific privilege, service, or benefit conferred, except  
436 as described as otherwise under this subdivision, or any obligation imposed on a  
437 seller to collect and to remit to the state or a political subdivision of the state any  
438 gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental  
439 entity. The term tax shall not include any franchise fee or similar fee imposed  
440 or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the  
441 Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573;  
442 or any other fee related to obligations of telecommunications carriers under the  
443 Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent  
444 that:

445 a. The fee is not imposed for the purpose of recovering direct costs



446 incurred by the franchising or other governmental authority from providing the  
447 specific privilege, service, or benefit conferred to the payer of the fee; or

448         b. The fee is imposed for the use of a public right-of-way based on a  
449 percentage of the service revenue, and the fee exceeds the incremental direct costs  
450 incurred by the governmental authority associated with the provision of that  
451 right-of-way to the provider of internet access service.

452 Nothing in this subdivision shall be interpreted as an exemption from taxes due  
453 on goods or services that were subject to tax on January 1, 2016;

454         **(46) Usual and customary delivery charges that are stated**  
455 **separately from the sale price.**

456         3. Any ruling, agreement, or contract, whether written or oral, express or  
457 implied, between a person and this state's executive branch, or any other state  
458 agency or department, stating, agreeing, or ruling that such person is not  
459 required to collect sales and use tax in this state despite the presence of a  
460 warehouse, distribution center, or fulfillment center in this state that is owned  
461 or operated by the person or an affiliated person shall be null and void unless it  
462 is specifically approved by a majority vote of each of the houses of the general  
463 assembly. For purposes of this subsection, an "affiliated person" means any  
464 person that is a member of the same controlled group of corporations as defined  
465 in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the  
466 vendor or any other entity that, notwithstanding its form of organization, bears  
467 the same ownership relationship to the vendor as a corporation that is a member  
468 of the same controlled group of corporations as defined in Section 1563(a) of the  
469 Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary  
2 notwithstanding, any city imposing a sales tax under the provisions of sections  
3 94.500 to 94.570, or any county imposing a sales tax under the provisions of  
4 sections 66.600 to 66.635, or any county imposing a sales tax under the provisions  
5 of sections 67.500 to 67.729, or any hospital district imposing a sales tax under  
6 the provisions of section 205.205 may by ordinance impose a sales tax upon all  
7 sales of [metered water services,] electricity, [electrical current and natural,  
8 artificial or propane gas, wood, coal, or home heating oil] **pipd natural or**  
9 **artificial gas, or other fuels delivered by the seller** for domestic use  
10 only. Such tax shall be administered by the department of revenue and assessed  
11 by the retailer in the same manner as any other city, county, or hospital district  
12 sales tax. Domestic use shall be determined in the same manner as the  
13 determination of domestic use for exemption of such sales from the state sales tax

14 under the provisions of section 144.030.

144.049. 1. [For purposes of this section, the following terms mean:

2 (1) "Clothing", any article of wearing apparel intended to be worn on or  
3 about the human body including, but not limited to, disposable diapers for infants  
4 or adults and footwear. The term shall include, but not be limited to, cloth and  
5 other material used to make school uniforms or other school clothing. Items  
6 normally sold in pairs shall not be separated to qualify for the exemption. The  
7 term shall not include watches, watchbands, jewelry, handbags, handkerchiefs,  
8 umbrellas, scarves, ties, headbands, or belt buckles; and

9 (2) "Personal computers", a laptop, desktop, or tower computer system  
10 which consists of a central processing unit, random access memory, a storage  
11 drive, a display monitor, and a keyboard and devices designed for use in  
12 conjunction with a personal computer, such as a disk drive, memory module,  
13 compact disk drive, daughterboard, digitizer, microphone, modem, motherboard,  
14 mouse, multimedia speaker, printer, scanner, single-user hardware, single-user  
15 operating system, soundcard, or video card;

16 (3) "School supplies", any item normally used by students in a standard  
17 classroom for educational purposes, including but not limited to textbooks,  
18 notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags,  
19 backpacks, handheld calculators, chalk, maps, and globes. The term shall not  
20 include watches, radios, CD players, headphones, sporting equipment, portable  
21 or desktop telephones, copiers or other office equipment, furniture, or  
22 fixtures. School supplies shall also include computer software having a taxable  
23 value of three hundred fifty dollars or less and any graphing calculator having a  
24 taxable value of one hundred fifty dollars or less.

25 2.] In each year beginning on or after January 1, 2005, there is hereby  
26 specifically exempted from state **and local** sales tax law all retail sales of any  
27 article of clothing having a taxable value of one hundred dollars or less[.]; all  
28 retail sales of school supplies [not to exceed fifty dollars per purchase,]; **school**  
29 **art supplies, and school instructional materials;** all **prewritten** computer  
30 software with a taxable value of three hundred fifty dollars or less[, all graphing  
31 calculators having a taxable value of one hundred fifty dollars or less,]; and all  
32 retail sales of [personal] computers [or computer peripheral devices] **and school**  
33 **computer supplies** not to exceed one thousand five hundred dollars **per item**,  
34 during a three-day period beginning at 12:01 a.m. on the first Friday in August  
35 and ending at midnight on the Sunday following. **Where a purchaser and**  
36 **seller are located in two different time zones, the time zone of the**

37 **seller's location shall determine the authorized exemption period.**

38 [3. If the governing body of any political subdivision adopted an ordinance  
39 that applied to the 2004 sales tax holiday to prohibit the provisions of this section  
40 from allowing the sales tax holiday to apply to such political subdivision's local  
41 sales tax, then, notwithstanding any provision of a local ordinance to the  
42 contrary, the 2005 sales tax holiday shall not apply to such political subdivision's  
43 local sales tax. However, any such political subdivision may enact an ordinance  
44 to allow the 2005 sales tax holiday to apply to its local sales taxes. A political  
45 subdivision must notify the department of revenue not less than forty-five  
46 calendar days prior to the beginning date of the sales tax holiday occurring in  
47 that year of any ordinance or order rescinding an ordinance or order to opt out.

48 4.] 2. This section shall not apply to any sales which take place within the  
49 Missouri state fairgrounds.

50 [5.] 3. This section applies to sales of items bought for personal use only.

51 [6. After the 2005 sales tax holiday, any political subdivision may, by  
52 adopting an ordinance or order, choose to prohibit future annual sales tax  
53 holidays from applying to its local sales tax. After opting out, the political  
54 subdivision may rescind the ordinance or order. The political subdivision must  
55 notify the department of revenue not less than forty-five calendar days prior to  
56 the beginning date of the sales tax holiday occurring in that year of any ordinance  
57 or order rescinding an ordinance or order to opt out.

58 7.] 4. This section may not apply to any retailer when less than two  
59 percent of the retailer's merchandise offered for sale qualifies for the sales tax  
60 holiday. The retailer [shall] **may** offer a sales tax refund in lieu of the sales tax  
61 holiday.

62 **5. A sale of property which is eligible for an exemption under**  
63 **subsection 1 of this section but is purchased under a layaway sale shall**  
64 **only qualify for an exemption if:**

65 (1) **Final payment on a layaway order is made by, and the**  
66 **property is given to, the purchaser during the exemption period; or**

67 (2) **The purchaser selects the property and the seller accepts the**  
68 **order for the property during the exemption period, for immediate**  
69 **delivery upon full payment, even if delivery is made after the exemption**  
70 **period.**

71 **6. The exemption of a bundled transaction shall be calculated as**  
72 **provided by law for all other bundled transactions.**

73 **7. (1) For any discount offered by a seller that is a reduction of**

74 the sales price of the product, the discounted sales price shall determine  
75 whether the sales price falls below the price threshold provided in  
76 subsection 1 of this section. A coupon that reduces the sales price shall  
77 be treated as a discount only if the seller is not reimbursed for the  
78 coupon amount by a third party.

79 (2) If a discount applies to the total amount paid by a purchaser  
80 rather than to the sales price of a particular product and the purchaser  
81 has purchased both exempt property and taxable property, the seller  
82 shall allocate the discount based on the total sales prices of the taxable  
83 property compared to the total sales prices of all property sold in the  
84 same transaction.

85 8. Items that are normally sold as a single unit shall continue to  
86 be sold in that manner and shall not be priced separately and sold as  
87 individual items.

88 9. Items that are purchased during an exemption period but that  
89 are not delivered to the purchaser until after the exemption period due  
90 to the item not being in stock shall qualify for an exemption. The  
91 provisions of this subsection shall not apply to an item that was  
92 delivered during an exemption period but was purchased prior to or  
93 after the exemption period.

94 10. (1) If a purchaser purchases an item of eligible property  
95 during an exemption period, but later exchanges the item for a similar  
96 eligible item after the exemption period, no additional tax shall be due  
97 on the new item.

98 (2) If a purchaser purchases an item of eligible property during  
99 an exemption period, but later returns the item after the exemption  
100 period and receives credit on the purchase of a different nonexempt  
101 item, the appropriate sales tax shall be due on the sale of the newly  
102 purchased item.

103 (3) If a purchaser purchases an item of eligible property before an  
104 exemption period, but during the exemption period returns the item and  
105 receives credit on the purchase of a different item of eligible property,  
106 no sales tax shall be due on the sale of the new item if the new item is  
107 purchased during the exemption period.

108 (4) For a sixty day period immediately following the end of the  
109 exemption period, if a purchaser returns an exempt item no credit for  
110 or refund of sales tax shall be given unless the purchaser provides a

111 receipt or invoice that shows tax was paid, or the seller has sufficient  
112 documentation to show that tax was paid on the item being returned.

113 11. For items that require delivery, an item shall be considered  
114 exempt if:

115 (1) The item is both delivered to and paid for by the purchaser  
116 during the exemption period; or

117 (2) The purchaser orders and pays for the item and the seller  
118 accepts the order during the exemption period for immediate shipment,  
119 even if delivery is made after the exemption period. For the purposes  
120 of this subdivision, a seller shall be considered to have accepted an  
121 order when the seller has taken action to fill the order for immediate  
122 shipment. Actions to fill an order shall include placement of an "in date"  
123 stamp on a mail order or the assignment of an "order number" to a  
124 telephone order. An order shall be considered for immediate shipment  
125 when the purchaser does not request delayed shipment. An order shall  
126 be considered for immediate shipment notwithstanding a shipment that  
127 may be delayed because of a backlog of orders or because an item is  
128 currently unavailable or on back order.

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed  
3 upon materials to transform or reduce them to a different state or thing,  
4 including treatment necessary to maintain or preserve such processing by the  
5 producer at the production facility;

6 (2) "Producing" includes, but is not limited to, the production of, including  
7 the production and transmission of, telecommunication services;

8 (3) "Product" includes, but is not limited to, telecommunications services;

9 (4) "Recovered materials", those materials which have been diverted or  
10 removed from the solid waste stream for sale, use, reuse, or recycling, whether  
11 or not they require subsequent separation and processing.

12 2. In addition to all other exemptions granted under this chapter, there  
13 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525  
14 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or  
15 payable under sections 144.010 to 144.525 and 144.600 to 144.761,] **this chapter**  
16 **and from the computation of the tax levied, assessed, or payable under**  
17 **this chapter** electrical energy and gas, whether natural, artificial, or propane,  
18 water, coal, and energy sources, chemicals, machinery, equipment, and materials  
19 used or consumed in the manufacturing, processing, compounding, mining, or

20 producing of any product, or used or consumed in the processing of recovered  
21 materials, or used in research and development related to manufacturing,  
22 processing, compounding, mining, or producing any product. [The exemptions  
23 granted in this subsection shall not apply to local sales taxes as defined in section  
24 32.085 and the provisions of this subsection shall be in addition to any state and  
25 local sales tax exemption provided in section 144.030.] The construction and  
26 application of this subsection as expressed by the Missouri supreme court in DST  
27 Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001);  
28 Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002);  
29 and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc  
30 2005), is hereby affirmed.

31           3. In addition to all other exemptions granted under this chapter, there  
32 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525  
33 and 144.600 to 144.761, and section 238.235, and the local sales tax law as  
34 defined in section 32.085, and from the computation of the tax levied, assessed,  
35 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section  
36 238.235, and the local sales tax law as defined in section 32.085] **this chapter**  
37 **and from the computation of the tax levied, assessed, and payable under**  
38 **this chapter**, all utilities, machinery, and equipment used or consumed directly  
39 in television or radio broadcasting and all sales and purchases of tangible  
40 personal property, utilities, services, or any other transaction that would  
41 otherwise be subject to the state or local sales or use tax when such sales are  
42 made to or purchases are made by a contractor for use in fulfillment of any  
43 obligation under a defense contract with the United States government, and all  
44 sales and leases of tangible personal property by any county, city, incorporated  
45 town, or village, provided such sale or lease is authorized under chapter 100, and  
46 such transaction is certified for sales tax exemption by the department of  
47 economic development, and tangible personal property used for railroad  
48 infrastructure brought into this state for processing, fabrication, or other  
49 modification for use outside the state in the regular course of business.

50           4. In addition to all other exemptions granted under this chapter, there  
51 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525  
52 and 144.600 to 144.761, and section 238.235, and the local sales tax law as  
53 defined in section 32.085, and from the computation of the tax levied, assessed,  
54 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section  
55 238.235, and the local sales tax law as defined in section 32.085] **this chapter**  
56 **and from the computation of the tax levied, assessed, and payable under**

57 **this chapter**, all sales and purchases of tangible personal property, utilities,  
58 services, or any other transaction that would otherwise be subject to the state or  
59 local sales or use tax when such sales are made to or purchases are made by a  
60 private partner for use in completing a project under sections 227.600 to 227.669.

61 5. In addition to all other exemptions granted under this chapter, there  
62 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525  
63 and 144.600 to 144.761, and section 238.235, and the local sales tax law as  
64 defined in section 32.085, and from the computation of the tax levied, assessed,  
65 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section  
66 238.235, and the local sales tax law as defined in section 32.085] **this chapter**  
67 **and from the computation of the tax levied, assessed, and payable under**  
68 **this chapter**, all materials, manufactured goods, machinery and parts, electrical  
69 energy and gas, whether natural, artificial or propane, water, coal and other  
70 energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and  
71 other ingredients and materials inserted by commercial or industrial laundries  
72 to treat, clean, and sanitize textiles in facilities which process at least five  
73 hundred pounds of textiles per hour and at least sixty thousand pounds per week.

144.060. 1. It shall be the duty of every person making any purchase or  
2 receiving any service upon which a tax is imposed by sections 144.010 to 144.510  
3 to pay, to the extent possible under the provisions of section 144.285, the amount  
4 of such tax to the person making such sale or rendering such service. Any person  
5 who shall willfully and intentionally refuse to pay such tax shall be guilty of a  
6 misdemeanor. The provisions of this section shall not apply to any person making  
7 any purchase or sale of a motor vehicle subject to sales tax as provided by the  
8 Missouri sales tax law, unless such person making the sale is a motor vehicle  
9 dealer authorized to collect and remit sales tax pursuant to subsection 8 of section  
10 144.070.

11 **2. A purchaser shall be relieved from any additional tax, interest,**  
12 **additions, or penalties for failure to collect and remit the proper amount**  
13 **of tax owed on a purchase subject to sales tax under chapter 144 if:**

14 **(1) A purchaser's seller or a certified service provider relied on**  
15 **erroneous data provided by the director on tax rates, boundaries, taxing**  
16 **jurisdiction assignments, or in the taxability matrix created pursuant to**  
17 **section 144.124;**

18 **(2) A purchaser holding a direct pay permit created pursuant to**  
19 **section 144.079 relied on erroneous data provided by the director on tax**  
20 **rates, boundaries, taxing jurisdiction assignments, or in the taxability**

21 matrix created pursuant to section 144.124;

22 (3) A purchaser using a database created pursuant to section  
23 144.123 received erroneous data provided by the director on tax rates,  
24 boundaries, or taxing jurisdiction assignments; or

25 (4) A purchaser relied on erroneous data provided by the director  
26 in the taxability matrix created pursuant to section 144.124.

144.079. 1. The provisions of section 144.080 notwithstanding, the  
2 director shall promulgate rules to allow for the issuance of direct pay  
3 permits to purchasers. Purchasers holding such a permit shall be  
4 permitted to purchase goods and services which are subject to sales tax  
5 under chapter 144 without remitting payment of the tax to the seller at  
6 the time of purchase. Such purchaser shall make a determination of the  
7 amount of tax owed and shall report and remit such amount directly to  
8 the taxing jurisdiction.

9 2. The director shall promulgate rules to implement the  
10 provisions of this section. Such rules shall include an application  
11 process for the issuance of a permit created under this section. Any rule  
12 or portion of a rule, as that term is defined in section 536.010, RSMo,  
13 that is created under the authority delegated in this section shall  
14 become effective only if it complies with and is subject to all of the  
15 provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
16 RSMo. This section and chapter 536, RSMo, are nonseverable and if any  
17 of the powers vested with the general assembly pursuant to chapter 536,  
18 RSMo, to review, to delay the effective date, or to disapprove and annul  
19 a rule are subsequently held unconstitutional, then the grant of  
20 rulemaking authority and any rule proposed or adopted after January  
21 1, 2020, shall be invalid and void.

144.080. 1. Every person receiving any payment or consideration upon the  
2 sale of property or rendering of service, subject to the tax imposed by the  
3 provisions of [sections 144.010 to 144.525] **chapter 144**, is exercising the taxable  
4 privilege of selling the property or rendering the service at retail and is subject  
5 to the tax levied in section 144.020. The person shall be responsible not only for  
6 the collection of the amount of the tax imposed on the sale or service to the extent  
7 possible under the provisions of section 144.285, but shall, on or before the last  
8 day of the month following each calendar quarterly period of three months, file  
9 a return with the director of revenue showing the person's gross receipts and the  
10 amount of tax levied in section 144.020 for the preceding quarter, and shall remit



11 to the director of revenue, with the return, the taxes levied in section 144.020,  
12 except as provided in [subsections 2 and 3] **subsection 2** of this section. The  
13 director of revenue may promulgate rules or regulations changing the filing and  
14 payment requirements of sellers, but shall not require any seller to file and pay  
15 more frequently than required in this section.

16 2. [Where the aggregate amount levied and imposed upon a seller by  
17 section 144.020 is in excess of two hundred fifty dollars for either the first or  
18 second month of a calendar quarter, the seller shall file a return and pay such  
19 aggregate amount for such months to the director of revenue by the twentieth day  
20 of the succeeding month.

21 3.] Where the aggregate amount levied and imposed upon a seller by  
22 section 144.020 is less than forty-five dollars in a calendar quarter, the director  
23 of revenue shall by regulation permit the seller to file a return for a calendar  
24 year. The return shall be filed and the taxes paid on or before January  
25 thirty-first of the succeeding year.

26 [4.] 3. The seller of any property or person rendering any service, subject  
27 to the tax imposed by [sections 144.010 to 144.525] **chapter 144**, shall collect the  
28 tax from the purchaser of such property or the recipient of the service to the  
29 extent possible under the provisions of section 144.285, but the seller's inability  
30 to collect any part or all of the tax does not relieve the seller of the obligation to  
31 pay to the state the tax imposed by section 144.020; except that the collection of  
32 the tax imposed by [sections 144.010 to 144.525] **chapter 144** on motor vehicles  
33 and trailers shall be made as provided in sections 144.070 and 144.440.

34 [5.] 4. Any person may advertise or hold out or state to the public or to  
35 any customer directly that the tax or any part thereof imposed by [sections  
36 144.010 to 144.525] **chapter 144**, and required to be collected by the person, will  
37 be assumed or absorbed by the person, provided that the amount of tax assumed  
38 or absorbed shall be stated on any invoice or receipt for the property sold or  
39 service rendered. Any person violating any of the provisions of this section shall  
40 be guilty of a misdemeanor. This subsection shall not apply to any retailer  
41 prohibited from collecting and remitting sales tax under section 66.630.

