

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 46 & 50

100TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, February 14, 2019, with recommendation that the Senate Committee Substitute do pass.

0531S.05C

ADRIANE D. CROUSE, Secretary.

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, 143.441, 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-six 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, 143.441, 144.010, 144.011, 6 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 7 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 8 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 9 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 10 238.410, and 644.032, RSMo, are repealed and eighty-six new sections enacted in

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

11 lieu thereof, to be known as sections 32.070, 32.086, 32.087, 66.620, 67.395,
12 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713,
13 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,
14 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578,
15 94.605, 94.660, 94.705, 94.900, 143.011, 143.121, 143.441, 144.010, 144.011,
16 144.014, 144.020, 144.021, 144.022, 144.030, 144.032, 144.049, 144.054, 144.060,
17 144.079, 144.080, 144.082, 144.083, 144.084, 144.100, 144.105, 144.109, 144.110,
18 144.111, 144.112, 144.113, 144.114, 144.123, 144.124, 144.125, 144.140, 144.190,
19 144.210, 144.212, 144.285, 144.526, 144.595, 144.600, 144.612, 144.655, 144.710,
20 144.759, 144.761, 184.845, 221.407, 238.235, 238.410, and 644.032, to read as
21 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
5 sellers and for all types of commerce. In furtherance of the streamlined
6 sales and use tax agreement, the director of the department of revenue
7 may act jointly with other states that are members of the streamlined
8 sales and use tax agreement to establish standards for certification of
9 a certified service provider and certified automated system and
10 establish performance standards for multistate sellers.**

**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
15 member states, of goods and services in furtherance of the streamlined
16 sales and use tax agreement.**

**3. For the purposes of representing the state as a member of the
18 agreement and, if necessary, amending the agreement, the state shall
19 be represented by four delegates, one of whom shall be appointed by
20 the governor, one shall be a member of the general assembly appointed
21 by the president pro tempore of the senate, one shall be a member of
22 the 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
26 the senate and the house of representatives each year any amendment**

27 of 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
31 to 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
37 the powers vested with the general assembly pursuant to chapter 536,
38 to review, to delay the effective date, or to disapprove and annul a rule
39 are 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
5 the cost of collection, unless a greater amount is specified in the local
6 sales and use tax law. The department shall not commingle the
7 remaining amounts collected with general revenues and shall remit the
8 remaining amounts collected to the political jurisdiction or taxing
9 district less any credits for erroneous payments, overpayments, and
10 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
38 Missouri 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
82 for a proposal to be placed on the ballot at any election to repeal application of
83 the local sales tax to the titling of motor vehicles, trailers, boats, and outboard
84 motors purchased from a source other than a licensed Missouri dealer, the

85 governing 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,
101 and outboard motors purchased from a source other than a licensed Missouri
102 dealer is required to cease to be applied or collected due to failure of a local
103 taxing jurisdiction to hold an election pursuant to subdivision (2) of this
104 subsection, such 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
215 revenue 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

229 the 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
264 ordinance. The ordinance shall reflect the effective date of the

265 ordinance and shall be accompanied by a map of the city clearly
266 showing the territory added or detached from the city
267 boundaries. Upon receipt of the ordinance and map, the tax imposed
268 under the local sales tax law shall be effective in the added territory or
269 abolished in the detached territory on the first day of a calendar
270 quarter after one hundred twenty days' notice to 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**
276 **least one hundred twenty days prior to the effective date for the**
277 **imposition, 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**
283 **of the increase;**

284 **(2) If a sales or use tax rate is decreased, the new rate shall**
285 **apply 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
25 day 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
68 villages and the county in group B as follows: to the county which levied the tax,
69 ten percent multiplied by the percentage of the population of unincorporated
70 county which has been annexed or incorporated since April 1, 1993, multiplied by
71 the 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
90 calendar year is greater than the amount of such revenues which were collected
91 in the calendar year 2014, the director of revenue shall distribute to the cities,
92 towns, and villages in group A a portion of the taxes based on the location in
93 which the sales were deemed consummated under section 66.630 and subsection
94 12 of section 32.087, in accordance with the formula described in this subsection
95 and in subsection 6. After deducting the distribution to the cities, towns, and
96 villages in group A, the director of revenue shall, subject to the limitation
97 described in subdivision (2) of this subsection, distribute funds in the county sales
98 tax trust fund to the cities, towns, and villages, and the county in group B as
99 follows: to the county which levied the tax, ten percent multiplied by the
100 percentage of the population of unincorporated county which has been annexed
101 or incorporated since April 1, 1993, multiplied by the total of all sales tax
102 revenues countywide, and a percentage of the remaining distributable revenue
103 equal to the percentage ratio that the population of unincorporated areas of the
104 county bears to the total population of group B as adjusted such that no city,
105 town, or village in group B shall receive a distribution that is less than fifty
106 percent of the amount of taxes generated within such city, town, or village based
107 on the location in which the sales were deemed consummated under section
108 66.630 and subsection 12 of section 32.087; and to each city, town, or village in
109 group B located wholly within the taxing county, a percentage of the remaining
110 distributable revenue equal to the percentage ratio that the population of such
111 city, town, or village bears to the total population of group B, as adjusted such
112 that no city, town, or village in group B shall receive a distribution that is less
113 than fifty percent of the amount of taxes generated within such city, town, or
114 village based on the location in which the sales were deemed consummated under
115 section 66.630 and subsection 12 of section 32.087; and to each city, town, or
116 village located partly within the taxing county, a percentage of the remaining
117 distributable revenue equal to the percentage ratio that the population of that
118 part of the city, town, or village located within the taxing county bears to the
119 total population of group B, as adjusted such that no city, town, or village in
120 group B shall receive a distribution that is less than fifty percent of the amount
121 of taxes generated within such city, town, or village based on the location in
122 which the sales were deemed consummated under section 66.630 and subsection
123 12 of section 32.087.

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

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

153 (b) If, however, the aggregate amount of the difference calculated in
154 accordance with this subsection is greater than the aggregate increase in the
155 remaining distributable revenue for the applicable period in the current calendar
156 year over the remaining distributable revenue for the corresponding period in the
157 calendar year 2014, the director of revenue shall deduct from the remaining
158 distributable revenue an amount equal to the difference between the remaining
159 distributable revenue for the applicable period in the current calendar year and

160 the remaining distributable revenue for the corresponding period in the calendar
161 year 2014 and distribute an allocable portion of the amount of such difference to
162 each city, town, or village that would otherwise have received a distribution that
163 is less than fifty percent of the amount of taxes generated within such city, town,
164 or village based on the location in which the sales were deemed consummated
165 under section 66.630 and subsection 12 of section 32.087 if no adjustment were
166 made, such that each such city, town, or village receives a distribution that
167 includes an adjustment that is proportionate to the amount of the adjustment
168 that would otherwise have been made if such adjustment were calculated in
169 accordance with paragraph (a) of this subdivision;

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

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

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

196 in this subsection.

197 (2) For purposes of this subsection, the "adjusted county average" is the
198 per capita countywide average of all sales tax distributions during the prior
199 calendar year reduced by the percentage which is equal to ten percent multiplied
200 by the percentage of the population of unincorporated county which has been
201 annexed or incorporated after April 1, 1993; the redistribution formula is as
202 follows: during 1994, each group A city, town and village shall receive that
203 portion of the revenues arising from sales occurring within the municipality that
204 remains after deducting therefrom an amount equal to the cumulative sales tax
205 revenues arising from sales within the municipality multiplied by the percentage
206 which is the sum of ten percent multiplied by the percentage of the population of
207 unincorporated county which has been annexed or incorporated after April 1,
208 1993, and the percentage, if greater than zero, equal to the product of 8.5
209 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the
210 total of cumulative per capita sales taxes arising from sales within the
211 municipality less the adjusted county average. During 1995, each group A city,
212 town and village shall receive that portion of the revenues arising from sales
213 occurring within the municipality that remains after deducting therefrom an
214 amount equal to the cumulative sales tax revenues arising from sales within the
215 municipality multiplied by the percentage which is the sum of ten percent
216 multiplied by the percentage of the population of unincorporated county which
217 has been annexed or incorporated after April 1, 1993, and the percentage, if
218 greater than zero, equal to the product of seventeen multiplied by the logarithm
219 (to base 10) of the product of 0.035 multiplied by the total of cumulative per
220 capita sales taxes arising from sales within the municipality less the adjusted
221 county average. From January 1, 1996, until January 1, 2000, each group A city,
222 town and village shall receive that portion of the revenues arising from sales
223 occurring within the municipality that remains after deducting therefrom an
224 amount equal to the cumulative sales tax revenues arising from sales within the
225 municipality multiplied by the percentage which is the sum of ten percent
226 multiplied by the percentage of the population of unincorporated county which
227 has been annexed or incorporated after April 1, 1993, and the percentage, if
228 greater than zero, equal to the product of 25.5 multiplied by the logarithm (to
229 base 10) of the product of 0.035 multiplied by the total of cumulative per capita
230 sales taxes arising from sales within the municipality less the adjusted county
231 average. From and after January 1, 2000, the distribution formula covering the

232 period from January 1, 1996, until January 1, 2000, shall continue to apply,
233 except that the percentage computed for sales arising within the municipalities
234 shall be not less than 7.5 percent for municipalities within which sales tax
235 revenues exceed the adjusted county average, nor less than 12.5 percent for
236 municipalities within which sales tax revenues exceed the adjusted county
237 average by at least twenty-five percent.