**144.082. 1. The director shall participate in an online registration  
2 system that will allow sellers to register in this state and other member  
3 states.**

**4 2. By registering, the seller agrees to collect and remit sales and  
5 use taxes for all taxable sales into this state. Withdrawal or revocation  
6 of this state from the agreement shall not relieve a seller of its**

7 responsibility to remit taxes previously or subsequently collected on  
8 behalf of this state.

9           3. If the seller has a requirement to register prior to registering  
10 under the agreement, such seller shall obtain a retail sales license under  
11 section 144.083 and register under section 144.650.

12           4. Registration with the central registration system and the  
13 collection of sales and use taxes in this state shall not be used as a factor  
14 in determining whether the seller has nexus with this state for any tax  
15 at any time.

144.083. 1. The director of revenue shall require all persons who are  
2 responsible for the collection of taxes under the provisions of section 144.080 to  
3 procure a retail sales license at no cost to the licensee which shall be prominently  
4 displayed at the licensee's place of business, and the license is valid until revoked  
5 by the director or surrendered by the person to whom issued when sales are  
6 discontinued. The director shall issue the retail sales license within ten working  
7 days following the receipt of a properly completed application. Any person  
8 applying for a retail sales license or reinstatement of a revoked sales tax license  
9 who owes any tax under [sections 144.010 to 144.510] **this chapter** or sections  
10 143.191 to 143.261 must pay the amount due plus interest and penalties before  
11 the department may issue the applicant a license or reinstate the revoked license.  
12 All persons beginning business subsequent to August 13, 1986, and who are  
13 required to collect the sales tax shall secure a retail sales license prior to making  
14 sales at retail. Such license may, after ten days' notice, be revoked by the  
15 director of revenue only in the event the licensee shall be in default for a period  
16 of sixty days in the payment of any taxes levied under section 144.020 or sections  
17 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event  
18 of revocation, the director of revenue may publish the status of the business  
19 account including the date of revocation in a manner as determined by the  
20 director.

21           2. The possession of a retail sales license and a statement from the  
22 department of revenue that the licensee owes no tax due under [sections 144.010  
23 to 144.510] **this chapter** or sections 143.191 to 143.261 shall be a prerequisite  
24 to the issuance or renewal of any city or county occupation license or any state  
25 license which is required for conducting any business where goods are sold at  
26 retail. The date of issuance on the statement that the licensee owes no tax due  
27 shall be no more than ninety days before the date of submission for application  
28 or renewal of the local license. The revocation of a retailer's license by the

29 director shall render the occupational license or the state license null and void.

30           3. No person responsible for the collection of taxes under section 144.080  
31 shall make sales at retail unless such person is the holder of a valid retail sales  
32 license. After all appeals have been exhausted, the director of revenue may notify  
33 the county or city law enforcement agency representing the area in which the  
34 former licensee's business is located that the retail sales license of such person  
35 has been revoked, and that any county or city occupation license of such person  
36 is also revoked. The county or city may enforce the provisions of this section, and  
37 may prohibit further sales at retail by such person.

38           4. In addition to the provisions of subsection 2 of this section, beginning  
39 January 1, 2009, the possession of a statement from the department of revenue  
40 stating no tax is due under sections 143.191 to 143.265 or [sections 144.010 to  
41 144.510] **this chapter** shall also be a prerequisite to the issuance or renewal of  
42 any city or county occupation license or any state license required for conducting  
43 any business where goods are sold at retail. The statement of no tax due shall  
44 be dated no longer than ninety days before the date of submission for application  
45 or renewal of the city or county license.

46           [5. Notwithstanding any law or rule to the contrary, sales tax shall only  
47 apply to the sale price paid by the final purchaser and not to any off-invoice  
48 discounts or other pricing discounts or mechanisms negotiated between  
49 manufacturers, wholesalers, and retailers.]

**144.084. 1. The director shall promulgate rules and regulations  
2 for remittance of returns. Such rules shall:**

3           **(1) Allow for electronic payments by all remitters by both ACH  
4 credit and ACH debit;**

5           **(2) Provide an alternative method for making "same day"  
6 payments if an electronic funds transfer fails;**

7           **(3) Provide that if a due date falls on a Saturday, Sunday, or legal  
8 holiday in the member state or on a day the Federal Reserve Bank is  
9 closed that prohibits a person from being able to make a payment by  
10 ACH debit or credit, the taxes shall be due on the next succeeding  
11 business day; and**

12           **(4) Require that any data that accompanies a remittance be  
13 formatted using uniform tax type and payment type codes approved by  
14 the streamlined sales and use tax governing board.**

15           **2. All model 1, model 2, and model 3 sellers shall file returns  
16 electronically. Any model 1, model 2, or model 3 seller shall submit its**

17 sales and use tax returns in a simplified format approved by the director  
18 at such times as may be prescribed by the director.

19       3. (1) The director shall make available to all sellers, whether or  
20 not the seller is registered under the streamlined sales and use tax  
21 agreement, a simplified electronic return that is in a form approved by  
22 the streamlined sales and use tax governing board and shall contain only  
23 those fields approved by the governing board. Such simplified electronic  
24 return shall contain two parts, with part one containing information  
25 relating to remittances and allocations and part two containing  
26 information relating to exempt sales.

27       (2) The director shall not require the submission of part two  
28 information from a model 4 seller which has no legal requirement to  
29 register in the state.

30       4. (1) Certified service providers shall file a simplified electronic  
31 return on behalf of its model 1 sellers and shall be required to file part  
32 one of the simplified electronic return at the times provided in sections  
33 144.080 and 144.090. The director shall allow model 1 sellers to file parts  
34 one and two of the simplified electronic return.

35       (2) Model 2 and model 3 sellers shall file a simplified electronic  
36 return at the times provided in sections 144.080 and 144.090 for each  
37 taxing period for which they anticipate making sales in the state. Such  
38 sellers shall file part two information:

39       (a) At the same time as the seller files part one information; or

40       (b) At the time of the final due date of part one information in a  
41 given calendar year. A submission under this paragraph shall include  
42 data for all previous months of the same calendar year and shall be  
43 presented as yearly totals.

44       (3) The director shall allow model 4 sellers to file a simplified  
45 electronic return at the times provided in sections 144.080 and  
46 144.090. Such sellers shall file part two information:

47       (a) At the same time as the seller files part one information; or

48       (b) At the time of the final due date of part one information in a  
49 given calendar year. A submission under this paragraph shall include  
50 data for all previous months of the same calendar year and shall be  
51 presented as yearly totals.

52       (4) Model 4 sellers that elect not to file a simplified electronic  
53 return shall file returns in the form and at the times afforded to sellers

54 not registered under the streamlined sales and use tax agreement.

55 (5) The director shall allow sellers not registered under the  
56 streamlined sales and use tax agreement that are registered in the state  
57 to file a simplified electronic return at the times provided in sections  
58 144.080 and 144.090. Such sellers shall file part two information:

59 (a) At the same time as the seller files part one information; or

60 (b) At the time of the final due date of part one information in a  
61 given calendar year. A submission under this paragraph shall include  
62 data for all previous months of the same calendar year and shall be  
63 presented as yearly totals.

64 5. A seller that is registered under the streamlined sales and use  
65 tax agreement and that has indicated at the time of registration that it  
66 anticipates making no sales which would be sourced to the state under  
67 the streamlined sales and use tax agreement shall not be required to file  
68 a return. A seller shall be disqualified for such exemption for any  
69 quarter in which the seller makes any taxable sales in the state and shall  
70 file a return for such quarter as provided in sections 144.080 and 144.090.

71 6. The director shall provide for a standardized transmission  
72 process that allows for receipt of uniform tax returns and other  
73 formatted information. Such process shall provide for the filing of  
74 separate returns for multiple legal entities in a single transmission and  
75 shall not include any requirement for manual entry or input by a  
76 seller. The process shall allow a certified service provider, a tax  
77 preparer, or any other authorized entity to do so, to file returns for more  
78 than one seller in a single transmission. However, sellers filing returns  
79 for multiple legal entities shall only do so for affiliated legal entities.

80 7. The director shall give notice to a seller registered under the  
81 streamlined sales and use tax agreement which has no legal requirement  
82 to register in the state of a failure to file a required return and shall  
83 provide such seller at least thirty days following such notice to file a  
84 return prior to holding the seller liable for any penalties based on a  
85 failure to file a timely return.

144.100. 1. Every person making any taxable sales of property or service,  
2 except transactions provided for in sections 144.070 and 144.440, individually or  
3 by duly authorized officer or agent, shall make and file a written return with the  
4 director of revenue in such manner as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by the director

6 of the department of revenue and shall be filed at the times provided in sections  
7 144.080 and 144.090. The returns shall [show the amount of gross receipts from  
8 sales of taxable property and services by the person and the amount of tax due  
9 thereon by that person during and for the period covered by the return] **state:**

10 **(1) The name and address of the retailer;**

11 **(2) The total amount of gross sales of all tangible personal**  
12 **property and taxable services rendered by the retailer during the period**  
13 **for which the return is made;**

14 **(3) The total amount received during the period for which the**  
15 **return is made on charge and time sales of tangible personal property**  
16 **made and taxable services rendered prior to the period for which the**  
17 **return is made;**

18 **(4) Deductions allowed by law from such total amount of gross**  
19 **sales and from total amount received during the period for which the**  
20 **return is made on such charge and time sales;**

21 **(5) Receipts during the period for which the return is made from**  
22 **the total amount of sales of tangible personal property and taxable**  
23 **services rendered during such period in the course of such business,**  
24 **after deductions allowed by law have been made;**

25 **(6) Receipts during the period for which the return is made from**  
26 **charge and time sales of tangible personal property made and taxable**  
27 **services rendered prior to such period in the course of such business,**  
28 **after deductions allowed by law have been made;**

29 **(7) Gross receipts during the period for which the return is made**  
30 **from sales of tangible personal property and taxable services rendered**  
31 **in the course of such business upon the basis of which the tax is**  
32 **imposed; and**

33 **(8) Such other pertinent information as the director may require.**

34 **3. In making such return, the retailer shall determine the market**  
35 **value of any consideration, other than money, received in connection**  
36 **with the sale of any tangible personal property in the course of the**  
37 **business and shall include such value in the return. Such value shall be**  
38 **subject to review and revision by the director as hereinafter**  
39 **provided. Refunds made by a retailer during the period for which the**  
40 **return is made on account of tangible personal property returned to the**  
41 **retailer shall be allowed as a deduction under subdivision (4) of**  
42 **subsection 2 of this section in case the retailer has included the receipts**

43 **from such sale in a return made by such retailer and paid taxes on such**  
44 **sale. The retailer shall, at the time of making such return, pay to the**  
45 **director the amount of tax owed, except as otherwise provided in this**  
46 **section. The director may extend the time for making returns and**  
47 **paying the tax required by this section for any period not to exceed sixty**  
48 **days under such rules and regulations as the director of revenue may**  
49 **prescribe.**

50 **4. The director shall only require a single tax return for each**  
51 **taxing period and such return shall include only the taxing jurisdictions**  
52 **in which the seller makes sales within the state. With each return, the**  
53 **person shall remit to the director of revenue the full amount of the tax due.**

54 [3.] **5. In case of charge and time sales the gross receipts thereof shall be**  
55 **included as sales in the returns as and when payments are received by the**  
56 **person, without any deduction therefrom whatsoever.**

57 [4.] **6. If an error or omission is discovered in a return or a change be**  
58 **necessary to show the true facts, the error may be corrected, the omission**  
59 **supplied, or the change made in the return next filed with the director for the**  
60 **filing period immediately following the filing period in which the error was made**  
61 **or the omission occurred, as prescribed by law, except that no refund under this**  
62 **chapter shall be allowed for any amount of tax paid by a seller which is based**  
63 **upon charges incident to credit card discounts. Any other omission or error must**  
64 **be corrected by filing an amended return for the erroneously reported period if**  
65 **the amount of tax is less than that originally reported, or an additional return if**  
66 **the amount of tax is greater than that originally reported. An additional return**  
67 **shall be deemed filed on the date the envelope in which it is mailed is postmarked**  
68 **or the date it is received by the director, whichever is earlier. Any payment of**  
69 **tax, interest, penalty or additions to tax shall be deemed filed on the date the**  
70 **envelope containing the payment is postmarked or the date the payment is**  
71 **received by the director, whichever is earlier. If a refund or credit results from**  
72 **the filing of an amended return, no refund or credit shall be allowed unless an**  
73 **application for refund or credit is properly completed and submitted to the**  
74 **director pursuant to section 144.190.**

75 [5.] **7. The amount of gross receipts from sales and the amount of tax due**  
76 **returned by the person, as well as all matters contained in the return, is subject**  
77 **to review and revision in the manner herein provided for the correction of the**  
78 **returns.**

**144.105. 1. A seller shall be allowed a deduction from taxable**

2 sales for bad debts attributable to taxable sales of such seller that have  
3 become uncollectable. Any deduction taken that is attributed to bad  
4 debts shall not include interest.

5       2. The amount of the bad debt deduction shall be calculated  
6 pursuant to 26 U.S.C. Section 166(b), except that such amount shall be  
7 adjusted to exclude financing charges or interest, sales, or use taxes  
8 charged on the purchase price, uncollectable amounts on property that  
9 remain in the possession of the seller until the full purchase price is  
10 paid, and expenses incurred in attempting to collect any debt or  
11 repossessed property.

12       3. Bad debts may be deducted on the return for the period during  
13 which the bad debt is written off as uncollectable in the seller's books  
14 and records and is eligible to be deducted for federal income tax  
15 purposes. For purposes of this subsection, a seller who is not required  
16 to file federal income tax returns may deduct a bad debt on a return  
17 filed for the period in which the bad debt is written off as uncollectable  
18 in the seller's books and records and would be eligible for a bad debt  
19 deduction for federal income tax purposes if the seller was required to  
20 file a federal income tax return.

21       4. If a deduction is taken for a bad debt and the debt is  
22 subsequently collected in whole or in part, the tax on the amount so  
23 collected shall be paid and reported on the return filed for the period in  
24 which the collection is made.

25       5. When the amount of bad debt exceeds the amount of taxable  
26 sales for the period during which the bad debt is written off, a refund  
27 claim may be filed by the seller within the applicable statute of  
28 limitations for refund claim; however, the statute of limitations shall be  
29 measured from the due date of the return on which the bad debt could  
30 first be claimed.

31       6. Where filing responsibilities have been assumed by a certified  
32 service provider, such service provider may claim, on behalf of the  
33 seller, any bad debt allowance provided by this section. The certified  
34 service provider shall credit or refund the full amount of any bad debt  
35 allowance or refund received to the seller.

36       7. For the purposes of reporting a payment received on a  
37 previously claimed bad debt, any payments made on a debt or account  
38 shall first be applied proportionally to the taxable price of the property



39 or service and the sales tax thereon, and secondly to interest, service  
40 charges, and any other charges.

41 8. In situations where the books and records of the seller, or  
42 certified service provider on behalf of the seller, claiming the bad debt  
43 allowance support an allocation of the bad debts among the member  
44 states, such an allocation shall be permitted.

144.109. 1. Certified service providers providing services to model  
2 1 sellers shall not be certified unless:

3 (1) The provider's system has been designed and tested to ensure  
4 the anonymity of purchasers unless otherwise required by law;

5 (2) Personally identifiable information is only used and retained  
6 to the extent necessary for the administration of model 1 with respect  
7 to exempt purchasers, and for the identification of taxing jurisdictions;

8 (3) The provider provides consumers with clear and conspicuous  
9 notice of its information practices, including what information it  
10 collects, how it collects such information, how it uses such information,  
11 how long, if at all, it retains such information, and whether it discloses  
12 such information to the state. Such notice shall be satisfied by a written  
13 privacy policy statement accessible by the public on the certified service  
14 provider's website;

15 (4) The providers's collection, use, and retention of personally  
16 identifiable information will be limited to that required by the state to  
17 ensure the validity of exemptions from taxation that are claimed by  
18 reason of a purchaser's status or the intended use of the goods or  
19 services purchased, and for the documentation of correct assignment of  
20 taxing jurisdictions; and

21 (5) The provider provides adequate technical, physical, and  
22 administrative safeguards so as to protect personally identifiable  
23 information from unauthorized access and disclosure.

24 2. (1) When any personally identifiable information that has been  
25 collected and retained is no longer required for the purposes set forth  
26 in subdivision (4) of subsection 1 of this section, such information shall  
27 no longer be retained by the state.

28 (2) When personally identifiable information regarding an  
29 individual is retained by or on behalf of the state, the state shall provide  
30 reasonable access by such individual to his or her own information in  
31 the state's possession, as well as a right to correct any inaccurately

32 recorded information.

33 (3) If anyone other than the state, or a person authorized by the  
34 state, seeks to discover personally identifiable information of an  
35 individual, the state shall make a reasonable and timely effort to notify  
36 the individual of such request.

37 3. The attorney general for the state of Missouri shall have the  
38 power to enforce the provisions of this section.

144.110. 1. The state shall review software submitted to the  
2 streamlined sales and use tax governing board for certification as a  
3 certified automated system (CAS) under Section 501 of the streamlined  
4 sales and use tax agreement. Such review shall include a review to  
5 determine that the program adequately classifies the state's product-  
6 based exemptions. Upon completion of the review, the state shall certify  
7 to the governing board its acceptance of the classifications made by the  
8 system. The state shall relieve a certified service provider (CSP) or  
9 model 2 seller from liability to this state and its local jurisdictions for  
10 failure to collect sales or use taxes resulting from the CSP or model 2  
11 seller's reliance on the certification provided by the state.

12 2. The streamlined sales and use tax governing board and this  
13 state shall not be responsible for classification of an item or transaction  
14 with the product-based exemptions. The relief from liability provided  
15 in this section shall not be available for a CSP or model 2 seller that has  
16 incorrectly classified an item or transaction into a product-based  
17 exemption certified by this state. This subsection shall not apply to the  
18 individual listing of items or transactions within a product definition  
19 approved by the governing board or the state.

20 3. If the state determines that an item or transaction is  
21 incorrectly classified as to its taxability, it shall notify the CSP or model  
22 2 seller of the incorrect classification. The CSP or model 2 seller shall  
23 have ten days to revise the classification after receipt of notice from the  
24 state of the determination. Upon expiration of the ten days, such CSP  
25 or model 2 seller shall be liable for failure to collect the correct amount  
26 of sales or use taxes due and owing to the state.

144.111. 1. (1) All retail sales in Missouri, excluding leases and  
2 rentals, of tangible personal property or digital goods shall be sourced  
3 to the location where the order is received by the seller.