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

245 (4) Notwithstanding any other provision of this section, the fifty percent
246 of additional sales taxes as described in section 99.845 arising from economic
247 activities within the area of a redevelopment project established after July 12,
248 1990, pursuant to sections 99.800 to 99.865, while tax increment financing
249 remains in effect shall be deducted from all calculations of countywide sales
250 taxes, shall be distributed directly to the municipality involved, and shall be
251 disregarded in calculating the amounts distributed or distributable to the
252 municipality. Further, any agreement, contract or covenant entered into prior to
253 July 12, 1990, between a municipality and any other political subdivision which
254 provides for an appropriation of incremental sales tax revenues to the special
255 allocation fund of a tax increment financing project while tax increment financing
256 remains in effect shall continue to be in full force and effect and the sales taxes
257 so appropriated shall be deducted from all calculations of countywide sales taxes,
258 shall be distributed directly to the municipality involved, and shall be
259 disregarded in calculating the amounts distributed or distributable to the
260 municipality. In addition, and notwithstanding any other provision of this
261 chapter to the contrary, economic development funds shall be distributed in full
262 to the municipality in which the sales producing them were deemed
263 consummated. Additionally, economic development funds shall be deducted from
264 all calculations of countywide sales taxes and shall be disregarded in calculating
265 the amounts distributed or distributable to the municipality. As used in this
266 subdivision, the term "economic development funds" means the amount of sales
267 tax revenue generated in any fiscal year by projects authorized pursuant to

268 chapter 99 or chapter 100 in connection with which such sales tax revenue was
269 pledged as security for, or was guaranteed by a developer to be sufficient to pay,
270 outstanding obligations under any agreement authorized by chapter 100, entered
271 into or adopted prior to September 1, 1993, between a municipality and another
272 public body. The cumulative amount of economic development funds allowed
273 under this provision shall not exceed the total amount necessary to amortize the
274 obligations involved.

275 7. If the qualified voters of any city, town or village vote to change or alter
276 its boundaries by annexing any unincorporated territory included in group B or
277 if the qualified voters of one or more city, town or village in group A and the
278 qualified voters of one or more city, town or village in group B vote to consolidate,
279 the area annexed or the area consolidated which had been a part of group B shall
280 remain a part of group B after annexation or consolidation. After the effective
281 date of the annexation or consolidation, the annexing or consolidated city, town
282 or village shall receive a percentage of the group B distributable revenue equal
283 to the percentage ratio that the population of the annexed or consolidated area
284 bears to the total population of group B and such annexed area shall not be
285 classified as unincorporated area for determination of the percentage allocable to
286 the county. If the qualified voters of any two or more cities, towns or villages in
287 group A each vote to consolidate such cities, towns or villages, then such
288 consolidated cities, towns or villages shall remain a part of group A. For the
289 purpose of sections 66.600 to 66.630, population shall be as determined by the
290 last federal decennial census or the latest census that determines the total
291 population of the county and all political subdivisions therein. For the purpose
292 of calculating the adjustment based on the percentage of unincorporated county
293 population which is annexed after April 1, 1993, the accumulated percentage
294 immediately before each census shall be used as the new percentage base after
295 such census. After any annexation, incorporation or other municipal boundary
296 change affecting the unincorporated area of the county, the chief elected official
297 of the county shall certify the new population of the unincorporated area of the
298 county and the percentage of the population which has been annexed or
299 incorporated since April 1, 1993, to the director of revenue. After the adoption
300 of the county sales tax ordinance, any city, town or village in group A may by
301 adoption of an ordinance by its governing body cease to be a part of group A and
302 become a part of group B. Within ten days after the adoption of the ordinance
303 transferring the city, town or village from one group to the other, the clerk of the

304 transferring city, town or village shall forward to the director of revenue, by
305 registered mail, a certified copy of the ordinance. Distribution to such city as a
306 part of its former group shall cease and as a part of its new group shall begin on
307 the first day of January of the year following notification to the director of
308 revenue, provided such notification is received by the director of revenue on or
309 before the first day of July of the year in which the transferring ordinance is
310 adopted. If such notification is received by the director of revenue after the first
311 day of July of the year in which the transferring ordinance is adopted, then
312 distribution to such city as a part of its former group shall cease and as a part of
313 its new group shall begin the first day of July of the year following such
314 notification to the director of revenue. Once a group A city, town or village
315 becomes a part of group B, such city may not transfer back to group A.

316 8. If any city, town or village shall hereafter change or alter its
317 boundaries, the city clerk of the municipality shall forward to the director of
318 revenue, by registered mail, a certified copy of the ordinance adding or detaching
319 territory from the municipality. The ordinance shall reflect the effective date
320 thereof, and shall be accompanied by a map of the municipality clearly showing
321 the territory added thereto or detached therefrom. Upon receipt of the ordinance
322 and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and
323 allocated in accordance with the provisions of this section on the effective date of
324 the change of the municipal boundary so that the proper percentage of group B
325 distributable revenue is allocated to the municipality in proportion to any
326 annexed territory. If any area of the unincorporated county elects to incorporate
327 subsequent to the effective date of the county sales tax as set forth in sections
328 66.600 to 66.630, the newly incorporated municipality shall remain a part of
329 group B. The city clerk of such newly incorporated municipality shall forward to
330 the director of revenue, by registered mail, a certified copy of the incorporation
331 election returns and a map of the municipality clearly showing the boundaries
332 thereof. The certified copy of the incorporation election returns shall reflect the
333 effective date of the incorporation. Upon receipt of the incorporation election
334 returns and map, the tax imposed by sections 66.600 to 66.630 shall be
335 distributed and allocated in accordance with the provisions of this section on the
336 effective date of the incorporation.

337 9. The director of revenue may authorize the state treasurer to make
338 refunds from the amounts in the trust fund and credited to any county for
339 erroneous payments and overpayments made, and may redeem dishonored checks

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

352 10. Except as modified in sections 66.600 to 66.630, all provisions of
353 sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections
354 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
6 created, to be known as the "County Anti-Drug Sales Tax Trust Fund". [The
7 moneys in the county anti-drug sales tax trust fund shall not be deemed to be
8 state funds and shall not be commingled with any funds of the state.] The
9 director of revenue shall keep accurate records of the amount of money in the
10 trust fund which was collected in each county imposing a sales tax under sections
11 67.391 to 67.395, and the records shall be open to the inspection of officers of the
12 county and the public. Not later than the tenth day of each month, the director
13 of revenue shall distribute all moneys deposited in the trust fund during the
14 preceding month to the county which levied the tax. Such funds shall be
15 deposited with the county treasurer of each such county, and all expenditures of
16 funds arising from the county anti-drug sales tax trust fund shall be by an
17 appropriation act to be 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
25 may order retention in the trust fund, for a period of one year, of two percent of
26 the 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
 25 may order retention in the trust fund, for a period of one year, of two percent of
 26 the 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
26 accordance with directions of the board which are consistent with the provisions
27 of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for
28 the employment of personnel selected by the board to assist in carrying out the
29 duties 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
56 sale price, and this tax shall be a debt of the purchaser to the retailer until paid,
57 and 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
66 shall 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
15 required; except that, the director of revenue may prescribe a form of exemption
16 certificate 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
18 state sales tax law for the collection of and for payment of taxes pursuant to that
19 act 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**
 28 **tax 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
 6 sections 144.010 to 144.525] **under chapter 144**, to be used solely for the
 7 funding of museums. For purposes of this section, the term "museums" means
 8 museums operating in the county, which are registered with the United States
 9 Internal Revenue Service as a 501(c)(3) corporation and which are considered by
 10 the board to be a tourism attraction. The tax authorized by this section shall be
 11 in addition to any and all other sales taxes allowed by law, except that no sales
 12 tax shall be imposed pursuant to this section unless the governing authority
 13 submits to the voters of the county, at a county or state general, primary, or
 14 special election, a proposal to authorize the governing authority to impose the
 15 tax.

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

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

24 YES NO

25 If you are in favor of the question, place an "X" in the box opposite
 26 "YES". If you are opposed to the question, place an "X" in the box
 27 opposite "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, then the sales tax shall become effective [on
 30 the first day of the second calendar quarter after the director of revenue receives
 31 notice of the adoption of the tax] **as provided by subsection 19 of section**
 32 **32.087**. If the proposal receives less than the required majority of votes, then the
 33 governing authority shall have no power to impose the tax unless and until the

34 governing authority has again submitted another proposal to authorize the
35 governing authority to impose the sales tax authorized by this section and such
36 proposal is approved by the required majority of the qualified voters voting
37 thereon.

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

55 4. All applicable provisions in [sections 144.010 to 144.525] **chapter 144**
56 governing the state sales tax, and section 32.057, the uniform confidentiality
57 provision, shall apply to the collection of the tax, and all exemptions granted to
58 agencies of government, organizations, and persons [pursuant to sections 144.010
59 to 144.525] **under chapter 144** are hereby made applicable to the imposition
60 and collection of the tax. The same sales tax permit, exemption certificate, and
61 retail certificate required by [sections 144.010 to 144.525] **chapter 144** for the
62 administration and collection of the state sales tax shall satisfy the requirements
63 of this section, and no additional permit or exemption certificate or retail
64 certificate shall be required; except that, the director of revenue may prescribe
65 a form of exemption certificate for an exemption from the tax. All discounts
66 allowed the retailer pursuant to the state sales tax law for the collection of and
67 for payment of taxes are hereby allowed and made applicable to the tax. The
68 penalties for violations provided in section 32.057 and [sections 144.010 to
69 144.525] **chapter 144** are hereby made applicable to violations of this section.

70 If any person is delinquent in the payment of the amount required to be paid
71 pursuant to this section, or in the event a determination has been made against
72 the person for taxes and penalty pursuant to this section, the limitation for
73 bringing suit for the collection of the delinquent tax and penalty shall be the
74 same as that provided in [sections 144.010 to 144.525] **chapter 144**.

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

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

97 Shall the county of _____ (insert name of county) repeal the sales
98 tax of _____ (insert rate of percent) percent for the funding of
99 museums?

100 YES NO

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

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

106 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
18 this section is approved by the voters, then the alternative system of distribution
19 may not be submitted to the voters for at least three years from the date of such
20 voter 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
42 this subsection, the proceeds from the sales tax imposed pursuant to this section,
43 less one percent collection cost, shall be distributed first to those municipalities
44 that 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
94 in 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
156 may order retention in the trust fund, for a period of one year, of two percent of
157 the 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**
26 **section 32.087**. If a majority of the votes cast by the qualified voters voting are
27 opposed to the proposal, then the governing body of the county shall have no
28 power to impose the sales tax herein authorized unless and until the governing
29 body of the county shall again have submitted another proposal to authorize the
30 governing body of the county to impose the sales tax authorized by this section
31 and such 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
63 may order retention in the trust fund, for a period of one year, of two percent of
64 the 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
41 pursuant to section 67.582 of the county levying the tax pursuant to this
42 section. The revenue derived from the tax imposed pursuant to this section shall
43 be used for public law enforcement services only. No revenue derived from the
44 tax imposed pursuant to this section shall be used for any private contractor
45 providing law 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
6 created, to be known as the "County Alternate Sales Tax Trust Fund". [The
7 moneys in the county alternate sales tax trust fund shall not be deemed to be
8 state funds and shall not be commingled with any funds of the state.] The
9 director of revenue shall keep accurate records of the amount of money in the
10 trust fund which was collected in each county imposing a sales tax under sections
11 67.700 to 67.727, and the records shall be open to the inspection of officers of each
12 county and the general public. Not later than the tenth day of each month the
13 director of revenue shall distribute all moneys deposited in the trust fund during
14 the preceding month by distributing to the county treasurer, or such other officer
15 as may be designated by the county ordinance or order, of each county imposing
16 the tax authorized by sections 67.700 to 67.727, the sum, as certified by the
17 director 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
41 a 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
7 water 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
47 storm 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
6 created, 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
31 created, to be known as the "County Recreation Sales Trust Fund". [Moneys in
32 the fund shall not be deemed to be state funds and shall not be commingled with
33 any funds of the state.] The director of revenue shall keep accurate records of the
34 amount of money in the trust fund collected in each county imposing a sales tax
35 under this section, and the records shall be open to the inspection of officers of
36 such county and the general public. Not later than the tenth day of each
37 calendar month, the director of revenue shall distribute all moneys deposited in
38 the trust fund during the preceding calendar month by distributing to the county
39 treasurer, or such officer as may be designated by county ordinance or order, of
40 each county imposing the tax under this section the sum due the county as
41 certified by the 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
7 solely for the purpose of funding senior services and youth programs provided by
8 the county. One-half of all revenue collected under this section[, less one-half the
9 cost 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
80 additional permit or exemption certificate or retail certificate shall be required;
81 except that, the director of revenue may prescribe a form of exemption certificate
82 for an exemption from the tax. All discounts allowed the retailer under the state
83 sales tax for the collection of and for payment of taxes are hereby allowed and
84 made applicable to the tax. The penalties for violations provided in section
85 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations
86 of this section. If any person is delinquent in the payment of the amount
87 required to be paid under this section, or in the event a determination has been
88 made against the person for taxes and penalty under this section, the limitation
89 for bringing suit for the collection of the delinquent tax and penalty shall be the
90 same as that 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
14 thousand inhabitants or any county of the third classification with a population
15 greater than three thousand but less than four thousand or any county of the
16 third classification with a population greater than six thousand one hundred but
17 less than six thousand four hundred or any county of the third classification with
18 a population greater than six thousand eight hundred but less than seven
19 thousand or any county of the third classification with a population greater than
20 seven thousand eight hundred but less than seven thousand nine hundred or any
21 county of the third classification with a population greater than eight thousand
22 four 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
50 which does not adjoin any county of the first, second or fourth classification or a
51 county of the third classification with a population greater than twenty-three
52 thousand but less than twenty-five thousand without a township form of
53 government which does not adjoin any county of the second or fourth
54 classification and does adjoin a county of the first classification with a population
55 greater than one hundred twenty thousand but less than one hundred fifty
56 thousand or in any county of the fourth classification acting as a county of the
57 second classification, having a population of at least forty-eight thousand or any
58 governing body of a municipality located in any of such counties may impose, by
59 ordinance or order, a sales tax on all retail sales made in such county or
60 municipality which are subject to taxation [pursuant to the provisions of sections
61 144.010 to 144.525] **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
92 qualified voters voting are opposed to the proposal, then the governing body of the
93 county or municipality shall not impose the sales tax authorized in this section
94 until the governing body of the county or municipality resubmits another proposal
95 to authorize the governing body of the county or municipality to impose the sales
96 tax 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
141 may order retention in the trust fund, for a period of one year, of two percent of
142 the 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
155 offices, 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
45 not 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**
68 **to any city or county for erroneous payments and overpayments made,**
69 **and may redeem dishonored checks and drafts deposited to the credit**
70 **of such counties. If any city or county abolishes the tax authorized**
71 **under this section, the repeal of such tax shall become effective as**
72 **provided by subsection 19 of section 32.087. Each city or county shall**
73 **notify the director of revenue prior to the effective date of the**
74 **expiration of the sales tax authorized by this section and the repeal**
75 **shall be effective as provided by subsection 19 of section 32.087. The**
76 **director of revenue may order retention in the trust fund, for a period**
77 **of one year, of two percent of the amount collected after receipt of such**
78 **notice to cover possible refunds or overpayment of such tax and to**
79 **redeem dishonored checks and drafts deposited to the credit of such**
80 **accounts. After one year has elapsed after the date of expiration of the**
81 **tax authorized by this section in such city or county, the director of**
82 **revenue shall remit the balance in the account to the city or county and**

83 **close the account of that city or county. The director of revenue shall**
84 **notify each city or county of each instance of any amount refunded or**
85 **any check redeemed from receipts 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
114 the area by the governing body of the city or county. If any school district or
115 other taxing jurisdiction fails to appoint members of the board within thirty days
116 of 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
 128 projects, or designations of an economic development area, and shall hold public
 129 hearings and provide notice of any such hearings. The board shall vote on all
 130 proposed economic development plans, economic development projects, or
 131 designations of an economic development area, and amendments thereto, within
 132 thirty days following completion of the hearing on any such plan, project, or
 133 designation, and shall make recommendations to the governing body within
 134 ninety days of the hearing concerning the adoption of or amendment to economic
 135 development plans, economic development projects, or designations of an economic
 136 development area.