4 (2) This subsection shall apply only if:

5           **(a) The location where the order is received by the seller and the**  
6 **location where the purchaser receives the product are both in Missouri;**

7           **(b) The location where receipt of the product by the purchaser**  
8 **occurs is determined in accordance with subsection 2 of this section; and**

9           **(c) At the time the order is received, the recordkeeping system of**  
10 **the seller used to calculate the proper amount of sales or use tax to be**  
11 **imposed captures the location where the order is received.**

12           **(3) When the sale is sourced under this section to the location**  
13 **where the order is received by the seller, only the sales tax for the**  
14 **location where the order is received by the seller may be levied. No**  
15 **additional sales or use tax based on the location where the product is**  
16 **delivered to the purchaser may be levied on that sale. The purchaser**  
17 **shall not be entitled to any refund if the combined state and local rate**  
18 **or rates at the location where the product is received by the purchaser**  
19 **is lower than the rate where the order is received by the seller.**

20           **(4) A purchaser shall have no additional liability to the state for**  
21 **tax, penalty, or interest on a sale for which the purchaser remits tax to**  
22 **the seller in the amount invoiced by the seller if such invoice amount is**  
23 **calculated at either the rate applicable to the location where receipt by**  
24 **the purchaser occurs or at the rate applicable to the location where the**  
25 **order is received by the seller. A purchaser may rely on a written**  
26 **representation by the seller as to the location where the order for such**  
27 **sale was received by the seller. When the purchaser does not have a**  
28 **written representation by the seller as to the location where the order**  
29 **for such sale was received by the seller, the purchaser may use a**  
30 **location indicated by a business address for the seller that is available**  
31 **from the business records of the purchaser that are maintained in the**  
32 **ordinary course of the purchaser's business to determine the rate**  
33 **applicable to the location where the order was received.**

34           **(5) The location where the order is received by or on behalf of the**  
35 **seller means the physical location of a seller or third party such as an**  
36 **established outlet, office location, or automated order receipt system**  
37 **operated by or on behalf of the seller where an order is initially received**  
38 **by or on behalf of the seller and not where the order may be**  
39 **subsequently accepted, completed, or fulfilled. An order is received**  
40 **when all of the information from the purchaser necessary to the**  
41 **determination whether the order can be accepted has been received by**

42 or on behalf of the seller. The location from which a product is shipped  
43 shall not be used in determining the location where the order is received  
44 by the seller.

45 (6) When taxable services are sold with tangible personal property  
46 or digital products pursuant to a single contract or in the same  
47 transaction, are billed on the same billing statement or statements, and,  
48 because of the application of this section, would be sourced to different  
49 jurisdictions, this subsection shall apply to determine the source for tax.

50 2. Except as provided in section 144.112, when the location where  
51 the order is received by the seller and the location where the receipt of  
52 the product by the purchaser (or the purchaser's donee, designated as  
53 such by the purchaser) occurs are in different states, the retail sale,  
54 excluding lease or rental, of a product shall be sourced as follows:

55 (1) When the product is received by the purchaser at a business  
56 location of the seller, the sale shall be sourced to such business location;

57 (2) When the product is not received by the purchaser at a  
58 business location of the seller, the sale shall be sourced to the location  
59 where receipt by the purchaser (or the purchaser's donee, designated as  
60 such by the purchaser) occurs, including the location indicated by  
61 instructions for delivery to the purchaser or donee, known to the seller;

62 (3) When subdivisions (1) and (2) of this subsection do not apply,  
63 the sale shall be sourced to the location indicated by an address for the  
64 purchaser that is available from the business records of the seller that  
65 are maintained in the ordinary course of the seller's business when use  
66 of this address does not constitute bad faith;

67 (4) When subdivisions (1), (2), and (3) of this subsection do not  
68 apply, the sale shall be sourced to the location indicated by an address  
69 for the purchaser obtained during the consummation of the sale,  
70 including the address of a purchaser's payment instrument, if no other  
71 address is available, when use of this address does not constitute bad  
72 faith;

73 (5) When none of the previous rules of subdivisions (1), (2), (3),  
74 and (4) of this subsection apply, including the circumstances in which  
75 the seller is without sufficient information to apply the previous rules,  
76 then the location will be determined by the address from which tangible  
77 personal property was shipped, from which the digital good or computer  
78 software delivered electronically was first available for transmission

79 from the seller, or from which the service was provided (disregarding for  
80 these purposes any location that merely provided the digital transfer of  
81 the product sold).

82       3. Notwithstanding subsections 1 and 2 of this section, all sales of  
83 motor vehicles, trailers, semi-trailers, watercraft, outboard motors, and  
84 aircraft that do not qualify as transportation equipment shall be sourced  
85 to the address of the owner thereof.

86       4. The lease or rental of tangible personal property, other than  
87 property identified in subsection 2 or 3 of this section or transactions  
88 regulated under sections 407.660 to 407.665, shall be sourced as follows:

89       (1) For a lease or rental that requires recurring periodic  
90 payments, the first periodic payment is sourced the same as a retail sale  
91 in accordance with the provisions of subsection 2 of this  
92 section. Periodic payments made subsequent to the first payment are  
93 sourced to the primary property location for each period covered by the  
94 payment. The primary property location shall be as indicated by an  
95 address for the property provided by the lessee that is available to the  
96 lessor from its records maintained in the ordinary course of business,  
97 when use of this address does not constitute bad faith. The property  
98 location shall not be altered by intermittent use at different locations,  
99 such as use of business property that accompanies employees on  
100 business trips and service calls;

101       (2) For a lease or rental that does not require recurring periodic  
102 payments, the payment is sourced the same as a retail sale in accordance  
103 with the provisions of subsection 2 of this section;

104       (3) This subsection does not affect the imposition or computation  
105 of sales or use tax on leases or rentals based on a lump sum or  
106 accelerated basis, or on the acquisition of property for lease.

107       5. The lease or rental of motor vehicles, trailers, semi-trailers, or  
108 aircraft that do not qualify as transportation equipment, as defined in  
109 section 144.010, shall be sourced as follows:

110       (1) For a lease or rental that requires recurring periodic  
111 payments, each periodic payment is sourced to the primary property  
112 location. The primary property location shall be as indicated by an  
113 address for the property provided by the lessee that is available to the  
114 lessor from its records maintained in the ordinary course of business,  
115 when use of such address does not constitute bad faith. Such location

116 shall not be altered by intermittent use at different locations;

117       (2) For a lease or rental that does not require recurring periodic  
118 payments, the payment is sourced the same as a retail sale in accordance  
119 with the provisions of subsection 2 of this section;

120       (3) This subsection does not affect the imposition or computation  
121 of sales or use tax on leases or rentals based on a lump sum or  
122 accelerated basis, or on the acquisition of property for lease.

123       6. The retail sale, including lease or rental, of transportation  
124 equipment shall be sourced the same as a retail sale in accordance with  
125 the provisions of subsection 2 of this section, notwithstanding the  
126 exclusion of lease or rental in subsection 2 of this section.

144.112. 1. The retail sale of a product shall be sourced in  
2 accordance with section 144.111. The provisions of section 144.111 shall  
3 apply regardless of the characterization of a product as tangible  
4 personal property, a digital good, or a service. The provisions of section  
5 144.111 shall only apply to determine a seller's obligation to pay or  
6 collect and remit sales or use tax with respect to the seller's retail sale  
7 of a product. The provisions of this subsection shall not affect the  
8 obligation of a purchaser or lessee to remit tax on the use of the product  
9 to the taxing jurisdictions of that use.

10       2. Section 144.111 shall not apply to sales or use taxes levied on  
11 the following:

12       (1) Retail sales or transfers of watercraft, modular homes,  
13 manufactured homes, or mobile homes; and

14       (2) Telecommunications services and ancillary services.

144.113. 1. (1) A purchaser of advertising and promotional direct  
2 mail may provide the seller with either:

3       (a) A direct pay permit;

4       (b) An agreement certificate of exemption claiming direct mail (or  
5 other written statement approved, authorized, or accepted by the state);  
6 or

7       (c) Information showing the jurisdictions to which the advertising  
8 and promotional direct mail is to be delivered to recipients.

9       (2) If the purchaser provides the permit, certificate, or statement  
10 referred to in paragraph (a) or (b) of subdivision (1) of this subsection,  
11 the seller, in the absence of bad faith, is relieved of all obligations to  
12 collect, pay, or remit any tax on any transaction involving advertising

13 and promotional direct mail to which the permit, certificate, or  
14 statement applies. The purchaser shall source the sale to the  
15 jurisdictions to which the advertising and promotional direct mail is to  
16 be delivered to the recipients and shall report and pay any applicable  
17 tax due.

18 (3) If the purchaser provides the seller information showing the  
19 jurisdictions to which the advertising and promotional direct mail is to  
20 be delivered to recipients, the seller shall source the sale to the  
21 jurisdictions to which the advertising and promotional direct mail is to  
22 be delivered and shall collect and remit the applicable tax. In the  
23 absence of bad faith, the seller is relieved of any further obligation to  
24 collect any additional tax on the sale of advertising and promotional  
25 direct mail where the seller has sourced the sale according to the  
26 delivery information provided by the purchaser.

27 (4) If the purchaser does not provide the seller with any of the  
28 items listed in paragraph (a), (b), or (c) of subdivision (1) of this  
29 subsection, the sale shall be sourced according to subdivision (5) of  
30 subsection 2 of section 144.111. The state to which the advertising and  
31 promotional direct mail is delivered may disallow credit for tax paid on  
32 sales sourced under this subdivision.

33 (5) Notwithstanding section 144.111, this subsection shall apply  
34 to sales of advertising and promotional direct mail.

35 2. (1) Except as otherwise provided in this subsection, sales of  
36 other direct mail are sourced in accordance with subdivision (3) of  
37 subsection 2 of section 144.111.

38 (2) A purchaser of other direct mail may provide the seller with  
39 either:

40 (a) A direct pay permit; or

41 (b) An agreement certificate of exemption claiming direct mail (or  
42 other written statement approved, authorized, or accepted by the state).

43 (3) If the purchaser provides the permit, certificate, or statement  
44 referred to in paragraph (a) or (b) of subdivision (2) of this subsection,  
45 the seller, in the absence of bad faith, is relieved of all obligations to  
46 collect, pay, or remit any tax on any transaction involving other direct  
47 mail to which the permit, certificate, or statement  
48 apply. Notwithstanding subdivision (1) of this subsection, the sale shall  
49 be sourced to the jurisdictions to which the other direct mail is to be

50 delivered to the recipients and the purchaser shall report and pay  
51 applicable tax due.

52 (4) Notwithstanding section 144.111, this subsection shall apply  
53 to sales of other direct mail.

54 3. (1) (a) This section applies to a transaction characterized  
55 under state law as the sale of services only if the service is an integral  
56 part of the production and distribution of printed material that meets  
57 the definition of direct mail.

58 (b) This section does not apply to any transaction that includes  
59 the development of billing information or the provision of any data  
60 processing service that is more than incidental regardless of whether  
61 advertising and promotional direct mail is included in the same mailing.

62 (2) If a transaction is a bundled transaction that includes  
63 advertising and promotion direct mail, this section applies only if the  
64 primary purpose of the transaction is the sale of products or services  
65 that meet the definition of advertising and promotional direct mail.

66 (3) Nothing in this section shall limit any purchaser's:

67 (a) Obligation for sales or use tax to any state to which the direct  
68 mail is delivered;

69 (b) Right under local, state, federal, or constitutional law, to a  
70 credit for sales or use taxes legally due and paid to other jurisdictions;  
71 or

72 (c) Right to a refund of sales or use taxes overpaid to any  
73 jurisdiction.

74 (4) This section applies for purposes of uniformly sourcing direct  
75 mail transactions and does not impose requirements on states regarding  
76 the taxation of products that meet the definition of direct mail or to the  
77 application of sales for resale or other exemptions.

[144.043.] 144.114. 1. [As used in this section, the following terms mean:

2 (1) "Light aircraft", a light airplane that seats no more than four persons,  
3 with a gross weight of three thousand pounds or less, which is primarily used for  
4 recreational flying or flight training;

5 (2) "Light aircraft kit", factory manufactured parts and components,  
6 including engine, propeller, instruments, wheels, brakes, and air frame parts  
7 which make up a complete aircraft kit or partial kit designed to be assembled into  
8 a light aircraft and then operated by a qualified purchaser for recreational and  
9 educational purposes;



10 (3) "Parts and components", manufactured light aircraft parts, including  
11 air frame and engine parts, that are required by the qualified purchaser to  
12 complete a light aircraft kit, or spare or replacement parts for an already  
13 completed light aircraft;

14 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit,  
15 parts or components who is nonresident of this state, who will transport the light  
16 aircraft, light aircraft kit, parts or components outside this state within ten days  
17 after the date of purchase, and who will register any light aircraft so purchased  
18 in another state or country. Such purchaser shall not base such aircraft in this  
19 state and such purchaser shall not be a resident of the state unless such  
20 purchaser has paid sales or use tax on such aircraft in another state.

21 2. In addition to the exemptions granted under the provisions of section  
22 144.030, there shall also be specifically exempted from the provisions of sections  
23 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the  
24 provisions of any local sales tax law, as defined in section 32.085, and from the  
25 computation of the tax levied, assessed or payable under sections 144.010 to  
26 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales  
27 tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft  
28 kits, parts or components manufactured or substantially completed within this  
29 state, when such new light aircraft, light aircraft kits, parts or components are  
30 sold by the manufacturer to a qualified purchaser. The director of revenue shall  
31 prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts  
32 or components to establish that such person is a qualified purchaser and is  
33 eligible for the exemption established in this section] **Except for the defined**  
34 **telecommunication services in subsection 3 of this section, the sale of**  
35 **telecommunication service sold on a call-by-call basis shall be sourced**  
36 **to:**

37 (1) **Each level of taxing jurisdiction where the call originates and**  
38 **terminates in that jurisdiction; or**

39 (2) **Each level of taxing jurisdiction where the call either**  
40 **originates or terminates and in which the service address is also located.**

41 2. **Except for the defined telecommunication services in**  
42 **subsection 3 of this section, a sale of telecommunications services sold**  
43 **on a basis other than a call-by-call basis, is sourced to the customer's**  
44 **place of primary use.**

45 3. **The sale of the following telecommunication services shall be**  
46 **sourced to each level of taxing jurisdiction as follows:**

47           **(1) A sale of mobile telecommunications services other than air-to-**  
48 **ground radiotelephone service and prepaid calling service, is sourced to**  
49 **the customer's place of primary use as required by the Mobile**  
50 **Telecommunications Sourcing Act;**

51           **(2) A sale of post-paid calling service is sourced to the origination**  
52 **point of the telecommunications signal as first identified by either:**

53           **(a) The seller's telecommunications system; or**

54           **(b) Information received by the seller from its service provider,**  
55 **where the system used to transport such signals is not that of the seller;**

56           **(3) A sale of prepaid calling service or a sale of a prepaid wireless**  
57 **calling service is sourced in accordance with section 144.111, provided**  
58 **however, in the case of a sale of prepaid wireless calling service, the rule**  
59 **provided in subdivision (5) of subsection 2 of section 144.111 shall**  
60 **include as an option the location associated with the mobile telephone**  
61 **number;**

62           **(4) A sale of a private communication service is sourced as**  
63 **follows:**

64           **(a) Service for a separate charge related to a customer channel**  
65 **termination point is sourced to each level of jurisdiction in which such**  
66 **customer channel termination point is located;**

67           **(b) Service where all customer termination points are located**  
68 **entirely within one jurisdiction or levels of jurisdiction is sourced in**  
69 **such jurisdiction in which the customer channel termination points are**  
70 **located;**

71           **(c) Service for segments of a channel between two customer**  
72 **channel termination points located in different jurisdictions and which**  
73 **segment of channel are separately charged is sourced fifty percent in**  
74 **each level of jurisdiction in which the customer channel termination**  
75 **points are located; and**

76           **(d) Service for segments of a channel located in more than one**  
77 **jurisdiction or levels of jurisdiction and which segments are not**  
78 **separately billed is sourced in each jurisdiction based on the percentage**  
79 **determined by dividing the number of customer channel termination**  
80 **points in such jurisdiction by the total number of customer channel**  
81 **termination points.**

82           **4. The sale of internet access service is sourced to the customer's**  
83 **place of primary use.**

84           5. The sale of an ancillary service is sourced to the customer's  
85 place of primary use.

144.123. 1. The director shall provide and maintain a database  
2 that describes boundary changes for all taxing jurisdictions and the  
3 effective dates of such changes for sales and use tax purposes.

4           2. The director shall provide and maintain a database of all sales  
5 and use tax rates for all taxing jurisdictions. For the identification of  
6 counties and cities, codes corresponding to the rates shall be provided  
7 according to Federal Information Processing Standards (FIPS) as  
8 developed by the National Institute of Standards and Technology. For  
9 the identification of all other jurisdictions, codes corresponding to the  
10 rates shall be in a format determined by the director.

11           3. The director shall provide and maintain a database that assigns  
12 each five- and nine-digit zip code to the proper rates and taxing  
13 jurisdictions. The lowest combined tax rate imposed in the zip code area  
14 shall apply if the area includes more than one tax rate in any level of  
15 taxing jurisdiction. If a nine-digit zip code designation is not available  
16 for a street address, or if a seller or a certified service provider (CSP) is  
17 unable to determine the nine-digit zip code designation applicable to a  
18 purchase after exercising due diligence to determine the designation, the  
19 seller or CSP may apply the rate for the five-digit zip code area. For  
20 purposes of this section, there shall be a rebuttable presumption that a  
21 seller or CSP has exercised due diligence if the seller has attempted to  
22 determine the nine-digit zip code designation by utilizing software  
23 approved by the governing board that makes this designation from the  
24 street address and the five-digit zip code applicable to a purchase.

25           4. The director may provide address-based boundary database  
26 records for assigning taxing jurisdictions and associated rates which  
27 shall be in addition to the requirements of subsection 3 of this  
28 section. The database records shall be in the same approved format as  
29 the database records required under subsection 3 of this section and  
30 shall meet the requirements developed pursuant to the federal Mobile  
31 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the  
32 director develops address-based assignment database records pursuant  
33 to the agreement, sellers that register under the agreement shall be  
34 required to use such database. A seller or CSP shall use such database  
35 records in place of the five- and nine-digit zip code database records

36 provided for in subsection 3 of this section. If a seller or CSP is unable  
37 to determine the applicable rate and jurisdiction using an address-based  
38 database record after exercising due diligence, the seller or CSP may  
39 apply the nine-digit zip code designation applicable to a purchase. If a  
40 nine-digit zip code designation is not available for a street address or if  
41 a seller or CSP is unable to determine the nine-digit zip code  
42 designation applicable to a purchase after exercising due diligence to  
43 determine the designation, the seller or CSP may apply the rate for the  
44 five-digit zip code area. For the purposes of this section, there shall be  
45 a rebuttable presumption that a seller or CSP has exercised due  
46 diligence if the seller or CSP has attempted to determine the tax rate  
47 and jurisdiction by utilizing software approved by the director and  
48 makes the assignment from the address and zip code information  
49 applicable to the purchase. If the director has met the requirements of  
50 subsection 3 of this section, the director may also elect to certify vendor  
51 provided address-based databases for assigning tax rates and  
52 jurisdictions. The databases shall be in the same approved format as the  
53 database records under this section and meet the requirements  
54 developed pursuant to the federal Mobile Telecommunications Sourcing  
55 Act, 4 U.S.C. Section 119(a). If the director certifies a vendor address-  
56 based database, a seller or CSP may use such database in place of the  
57 database provided for in this subsection.

58         5. The electronic databases provided for in subsections 1, 2, 3, and  
59 4 of this section shall be in downloadable format as determined by the  
60 director. The databases may be directly provided by the director or  
61 provided by a vendor as designated by the director. A database provided  
62 by a vendor as designated by the director shall be applicable and subject  
63 to the provisions of section 144.1031 and this section. The databases  
64 shall be provided at no cost to the user of the database. The provisions  
65 of subsections 3 and 4 of this section shall not apply when the purchased  
66 product is received by the purchaser at the business location of the  
67 seller.

68         6. No seller or CSP shall be liable for reliance upon erroneous  
69 data provided by the director on tax rates, boundaries, or taxing  
70 jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The  
2 state's entries in the matrix shall be provided and maintained by the

3 director in a database that is in a downloadable format.