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

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

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

147 YES NO

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

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

155 the qualified voters voting on the question.

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

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

181 **12. Except as provided in this section, all provisions of sections**
182 **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
11 to 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
16 repealed.

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

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

22 YES NO

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

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

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

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

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

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

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

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

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

79 (a) Acquisition of land;

80 (b) Installation of infrastructure for industrial or business parks;

- 81 (c) Improvement of water and wastewater treatment capacity;
- 82 (d) Extension of streets;
- 83 (e) Public facilities directly related to economic development and job
84 creation; and
- 85 (f) Providing matching dollars for state or federal grants relating to such
86 long-term projects.
- 87 (3) The remaining revenue generated by the tax authorized in this section
88 may be used for, but shall not be limited to, the following:
- 89 (a) Marketing;
- 90 (b) Providing grants and loans to companies for job training, equipment
91 acquisition, site development, and infrastructures;
- 92 (c) Training programs to prepare workers for advanced technologies and
93 high skill jobs;
- 94 (d) Legal and accounting expenses directly associated with the economic
95 development planning and preparation process;
- 96 (e) Developing value-added and export opportunities for Missouri
97 agricultural products.
- 98 11. All revenue generated by the tax shall be deposited in a special trust
99 fund and shall be used solely for the designated purposes. If the tax is repealed,
100 all funds remaining in the special trust fund shall continue to be used solely for
101 the designated purposes. Any funds in the special trust fund which are not
102 needed for current expenditures may be invested by the governing body in
103 accordance with applicable laws relating to the investment of other city or county
104 funds.
- 105 12. (1) Any city or county imposing the tax authorized in this section
106 shall establish an economic development tax board. The volunteer board shall
107 receive no compensation or operating budget.
- 108 (2) The economic development tax board established by a city shall consist
109 of at least five members, but may be increased to nine members. Either a
110 five-member or nine-member board shall be designated in the order or ordinance
111 imposing the sales tax authorized by this section, and the members are to be
112 appointed as follows:
- 113 (a) One member of a five-member board, or two members of a
114 nine-member board, shall be appointed by the school districts included within any
115 economic development plan or area funded by the sales tax authorized in this
116 section. Such member or members shall be appointed in any manner agreed upon

117 by the affected districts;

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

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

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

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

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

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

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

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

151 13. The board, subject to approval of the governing body of the city or
152 county, shall consider economic development plans, economic development

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

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

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

169 (2) The board establishes an agreement with the governing bodies of all
170 cities and counties in which the plan, project or area designation is located
171 detailing the authority and responsibilities of each governing body with regard
172 to the plan, project or area designation.

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

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

187 17. Not later than the first day of March each year the board shall submit
188 to the joint committee on economic development a report, not exceeding one page

189 in length, which must include the following information for each project using the
190 tax authorized under this section:

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

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

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

211 YES NO

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

220 19. Whenever the governing body of any city or county that has adopted
221 the sales tax authorized in this section receives a petition, signed by ten percent
222 of the registered voters of the city or county voting in the last gubernatorial
223 election, calling for an election to repeal the sales tax imposed under this section,
224 the governing body shall submit to the voters a proposal to repeal the tax. If a

225 majority of the votes cast on the question by the qualified voters voting thereon
226 are in favor of the repeal, that repeal shall become effective [on December
227 thirty-first of the calendar year in which such repeal was approved] **as provided**
228 **by subsection 19 of section 32.087**. If a majority of the votes cast on the
229 question by the qualified voters voting thereon are opposed to the repeal, then the
230 tax shall remain effective until the question is resubmitted under this section to
231 the qualified voters and the repeal is approved by a majority of the qualified
232 voters voting on the question.

233 20. If any provision of this section or section 67.1303 or the application
234 thereof to any person or circumstance is held invalid, the invalidity shall not
235 affect other provisions or application of this section or section 67.1303 which can
236 be given effect without the invalid provision or application, and to this end the
237 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
8 section may be imposed in increments of one-eighth of one percent, up to a
9 maximum of one percent. Such district sales and use tax may be imposed for any
10 district purpose designated by the district in its ballot of submission to its
11 qualified voters; except that, no resolution adopted pursuant to this section shall
12 become effective unless the board of directors of the district submits to the
13 qualified voters of the district, by mail-in ballot, a proposal to authorize a sales
14 and use tax pursuant to this section. If a majority of the votes cast by the
15 qualified voters on the proposed sales tax are in favor of the sales tax, then the
16 resolution is adopted. If a majority of the votes cast by the qualified voters are
17 opposed to the sales tax, 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
27 "YES". If you are opposed to the question, place an "X" in the box
28 opposite "NO".

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

35 4. [The director of the department of revenue shall collect any tax adopted
36 pursuant to this section pursuant to section 32.087] **After the effective date**
37 **of any tax imposed under the provisions of this section, the director of**
38 **revenue shall perform all functions incident to the administration,**
39 **collection, enforcement, and operation of the tax and collect, in**
40 **addition to the sales tax for the state of Missouri, the additional tax**
41 **authorized under the authority of this section. The tax imposed under**
42 **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**
44 **under such administrative rules and regulations as may be prescribed**
45 **by the director of revenue.**

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

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

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

58 [8.] **7.** All revenue received by the district from a sales and use tax
59 imposed pursuant to this section which is designated for a specific purpose shall

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

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

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

76 10. **Except as provided in this section, all provisions of sections**
77 **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**
24 **provisions of this section, the director of revenue shall perform all**
25 **functions incident to the administration, collection, enforcement, and**
26 **operation of the tax and the director of revenue shall collect in**
27 **addition to the sales tax for the state of Missouri the additional tax**
28 **authorized under the authority of this section. The tax imposed under**
29 **this section and the tax imposed under the sales tax law of the state of**
30 **Missouri shall be collected together and reported upon such forms and**
31 **under such administrative rules and regulations as may be prescribed**
32 **by the 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**
5 **to sales tax under chapter 144** for the purpose of providing services described
6 in section 210.861, including counseling, family support, and temporary
7 residential services to persons nineteen years of age or less. The question shall
8 be submitted to the qualified voters of the county or city, or city not within a
9 county, at a county or city or state general, primary or special election upon the
10 motion of the governing body of the county or city, or city not within a county or
11 upon the petition of eight percent of the qualified voters of the county or city, or
12 city not within a county, determined on the basis of the number of votes cast for
13 governor in such county at the last gubernatorial election held prior to the filing
14 of the petition. The election officials of the county or city, or city not within a
15 county, 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
33 authorized by this section and such question is approved by the required majority
34 of the qualified voters voting thereon. However, in no event shall a question
35 under this section be submitted to the voters sooner than twelve months from the
36 date of the 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
2 of 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
 16 sales tax of _____ (insert amount) for the purpose of promoting
 17 tourism 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
15 inhabitants;

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

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

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

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

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

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

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

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

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

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

44 eleven thousand six hundred inhabitants.

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

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

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

56 (3) The name of the proposed district.