4 2. The director shall provide reasonable notice of changes in the  
5 taxability of the products or services listed in the taxability matrix.

6 3. A seller or CSP shall be relieved from liability to this state or  
7 any local taxing jurisdiction for having charged and collected the  
8 incorrect amount of state or local sales or use tax resulting from such  
9 seller's or CSP's reliance upon erroneous data provided by the director  
10 in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid  
2 sales or use tax to a seller who registers to pay or to collect and remit  
3 applicable sales or use tax on sales made to purchasers in this state in  
4 accordance with the terms of the agreement, provided that the seller was  
5 not so registered in this state in the twelve-month period preceding the  
6 effective date of this state's participation in the agreement.

7 (2) Amnesty shall preclude assessment for uncollected or unpaid  
8 sales or use tax together with penalty or interest for sales made during  
9 the period the seller was not registered in this state, provided  
10 registration occurs within twelve months of the effective date of this  
11 state's participation in the agreement.

12 (3) Amnesty shall be provided if this state joins the agreement  
13 after the seller has registered.

14 2. Amnesty shall not be available to a seller with respect to any  
15 matter or matters for which the seller received notice of the  
16 commencement of an audit and which audit is not yet finally resolved  
17 including any related administrative and judicial processes. The  
18 amnesty shall not be available for sales or use taxes already paid or  
19 remitted to this state or to taxes collected by the seller.

20 3. Amnesty provided under this section shall be fully effective,  
21 absent the seller's fraud or intentional misrepresentation of a material  
22 fact, as long as the seller continues registration and payment or  
23 collection and remittance of applicable sales or use taxes for a period of  
24 at least thirty-six months. The statute of limitations applicable to  
25 asserting a tax liability during this thirty-six month period shall be  
26 tolled.

27 4. Amnesty provided under this section shall be applicable only  
28 to sales or use taxes due from a seller in its capacity as a seller and not  
29 to sales or use taxes due from a seller in its capacity as a purchaser.

30           **5. The provisions of this section shall become effective as of the**  
31 **date that the state joins and becomes a member state of the agreement.**

144.140. 1. From every remittance to the director of revenue made on or  
2 before the date when the same becomes due, the person required to remit the  
3 same shall be entitled to deduct and retain an amount equal to two percent  
4 thereof.

5           **2. If the director of the department of revenue enters into the**  
6 **streamlined sales and use tax agreement under section 32.070, the**  
7 **director shall provide a monetary allowance from the taxes collected to**  
8 **each of the following:**

9           **(1) A CSP, in accordance with the agreement and under the terms**  
10 **of the contract signed with the provider, provided that such allowance**  
11 **shall be funded entirely from money collected in model 1;**

12           **(2) Any vendor registered under the agreement that selects a**  
13 **certified automated system to perform part of its sales or use tax**  
14 **functions;**

15           **(3) Any vendor registered under the agreement that uses a**  
16 **proprietary system to calculate taxes due and has entered into a**  
17 **performance agreement with states that are members of the streamlined**  
18 **sales and use tax agreement.**

19           **3. The monetary allowance provided for vendors in subdivision (2)**  
20 **or (3) of subsection 2 of this section shall be determined in accordance**  
21 **with the agreement entered into with these parties by the governing**  
22 **board.**

23           **4. Any vendor receiving an allowance under subsection 2 of this**  
24 **section shall not be entitled to simultaneously deduct the allowance**  
25 **provided for under subsection 1 of this section.**

144.190. 1. If a tax has been incorrectly computed by reason of a clerical  
2 error or mistake on the part of the director of revenue, such fact shall be set forth  
3 in the records of the director of revenue, and the amount of the overpayment shall  
4 be credited on any taxes then due from the person legally obligated to remit the  
5 tax [pursuant to sections 144.010 to 144.525] **under this chapter**, and the  
6 balance shall be refunded to the person legally obligated to remit the tax, such  
7 person's administrators or executors, as provided for in section 144.200.

8           **2. If any tax, penalty or interest has been paid more than once, or has**  
9 **been erroneously or illegally collected, or has been erroneously or illegally**  
10 **computed, such sum shall be credited on any taxes then due from the person**

11 legally obligated to remit the tax [pursuant to sections 144.010 to 144.525] **under**  
12 **this chapter**, and the balance, with interest as determined by section 32.065,  
13 shall be refunded to the person legally obligated to remit the tax, but no such  
14 credit or refund shall be allowed unless duplicate copies of a claim for refund are  
15 filed within three years from date of overpayment.

16 3. Every claim for refund must be in writing and signed by the applicant,  
17 and must state the specific grounds upon which the claim is founded. Any refund  
18 or any portion thereof which is erroneously made, and any credit or any portion  
19 thereof which is erroneously allowed, may be recovered in any action brought by  
20 the director of revenue against the person legally obligated to remit the tax. In  
21 the event that a tax has been illegally imposed against a person legally obligated  
22 to remit the tax, the director of revenue shall authorize the cancellation of the tax  
23 upon the director's record.

24 4. Notwithstanding the provisions of section 32.057, a purchaser that  
25 originally paid sales or use tax to a vendor or seller may submit a refund claim  
26 directly to the director of revenue for such sales or use taxes paid to such vendor  
27 or seller and remitted to the director, provided no sum shall be refunded more  
28 than once, any such claim shall be subject to any offset, defense, or other claim  
29 the director otherwise would have against either the purchaser or vendor or  
30 seller, and such claim for refund is accompanied by either:

31 (1) A notarized assignment of rights statement by the vendor or seller to  
32 the purchaser allowing the purchaser to seek the refund on behalf of the vendor  
33 or seller. An assignment of rights statement shall contain the Missouri sales or  
34 use tax registration number of the vendor or seller, a list of the transactions  
35 covered by the assignment, the tax periods and location for which the original  
36 sale was reported to the director of revenue by the vendor or seller, and a  
37 notarized statement signed by the vendor or seller affirming that the vendor or  
38 seller has not received a refund or credit, will not apply for a refund or credit of  
39 the tax collected on any transactions covered by the assignment, and authorizes  
40 the director to amend the seller's return to reflect the refund; or

41 (2) In the event the vendor or seller fails or refuses to provide an  
42 assignment of rights statement within sixty days from the date of such  
43 purchaser's written request to the vendor or seller, or the purchaser is not able  
44 to locate the vendor or seller or the vendor or seller is no longer in business, the  
45 purchaser may provide the director a notarized statement confirming the efforts  
46 that have been made to obtain an assignment of rights from the vendor or  
47 seller. Such statement shall contain a list of the transactions covered by the

48 assignment, the tax periods and location for which the original sale was reported  
49 to the director of revenue by the vendor or seller.

50 The director shall not require such vendor, seller, or purchaser to submit  
51 amended returns for refund claims submitted under the provisions of this  
52 subsection. Notwithstanding the provisions of section 32.057, if the seller is  
53 registered with the director for collection and remittance of sales tax, the director  
54 shall notify the seller at the seller's last known address of the claim for refund.  
55 If the seller objects to the refund within thirty days of the date of the notice, the  
56 director shall not pay the refund. If the seller agrees that the refund is  
57 warranted or fails to respond within thirty days, the director may issue the  
58 refund and amend the seller's return to reflect the refund. For purposes of  
59 section 32.069, the refund claim shall not be considered to have been filed until  
60 the seller agrees that the refund is warranted or thirty days after the date the  
61 director notified the seller and the seller failed to respond.

62         5. Notwithstanding the provisions of section 32.057, when a vendor files  
63 a refund claim on behalf of a purchaser and such refund claim is denied by the  
64 director, notice of such denial and the reason for the denial shall be sent by the  
65 director to the vendor and each purchaser whose name and address is submitted  
66 with the refund claim form filed by the vendor. A purchaser shall be entitled to  
67 appeal the denial of the refund claim within sixty days of the date such notice of  
68 denial is mailed by the director as provided in section 144.261. The provisions of  
69 this subsection shall apply to all refund claims filed after August 28, 2012. The  
70 provisions of this subsection allowing a purchaser to appeal the director's decision  
71 to deny a refund claim shall also apply to any refund claim denied by the director  
72 on or after January 1, 2007, if an appeal of the denial of the refund claim is filed  
73 by the purchaser no later than September 28, 2012, and if such claim is based  
74 solely on the issue of the exemption of the electronic transmission or delivery of  
75 computer software.

76         6. Notwithstanding the provisions of this section, the director of revenue  
77 shall authorize direct-pay agreements to purchasers which have annual purchases  
78 in excess of seven hundred fifty thousand dollars pursuant to rules and  
79 regulations adopted by the director of revenue. For the purposes of such  
80 direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92,  
81 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the  
82 place of business of the purchaser.

83         7. Special rules applicable to error corrections requested by customers of  
84 mobile telecommunications service are as follows:



85 (1) For purposes of this subsection, the terms "customer", "home service  
86 provider", "place of primary use", "electronic database", and "enhanced zip code"  
87 shall have the same meanings as defined in the Mobile Telecommunications  
88 Sourcing Act incorporated by reference in section 144.013;

89 (2) Notwithstanding the provisions of this section, if a customer of mobile  
90 telecommunications services believes that the amount of tax, the assignment of  
91 place of primary use or the taxing jurisdiction included on a billing is erroneous,  
92 the customer shall notify the home service provider, in writing, within three years  
93 from the date of the billing statement. The customer shall include in such  
94 written notification the street address for the customer's place of primary use, the  
95 account name and number for which the customer seeks a correction of the tax  
96 assignment, a description of the error asserted by the customer and any other  
97 information the home service provider reasonably requires to process the request;

98 (3) Within sixty days of receiving the customer's notice, the home service  
99 provider shall review its records and the electronic database or enhanced zip code  
100 to determine the customer's correct taxing jurisdiction. If the home service  
101 provider determines that the review shows that the amount of tax, assignment  
102 of place of primary use or taxing jurisdiction is in error, the home service provider  
103 shall correct the error and, at its election, either refund or credit the amount of  
104 tax erroneously collected to the customer for a period of up to three years from  
105 the last day of the home service provider's sixty-day review period. If the home  
106 service provider determines that the review shows that the amount of tax, the  
107 assignment of place of primary use or the taxing jurisdiction is correct, the home  
108 service provider shall provide a written explanation of its determination to the  
109 customer.

110 8. For all refund claims submitted to the department of revenue on or  
111 after September 1, 2003, notwithstanding any provision of this section to the  
112 contrary, if a person legally obligated to remit the tax levied [pursuant to sections  
113 144.010 to 144.525] **under this chapter** has received a refund of such taxes for  
114 a specific issue and submits a subsequent claim for refund of such taxes on the  
115 same issue for a tax period beginning on or after the date the original refund  
116 check issued to such person, no refund shall be allowed. This subsection shall not  
117 apply and a refund shall be allowed if the refund claim is filed by a purchaser  
118 under the provisions of subsection 4 of this section, the refund claim is for use tax  
119 remitted by the purchaser, or an additional refund claim is filed by a person  
120 legally obligated to remit the tax due to any of the following:

121 (1) Receipt of additional information or an exemption certificate from the

122 purchaser of the item at issue;

123 (2) A decision of a court of competent jurisdiction or the administrative  
124 hearing commission; or

125 (3) Changes in regulations or policy by the department of revenue.

126 9. Notwithstanding any provision of law to the contrary, the director of  
127 revenue shall respond to a request for a binding letter ruling filed in accordance  
128 with section 536.021 within sixty days of receipt of such request. If the director  
129 of revenue fails to respond to such letter ruling request within sixty days of  
130 receipt by the director, the director of revenue shall be barred from pursuing  
131 collection of any assessment of sales or use tax with respect to the issue which is  
132 the subject of the letter ruling request. For purposes of this subsection, the term  
133 "letter ruling" means a written interpretation of law by the director to a specific  
134 set of facts provided by a specific taxpayer or his or her agent.

135 10. If any tax was paid more than once, was incorrectly collected, or was  
136 incorrectly computed, such sum shall be credited on any taxes then due from the  
137 person legally obligated to remit the tax pursuant to sections 144.010 to 144.510  
138 against any deficiency or tax due discovered through an audit of the person by the  
139 department of revenue through adjustment during the same tax filing period for  
140 which the audit applied.

141 **11. A cause of action against the seller by a purchaser for a tax**  
142 **erroneously or illegally collected under this chapter does not accrue**  
143 **until a purchaser has provided written notice to a seller and the seller**  
144 **has had sixty days to respond. Such notice to the seller must contain the**  
145 **information necessary to determine the validity of the request. A seller**  
146 **shall be presumed to have a reasonable business practice if in the**  
147 **collection of such tax, the seller uses a provider or a system certified by**  
148 **the director and has remitted to the state all tax collected less any**  
149 **deductions, credits, or allowances.**

144.210. 1. The burden of proving that a sale of tangible personal  
2 property, services, substances or things was not a sale at retail shall be upon the  
3 person who made the sale, except that with respect to sales, services, or  
4 transactions provided for in section 144.070. [The seller shall obtain and  
5 maintain exemption certificates signed by the purchaser or his agent as evidence  
6 for any exempt sales claimed; provided, however, that before any administrative  
7 tribunal of this state, a seller may prove that sale is exempt from tax under this  
8 chapter in accordance with proof admissible under the applicable rules of  
9 evidence; except that when a purchaser has purchased tangible personal property

10 or services sales tax free under a claim of exemption which is found to be  
11 improper, the director of revenue may collect the proper amount of tax, interest,  
12 additions to tax and penalty from the purchaser directly. Any tax, interest,  
13 additions to tax or penalty collected by the director from the purchaser shall be  
14 credited against the amount otherwise due from the seller on the purchases or  
15 sales where the exemption was claimed.]

16 2. If the director of revenue is not satisfied with the return and payment  
17 of the tax made by any person, he is hereby authorized and empowered to make  
18 an additional assessment of tax due from such person, based upon the facts  
19 contained in the return or upon any information within his possession or that  
20 shall come into his possession.

21 3. The director of revenue shall give to the person written notice of such  
22 additional or revised assessment by certified or registered mail to the person at  
23 his or its last known address.

**144.212. 1. In addition to all other provisions of law provided for  
2 exemptions, when an exemption is claimed by a purchaser:**

3 **(1) The seller shall obtain identifying information of the  
4 purchaser and the reason for claiming a tax exemption at the time of the  
5 purchase;**

6 **(2) A purchaser shall not be required to provide a signature to  
7 claim an exemption from tax unless a paper exemption certificate is  
8 used;**

9 **(3) The seller shall use the standard form for claiming an  
10 exemption electronically prescribed by the director of the department  
11 of revenue and acceptable to the streamlined sales and use tax  
12 governing board;**

13 **(4) The seller shall obtain the same information for proof of a  
14 claimed exemption regardless of the medium in which the transaction  
15 occurred;**

16 **(5) The seller shall maintain proper records of exempt  
17 transactions and provide such records to the director of the department  
18 of revenue or the director's designee upon request;**

19 **(6) In the case of drop shipment sales, a third-party vendor, such  
20 as a drop shipper, may claim a resale exemption based on an exemption  
21 certificate provided by its customer or any other acceptable information  
22 available to the third-party vendor evidencing qualification for a resale  
23 exemption, regardless of whether the customer is registered to collect**

24 and remit sales and use tax in the state where the sale is sourced.

25           2. Sellers that comply with the requirements of this section shall  
26 be relieved from collecting and remitting tax otherwise applicable if it  
27 is determined that the purchaser improperly claimed an exemption and  
28 such purchaser shall be liable for the nonpayment of tax. Relief from  
29 liability provided under this section shall not apply to a seller who  
30 fraudulently fails to collect tax; to a seller who solicits purchasers to  
31 participate in the unlawful claim of an exemption; to a seller who  
32 accepts an exemption certificate when the purchaser claims an entity-  
33 based exemption when the subject of the transaction sought to be  
34 covered by the exemption certificate is actually received by the  
35 purchaser at a location operated by the seller and the state in which  
36 that location resides provides an exemption certificate that clearly and  
37 affirmatively indicates that the claimed exemption is not available in  
38 such state; or to a seller who accepts an exemption certificate claiming  
39 multiple points of use for tangible personal property other than  
40 computer software for which an exemption claiming multiple points of  
41 use.

42           (1) A seller shall be relieved from collecting and remitting tax  
43 otherwise applicable if the seller obtains a fully completed exemption  
44 certificate or captures the relevant data elements required under the  
45 agreement within ninety days subsequent to the date of sale.

46           (2) If a seller fails to obtain an exemption certificate or all  
47 relevant data elements as provided in this section, the seller may, within  
48 one hundred twenty days subsequent to a request for substantiation by  
49 the director of the department of revenue or the director's designee,  
50 either prove that the transaction was not subject to tax by other means  
51 or obtain a fully completed exemption certificate from the purchaser,  
52 taken in good faith.

53           3. Nothing in this section shall affect the ability of the director of  
54 the department of revenue or the director's designee to require  
55 purchasers to update exemption certificate information or to reapply  
56 with the state to claim certain exemptions.

57           4. Notwithstanding the provisions of subsection 2 of this section  
58 to the contrary, the director shall relieve a seller of the tax otherwise  
59 applicable if the seller obtains a blanket exemption certificate for a  
60 purchaser with which the seller has a recurring business

61 **relationship. The director shall not request from the seller renewal of**  
62 **blanket certificates or updates of exemption certificate information or**  
63 **data elements when there is a recurring business relationship between**  
64 **the buyer and seller. For purposes of this section, a recurring business**  
65 **relationship exists when a period of no more than twelve months elapses**  
66 **between sales transactions.**

144.285. 1. [In order to permit sellers required to collect and report the  
2 sales tax to collect the amount required to be reported and remitted, but not to  
3 change the requirements of reporting or remitting tax or to serve as a levy of the  
4 tax, and in order to avoid fractions of pennies, the director of revenue shall  
5 establish brackets, showing the amounts of tax to be collected on sales of specified  
6 amounts, which shall be applicable to all taxable transactions] **When the seller**  
7 **is computing the amount of tax owed by the purchaser and remitted to**  
8 **the state:**

9 **(1) Tax computation shall be carried to the third decimal place;**  
10 **and**

11 **(2) The tax shall be rounded to a whole cent using a method that**  
12 **rounds up to the next cent whenever the third decimal place is greater**  
13 **than four.**

14 2. [In all instances where statements covering taxable purchases are  
15 rendered to the taxpayer on a monthly or other periodic basis, the amount of tax  
16 shall be determined by applying the applicable tax rate to the taxable purchases  
17 represented on the statement, rounded to the nearest whole cent, or by  
18 application of the brackets established by the director of revenue, at the option  
19 of the retail vendor] **Sellers may elect to compute the tax due on a**  
20 **transaction on an item or an invoice basis. The provision of this**  
21 **subsection may be applied to the aggregated state and local taxes.**

22 3. No vendor or seller shall knowingly charge or receive from a purchaser  
23 as a sales tax any sum in excess of the sums provided for in this section.

24 4. [A vendor may, at his option, determine the amount charged to and  
25 received from each purchaser by use of a formula which applies the applicable tax  
26 rate to each taxable purchase, rounded to the nearest whole cent. The formula  
27 shall be uniformly and consistently applied to all purchases similarly situated.

28 5.] Amounts which a vendor charges to and receives from the purchaser  
29 in accordance with this section shall not be includable in his gross receipts if the  
30 amounts are separately charged or stated.

31 [6.] 5. If sales tax for one or more local political subdivisions is owed by

32 a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less  
33 than all sales tax due for a filing period specified in section 144.080, the director  
34 of revenue shall deposit the tax remitted proportionately to each taxing  
35 jurisdiction in accordance with the percentage that each such jurisdiction's share  
36 of the tax due for the filing period bears to the total tax due from such taxpayer  
37 for such period. The unpaid balance due along with penalties and interest shall  
38 be similarly prorated among the state and all local jurisdictions for which tax was  
39 due during the filing period for which an underpayment occurs. The provisions  
40 of this subsection shall apply to all returns or remittances relating to sales made  
41 on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show  
2 Me Green Sales Tax Holiday".

3 2. [For purposes of this section, the following terms mean:

4 (1) "Appliance", clothes washers and dryers, water heaters, trash  
5 compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners,  
6 furnaces, refrigerators and freezers; and

7 (2) "Energy star certified", any appliance approved by both the United  
8 States Environmental Protection Agency and the United States Department of  
9 Energy as eligible to display the energy star label, as amended from time to time.

10 3.] In each year beginning on or after January 1, 2009, there is hereby  
11 specifically exempted from state sales tax law **and all local sales and use taxes**  
12 all retail sales of any [energy star certified] new appliance[,] **that is an energy**  
13 **star qualified product with a sales price of** up to one thousand five hundred  
14 dollars per appliance[,] during a seven-day period beginning at 12:01 a.m. on  
15 April nineteenth and ending at midnight on April twenty-fifth. **Where a**  
16 **purchaser and seller are located in two different time zones, the time**  
17 **zone of the seller's location shall determine the authorized exemption**  
18 **period.**

19 [4. A political subdivision may allow the sales tax holiday under this  
20 section to apply to its local sales taxes by enacting an ordinance to that  
21 effect. Any such political subdivision shall notify the department of revenue not  
22 less than forty-five calendar days prior to the beginning date of the sales tax  
23 holiday occurring in that year of any such ordinance or order.

24 5. This section may not apply to any retailer when less than two percent  
25 of the retailer's merchandise offered for sale qualifies for the sales tax  
26 holiday. The retailer shall offer a sales tax refund in lieu of the sales tax  
27 holiday.]

28           **3. A sale of property which is eligible for an exemption under**  
29 **subsection 1 of this section but is purchased under a layaway sale shall**  
30 **only qualify for an exemption if:**

31           **(1) Final payment on a layaway order is made by, and the**  
32 **property is given to, the purchaser during the exemption period; or**

33           **(2) The purchaser selects the property and the seller accepts the**  
34 **order for the property during the exemption period, for immediate**  
35 **delivery upon full payment, even if delivery is made after the exemption**  
36 **period.**

37           **4. The exemption of a bundled transaction shall be calculated as**  
38 **provided by law for all other bundled transactions.**

39           **5. (1) For any discount offered by a seller that is a reduction of**  
40 **the sales price of the product, the discounted sales price shall determine**  
41 **whether the sales price falls below the price threshold provided in**  
42 **subsection 1 of this section. A coupon that reduces the sales price shall**  
43 **be treated as a discount only if the seller is not reimbursed for the**  
44 **coupon amount by a third party.**

45           **(2) If a discount applies to the total amount paid by a purchaser**  
46 **rather than to the sales price of a particular product and the purchaser**  
47 **has purchased both exempt property and taxable property, the seller**  
48 **shall allocate the discount based on the total sales prices of the taxable**  
49 **property compared to the total sales prices of all property sold in the**  
50 **same transaction.**

51           **6. Items that are normally sold as a single unit shall continue to**  
52 **be sold in that manner and shall not be priced separately and sold as**  
53 **individual items.**

54           **7. Items that are purchased during an exemption period but that**  
55 **are not delivered to the purchaser until after the exemption period due**  
56 **to the item not being in stock shall qualify for an exemption. The**  
57 **provisions of this subsection shall not apply to an item that was**  
58 **delivered during an exemption period but was purchased prior to or**  
59 **after the exemption period.**

60           **8. (1) If a purchaser purchases an item of eligible property during**  
61 **an exemption period, but later exchanges the item for a similar eligible**  
62 **item after the exemption period, no additional tax shall be due on the**  
63 **new item.**

64           **(2) If a purchaser purchases an item of eligible property during**

65 an exemption period, but later returns the item after the exemption  
66 period and receives credit on the purchase of a different nonexempt  
67 item, the appropriate sales tax shall be due on the sale of the newly  
68 purchased item.

69 (3) If a purchaser purchases an item of eligible property before an  
70 exemption period, but during the exemption period returns the item and  
71 receives credit on the purchase of a different item of eligible property,  
72 no sales tax shall be due on the sale of the new item if the new item is  
73 purchased during the exemption period.

74 (4) For a sixty day period immediately following the end of the  
75 exemption period, if a purchaser returns an exempt item no credit for  
76 or refund of sales tax shall be given unless the purchaser provides a  
77 receipt or invoice that shows tax was paid, or the seller has sufficient  
78 documentation to show that tax was paid on the item being returned.

79 9. For items that require delivery, an item shall be considered  
80 exempt if:

81 (1) The item is both delivered to and paid for by the purchaser  
82 during the exemption period; or

83 (2) The purchaser orders and pays for the item and the seller  
84 accepts the order during the exemption period for immediate shipment,  
85 even if delivery is made after the exemption period. For the purposes  
86 of this subdivision, a seller shall be considered to have accepted an  
87 order when the seller has taken action to fill the order for immediate  
88 shipment. Actions to fill an order shall include placement of an "in date"  
89 stamp on a mail order or the assignment of an "order number" to a  
90 telephone order. An order shall be considered for immediate shipment  
91 when the purchaser does not request delayed shipment. An order shall  
92 be considered for immediate shipment notwithstanding a shipment that  
93 may be delayed because of a backlog of orders or because an item is  
94 currently unavailable or on back order.

144.595. 1. For the purposes of this section, the following terms  
2 shall mean:

3 (1) "Marketplace facilitator", a person that contracts with sellers  
4 to facilitate for consideration, regardless of whether deducted as fees  
5 from the transaction, the sale of the seller's products through an  
6 electronic marketplace operated by a person, and engages:

7 (a) Either directly or indirectly, through one or more affiliated



8 persons in any of the following:

9 a. Transmitting or otherwise communicating the offer or  
10 acceptance between the purchaser and marketplace seller;

11 b. Owning or operating the infrastructure, electronic or physical,  
12 or technology that brings purchasers and marketplace sellers together;

13 c. Providing a virtual currency that purchasers are allowed or  
14 required to use to purchase products from the marketplace seller; or

15 d. Software development or research and development activities  
16 related to any of the activities described in paragraph (b) of this  
17 subdivision if such activities are directly related to an electronic  
18 marketplace operated by a person or an affiliated person; and

19 (b) In any of the following activities with respect to the  
20 marketplace seller's products:

21 a. Payment processing services;

22 b. Fulfillment or storage services;

23 c. Listing products for sale;

24 d. Setting prices;

25 e. Branding sales as those of the marketplace facilitator;

26 f. Order taking;

27 g. Advertising or promotion; or

28 h. Providing customer service or accepting or assisting with  
29 returns or exchanges;

30 A marketplace facilitator is a seller and shall comply with the provisions  
31 of this chapter;

32 (2) "Marketplace seller", a seller that makes sales through any  
33 electronic marketplace operated by a marketplace facilitator;

34 (3) "Person", any individual, firm, copartnership, joint venture,  
35 association, corporation, municipal or private, whether organized for  
36 profit or not, state, county, political subdivision, state department,  
37 commission, board, bureau or agency, except the department of  
38 transportation, estate, trust, business trust, receiver or trustee  
39 appointed by the state or federal court, syndicate, or any other group or  
40 combination acting as a unit;

41 (4) "Purchaser", any person who is the recipient for a valuable  
42 consideration of any sale of tangible personal property acquired for use,  
43 storage, or consumption in this state;

44 (5) "Retail sale", the same meaning as defined under sections

45 144.010 and 144.011, excluding motor vehicles, trailers, motorcycles,  
46 mopeds, motortricycles, boats, and outboard motors required to be titled  
47 under the laws of the state and subject to tax under subdivision (9) of  
48 subsection 1 of section 144.020;

49 (6) "Seller", a person selling or furnishing tangible personal  
50 property or rendering services on the receipts from which a tax is  
51 imposed under section 144.020.

52 2. By no later than January 1, 2020, marketplace facilitators that  
53 reach the threshold provided under subsection 4 of section 144.021 shall  
54 register with the department to collect and remit sales tax on sales made  
55 through the marketplace facilitator's marketplace by or on behalf of a  
56 marketplace seller that are delivered into the state, whether by the  
57 marketplace facilitator or another person. Such retail sales shall  
58 include those made directly by the marketplace facilitator and shall also  
59 include those retail sales made by marketplace sellers through the  
60 marketplace facilitator's marketplace. The collection and reporting  
61 requirements of this subsection shall not apply to retail sales other than  
62 those made through a marketplace facilitator's marketplace.

63 3. Marketplace facilitators that are required to collect sales tax  
64 under this section shall report and remit the tax in accordance with the  
65 provisions of this chapter and shall maintain records of all sales  
66 delivered to a location in the state, including copies of invoices showing  
67 the purchaser, address, purchase amount, and sales tax collected. Such  
68 records shall be made available for review and inspection upon request  
69 by the department.

70 4. Marketplace facilitators who properly collect and remit to the  
71 department in a timely manner sales tax on sales in accordance with the  
72 provisions of this section by or on behalf of marketplace sellers shall be  
73 eligible for any discount provided under this chapter.

74 5. A marketplace facilitator shall provide the purchaser with a  
75 statement or invoice showing that the sales tax was collected and shall  
76 be remitted on the purchaser's behalf.

77 6. Any taxpayer who remits sales tax under this section shall be  
78 entitled to refunds or credits to the same extent and in the same manner  
79 provided for in section 144.190 for taxes collected and remitted under  
80 this section.

81 7. Marketplace facilitators shall be subject to the penalty

82 **provisions, procedures, and reporting requirements provided under the**  
83 **provisions of this chapter.**

144.600. 1. This law may be cited as the "Compensating Use Tax Law".

2       **2. All provisions in sections 144.010 to 144.527 with respect to**  
3 **sales into this state by out-of-state sellers apply to the Compensating Use**  
4 **Tax Law.**

144.612. A vendor is required to register with the director under  
2 this chapter for the collection and remittance of use tax if the vendor is  
3 engaged in business activities within this state. For purposes of this  
4 chapter, "engages in business activities within this state" includes:

5       **(1) Maintaining or having a franchisee or licensee operating**  
6 **under the seller's trade name in this state if the franchisee or licensee**  
7 **is required to collect sales tax under this chapter;**

8       **(2) Soliciting sales or taking orders by sales agents or traveling**  
9 **representatives;**

10       **(3) A vendor is presumed to engage in business activities within**  
11 **this state if any person, other than a common carrier acting in its**  
12 **capacity as such, that has substantial nexus with this state:**

13       **(a) Sells a similar line of products as the vendor and does so**  
14 **under the same or a similar business name;**

15       **(b) Maintains an office, distribution facility, warehouse, or**  
16 **storage place, or similar place of business in the state to facilitate the**  
17 **delivery of property or services sold by the vendor to the vendor's**  
18 **customers;**

19       **(c) Delivers, installs, assembles, or performs maintenance services**  
20 **for the vendor's customers within the state;**

21       **(d) Facilitates the vendor's delivery of property to customers in**  
22 **the state by allowing the vendor's customers to pick up property sold by**  
23 **the vendor at an office, distribution facility, warehouse, storage place,**  
24 **or similar place of business maintained by the person in the state; or**

25       **(e) Conducts any other activities in the state that are significantly**  
26 **associated with the vendor's ability to establish and maintain a market**  
27 **in the state for the sales;**

28       **(4) The presumption in subdivision (3) of this section may be**  
29 **rebutted by demonstrating that the person's activities in the state are**  
30 **not significantly associated with the vendor's ability to establish or**  
31 **maintain a market in this state for the vendor's sales;**

32           **(5) Notwithstanding subdivision (3) of this section, a vendor shall**  
33 **be presumed to engage in business activities within this state if the**  
34 **vendor enters into an agreement with one or more residents of this state**  
35 **under which the resident, for a commission or other consideration,**  
36 **directly or indirectly refers potential customers, whether by a link on an**  
37 **internet website, an in-person oral presentation, telemarketing, or**  
38 **otherwise, to the vendor, if the cumulative gross receipts from sales by**  
39 **the vendor to customers in the state who are referred to the vendor by**  
40 **all residents with this type of an agreement with the vendor is in excess**  
41 **of ten thousand dollars during the preceding twelve months;**

42           **(6) The presumption in subdivision (5) of this section may be**  
43 **rebutted by submitting proof that the residents with whom the vendor**  
44 **has an agreement did not engage in any activity within the state that**  
45 **was significantly associated with the vendor's ability to establish or**  
46 **maintain the vendor's market in the state during the preceding twelve**  
47 **months. Such proof may consist of sworn written statements from all of**  
48 **the residents with whom the vendor has an agreement stating that they**  
49 **did not engage in any solicitation in the state on behalf of the vendor**  
50 **during the preceding year provided that such statements were provided**  
51 **and obtained in good faith.**

144.655. 1. Every vendor, on or before the last day of the month following  
2 each calendar quarterly period of three months, shall file with the director of  
3 revenue a return of all taxes collected for the preceding quarter in the form  
4 prescribed by the director of revenue, showing the total sales price of the tangible  
5 personal property sold by the vendor, the storage, use or consumption of which  
6 is subject to the tax levied by this law, and other information the director of  
7 revenue deems necessary. The return shall be accompanied by a remittance of  
8 the amount of the tax required to be collected by the vendor during the period  
9 covered by the return. Returns shall be signed by the vendor or the vendor's  
10 authorized agent. The director of revenue may promulgate rules or regulations  
11 changing the filing and payment requirements of vendors, but shall not require  
12 any vendor to file and pay more frequently than required in this section.

13           2. Where the aggregate amount of tax required to be collected by a vendor  
14 is in excess of two hundred and fifty dollars for either the first or second month  
15 of a calendar quarter, the vendor shall pay such aggregate amount for such  
16 months to the director of revenue by the twentieth day of the succeeding  
17 month. The amount so paid shall be allowed as a credit against the liability

18 shown on the vendor's quarterly return required by this section.

19           3. Where the aggregate amount of tax required to be collected by a vendor  
20 is less than forty-five dollars in a calendar quarter, the director of revenue shall  
21 by regulation permit the vendor to file a return for a calendar year. The return  
22 shall be filed and the taxes paid on or before January thirty-first of the  
23 succeeding year.

24           4. Except as provided in subsection 5 of this section, every person  
25 purchasing tangible personal property, the storage, use or consumption of which  
26 is subject to the tax levied by sections 144.600 to 144.748, who has not paid the  
27 tax due to a vendor registered in accordance with the provisions of section  
28 144.650, shall file with the director of revenue a return for the preceding  
29 reporting period in the form and manner that the director of revenue prescribes,  
30 showing the total sales price of the tangible property purchased during the  
31 preceding reporting period and any other information that the director of revenue  
32 deems necessary for the proper administration of sections 144.600 to  
33 144.748. The return shall be accompanied by a remittance of the amount of the  
34 tax required by sections 144.600 to 144.748 to be paid by the person. Returns  
35 shall be signed by the person liable for the tax or such person's duly authorized  
36 agent. For purposes of this subsection, the reporting period shall be determined  
37 by the director of revenue and may be a calendar quarter or a calendar  
38 year. Annual returns and payments required by the director pursuant to this  
39 subsection shall be due on or before April fifteenth of the year for the preceding  
40 calendar year and quarterly returns and payments shall be due on or before the  
41 last day of the month following each calendar period of three months. Upon the  
42 taxpayer's request, the director may allow the filing of such returns and payments  
43 on a monthly basis. If a taxpayer elects to file a monthly return and payment,  
44 such return and payment shall be due on or before the twentieth day of the  
45 succeeding month.

46           5. Any person purchasing tangible personal property subject to the taxes  
47 imposed by sections 144.600 to 144.748 shall not be required to file a use tax  
48 return with the director of revenue if such purchases on which such taxes were  
49 not paid do not exceed in the aggregate two thousand dollars in any calendar  
50 year.

51           6. Nothing in subsection 5 of this section shall relieve a vendor of liability  
52 to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total  
53 gross receipts of all sales of tangible personal property used, stored or consumed  
54 in this state and to remit all taxes collected to the director of revenue in

55 accordance with the provisions of this section nor shall it relieve a purchaser from  
56 paying such taxes to a vendor registered in accordance with the provisions of  
57 section 144.650.

58 **7. Any out-of-state seller which is not legally required to register**  
59 **for use tax in this state but chooses to collect and remit use tax under**  
60 **sections 144.600 to 144.761 shall file a return for the calendar year. The**  
61 **return shall be filed and the taxes paid on or before January thirty-first**  
62 **of the succeeding year.**

144.710. [From every remittance made by a vendor as required by sections  
2 144.600 to 144.745 to the director of revenue on or before the date when the  
3 remittance becomes due, the vendor may deduct and retain an amount equal to  
4 two percent thereof.] **The provisions of section 144.140 relating to the**  
5 **allowance for timely remittance of payment shall be applicable to the tax**  
6 **levied under sections 144.600 to 144.745.**

144.759. 1. All local use taxes collected by the director of revenue  
2 [pursuant to sections 144.757 to 144.761] **under this chapter** on behalf of any  
3 county or municipality, less one percent for cost of collection, which shall be  
4 deposited in the state's general revenue fund after payment of premiums for  
5 surety bonds as provided in section 32.087 shall be deposited with the state  
6 treasurer in a local use tax trust fund, which fund shall be separate and apart  
7 from the local sales tax trust funds. The moneys in such local use tax trust fund  
8 shall not be deemed to be state funds and shall not be commingled with any funds  
9 of the state. The director of revenue shall keep accurate records of the amount  
10 of money in the trust fund which was collected in each county or municipality  
11 imposing a local use tax, and the records shall be open to the inspection of officers  
12 of the county or municipality and to the public. No later than the tenth day of  
13 each month, the director of revenue shall distribute all moneys deposited in the  
14 trust fund during the preceding month, except as provided in subsection 2 of this  
15 section, to the county or municipality treasurer, or such other officer as may be  
16 designated by the county or municipality ordinance or order, of each county or  
17 municipality imposing the tax authorized by sections 144.757 to 144.761, the sum  
18 due the county or municipality as certified by the director of revenue.

19 2. The director of revenue shall distribute all moneys which would be due  
20 any county having a charter form of government and having a population of nine  
21 hundred thousand or more to the county treasurer or such other officer as may  
22 be designated by county ordinance, who shall distribute such moneys as follows:  
23 the portion of the use tax imposed by the county which equals one-half the rate

24 of sales tax in effect for such county shall be disbursed to the county treasurer for  
25 expenditure throughout the county for public safety, parks, and job creation,  
26 subject to any qualifications and regulations adopted by ordinance of the  
27 county. Such ordinance shall require an audited comprehensive financial report  
28 detailing the management and use of such funds each year. Such ordinance shall  
29 also require that the county and the municipal league of the county jointly  
30 prepare a strategy to guide expenditures of funds and conduct an annual review  
31 of the strategy. The treasurer or such other officer as may be designated by  
32 county ordinance shall distribute one-third of the balance to the county and to  
33 each city, town and village in group B according to section 66.620 as modified by  
34 this section, a portion of the two-thirds remainder of such balance equal to the  
35 percentage ratio that the population of each such city, town or village bears to the  
36 total population of all such group B cities, towns and villages. For the purposes  
37 of this subsection, population shall be determined by the last federal decennial  
38 census or the latest census that determines the total population of the county and  
39 all political subdivisions therein. For the purposes of this subsection, each city,  
40 town or village in group A according to section 66.620 but whose per capita sales  
41 tax receipts during the preceding calendar year pursuant to sections 66.600 to  
42 66.630 were less than the per capita countywide average of all sales tax receipts  
43 during the preceding calendar year, shall be treated as a group B city, town or  
44 village until the per capita amount distributed to such city, town or village equals  
45 the difference between the per capita sales tax receipts during the preceding  
46 calendar year and the per capita countywide average of all sales tax receipts  
47 during the preceding calendar year.