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

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

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

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

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

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

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

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

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

78 6. Following the hearing, if the governing body of each county located
79 within the proposed district decides to establish the proposed district, it shall

80 adopt an order to that effect; if the governing body of any county located within
81 the proposed district decides to not establish the proposed district, the boundaries
82 of the proposed district shall not include that county. The order shall contain the
83 following:

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

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

87 (3) The name of the district;

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

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

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

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

104 YES NO

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

108 If a majority of the votes cast in the portion of any county that is part of the
109 proposed district favor the proposal, then the sales tax shall become effective in
110 that portion of the county [that is part of the proposed district on the first day of
111 the first calendar quarter immediately following the election] **as provided by**
112 **subsection 19 of section 32.087**. If a majority of the votes cast in the portion
113 of a county that is a part of the proposed district oppose the proposal, then that
114 portion of such county shall not impose the sales tax authorized in this section
115 until after the county governing body has submitted another such sales tax

116 proposal and the proposal is approved by a majority of the qualified voters voting
117 thereon. However, if a sales tax proposal is not approved, the governing body of
118 the county shall not resubmit a proposal to the voters pursuant to this section
119 sooner than twelve months from the date of the last proposal submitted pursuant
120 to this section. If the qualified voters in two or more counties that have
121 contiguous districts approve the sales tax proposal, the districts shall combine to
122 become one district.

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

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

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

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

- 152 (1) To have and use a corporate seal;
- 153 (2) To sue and be sued, and be a party to suits, actions, and proceedings;
- 154 (3) To enter into contracts, franchises, and agreements with any person
155 or entity, public or private, affecting the affairs of the district, including contracts
156 with any municipality, district, or state, or the United States, and any of their
157 agencies, political subdivisions, or instrumentalities, for the funding, including
158 without limitation interest rate exchange or swap agreements, planning,
159 development, construction, acquisition, maintenance, or operation of a single
160 exhibition center and recreational facilities or to assist in such
161 activity. "Recreational facilities" means locations explicitly designated for public
162 use where the primary use of the facility involves participation in hobbies or
163 athletic activities;
- 164 (4) To borrow money and incur indebtedness and evidence the same by
165 certificates, notes, or debentures, to issue bonds and use any one or more lawful
166 funding methods the district may obtain for its purposes at such rates of interest
167 as the district may determine. Any bonds, notes, and other obligations issued or
168 delivered by the district may be secured by mortgage, pledge, or deed of trust of
169 any or all of the property and income of the district. Every issue of such bonds,
170 notes, or other obligations shall be payable out of property and revenues of the
171 district and may be further secured by other property of the district, which may
172 be pledged, assigned, mortgaged, or a security interest granted for such payment,
173 without preference or priority of the first bonds issued, subject to any agreement
174 with the holders of any other bonds pledging any specified property or
175 revenues. Such bonds, notes, or other obligations shall be authorized by
176 resolution of the district board, and shall bear such date or dates, and shall
177 mature at such time or times, but not in excess of thirty years, as the resolution
178 shall specify. Such bonds, notes, or other obligations shall be in such
179 denomination, bear interest at such rate or rates, be in such form, either coupon
180 or registered, be issued as current interest bonds, compound interest bonds,
181 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such
182 manner, be payable in such place or places, and be subject to redemption as such
183 resolution may provide, notwithstanding section 108.170. The bonds, notes, or
184 other obligations may be sold at either public or private sale, at such interest
185 rates, and at such price or prices as the district shall determine;
- 186 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber
187 real and personal property in furtherance of district purposes;

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

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

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

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

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

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

206 10. There is hereby created the "Exhibition Center and Recreational
207 Facility District Sales Tax Trust Fund", which shall consist of all sales tax
208 revenue collected pursuant to this section. The director of revenue shall be
209 custodian of the trust fund, and moneys in the trust fund shall be used solely for
210 the purposes authorized in this section. Moneys in the trust fund shall be
211 considered nonstate funds pursuant to Section 15, Article IV, Constitution of
212 Missouri. The director of revenue shall invest moneys in the trust fund in the
213 same manner as other funds are invested. Any interest and moneys earned on
214 such investments shall be credited to the trust fund. All sales taxes collected by
215 the director of revenue pursuant to this section on behalf of the district[, less one
216 percent for the cost of collection which shall be deposited in the state's general
217 revenue fund after payment of premiums for surety bonds as provided in section
218 32.087,] shall be deposited in the trust fund. The director of revenue shall keep
219 accurate records of the amount of moneys in the trust fund which was collected
220 in the district imposing a sales tax pursuant to this section, and the records shall
221 be open to the inspection of the officers of each district and the general
222 public. Not later than the tenth day of each month, the director of revenue shall
223 distribute all moneys deposited in the trust fund during the preceding month to

224 the district. The director of revenue may authorize refunds from the amounts in
225 the trust fund and credited to the district for erroneous payments and
226 overpayments made, and may redeem dishonored checks and drafts deposited to
227 the credit of the district.

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

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

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

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

252 YES NO

253 If you are in favor of the question, place an "X" in the box opposite
254 "YES". If you are opposed to the question, place an "X" in the box
255 opposite "NO".

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

260 voters sooner than twelve months from the date of the last extension submitted.

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

287 [14.] 15. In the event that the district is dissolved or terminated by any
288 means, the governing bodies of the counties in the district shall appoint a person
289 to act as trustee for the district so dissolved or terminated. Before beginning the
290 discharge of duties, the trustee shall take and subscribe an oath to faithfully
291 discharge the duties of the office, and shall give bond with sufficient security,
292 approved by the governing bodies of the counties, to the use of the dissolved or
293 terminated district, for the faithful discharge of duties. The trustee shall have
294 and exercise all powers necessary to liquidate the district, and upon satisfaction
295 of all remaining obligations of the district, shall pay over to the county treasurer

296 of each county in the district and take receipt for all remaining moneys in
 297 amounts based on the ratio the levy of each county bears to the total levy for the
 298 district in the previous three years or since the establishment of the district,
 299 whichever time period is shorter. Upon payment to the county treasurers, the
 300 trustee shall deliver to the clerk of the governing body of any county in the
 301 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**
60 **state of Missouri, the additional tax authorized under the authority of**
61 **this section. The tax imposed under this section and the tax imposed**
62 **under the sales tax law of the state of Missouri shall be collected**
63 **together and reported upon such forms and under such administrative**
64 **rules and 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**
82 **the director of revenue of the action prior to the effective date of the**
83 **repeal.**

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

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

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

116 [6.] 5. Except as modified in this section, all provisions of sections 32.085
117 [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
31 the 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,
142 but 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
4 have 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
63 the rate of the tax shall be the rate imposed by the resolution as the sales tax and
64 the 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**
73 **provisions of this section, the director of revenue shall perform all**
74 **functions incident to the administration, collection, enforcement, and**
75 **operation of the tax and collect, in addition to the sales tax for the**
76 **state of Missouri, the additional tax authorized under the authority of**
77 **this section. The tax imposed under this section and the tax imposed**
78 **under the sales tax law of the state of Missouri shall be collected**
79 **together and reported upon such forms and under such administrative**
80 **rules and 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
105 additional permit or exemption certificate or retail certificate shall be required;
106 except that the district may prescribe a form of exemption certificate for an
107 exemption from 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
114 of 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
 136 subsequent election. In subsequent elections, the election judges shall certify the
 137 election results to the district board of directors. The ballot of submission shall
 138 be in 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
199 the district to determine the financial status of the district, and whether the
200 district may be abolished pursuant to law. The vote on the abolition of the
201 district shall be conducted by the municipal clerk of the city, town, or village in
202 which the district is located. The procedure shall be the same as in section
203 67.2520, except that the question shall be determined by the qualified voters of
204 the entire district. No individual subdistrict may be abolished, except at such
205 time as the district is 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
212 it may be abolished pursuant to law, then the board of directors of the district
213 shall:

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

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

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

223 (d) Cause copies of that resolution under seal to be filed with the
224 secretary of state and the city, town, or village in which the district is located.
225 Upon the completion of the final act specified in this subsection, the legal
226 existence of the district shall cease.

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

229 **11. Except as provided in this section, all provisions of sections**
230 **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 governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

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

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax] **as provided by subsection 19 of section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the 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
56 such accounts. After one year has elapsed after the effective date of abolition of
57 the tax in such city, the director of revenue shall remit the balance in the account
58 to 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
30 no event shall a proposal pursuant to this section be submitted to the voters
31 sooner 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
35 and until both such city and such county approve the tax.