48 3. The director of revenue may authorize the state treasurer to make  
49 refunds from the amounts in the trust fund and credited to any county or  
50 municipality for erroneous payments and overpayments made, and may redeem  
51 dishonored checks and drafts deposited to the credit of such counties or  
52 municipalities. If any county or municipality abolishes the tax, the county or  
53 municipality shall notify the director of revenue of the action [at least ninety  
54 days] prior to the effective date of the repeal, and the **repeal shall be effective**  
55 **as provided in subsection 19 of section 32.087.** The director of revenue may  
56 order retention in the trust fund, for a period of one year, of two percent of the  
57 amount collected after receipt of such notice to cover possible refunds or  
58 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
59 the credit of such accounts. After one year has elapsed after the effective date of  
60 abolition of the tax in such county or municipality, the director of revenue shall

61 authorize the state treasurer to remit the balance in the account to the county or  
62 municipality and close the account of that county or municipality. The director  
63 of revenue shall notify each county or municipality of each instance of any  
64 amount refunded or any check redeemed from receipts due the county or  
65 municipality.

66 4. Except as modified in sections 144.757 to 144.761, all provisions of  
67 sections 32.085 [and] to 32.087 applicable to the local sales tax, except for  
68 subsection 12 of section 32.087, and all provisions of [sections 144.600 to 144.745]  
69 **this chapter** shall apply to the tax imposed pursuant to sections 144.757 to  
70 144.761, and the director of revenue shall perform all functions incident to the  
71 administration, collection, enforcement, and operation of the tax.

144.761. 1. No county or municipality imposing a local use tax pursuant  
2 to sections 144.757 to 144.761 may repeal or amend such local use tax unless such  
3 repeal or amendment is submitted to and approved by the voters of the county or  
4 municipality in the manner provided in section 144.757; provided, however, that  
5 the repeal of the local sales tax within the county or municipality shall be deemed  
6 to repeal the local use tax imposed pursuant to sections 144.757 to 144.761.

7 2. Whenever the governing body of any county or municipality in which  
8 a local use tax has been imposed in the manner provided by sections 144.757 to  
9 144.761 receives a petition, signed by fifteen percent of the registered voters of  
10 such county or municipality voting in the last gubernatorial election, calling for  
11 an election to repeal such local use tax, the governing body shall submit to the  
12 voters of such county or municipality a proposal to repeal the county or  
13 municipality use tax imposed pursuant to sections 144.757 to 144.761. If a  
14 majority of the votes cast on the proposal by the registered voters voting thereon  
15 are in favor of the proposal to repeal the local use tax, then the ordinance or  
16 order imposing the local use tax, along with any amendments thereto, is repealed.  
17 If a majority of the votes cast by the registered voters voting thereon are opposed  
18 to the proposal to repeal the local use tax, then the ordinance or order imposing  
19 the local use tax, along with any amendments thereto, shall remain in  
20 effect. **Subsection 19 of section 32.087 shall apply to such repeal of the**  
21 **tax authorized under sections 144.757 to 144.761.**

184.845. 1. The board of the district may impose a museum and cultural  
2 district sales tax by resolution on all retail sales made in such museum and  
3 cultural district which are subject to [taxation pursuant to the provisions of  
4 sections 144.010 to 144.525] **sales tax under chapter 144**. Such museum and  
5 cultural district sales tax may be imposed for any museum or cultural purpose



6 designated by the board of the museum and cultural district. If the resolution is  
7 adopted the board of the district may submit the question of whether to impose  
8 a sales tax authorized by this section to the qualified voters, who shall have the  
9 same voting interests as with the election of members of the board of the district.

10 2. The sales tax authorized by this section shall become effective [on the  
11 first day of the second calendar quarter following adoption of the tax by the board  
12 or qualified voters] **as provided in subsection 19 of section 32.087**, if the  
13 board elects to submit the question of whether to impose a sales tax to the  
14 qualified voters.

15 3. In each museum and cultural district in which a sales tax has been  
16 imposed in the manner provided by this section, every retailer shall add the tax  
17 imposed by the museum and cultural district pursuant to this section to the  
18 retailer's sale price, and when so added such tax shall constitute a part of the  
19 price, shall be a debt of the purchaser to the retailer until paid, and shall be  
20 recoverable at law in the same manner as the purchase price.

21 4. In order to permit sellers required to collect and report the sales tax  
22 authorized by this section to collect the amount required to be reported and  
23 remitted, but not to change the requirements of reporting or remitting tax or to  
24 serve as a levy of the tax, and in order to avoid fractions of pennies, the [museum  
25 and cultural district may establish appropriate brackets which shall be used in  
26 the district imposing a tax pursuant to this section in lieu of those brackets  
27 provided in] **tax shall be calculated as authorized by the provisions of**  
28 section 144.285.

29 5. All revenue received by a museum and cultural district from the tax  
30 authorized by this section which has been designated for a certain museum or  
31 cultural purpose shall be deposited in a special trust fund and shall be used solely  
32 for such designated purpose. All funds remaining in the special trust fund shall  
33 continue to be used solely for such designated museum or cultural purpose. Any  
34 funds in such special trust fund which are not needed for current expenditures  
35 may be invested by the board of directors in accordance with applicable laws  
36 relating to the investment of other museum or cultural district funds.

37 6. The sales tax may be imposed at a rate of one-half of one percent,  
38 three-fourths of one percent or one percent on the receipts from the sale at retail  
39 of all tangible personal property or taxable services at retail within the museum  
40 and cultural district adopting such tax, if such property and services are subject  
41 to taxation by the state of Missouri [pursuant to the provisions of sections  
42 144.010 to 144.525] **under chapter 144**. Any museum and cultural district sales

43 tax imposed pursuant to this section shall be imposed at a rate that shall be  
44 uniform throughout the district.

45 7. On and after the effective date of any tax imposed pursuant to this  
46 section, the [museum and cultural district] **director of revenue** shall perform  
47 all functions incident to the administration, collection, enforcement, and operation  
48 of the tax. The tax imposed pursuant to this section shall be collected and  
49 reported upon such forms and under such administrative rules and regulations  
50 as may be prescribed by the [museum and cultural district] **director of**  
51 **revenue**.

52 8. All applicable provisions contained in [sections 144.010 to 144.525]  
53 **chapter 144** governing the state sales tax, sections 32.085 [and] to 32.087, and  
54 section 32.057, the uniform confidentiality provision, shall apply to the collection  
55 of the tax imposed by this section, except as modified in this section. All revenue  
56 collected under this section by the director of the department of revenue on behalf  
57 of the museum and cultural districts[, except for one percent for the cost of  
58 collection which shall be deposited in the state's general revenue fund,] shall be  
59 deposited in a special trust fund, which is hereby created and shall be known as  
60 the "Missouri Museum Cultural District Tax Fund", and shall be used solely for  
61 such designated purpose. [Moneys in the fund shall not be deemed to be state  
62 funds, and shall not be commingled with any funds of the state.] The director may  
63 make refunds from the amounts in the fund and credited to the district for  
64 erroneous payments and overpayments made, and may redeem dishonored checks  
65 and drafts deposited to the credit of such county.

66 9. All exemptions granted to agencies of government, organizations,  
67 persons and to the sale of certain articles and items of tangible personal property  
68 and taxable services [pursuant to the provisions of sections 144.010 to 144.525]  
69 **under chapter 144** are hereby made applicable to the imposition and collection  
70 of the tax imposed by this section.

71 10. The same sales tax permit, exemption certificate and retail certificate  
72 required by [sections 144.010 to 144.525] **chapter 144** for the administration and  
73 collection of the state sales tax shall satisfy the requirements of this section, and  
74 no additional permit or exemption certificate or retail certificate shall be required;  
75 except that the museum and cultural district may prescribe a form of exemption  
76 certificate for an exemption from the tax imposed by this section.

77 11. The penalties provided in section 32.057 and [sections 144.010 to  
78 144.525] **chapter 144** for violation of those sections are hereby made applicable  
79 to violations of this section.

80           12. [For the purpose of a sales tax imposed by a resolution pursuant to  
81 this section, all retail sales except retail sales of motor vehicles shall be deemed  
82 to be consummated at the place of business of the retailer unless the tangible  
83 personal property sold is delivered by the retailer or the retailer's agent to an  
84 out-of-state destination or to a common carrier for delivery to an out-of-state  
85 destination. In the event a retailer has more than one place of business in this  
86 state which participates in the sale, the sale shall be deemed to be consummated  
87 at the place of business of the retailer where the initial order for the tangible  
88 personal property is taken, even though the order shall be forwarded elsewhere  
89 for acceptance, approval of credit, shipment or billing. A sale by a retailer's  
90 employee shall be deemed to be consummated at the place of business from which  
91 the employee works.

92           13.] All sales taxes collected by the museum and cultural district shall be  
93 deposited by the museum and cultural district in a special fund to be expended  
94 for the purposes authorized in this section. The museum and cultural district  
95 shall keep accurate records of the amount of money which was collected pursuant  
96 to this section, and the records shall be open to the inspection by the officers and  
97 directors of each museum and cultural district and the Missouri department of  
98 revenue. Tax returns filed by businesses within the district shall otherwise be  
99 considered as confidential in the same manner as sales tax returns filed with the  
100 Missouri department of revenue.

101           [14.] **13.** No museum and cultural district imposing a sales tax pursuant  
102 to this section may repeal or amend such sales tax unless such repeal or  
103 amendment will not impair the district's ability to repay any liabilities which it  
104 has incurred, money which it has borrowed or revenue bonds, notes or other  
105 obligations which it has issued or which have been issued to finance any project  
106 or projects.

107           **14. Except as modified in this section, all provisions of sections**  
108 **32.085 to 32.087 shall apply to the tax imposed under this section.**

221.407. 1. The commission of any regional jail district may impose, by  
2 order, a sales tax in the amount of one-eighth of one percent, one-fourth of one  
3 percent, three-eighths of one percent, or one-half of one percent on all retail sales  
4 made in such region which are subject to taxation [pursuant to the provisions of  
5 sections 144.010 to 144.525] **under chapter 144** for the purpose of providing jail  
6 services and court facilities and equipment for such region. The tax authorized  
7 by this section shall be in addition to any and all other sales taxes allowed by  
8 law, except that no order imposing a sales tax pursuant to this section shall be

9 effective unless the commission submits to the voters of the district, on any  
10 election date authorized in chapter 115, a proposal to authorize the commission  
11 to impose a tax.

12 2. The ballot of submission shall contain, but need not be limited to, the  
13 following language:

14 Shall the regional jail district of \_\_\_\_\_ (counties' names) impose a  
15 region-wide sales tax of \_\_\_\_\_ (insert amount) for the purpose of  
16 providing jail services and court facilities and equipment for the  
17 region?

18  YES  NO

19 If you are in favor of the question, place an "X" in the box opposite  
20 "YES". If you are opposed to the question, place an "X" in the box  
21 opposite "NO".

22 If a majority of the votes cast on the proposal by the qualified voters of the  
23 district voting thereon are in favor of the proposal, then the order and any  
24 amendment to such order shall be in effect [on the first day of the second quarter  
25 immediately following the election approving the proposal] **as provided by**  
26 **subsection 19 of section 32.087**. If the proposal receives less than the required  
27 majority, the commission shall have no power to impose the sales tax authorized  
28 pursuant to this section unless and until the commission shall again have  
29 submitted another proposal to authorize the commission to impose the sales tax  
30 authorized by this section and such proposal is approved by the required majority  
31 of the qualified voters of the district voting on such proposal; however, in no event  
32 shall a proposal pursuant to this section be submitted to the voters sooner than  
33 twelve months from the date of the last submission of a proposal pursuant to this  
34 section.

35 3. All revenue received by a district from the tax authorized pursuant to  
36 this section shall be deposited in a special trust fund and shall be used solely for  
37 providing jail services and court facilities and equipment for such district for so  
38 long as the tax shall remain in effect.

39 4. Once the tax authorized by this section is abolished or terminated by  
40 any means, all funds remaining in the special trust fund shall be used solely for  
41 providing jail services and court facilities and equipment for the district. Any  
42 funds in such special trust fund which are not needed for current expenditures  
43 may be invested by the commission in accordance with applicable laws relating  
44 to the investment of other county funds.

45           5. All sales taxes collected by the director of revenue pursuant to this  
46 section on behalf of any district[, less one percent for cost of collection which shall  
47 be deposited in the state's general revenue fund after payment of premiums for  
48 surety bonds as provided in section 32.087,] shall be deposited in a special trust  
49 fund, which is hereby created, to be known as the "Regional Jail District Sales  
50 Tax Trust Fund". [The moneys in the regional jail district sales tax trust fund  
51 shall not be deemed to be state funds and shall not be commingled with any funds  
52 of the state.] The director of revenue shall keep accurate records of the amount  
53 of money in the trust fund which was collected in each district imposing a sales  
54 tax pursuant to this section, and the records shall be open to the inspection of  
55 officers of each member county and the public. Not later than the tenth day of  
56 each month the director of revenue shall distribute all moneys deposited in the  
57 trust fund during the preceding month to the district which levied the tax. Such  
58 funds shall be deposited with the treasurer of each such district, and all  
59 expenditures of funds arising from the regional jail district sales tax trust fund  
60 shall be paid pursuant to an appropriation adopted by the commission and shall  
61 be approved by the commission. Expenditures may be made from the fund for any  
62 function authorized in the order adopted by the commission submitting the  
63 regional jail district tax to the voters.

64           6. The director of revenue may make refunds from the amounts in the  
65 trust fund and credited to any district for erroneous payments and overpayments  
66 made, and may redeem dishonored checks and drafts deposited to the credit of  
67 such districts. If any district abolishes the tax, the commission shall notify the  
68 director of revenue of the action [at least ninety days] prior to the effective date  
69 of the repeal, and the **repeal shall be effective as provided in subsection 19**  
70 **of section 32.087.** The director of revenue may order retention in the trust  
71 fund, for a period of one year, of two percent of the amount collected after receipt  
72 of such notice to cover possible refunds or overpayment of the tax and to redeem  
73 dishonored checks and drafts deposited to the credit of such accounts. After one  
74 year has elapsed after the effective date of abolition of the tax in such district, the  
75 director of revenue shall remit the balance in the account to the district and close  
76 the account of that district. The director of revenue shall notify each district in  
77 each instance of any amount refunded or any check redeemed from receipts due  
78 the district.

79           7. Except as provided in this section, all provisions of sections 32.085  
80 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

81           8. The provisions of this section shall expire September 30, 2028.

238.235. 1. (1) Any transportation development district may by resolution  
2 impose a transportation development district sales tax on all retail sales made in  
3 such transportation development district which are subject to taxation [pursuant  
4 to the provisions of sections 144.010 to 144.525] **under chapter 144**, except such  
5 transportation development district sales tax shall not apply to the sale or use of  
6 motor vehicles, trailers, boats or outboard motors [nor to all sales of electricity  
7 or electrical current, water and gas, natural or artificial, nor to sales of service  
8 to telephone subscribers, either local or long distance], **electricity piped  
9 natural or artificial gas, or other fuels delivered by the seller**. Such  
10 transportation development district sales tax may be imposed for any  
11 transportation development purpose designated by the transportation  
12 development district in its ballot of submission to its qualified voters, except that  
13 no resolution enacted pursuant to the authority granted by this section shall be  
14 effective unless:

15 (a) The board of directors of the transportation development district  
16 submits to the qualified voters of the transportation development district a  
17 proposal to authorize the board of directors of the transportation development  
18 district to impose or increase the levy of an existing tax pursuant to the  
19 provisions of this section; or

20 (b) The voters approved the question certified by the petition filed  
21 pursuant to subsection 5 of section 238.207.

22 (2) If the transportation district submits to the qualified voters of the  
23 transportation development district a proposal to authorize the board of directors  
24 of the transportation development district to impose or increase the levy of an  
25 existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this  
26 subsection, the ballot of submission shall contain, but need not be limited to, the  
27 following language:

28 Shall the transportation development district of \_\_\_\_\_  
29 (transportation development district's name) impose a  
30 transportation development district-wide sales tax at the rate of  
31 \_\_\_\_\_ (insert amount) for a period of \_\_\_\_\_ (insert number) years  
32 from the date on which such tax is first imposed for the purpose of  
33 \_\_\_\_\_ (insert transportation development purpose)?

34  YES  NO

35 If you are in favor of the question, place an "X" in the box opposite  
36 "YES". If you are opposed to the question, place an "X" in the box

37 opposite "NO".

38 If a majority of the votes cast on the proposal by the qualified voters voting  
39 thereon are in favor of the proposal, then the resolution and any amendments  
40 thereto shall be in effect **as provided by subsection 19 of section 32.087**. If  
41 a majority of the votes cast by the qualified voters voting are opposed to the  
42 proposal, then the board of directors of the transportation development district  
43 shall have no power to impose the sales tax authorized by this section unless and  
44 until the board of directors of the transportation development district shall again  
45 have submitted another proposal to authorize it to impose the sales tax pursuant  
46 to the provisions of this section and such proposal is approved by a majority of the  
47 qualified voters voting thereon.

48 (3) [The sales tax authorized by this section shall become effective on the  
49 first day of the second calendar quarter after the department of revenue receives  
50 notification of the tax.

51 (4) In each transportation development district in which a sales tax has  
52 been imposed in the manner provided by this section, every retailer shall add the  
53 tax imposed by the transportation development district pursuant to this section  
54 to the retailer's sale price, and when so added such tax shall constitute a part of  
55 the price, shall be a debt of the purchaser to the retailer until paid, and shall be  
56 recoverable at law in the same manner as the purchase price.

57 (5) In order to permit sellers required to collect and report the sales tax  
58 authorized by this section to collect the amount required to be reported and  
59 remitted, but not to change the requirements of reporting or remitting tax or to  
60 serve as a levy of the tax, and in order to avoid fractions of pennies, the  
61 transportation development district may establish appropriate brackets which  
62 shall be used in the district imposing a tax pursuant to this section in lieu of  
63 those brackets provided in section 144.285.

64 (6) All revenue received by a transportation development district from the  
65 tax authorized by this section which has been designated for a certain  
66 transportation development purpose shall be deposited in a special trust fund and  
67 shall be used solely for such designated purpose. Upon the expiration of the  
68 period of years approved by the qualified voters pursuant to subdivision (2) of this  
69 subsection or if the tax authorized by this section is repealed pursuant to  
70 subsection 6 of this section, all funds remaining in the special trust fund shall  
71 continue to be used solely for such designated transportation development  
72 purpose. Any funds in such special trust fund which are not needed for current  
73 expenditures may be invested by the board of directors in accordance with

74 applicable laws relating to the investment of other transportation development  
75 district funds.

76        [(7)] (4) The sales tax may be imposed in increments of one-eighth of one  
77 percent, up to a maximum of one percent on the receipts from the sale at retail  
78 of all tangible personal property or taxable services at retail within the  
79 transportation development district adopting such tax, if such property and  
80 services are subject to taxation by the state of Missouri [pursuant to the  
81 provisions of sections 144.010 to 144.525] **under chapter 144**, except such  
82 transportation development district sales tax shall not apply to the sale or use of  
83 motor vehicles, trailers, boats or outboard motors [nor to public utilities]. Any  
84 transportation development district sales tax imposed pursuant to this section  
85 shall be imposed at a rate that shall be uniform throughout the district.

86        2. The resolution imposing the sales tax pursuant to this section shall  
87 impose upon all sellers a tax for the privilege of engaging in the business of  
88 selling tangible personal property or rendering taxable services at retail to the  
89 extent and in the manner provided [in sections 144.010 to 144.525] **under**  
90 **chapter 144**, and the rules and regulations of the director of revenue issued  
91 pursuant thereto; except that the rate of the tax shall be the rate imposed by the  
92 resolution as the sales tax and the tax shall be reported and returned to and  
93 collected by the transportation development district.

94        3. [On and after the effective date of any tax imposed pursuant to this  
95 section, the director of revenue shall perform all functions incident to the  
96 administration, collection, enforcement, and operation of the tax, and the director  
97 of revenue shall collect, in addition to all other sales taxes imposed by law, the  
98 additional tax authorized pursuant to this section. The tax imposed pursuant to  
99 this section and the taxes imposed pursuant to all other laws of the state of  
100 Missouri shall be collected together and reported upon such forms and pursuant  
101 to such administrative rules and regulations as may be prescribed by the director  
102 of revenue.

103        4. (1) All applicable provisions contained in sections 144.010 to 144.525,  
104 governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the  
105 uniform confidentiality provision, shall apply to the collection of the tax imposed  
106 by this section, except as modified in this section.

107        (2) All exemptions granted to agencies of government, organizations,  
108 persons and to the sale of certain articles and items of tangible personal property  
109 and taxable services pursuant to the provisions of sections 144.010 to 144.525 are  
110 hereby made applicable to the imposition and collection of the tax imposed by this



111 section.

112 (3) The same sales tax permit, exemption certificate and retail certificate  
113 required by sections 144.010 to 144.525 for the administration and collection of  
114 the state sales tax shall satisfy the requirements of this section, and no additional  
115 permit or exemption certificate or retail certificate shall be required; except that  
116 the transportation development district may prescribe a form of exemption  
117 certificate for an exemption from the tax imposed by this section.

118 (4) All discounts allowed the retailer pursuant to the provisions of the  
119 state sales tax laws for the collection of and for payment of taxes pursuant to  
120 such laws are hereby allowed and made applicable to any taxes collected pursuant  
121 to the provisions of this section.

122 (5) The penalties provided in section 32.057 and sections 144.010 to  
123 144.525 for violation of those sections are hereby made applicable to violations of  
124 this section.

125 (6) For the purpose of a sales tax imposed by a resolution pursuant to this  
126 section, all retail sales except retail sales of motor vehicles shall be deemed to be  
127 consummated at the place of business of the retailer unless the tangible personal  
128 property sold is delivered by the retailer or the retailer's agent to an out-of-state  
129 destination or to a common carrier for delivery to an out-of-state destination. In  
130 the event a retailer has more than one place of business in this state which  
131 participates in the sale, the sale shall be deemed to be consummated at the place  
132 of business of the retailer where the initial order for the tangible personal  
133 property is taken, even though the order must be forwarded elsewhere for  
134 acceptance, approval of credit, shipment or billing. A sale by a retailer's employee  
135 shall be deemed to be consummated at the place of business from which the  
136 employee works.

137 5.] All sales taxes received by the transportation development district shall  
138 be deposited by the director of revenue in a special fund to be expended for the  
139 purposes authorized in this section. The director of revenue shall keep accurate  
140 records of the amount of money which was collected pursuant to this section, and  
141 the records shall be open to the inspection of officers of each transportation  
142 development district and the general public.

143 [6.] 4. (1) No transportation development district imposing a sales tax  
144 pursuant to this section may repeal or amend such sales tax unless such repeal  
145 or amendment will not impair the district's ability to repay any liabilities which  
146 it has incurred, money which it has borrowed or revenue bonds, notes or other  
147 obligations which it has issued or which have been issued by the commission or

148 any local transportation authority to finance any project or projects.

149 (2) Whenever the board of directors of any transportation development  
150 district in which a transportation development sales tax has been imposed in the  
151 manner provided by this section receives a petition, signed by ten percent of the  
152 qualified voters calling for an election to repeal such transportation development  
153 sales tax, the board of directors shall, if such repeal will not impair the district's  
154 ability to repay any liabilities which it has incurred, money which it has borrowed  
155 or revenue bonds, notes or other obligations which it has issued or which have  
156 been issued by the commission or any local transportation authority to finance  
157 any project or projects, submit to the qualified voters of such transportation  
158 development district a proposal to repeal the transportation development sales tax  
159 imposed pursuant to the provisions of this section. If a majority of the votes cast  
160 on the proposal by the qualified voters voting thereon are in favor of the proposal  
161 to repeal the transportation development sales tax, then the resolution imposing  
162 the transportation development sales tax, along with any amendments thereto,  
163 is repealed **as provided by subsection 19 of section 32.087**. If a majority of  
164 the votes cast by the qualified voters voting thereon are opposed to the proposal  
165 to repeal the transportation development sales tax, then the ordinance or  
166 resolution imposing the transportation development sales tax, along with any  
167 amendments thereto, shall remain in effect.

168 [7.] **5.** Notwithstanding any provision of sections 99.800 to 99.865 and  
169 this section to the contrary, the sales tax imposed by a district whose project is  
170 a public mass transportation system shall not be considered economic activity  
171 taxes as such term is defined under sections 99.805 and 99.918 and shall not be  
172 subject to allocation under the provisions of subsection 3 of section 99.845, or  
173 subsection 4 of section 99.957.

174 **6.** After the effective date of any tax imposed under the provisions  
175 of this section, the director of revenue shall perform all functions  
176 incident to the administration, collection, enforcement, and operation  
177 of the tax, and collect, in addition to the sales tax for the state of  
178 Missouri, the additional tax authorized under the authority of this  
179 section. The tax imposed under this section and the tax imposed under  
180 the sales tax law of the state of Missouri shall be collected together and  
181 reported upon such forms and under such administrative rules and  
182 regulations as may be prescribed by the director of revenue.

183 **7.** Except as provided in this section, all provisions of sections  
184 **32.085 to 32.087** shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section  
2 238.400 may impose a sales tax of up to one percent on all retail sales made in  
3 such county which are subject to taxation under [the provisions of sections  
4 144.010 to 144.525] **chapter 144**. The tax authorized by this section shall be in  
5 addition to any and all other sales taxes allowed by law, except that no sales tax  
6 imposed under the provisions of this section shall be effective unless the  
7 governing body of the county, on behalf of the transit authority, submits to the  
8 voters of the county, at a county or state general, primary or special election, a  
9 proposal to authorize the transit authority to impose a tax.

10 2. The ballot of submission shall contain, but need not be limited to, the  
11 following language:

12 Shall the \_\_\_\_\_ Transit Authority impose a countywide sales tax  
13 of \_\_\_\_\_ (insert amount) in order to provide revenues for the  
14 operation of transportation facilities operated by the transit  
15 authority?

16  YES  NO

17 If you are in favor of the question, place an "X" in the box opposite  
18 "YES". If you are opposed to the question, place an "X" in the box  
19 opposite "NO".

20 If a majority of the votes cast on the proposal by the qualified voters voting  
21 thereon are in favor of the proposal, then the tax shall become effective [on the  
22 first day of the second calendar quarter following notification to the department  
23 of revenue of adoption of the tax] **as provided by subsection 19 of section**  
24 **32.087**. If a majority of the votes cast by the qualified voters voting are opposed  
25 to the proposal, then the transit authority shall have no power to impose the sales  
26 tax authorized by this section unless and until another proposal to authorize the  
27 transit authority to impose the sales tax authorized by this section has been  
28 submitted and such proposal is approved by a majority of the qualified voters  
29 voting thereon.

30 3. All revenue received by the transit authority from the tax authorized  
31 under the provisions of this section shall be deposited in a special trust fund and  
32 shall be used solely by the transit authority for construction, purchase, lease,  
33 maintenance and operation of transportation facilities located within the county  
34 for so long as the tax shall remain in effect. Any funds in such special trust fund  
35 which are not needed for current expenditures may be invested by the transit  
36 authority in accordance with applicable laws relating to the investment of county

37 funds.

38           4. No transit authority imposing a sales tax pursuant to this section may  
39 repeal or amend such sales tax unless such repeal or amendment is submitted to  
40 and approved by the voters of the county in the same manner as provided in  
41 subsection 1 of this section for approval of such tax. Whenever the governing  
42 body of any county in which a sales tax has been imposed in the manner provided  
43 by this section receives a petition, signed by ten percent of the registered voters  
44 of such county voting in the last gubernatorial election, calling for an election to  
45 repeal such sales tax, the governing body shall submit to the voters of such  
46 county a proposal to repeal the sales tax imposed under the provisions of this  
47 section. If a majority of the votes cast on the proposal by the registered voters  
48 voting thereon are in favor of the proposal to repeal the sales tax, then such sales  
49 tax is repealed **as provided by subsection 19 of section 32.087**. If a majority  
50 of the votes cast by the registered voters voting thereon are opposed to the  
51 proposal to repeal the sales tax, then such sales tax shall remain in effect.

52           5. The sales tax imposed under the provisions of this section shall impose  
53 upon all sellers a tax for the privilege of engaging in the business of selling  
54 tangible personal property or rendering taxable services at retail to the extent  
55 and in the manner provided in [sections 144.010 to 144.525] **chapter 144** and the  
56 rules and regulations of the director of revenue issued pursuant thereto; except  
57 that the rate of the tax shall be the rate approved pursuant to this section. The  
58 amount reported and returned to the director of revenue by the seller shall be  
59 computed on the basis of the combined rate of the tax imposed by [sections  
60 144.010 to 144.525] **chapter 144** and the tax imposed by this section, plus any  
61 amounts imposed under other provisions of law.

62           6. After the effective date of any tax imposed under the provisions of this  
63 section, the director of revenue shall perform all functions incident to the  
64 administration, collection, enforcement, and operation of the tax, and the director  
65 of revenue shall collect in addition to the sales tax for the state of Missouri the  
66 additional tax authorized under the authority of this section. The tax imposed  
67 under this section and the tax imposed under the sales tax law of the state of  
68 Missouri shall be collected together and reported upon such forms and under such  
69 administrative rules and regulations as may be prescribed by the director of  
70 revenue. In order to permit sellers required to collect and report the sales tax to  
71 collect the amount required to be reported and remitted, but not to change the  
72 requirements of reporting or remitting tax or to serve as a levy of the tax, and in  
73 order to avoid fractions of pennies, the applicable provisions of section 144.285

74 shall apply to all taxable transactions.

75           7. All applicable provisions contained in [sections 144.010 to 144.525]  
76 **chapter 144** governing the state sales tax and section 32.057, the uniform  
77 confidentiality provision, shall apply to the collection of the tax imposed by this  
78 section, except as modified in this section. All exemptions granted to agencies of  
79 government, organizations, persons and to the sale of certain articles and items  
80 of tangible personal property and taxable services under the provisions of  
81 [sections 144.010 to 144.525] **chapter 144** are hereby made applicable to the  
82 imposition and collection of the tax imposed by this section. The same sales tax  
83 permit, exemption certificate and retail certificate required by [sections 144.010  
84 to 144.525] **chapter 144** for the administration and collection of the state sales  
85 tax shall satisfy the requirements of this section, and no additional permit or  
86 exemption certificate or retail certificate shall be required; except that the  
87 director of revenue may prescribe a form of exemption certificate for an exemption  
88 from the tax imposed by this section. All discounts allowed the retailer under the  
89 provisions of the state sales tax law for the collection of and for payment of taxes  
90 under chapter 144 are hereby allowed and made applicable to any taxes collected  
91 under the provisions of this section. The penalties provided in section 32.057 and  
92 [sections 144.010 to 144.525] **chapter 144** for a violation of those sections are  
93 hereby made applicable to violations of this section.

94           8. [For the purposes of a sales tax imposed pursuant to this section, all  
95 retail sales shall be deemed to be consummated at the place of business of the  
96 retailer, except for tangible personal property sold which is delivered by the  
97 retailer or his agent to an out-of-state destination or to a common carrier for  
98 delivery to an out-of-state destination and except for the sale of motor vehicles,  
99 trailers, boats and outboard motors, which is provided for in subsection 12 of this  
100 section. In the event a retailer has more than one place of business in this state  
101 which participates in the sale, the sale shall be deemed to be consummated at the  
102 place of business of the retailer where the initial order for the tangible personal  
103 property is taken, even though the order must be forwarded elsewhere for  
104 acceptance, approval of credit, shipment or billing. A sale by a retailer's employee  
105 shall be deemed to be consummated at the place of business from which he works.

106           9.] All sales taxes collected by the director of revenue under this section  
107 on behalf of any transit authority[, less one percent for cost of collection which  
108 shall be deposited in the state's general revenue fund after payment of premiums  
109 for surety bonds as provided in this section,] shall be deposited in the state  
110 treasury in a special trust fund, which is hereby created, to be known as the

111 "County Transit Authority Sales Tax Trust Fund". [The moneys in the county  
112 transit authority sales tax trust fund shall not be deemed to be state funds and  
113 shall not be commingled with any funds of the state.] The director of revenue  
114 shall keep accurate records of the amount of money in the trust fund which was  
115 collected in each transit authority imposing a sales tax under this section, and the  
116 records shall be open to the inspection of officers of the county and the  
117 public. Not later than the tenth day of each month the director of revenue shall  
118 distribute all moneys deposited in the trust fund during the preceding month to  
119 the transit authority which levied the tax.

120 [10.] **9.** The director of revenue may authorize the state treasurer to  
121 make refunds from the amounts in the trust fund and credited to any transit  
122 authority for erroneous payments and overpayments made, and may authorize the  
123 state treasurer to redeem dishonored checks and drafts deposited to the credit of  
124 such transit authorities. If any transit authority abolishes the tax, the transit  
125 authority shall notify the director of revenue of the action [at least ninety days]  
126 prior to the effective date of the repeal and the **repeal shall be effective as**  
127 **provided in subsection 19 of section 32.087.** The director of revenue may  
128 order retention in the trust fund, for a period of one year, of two percent of the  
129 amount collected after receipt of such notice to cover possible refunds or  
130 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
131 the credit of such accounts. After one year has elapsed after the effective date of  
132 abolition of the tax in such transit authority, the director of revenue shall  
133 authorize the state treasurer to remit the balance in the account to the transit  
134 authority and close the account of that transit authority. The director of revenue  
135 shall notify each transit authority of each instance of any amount refunded or any  
136 check redeemed from receipts due the transit authority. The director of revenue  
137 shall annually report on his management of the trust fund and administration of  
138 the sales taxes authorized by this section. He shall provide each transit authority  
139 imposing the tax authorized by this section with a detailed accounting of the  
140 source of all funds received by him for the transit authority.

141 [11.] **10.** The director of revenue and any of his deputies, assistants and  
142 employees who shall have any duties or responsibilities in connection with the  
143 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,  
144 or recording of funds which come into the hands of the director of revenue under  
145 the provisions of this section shall enter a surety bond or bonds payable to any  
146 and all transit authorities in whose behalf such funds have been collected under  
147 this section in the amount of one hundred thousand dollars; but the director of

148 revenue may enter into a blanket bond or bonds covering himself and all such  
149 deputies, assistants and employees. The cost of the premium or premiums for the  
150 surety bond or bonds shall be paid by the director of revenue from the share of  
151 the collection retained by the director of revenue for the benefit of the state.

152 [12.] 11. Sales taxes imposed pursuant to this section and use taxes on  
153 the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall  
154 not be collected and remitted by the seller, but shall be collected by the director  
155 of revenue at the time application is made for a certificate of title, if the address  
156 of the applicant is within a county where a sales tax is imposed under this  
157 section. The amounts so collected, less the one percent collection cost, shall be  
158 deposited in the county transit authority sales tax trust fund. The purchase or  
159 sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be  
160 consummated at the address of the applicant. As used in this subsection, the  
161 term "boat" shall only include motorboats and vessels as the terms "motorboat"  
162 and "vessel" are defined in section 306.010.

163 [13.] 12. In any county where the transit authority sales tax has been  
164 imposed, if any person is delinquent in the payment of the amount required to be  
165 paid by him under this section or in the event a determination has been made  
166 against him for taxes and penalty under this section, the limitation for bringing  
167 suit for the collection of the delinquent tax and penalty shall be the same as that  
168 provided in [sections 144.010 to 144.525] **chapter 144**. Where the director of  
169 revenue has determined that suit must be filed against any person for the  
170 collection of delinquent taxes due the state under the state sales tax law, and  
171 where such person is also delinquent in payment of taxes under this section, the  
172 director of revenue shall notify the transit authority to which delinquent taxes are  
173 due under this section by United States registered mail or certified mail at least  
174 ten days before turning the case over to the attorney general. The transit  
175 authority, acting through its attorney, may join in such suit as a party plaintiff  
176 to seek a judgment for the delinquent taxes and penalty due such transit  
177 authority. In the event any person fails or refuses to pay the amount of any sales  
178 tax due under this section, the director of revenue shall promptly notify the  
179 transit authority to which the tax would be due so that appropriate action may  
180 be taken by the transit authority.

181 [14.] 13. Where property is seized by the director of revenue under the  
182 provisions of any law authorizing seizure of the property of a taxpayer who is  
183 delinquent in payment of the tax imposed by the state sales tax law, and where  
184 such taxpayer is also delinquent in payment of any tax imposed by this section,

185 the director of revenue shall permit the transit authority to join in any sale of  
186 property to pay the delinquent taxes and penalties due the state and to the  
187 transit authority under this section. The proceeds from such sale shall first be  
188 applied to all sums due the state, and the remainder, if any, shall be applied to  
189 all sums due such transit authority under this section.

190 [15. The transit authority created under the provisions of sections 238.400  
191 to 238.412 shall notify any and all affected businesses of the change in tax rate  
192 caused by the imposition of the tax authorized by sections 238.400 to 238.412.

193 16.] 14. In the event that any transit authority in any county with a  
194 charter form of government and with more than two hundred fifty thousand but  
195 fewer than three hundred fifty thousand inhabitants submits a proposal in any  
196 election to increase the sales tax under this section, and such proposal is  
197 approved by the voters, the county shall be reimbursed for the costs of submitting  
198 such proposal from the funds derived from the tax levied under this section.

199 **15. Except as provided in sections 238.400 to 238.412, all**  
200 **provisions of sections 32.085 to 32.087 shall apply to the tax imposed**  
201 **under sections 238.410 to 238.412.**

644.032. 1. The governing body of any municipality or county may impose,  
2 by ordinance or order, a sales tax in an amount not to exceed one-half of one  
3 percent on all retail sales made in such municipality or county which are subject  
4 to taxation under the provisions of [sections 144.010 to 144.525] **chapter**  
5 **144**. The tax authorized by this section and section 644.033 shall be in addition  
6 to any and all other sales taxes allowed by law, except that no ordinance or order  
7 imposing a sales tax under the provisions of this section and section 644.033 shall  
8 be effective unless the governing body of the municipality or county submits to  
9 the voters of the municipality or county, at a municipal, county or state general,  
10 primary or special election, a proposal to authorize the governing body of the  
11 municipality or county to impose a tax, provided, that the tax authorized by this  
12 section shall not be imposed on the sales of food, as defined in section 144.014,  
13 when imposed by any county with a charter form of government and with more  
14 than one million inhabitants.