36 5. The provisions of subsection 4 of this section requiring both the city
37 and county to approve a transportation sales tax before a transportation sales tax
38 may go into effect in either jurisdiction shall not apply to any transportation sales
39 tax submitted to and approved by the voters in such city or such county on or
40 after 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
42 favor of the proposal, then the ordinance and any amendments thereto shall be
43 in effect **as provided by subsection 19 of section 32.087**. If a majority of the
44 votes 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

2 tax 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
26 third 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
32 144.525] **chapter 144** for the purpose of improving the public safety for such
33 city, including but not limited to expenditures on equipment, city employee
34 salaries and benefits, and facilities for police, fire and emergency medical
35 providers. The tax authorized by this section shall be in addition to any and all
36 other sales taxes allowed by law, except that no ordinance or order imposing a
37 sales tax pursuant to the provisions of this section shall be effective unless the

38 governing body of the city submits to the voters of the city, at a county or state
39 general, primary or special election, a proposal to authorize the governing body
40 of the city to impose 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
89 funds shall be deposited with the city treasurer of each such city, and all
90 expenditures of funds arising from the trust fund shall be by an appropriation act
91 to be enacted by the governing body of each such city. Expenditures may be made
92 from the fund for any functions authorized in the ordinance or order adopted by
93 the 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
 18 reduction in the top rate of tax shall be by one-tenth of a percent and no more
 19 than one reduction shall occur in a calendar year. No more than [five] **six**
 20 reductions shall be made under this subsection. Reductions in the rate of tax
 21 shall take effect on January first of a calendar year and such reduced rates shall
 22 continue in effect 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
 28 to 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. Beginning with the 2017 calendar year, the brackets of Missouri
45 taxable income identified in subsection 1 of this section shall be adjusted
46 annually by the percent increase in inflation. The director shall publish such
47 brackets annually beginning on or after October 1, 2016. Modifications to the
48 brackets shall take effect on January first of each calendar year and shall apply
49 to tax years beginning on or after the effective date of the new brackets.

50 5. As used in this section, the following terms mean:

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

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

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

61 (4) "Percent increase in inflation", the percentage, if any, by which the
62 CPI for the preceding calendar year exceeds the CPI for the year beginning
63 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.

143.441. 1. The term "corporation" means every corporation, association,
2 joint stock company and joint stock association organized, authorized or existing
3 under the laws of this state and includes:

4 (1) Every corporation, association, joint stock company, and joint stock
5 association organized, authorized, or existing under the laws of this state, and
6 every corporation, association, joint stock company, and joint stock association,
7 licensed to do business in this state, or doing business in this state, and not
8 organized, authorized, or existing under the laws of this state, or by any receiver
9 in charge of the property of any such corporation, association, joint stock company
10 or joint stock association;

11 (2) Every railroad corporation or receiver in charge of the property thereof
12 which operates over rails owned or leased by it and every corporation operating
13 any buslines, trucklines, airlines, or other forms of transportation, **including**
14 **qualified air freight forwarders**, operating over fixed routes owned, leased,
15 or used by it extending from this state to another state or states. **For the**
16 **purposes of this section, "qualified air freight forwarder" means a**
17 **taxpayer who:**

18 (a) **Is primarily engaged in the facilitation of the transportation**
19 **of property by air;**

20 (b) **Does not directly operate aircraft; and**

21 (c) **Is affiliated with an airline;**

22 (3) Every corporation, or receiver in charge of the property thereof, which
23 owns or operates a bridge between this and any other state; and

24 (4) Every corporation, or receiver in charge of the property thereof, which

25 operates a telephone line or lines extending from this state to another state or
26 states or a telegraph line or lines extending from this state to another state or
27 states.

28 2. The tax on corporations provided in subsection 1 of section 143.431 and
29 section 143.071 shall not apply to:

30 (1) A corporation which by reason of its purposes and activities is exempt
31 from federal income tax. The preceding sentence shall not apply to unrelated
32 business taxable income and other income on which chapter 1 of the Internal
33 Revenue Code imposes the federal income tax or any other tax measured by
34 income;

35 (2) An express company which pays an annual tax on its gross receipts in
36 this state;

37 (3) An insurance company which is subject to an annual tax on its gross
38 premium receipts in this state;

39 (4) A Missouri mutual or an extended Missouri mutual insurance company
40 organized under chapter 380; and

41 (5) Any other corporation that is exempt from Missouri income taxation
42 under the laws of Missouri or the laws of the United States.

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
5 other 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**
13 **this subdivision, the word "product" means tangible personal property,**
14 **a 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**
18 **that 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
46 reusable 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.
51 A bundled transaction shall not include the sale of any products in
52 which the sales price varies, or is negotiable, based on the selection by
53 the 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
59 incidental 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
63 inclusion 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
71 price 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
76 where the tangible personal property is essential to the use of the
77 service, and is provided exclusively in connection with the service, and
78 the true object of the transaction is the service; or

79 (ii) A retail sale of services where one service is provided that
80 is essential to the use or receipt of a second service and the first
81 service is provided exclusively in connection with the second service
82 and the 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
87 of the taxable product is ten percent or less of the total purchase price
88 or sales price of the bundled products.

89 c. Sellers shall use either the purchase price or the sales price
90 of 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**
97 **taxable 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**
106 **determination 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
120 household, farm or nonbusiness enterprise, exceeds three thousand dollars in any
121 calendar year. The provisions of this subdivision shall not be construed to make
122 any sale of property which is exempt from sales tax or use tax on June 1, 1977,
123 subject to that tax thereafter;

124 **(11) "Calendar quarter", the period of three consecutive calendar**
125 **months ending on March thirty-first, June thirtieth, September**
126 **thirtieth 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**
132 **other ingredients or flavorings in the form of bars, drops, or**
133 **pieces. Candy shall not include any preparation containing flour and**
134 **shall require no refrigeration;**

135 **[(3)] (14) "Captive wildlife", includes but is not limited to exotic**
136 **partridges, gray partridge, northern bobwhite quail, ring-necked pheasant,**
137 **captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers**
138 **held 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**
144 **of 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**
147 **under the streamlined sales and use tax agreement to perform all the**
148 **seller's sales and use tax functions, other than the seller's obligation to**
149 **remit 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**
212 **a 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**
220 **seller of telecommunications services. If the end user of**
221 **telecommunications services is not the contracting party, the end user**
222 **of the telecommunications service is the customer of the**
223 **telecommunication service, but this definition only applies for the**
224 **purpose of sourcing sales of telecommunications services under section**
225 **144.114. Customer shall not include a reseller of telecommunications**
226 **service or for mobile telecommunications service of a serving carrier**
227 **under an agreement to serve the customer outside the home service**
228 **provider's licensed service area;**

229 **(25) "Customer channel termination point", the location where**
230 **the 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**
234 **property or services for preparation and delivery to a location**
235 **designated by the purchaser of personal property or services, including**
236 **but not limited to transportation, shipping, postage, handling, crating,**
237 **and packing;**

238 **(28) "Detailed telecommunications billing service", an ancillary**
239 **service of separately stating information pertaining to individual calls**

240 on a customer's billing statement;

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

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

256 (31) "Digital audio-visual works", a series of related images
257 which, when shown in succession, impart an impression of motion,
258 together with accompanying sounds, if any;

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

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

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

272 (35) "Drug":

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

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

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

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

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

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

287 (a) Can withstand repeated use;

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

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

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

292 (e) Is for home use;

293 (f) Is within the classification of devices eligible for MO
294 HealthNet and Medicare reimbursement;

295 (g) Shall not include:

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

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

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

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

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

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

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

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

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

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

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

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

328 **c. Delivers, installs, assembles, or performs maintenance services**
329 **for the vendor's customers within the state;**

330 **d. Facilitates the vendor's delivery of property to customers in**
331 **the state by allowing the vendor's customers to pick up property sold**
332 **by the vendor at an office, distribution facility, warehouse, storage**
333 **place, or similar place of business maintained by the person in the**
334 **state; or**

335 **e. Conducts any other activities in the state that are significantly**
336 **associated with the vendor's ability to establish and maintain a market**
337 **in the state for the sales;**

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

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

351 of ten thousand dollars during the preceding twelve months;

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

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

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

371 (43) "Grooming and hygiene products", soaps and cleaning
372 solutions, shampoo, toothpaste, mouthwash, antiperspirants, and
373 suntan lotions and screens, regardless of whether the items meet the
374 definition of over-the-counter-drugs;

375 [(4)] (44) "Gross receipts"[,] or "sales price":