15 2. The ballot of submission shall contain, but need not be limited to, the  
16 following language:

17 Shall the municipality (county) of \_\_\_\_\_ impose a sales tax of  
18 \_\_\_\_\_ (insert amount) for the purpose of providing funding for  
19 \_\_\_\_\_ (insert either storm water control, or local parks, or storm  
20 water control and local parks) for the municipality (county)?



21

 YES NO

22 If a majority of the votes cast on the proposal by the qualified voters voting  
23 thereon are in favor of the proposal, then the ordinance or order and any  
24 amendments thereto shall [be in effect on the first day of the second quarter after  
25 the director of revenue receives notice of adoption of the tax] **become effective**  
26 **as provided in subsection 19 of section 32.087.** If a majority of the votes cast  
27 by the qualified voters voting are opposed to the proposal, then the governing  
28 body of the municipality or county shall not impose the sales tax authorized in  
29 this section and section 644.033 until the governing body of the municipality or  
30 county resubmits another proposal to authorize the governing body of the  
31 municipality or county to impose the sales tax authorized by this section and  
32 section 644.033 and such proposal is approved by a majority of the qualified  
33 voters voting thereon; however, in no event shall a proposal pursuant to this  
34 section and section 644.033 be submitted to the voters sooner than twelve months  
35 from the date of the last proposal pursuant to this section and section 644.033.

36 3. All revenue received by a municipality or county from the tax  
37 authorized under the provisions of this section and section 644.033 shall be  
38 deposited in a special trust fund and shall be used to provide funding for storm  
39 water control or for local parks, or both, within such municipality or county,  
40 provided that such revenue may be used for local parks outside such municipality  
41 or county if the municipality or county is engaged in a cooperative agreement  
42 pursuant to section 70.220.

43 4. Any funds in such special trust fund which are not needed for current  
44 expenditures may be invested by the governing body in accordance with applicable  
45 laws relating to the investment of other municipal or county funds.

46 **5. Except as provided by this section, all provisions of sections**  
47 **32.085 to 32.087 shall apply to the tax imposed under this section.**

2 [66.601. The duties of the director of revenue with respect  
3 to the allocation, division and distribution of sales and use tax  
4 proceeds determined to be due any county of the first classification  
5 having a charter form of government and having a population of  
6 nine hundred thousand or more inhabitants and all municipalities  
7 within such county, resulting from taxes levied or imposed under  
8 the authority of sections 66.600 to 66.630, section 144.748, and  
9 sections 94.850 to 94.857, may be delegated to the county levying  
the county sales tax under sections 66.600 to 66.630, at the

10 discretion of the director of revenue and with the consent of the  
11 county. Notwithstanding the provisions of section 32.057 to the  
12 contrary, if such duties are so assigned, the director of revenue  
13 shall furnish the county with sufficient information to perform such  
14 duties in such form as may be agreed upon by the director and the  
15 county at no cost to the county. The county shall be bound by the  
16 provisions of section 32.057, and shall use any information provided  
17 by the director of revenue under the provisions of this section solely  
18 for the purpose of allocating, dividing and distributing such sales  
19 and use tax revenues. The county shall exercise all of the director's  
20 powers and duties with respect to such allocation, division and  
21 distribution, and shall receive no fee for carrying out such powers  
22 and duties.]

2 [67.1713. Beginning January 1, 2002, there is hereby  
specifically exempted from the tax imposed pursuant to section  
3 67.1712 all sales of food as defined by section 144.014.]

2 [67.1971. All entities remitting the sales tax authorized  
pursuant to section 67.1959 shall have their liability reduced by an  
3 amount equal to twenty-five percent of any taxes collected and  
4 remitted pursuant to sections 94.802 to 94.805.]

2 [144.069. All sales taxes associated with the titling of motor  
vehicles, trailers, boats and outboard motors under the laws of  
3 Missouri shall be imposed at the rate in effect at the location of the  
4 address of the owner thereof, and all sales taxes associated with  
5 the titling of vehicles under leases of over sixty-day duration of  
6 motor vehicles, trailers, boats and outboard motors shall be  
7 imposed at the rate in effect, unless the vehicle, trailer, boat or  
8 motor has been registered and sales taxes have been paid prior to  
9 the consummation of the lease agreement at the location of the  
10 address of the lessee thereof on the date the lease is consummated,  
11 and all applicable sales taxes levied by any political subdivision  
12 shall be collected and remitted on such sales from the purchaser or  
13 lessee by the state department of revenue on that basis.]

2 [144.517. In addition to the exemptions granted pursuant  
to section 144.030, there shall also be exempted from state sales  
3 and use taxes all sales of textbooks, as defined by section 170.051,  
4 when such textbook is purchased by a student who possesses proof

5 of current enrollment at any Missouri public or private university,  
6 college or other postsecondary institution of higher learning  
7 offering a course of study leading to a degree in the liberal arts,  
8 humanities or sciences or in a professional, vocational or technical  
9 field, provided that the books which are exempt from state sales  
10 tax are those required or recommended for a class. Upon request  
11 the institution or department must provide at least one list of  
12 textbooks to the bookstore each semester. Alternately, the student  
13 may provide to the bookstore a list from the instructor, department  
14 or institution of his or her required or recommended  
15 textbooks. This exemption shall not apply to any locally imposed  
16 sales or use tax.]

[144.605. The following words and phrases as used in  
2 sections 144.600 to 144.745 mean and include:

3 (1) "Calendar quarter", the period of three consecutive  
4 calendar months ending on March thirty-first, June thirtieth,  
5 September thirtieth or December thirty-first;

6 (2) "Engages in business activities within this state"  
7 includes:

8 (a) Maintaining or having a franchisee or licensee operating  
9 under the seller's trade name in this state if the franchisee or  
10 licensee is required to collect sales tax pursuant to sections 144.010  
11 to 144.525;

12 (b) Soliciting sales or taking orders by sales agents or  
13 traveling representatives;

14 (c) A vendor is presumed to engage in business activities  
15 within this state if any person, other than a common carrier acting  
16 in its capacity as such, that has substantial nexus with this state:

17 a. Sells a similar line of products as the vendor and does so  
18 under the same or a similar business name;

19 b. Maintains an office, distribution facility, warehouse, or  
20 storage place, or similar place of business in the state to facilitate  
21 the delivery of property or services sold by the vendor to the  
22 vendor's customers;

23 c. Delivers, installs, assembles, or performs maintenance  
24 services for the vendor's customers within the state;

25 d. Facilitates the vendor's delivery of property to customers

26 in the state by allowing the vendor's customers to pick up property  
27 sold by the vendor at an office, distribution facility, warehouse,  
28 storage place, or similar place of business maintained by the person  
29 in the state; or

30 e. Conducts any other activities in the state that are  
31 significantly associated with the vendor's ability to establish and  
32 maintain a market in the state for the sales;

33 (d) The presumption in paragraph (c) may be rebutted by  
34 demonstrating that the person's activities in the state are not  
35 significantly associated with the vendor's ability to establish or  
36 maintain a market in this state for the vendor's sales;

37 (e) Notwithstanding paragraph (c), a vendor shall be  
38 presumed to engage in business activities within this state if the  
39 vendor enters into an agreement with one or more residents of this  
40 state under which the resident, for a commission or other  
41 consideration, directly or indirectly refers potential customers,  
42 whether by a link on an internet website, an in-person oral  
43 presentation, telemarketing, or otherwise, to the vendor, if the  
44 cumulative gross receipts from sales by the vendor to customers in  
45 the state who are referred to the vendor by all residents with this  
46 type of an agreement with the vendor is in excess of ten thousand  
47 dollars during the preceding twelve months;

48 (f) The presumption in paragraph (e) may be rebutted by  
49 submitting proof that the residents with whom the vendor has an  
50 agreement did not engage in any activity within the state that was  
51 significantly associated with the vendor's ability to establish or  
52 maintain the vendor's market in the state during the preceding  
53 twelve months. Such proof may consist of sworn written  
54 statements from all of the residents with whom the vendor has an  
55 agreement stating that they did not engage in any solicitation in  
56 the state on behalf of the vendor during the preceding year  
57 provided that such statements were provided and obtained in good  
58 faith;

59 (3) "Maintains a place of business in this state" includes  
60 maintaining, occupying, or using, permanently or temporarily,  
61 directly or indirectly, by whatever name called, an office, place of  
62 distribution, sales or sample room or place, warehouse or storage

63 place, or other place of business in this state, whether owned or  
64 operated by the vendor or by any other person other than a  
65 common carrier acting in its capacity as such;

66 (4) "Person", any individual, firm, copartnership, joint  
67 venture, association, corporation, municipal or private, and whether  
68 organized for profit or not, state, county, political subdivision, state  
69 department, commission, board, bureau or agency, except the state  
70 transportation department, estate, trust, business trust, receiver or  
71 trustee appointed by the state or federal court, syndicate, or any  
72 other group or combination acting as a unit, and the plural as well  
73 as the singular number;

74 (5) "Purchase", the acquisition of the ownership of, or title  
75 to, tangible personal property, through a sale, as defined herein, for  
76 the purpose of storage, use or consumption in this state;

77 (6) "Purchaser", any person who is the recipient for a  
78 valuable consideration of any sale of tangible personal property  
79 acquired for use, storage or consumption in this state;

80 (7) "Sale", any transfer, barter or exchange of the title or  
81 ownership of tangible personal property, or the right to use, store  
82 or consume the same, for a consideration paid or to be paid, and  
83 any transaction whether called leases, rentals, bailments, loans,  
84 conditional sales or otherwise, and notwithstanding that the title  
85 or possession of the property or both is retained for security. For  
86 the purpose of this law the place of delivery of the property to the  
87 purchaser, user, storer or consumer is deemed to be the place of  
88 sale, whether the delivery be by the vendor or by common carriers,  
89 private contractors, mails, express, agents, salesmen, solicitors,  
90 hawkers, representatives, consignors, peddlers, canvassers or  
91 otherwise;

92 (8) "Sales price", the consideration including the charges for  
93 services, except charges incident to the extension of credit, paid or  
94 given, or contracted to be paid or given, by the purchaser to the  
95 vendor for the tangible personal property, including any services  
96 that are a part of the sale, valued in money, whether paid in money  
97 or otherwise, and any amount for which credit is given to the  
98 purchaser by the vendor, without any deduction therefrom on  
99 account of the cost of the property sold, the cost of materials used,

100 labor or service cost, losses or any other expenses whatsoever,  
101 except that cash discounts allowed and taken on sales shall not be  
102 included and "sales price" shall not include the amount charged for  
103 property returned by customers upon rescission of the contract of  
104 sales when the entire amount charged therefor is refunded either  
105 in cash or credit or the amount charged for labor or services  
106 rendered in installing or applying the property sold, the use,  
107 storage or consumption of which is taxable pursuant to sections  
108 144.600 to 144.745. The sales price shall not include usual and  
109 customary delivery charges that are separately stated. In  
110 determining the amount of tax due pursuant to sections 144.600 to  
111 144.745, any charge incident to the extension of credit shall be  
112 specifically exempted;

113 (9) "Selling agent", every person acting as a representative  
114 of a principal, when such principal is not registered with the  
115 director of revenue of the state of Missouri for the collection of the  
116 taxes imposed pursuant to sections 144.010 to 144.525 or sections  
117 144.600 to 144.745 and who receives compensation by reason of the  
118 sale of tangible personal property of the principal, if such property  
119 is to be stored, used, or consumed in this state;

120 (10) "Storage", any keeping or retention in this state of  
121 tangible personal property purchased from a vendor, except  
122 property for sale or property that is temporarily kept or retained  
123 in this state for subsequent use outside the state;

124 (11) "Tangible personal property", all items subject to the  
125 Missouri sales tax as provided in subdivisions (1) and (3) of section  
126 144.020;

127 (12) "Taxpayer", any person remitting the tax or who should  
128 remit the tax levied by sections 144.600 to 144.745;

129 (13) "Use", the exercise of any right or power over tangible  
130 personal property incident to the ownership or control of that  
131 property, except that it does not include the temporary storage of  
132 property in this state for subsequent use outside the state, or the  
133 sale of the property in the regular course of business;

134 (14) "Vendor", every person engaged in making sales of  
135 tangible personal property by mail order, by advertising, by agent  
136 or peddling tangible personal property, soliciting or taking orders

137 for sales of tangible personal property, for storage, use or  
138 consumption in this state, all salesmen, solicitors, hawkers,  
139 representatives, consignees, peddlers or canvassers, as agents of  
140 the dealers, distributors, consignors, supervisors, principals or  
141 employers under whom they operate or from whom they obtain the  
142 tangible personal property sold by them, and every person who  
143 maintains a place of business in this state, maintains a stock of  
144 goods in this state, or engages in business activities within this  
145 state and every person who engages in this state in the business of  
146 acting as a selling agent for persons not otherwise vendors as  
147 defined in this subdivision. Irrespective of whether they are  
148 making sales on their own behalf or on behalf of the dealers,  
149 distributors, consignors, supervisors, principals or employers, they  
150 must be regarded as vendors and the dealers, distributors,  
151 consignors, supervisors, principals or employers must be regarded  
152 as vendors for the purposes of sections 144.600 to 144.745.]

2 [144.1000. Sections 144.1000 to 144.1015 shall be known as  
and referred to as the "Simplified Sales and Use Tax  
3 Administration Act".]

2 [144.1003. As used in sections 144.1000 to 144.1015, the  
following terms shall mean:

3 (1) "Agreement", the streamlined sales and use tax  
4 agreement;

5 (2) "Certified automated system", software certified jointly  
6 by the states that are signatories to the agreement to calculate the  
7 tax imposed by each jurisdiction on a transaction, determine the  
8 amount of tax to remit to the appropriate state and maintain a  
9 record of the transaction;

10 (3) "Certified service provider", an agent certified jointly by  
11 the states that are signatories to the agreement to perform all of  
12 the seller's sales tax functions;

13 (4) "Person", an individual, trust, estate, fiduciary,  
14 partnership, limited liability company, limited liability partnership,  
15 corporation or any other legal entity;

16 (5) "Sales tax", any sales tax levied pursuant to this  
17 chapter, section 32.085, or any other sales tax authorized by  
18 statute and levied by this state or its political subdivisions;

19 (6) "Seller", any person making sales, leases or rentals of  
20 personal property or services;

21 (7) "State", any state of the United States and the District  
22 of Columbia;

23 (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary,  
2 amending the agreement embodying the simplification  
3 recommendations contained in section 144.1015, the state may  
4 enter into multistate discussions. For purposes of such discussions,  
5 the state shall be represented by seven delegates, one of whom  
6 shall be appointed by the governor, two members appointed by the  
7 speaker of the house of representatives, one member appointed by  
8 the minority leader of the house of representatives, two members  
9 appointed by the president pro tempore of the senate and one  
10 member appointed by the minority leader of the senate. The  
11 delegates need not be members of the general assembly and at least  
12 one of the delegates appointed by the speaker of the house of  
13 representatives and one member appointed by the president pro  
14 tempore of the senate shall be from the private sector and  
15 represent the interests of Missouri businesses. The delegates shall  
16 recommend to the committees responsible for reviewing tax issues  
17 in the senate and the house of representatives each year any  
18 amendment of state statutes required to be substantially in  
19 compliance with the agreement. Such delegates shall make a  
20 written report by the fifteenth day of January each year regarding  
21 the status of the multistate discussions and upon final adoption of  
22 the terms of the sales and use tax agreement by the multistate  
23 body.]

[144.1009. No provision of the agreement authorized by  
2 sections 144.1000 to 144.1015 in whole or in part invalidates or  
3 amends any provision of the law of this state. Implementation of  
4 any condition of this agreement in this state, whether adopted  
5 before, at, or after membership of this state in the agreement, must  
6 be by action of the general assembly. Such report shall be  
7 delivered to the governor, the secretary of state, the president pro  
8 tempore of the senate and the speaker of the house of  
9 representatives and shall simultaneously be made publicly



10 available by the secretary of state to any person requesting a copy.]

2 [144.1012. Unless five of the seven delegates agree, the  
3 delegates shall not enter into or vote for any streamlined sales and  
4 use tax agreement that:

4 (1) Requires adoption of a definition of any term that would  
5 cause any item or transaction that is now excluded or exempted  
6 from sales or use tax to become subject to sales or use tax;

7 (2) Requires the state of Missouri to fully exempt or fully  
8 apply sales taxes to the sale of food or any other item;

9 (3) Restricts the ability of local governments under statutes  
10 in effect on August 28, 2002, to enact one or more local taxes on  
11 one or more items without application of the tax to all sales within  
12 the taxing jurisdiction, however, restriction of any such taxes  
13 allowed by statutes effective after August 28, 2002, may be  
14 supported;

15 (4) Provides for adoption of any uniform rate structure that  
16 would result in a tax increase for any Missouri taxpayer;

17 (5) Affects the sourcing of sales tax transactions; or

18 (6) Prohibits limitations or thresholds on the application of  
19 sales and use tax rates or prohibits any current sales or use tax  
20 exemption in the state of Missouri, including exemptions that are  
21 based on the value of the transaction or item.]

2 [144.1015. In addition to the requirements of section  
3 144.1012, the delegates should consider the following features when  
4 deciding whether or not to enter into any streamlined sales and use  
5 tax agreement:

5 (1) The agreement should address the limitation of the  
6 number of state rates over time;

7 (2) The agreement should establish uniform standards for  
8 administration of exempt sales and the form used for filing sales  
9 and use tax returns and remittances;

10 (3) The agreement should require the state to provide a  
11 central, electronic registration system that allows a seller to  
12 register to collect and remit sales and use taxes for all signatory  
13 states;

14 (4) The agreement should provide that registration with the  
15 central registration system and the collection of sales and use taxes

16 in the signatory states will not be used as a factor in determining  
17 whether the seller has nexus with a state for any tax;

18 (5) The agreement should provide for reduction of the  
19 burdens of complying with local sales and use taxes through the  
20 following so long as they do not conflict with the provisions of  
21 section 144.1012:

22 (a) Restricting variances between the state and local tax  
23 bases;

24 (b) Requiring states to administer any sales and use taxes  
25 levied by local jurisdictions within the state so that sellers  
26 collecting and remitting these taxes will not have to register or file  
27 returns with, remit funds to, or be subject to independent audits  
28 from local taxing jurisdictions;

29 (c) Restricting the frequency of changes in the local sales  
30 and use tax rates and setting effective dates for the application of  
31 local jurisdictional boundary changes to local sales and use taxes;  
32 and

33 (d) Providing notice of changes in local sales and use tax  
34 rates and of changes in the boundaries of local taxing jurisdictions;

35 (6) The agreement should outline any monetary allowances  
36 that are to be provided by the states to sellers or certified service  
37 providers. The agreement must allow for a joint public and private  
38 sector study of the compliance cost on sellers and certified service  
39 providers to collect sales and use taxes for state and local  
40 governments under various levels of complexity to be completed by  
41 July 1, 2003;

42 (7) The agreement should require each state to certify  
43 compliance with the terms of the agreement prior to joining and to  
44 maintain compliance, under the laws of the member state, with all  
45 provisions of the agreement while a member, only if the agreement  
46 and any amendment thereto complies with the provisions of section  
47 144.1012;

48 (8) The agreement should require each state to adopt a  
49 uniform policy for certified service providers that protects the  
50 privacy of consumers and maintains the confidentiality of tax  
51 information; and

52 (9) The agreement should provide for the appointment of an

53 advisory council of private sector representatives and an advisory  
54 council of nonmember state representatives to consult with in the  
55 administration of the agreement.]

Section B. Section A of this act shall become effective January 1, 2020.

✓

Unofficial

Bill

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