376 (a) Except as provided in section 144.012, [means the total amount of the
377 sale price of the sales at retail including any services other than charges incident
378 to the extension of credit that are a part of such sales made by the businesses
379 herein referred to, capable of being valued in money, whether received in money
380 or otherwise; except that, the term gross receipts shall not include the sale price
381 of property returned by customers when the full sale price thereof is refunded
382 either in cash or by credit. In determining any tax due under sections 144.010
383 to 144.525 on the gross receipts, charges incident to the extension of credit shall
384 be specifically exempted. For the purposes of sections 144.010 to 144.525 the
385 total amount of the sale price above mentioned shall be deemed to be the amount
386 received. It shall also include the lease or rental consideration where the right
387 to continuous possession or use of any article of tangible personal property is

388 granted under a lease or contract and such transfer of possession would be
389 taxable if outright sale were made and, in such cases, the same shall be taxable
390 as if outright sale were made and considered as a sale of such article, and the tax
391 shall be computed and paid by the lessee upon the rentals paid. The term gross
392 receipts shall not include usual and customary delivery charges that are stated
393 separately from the sale price] **applies to the measure subject to sales tax**
394 **and means the total amount of consideration, including cash, credit,**
395 **property, and services, for which personal property or services are**
396 **sold, leased, or rented, valued in money, whether received in money or**
397 **otherwise, without any deduction for the following:**

- 398 **a. The seller's cost of the property sold;**
399 **b. The cost of materials used, labor or service cost, interest,**
400 **losses, all costs of transportation to the seller, all taxes imposed on the**
401 **seller, and any other expense of the seller;**
402 **c. Charges by the seller for any services necessary to complete**
403 **the sale, other than delivery and installation charges;**
404 **d. Delivery charges;**
405 **e. Installation charges; and**
406 **f. Credit for any trade-in;**

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

- 408 **a. Discounts, including cash, term, or coupons that are not**
409 **reimbursed by a third party that are allowed by a seller and taken by**
410 **a purchaser on a sale;**
411 **b. Interest, financing, and carrying charges from credit extended**
412 **on the sale of personal property or services, if the amount is separately**
413 **stated on the invoice, bill of sale or similar document given to the**
414 **purchaser; and**
415 **c. Any taxes legally imposed directly on the consumer that are**
416 **separately stated on the invoice, bill of sale or similar document given**
417 **to the purchaser;**

418 **(c) Shall include consideration received by the seller from third**
419 **parties if:**

- 420 **a. The seller actually receives consideration from a party other**
421 **than the purchaser and the consideration is directly related to a price**
422 **reduction or discount on the sale;**
423 **b. The seller has an obligation to pass the price reduction or**
424 **discount through to the purchaser;**

425 c. The amount of the consideration attributable to the sale is
426 fixed and determinable by the seller at the time of the sale of the item
427 to the purchaser; and

428 d. One of the following criteria is met:

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

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

439 (iii) The price reduction or discount is identified as a third-party
440 price reduction or discount on the invoice received by the purchaser
441 or on a coupon, certificate or other documentation presented by the
442 purchaser;

443 (45) "Home service provider", the same as such term is defined
444 in Section 124(5) of Public Law 106-252, Mobile Telecommunications
445 Sourcing Act;

446 [(5)] (46) "Instructional class", includes any class, lesson, or instruction
447 intended or used for teaching;

448 (47) "Lease or rental":

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

452 (b) Lease or rental shall not include:

453 a. A transfer of possession or control of property under a
454 security agreement or deferred payment plan that requires the transfer
455 of title upon completion of the required payments;

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

461 c. Providing tangible personal property along with an operator

462 for a fixed or indeterminate period of time provided that the operator
463 is necessary for the equipment to perform as designed and the operator
464 does more than maintain, inspect, or set up the tangible personal
465 property;

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

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

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

479 (50) "Light aircraft parts and components", manufactured light
480 aircraft parts, including air frame and engine parts, that are required
481 by the qualified light aircraft purchaser to complete a light aircraft kit,
482 or spare or replacement parts for an already completed light aircraft;

483 [(6)] (51) "Livestock", cattle, calves, sheep, swine, ratite birds, including
484 but not limited to, ostrich and emu, aquatic products as described in section
485 277.024, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal
486 source and not from the wild, goats, horses, other equine, honey bees, or rabbits
487 raised in confinement for human consumption;

488 (52) "Load and leave", delivery to the purchaser by use of a
489 tangible storage media where the tangible storage media is not
490 physically transferred to the purchaser;

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

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

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

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

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

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

507 **Mobility enhancement equipment shall not include durable medical**
508 **equipment or any motor vehicle or equipment on a motor vehicle**
509 **normally provided by a motor vehicle manufacturer;**

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

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

517 **(58) "Model 3 seller", a seller registered under the agreement that**
518 **has sales in at least five member states, has total annual sales revenue**
519 **of at least five hundred million dollars, has a proprietary system that**
520 **calculates the amount of tax due each jurisdiction, and has entered into**
521 **a performance agreement with the member states that establishes a tax**
522 **performance standard for the seller. As used in this subdivision, a**
523 **seller shall include an affiliated group of sellers using the same**
524 **proprietary system;**

525 **(59) "Model 4 seller", a seller that is registered under the**
526 **agreement and is not a model 1 seller, a model 2 seller, or a model 3**
527 **seller;**

528 **[(7)] (60) "Motor vehicle leasing company" [shall be], a company**
529 **obtaining a permit from the director of revenue to operate as a motor vehicle**
530 **leasing company. Not all persons renting or leasing trailers or motor vehicles**
531 **need to obtain such a permit; however, no person failing to obtain such a permit**
532 **may avail itself of the optional tax provisions of subsection 5 of section 144.070,**
533 **as hereinafter provided;**

534 **(61) "Optional computer software maintenance contract", a**
535 **computer software maintenance contract that a customer is not**

536 **obligated to purchase as a condition to the retail sale of computer**
537 **software;**

538 **(62) "Other direct mail", any direct mail that is not advertising**
539 **and promotional direct mail regardless of whether advertising and**
540 **promotional direct mail is included in the same mailing. Other direct**
541 **mail includes, but is not limited to:**

542 **(a) Transactional direct mail that contains personal information**
543 **specific to the one addressee including, but not limited to, invoices,**
544 **bills, statements of account, and payroll advices;**

545 **(b) Any legally required mailings including, but not limited to,**
546 **privacy notices, tax reports, and stockholder reports; and**

547 **(c) Other nonpromotional direct mail delivered to existing or**
548 **former shareholders, customers, employees, or agents including, but not**
549 **limited to, newsletters and informational pieces.**

550 **Other direct mail shall not include the development of billing**
551 **information or the provision or any data processing service that is**
552 **more than incidental;**

553 **(63) "Over-the-counter-drug", a drug, excluding grooming and**
554 **hygiene products, that contains a label that identifies the product as a**
555 **drug as required by 21 CFR Section 201.66 and includes:**

556 **(a) A drug facts panel; or**

557 **(b) A statement of the active ingredients with a list of those**
558 **ingredients contained in the compound, substance, or preparation;**

559 **[(8)] (64) "Person" includes any individual, firm, copartnership, joint**
560 **adventure, association, corporation, municipal or private, and whether organized**
561 **for profit or not, state, county, political subdivision, state department,**
562 **commission, board, bureau or agency, [except the state transportation**
563 **department,] estate, trust, business trust, receiver or trustee appointed by the**
564 **state or federal court, syndicate, or any other group or combination acting as a**
565 **unit, and the plural as well as the singular number, or any other legal entity;**

566 **(65) "Place of primary use", the street address representative of**
567 **where the customer's use of the telecommunications service primarily**
568 **occurs, which must be the residential street address or the primary**
569 **business street address of the customer. In the case of mobile**
570 **telecommunications services, place of primary use must be within the**
571 **licensed service area of the home service provider;**

572 **(66) "Post-paid calling service", the telecommunications service**

573 obtained by making a payment on a call-by-call basis either through the
574 use of a credit card or payment mechanism such as a bank card, travel
575 card, credit card, or debit card, or by charge made to a telephone
576 number which is not associated with the origination or termination of
577 the telecommunications service. A post-paid calling service includes a
578 telecommunications service, except a prepaid wireless calling service,
579 that would be a prepaid calling service except it is not exclusively a
580 telecommunications service;

581 (67) "Prepaid calling service", the right to access exclusively
582 telecommunications services, which must be paid for in advance and
583 which enables the origination of calls using an access number or
584 authorization code, whether manually or electronically dialed, and that
585 is sold in predetermined units or dollars of which the number declines
586 with use in a known amount;

587 (68) "Prepaid wireless calling service", a telecommunications
588 service that provides the right to utilize mobile wireless services as
589 well as other nontelecommunications services, including the download
590 of digital products delivered electronically, content and ancillary
591 services, which must be paid for in advance and that is sold in
592 predetermined units or dollars of which the number declines with use
593 in a known amount;

594 (69) "Prepared food", food sold in a heated state or heated by the
595 seller; two or more food ingredients mixed or combined by the seller for
596 sale as a single item; or food sold with eating utensils provided by the
597 seller, including plates, knives, forks, spoons, glasses, cups, napkins, or
598 straws. A plate shall not include a container or packaging used to
599 transport the food. Prepared food shall not include food that is only
600 cut, repackaged, or pasteurized by the seller, and eggs, fish, meat,
601 poultry, and foods containing these raw animal foods requiring cooking
602 by the consumer as recommended by the Food and Drug Administration
603 in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne
604 illnesses;

605 (70) "Prescription", an order, formula, or recipe issued in any
606 form of oral, written, electronic, or other means of transmission by a
607 duly licensed practitioner authorized by the laws of the state;

608 (71) "Prewritten computer software", computer software,
609 including prewritten upgrades, which is not designed and developed by

610 the author or other creator to the specifications of a specific
611 purchaser. The combining of two or more prewritten computer
612 software programs or prewritten portions thereof shall not cause the
613 combination to be other than prewritten computer
614 software. Prewritten computer software shall include software
615 designed and developed by the author or other creator to the
616 specifications of a specific purchaser when it is sold to a person other
617 than the specific purchaser. Where a person modifies or enhances
618 computer software of which the person is not the author or creator, the
619 person shall be deemed to be the author or creator only of such
620 person's modifications or enhancements. Prewritten computer software
621 or a prewritten portion thereof that is modified or enhanced to any
622 degree, where such modification or enhancement is designed and
623 developed to the specifications of a specific purchaser, remains
624 prewritten computer software; provided, however, that where there is
625 a reasonable, separately stated charge or an invoice or other statement
626 of the price given to the purchaser for such modification or
627 enhancement, such modification or enhancement shall not constitute
628 prewritten computer software;

629 (72) "Private communication service", a telecommunications
630 service that entitles the customer to exclusive or priority use of a
631 communications channel or group of channels between or among
632 termination points, regardless of the manner in which such channel or
633 channels are connected, and includes switching capacity, extension
634 lines, stations, and any other associated services that are provided in
635 connection with the use of such channel or channels;

636 (73) "Product-based exemption", an exemption based on the
637 description of the product and not based on who purchases the product
638 or how the purchaser intends to use the product;

639 [(9)] (74) "Product which is intended to be sold ultimately for final use
640 or consumption" [means], tangible personal property, or any service that is
641 subject to state or local sales or use taxes, or any tax that is substantially
642 equivalent thereto, in this state or any other state;

643 (75) "Prosthetic device", a replacement, corrective, or supportive
644 device including repair and replacement parts for same worn on or in
645 the body to artificially replace a missing portion of the body, prevent
646 or correct physical deformity or malfunction, or support a weak or

647 **deformed portion of the body. The term "prosthetic device" shall not**
648 **include corrective eyeglasses or contact lenses and shall be limited to**
649 **the classification of devices eligible for MO HealthNet and Medicare**
650 **reimbursement;**

651 **(76) "Protective equipment", items for human wear and designed**
652 **as protection of the wearer against injury or disease or as protections**
653 **against damage or injury of other persons or property but not suitable**
654 **for general use. Protective equipment are mutually exclusive of**
655 **clothing, clothing accessories or equipment, and sport or recreational**
656 **equipment;**

657 **(77) "Purchase", the acquisition of the ownership of, or title to,**
658 **tangible personal property, through a sale, as defined herein, for the**
659 **purpose of storage, use, or consumption in this state;**

660 **(78) "Purchase price", applies to the measure subject to use tax**
661 **and has the same meaning as sales price;**

662 **[(10)] (79) "Purchaser" [means], a person who purchases tangible**
663 **personal property or to whom are rendered services, receipts from which are**
664 **taxable under [sections 144.010 to 144.525] chapter 144;**

665 **(80) "Qualified light aircraft purchaser", a purchaser of a light**
666 **aircraft, light aircraft kit, light aircraft parts or components who is a**
667 **nonresident of this state, who will transport the light aircraft, light**
668 **aircraft kit, light aircraft parts or components outside this state within**
669 **ten days after the date of purchase, and who will register any light**
670 **aircraft so purchased in another state or country. Such purchaser shall**
671 **not base such aircraft in this state and such purchaser shall not be a**
672 **resident of the state unless such purchaser has paid sales or use tax on**
673 **such aircraft in another state;**

674 **(81) "Receive" or "receipt", taking possession of tangible personal**
675 **property; making first use of services; or taking possession or making**
676 **first use of digital goods, whichever comes first. Receive and receipt**
677 **shall not include possession by a shipping company on behalf of the**
678 **purchaser;**

679 **(82) "Registered under the agreement", registration by a seller**
680 **with the member states under the central registration system provided**
681 **in Article IV of the agreement;**

682 **[(11)] (83) "Research or experimentation activities" [are], the**
683 **development of an experimental or pilot model, plant process, formula, invention**

684 or similar property, and the improvement of existing property of such
685 type. Research or experimentation activities do not include activities such as
686 ordinary testing or inspection of materials or products for quality control,
687 efficiency surveys, advertising promotions or research in connection with literary,
688 historical or similar projects;

689 [(12) "Sale" or "sales" includes installment and credit sales, and the
690 exchange of properties as well as the sale thereof for money, every closed
691 transaction constituting a sale, and means any transfer, exchange or barter,
692 conditional or otherwise, in any manner or by any means whatsoever, of tangible
693 personal property for valuable consideration and the rendering, furnishing or
694 selling for a valuable consideration any of the substances, things and services
695 herein designated and defined as taxable under the terms of sections 144.010 to
696 144.525;

697 (13)] **(84) "Sale at retail" [means any transfer made by any person**
698 **engaged in business as defined herein of the ownership of, or title to, tangible**
699 **personal property to the purchaser, for use or consumption and not for resale in**
700 **any form as tangible personal property, for a valuable consideration; except that,**
701 **for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)**
702 **purchases of tangible personal property made by duly licensed physicians,**
703 **dentists, optometrists and veterinarians and used in the practice of their**
704 **professions shall be deemed to be purchases for use or consumption and not for**
705 **resale; and (ii) the selling of computer printouts, computer output or microfilm**
706 **or microfiche and computer-assisted photo compositions to a purchaser to enable**
707 **the purchaser to obtain for his or her own use the desired information contained**
708 **in such computer printouts, computer output on microfilm or microfiche and**
709 **computer-assisted photo compositions shall be considered as the sale of a service**
710 **and not as the sale of tangible personal property] or "retail sale", any sale,**
711 **lease, or rental for any purpose other than for resale, sublease, or**
712 **subrent. Purchases of tangible personal property made by duly**
713 **licensed physicians, dentists, optometrists, and veterinarians and used**
714 **in the practice of their professions shall be deemed to be purchases for**
715 **use or consumption and not for resale. Where necessary to conform to the**
716 **context of [sections 144.010 to 144.525] chapter 144 and the tax imposed**
717 **thereby, the term sale at retail shall be construed to embrace:**

718 (a) Sales of admission tickets, cash admissions, charges and fees to or in
719 places of amusement, entertainment and recreation, games and athletic events,

720 except amounts paid for any instructional class;

721 (b) Sales of electricity, electrical current, water and gas, natural or
722 artificial, to domestic, commercial or industrial consumers;

723 (c) Sales of [local and long distance] telecommunications [service to
724 telecommunications subscribers] **services** and [to others through equipment of
725 telecommunications subscribers for the transmission of messages and
726 conversations,] **ancillary** and the sale, rental or leasing of all equipment or
727 services pertaining or incidental thereto;

728 (d) Sales of service for transmission of messages by telegraph companies;

729 (e) Sales or charges for all rooms, meals and drinks furnished at any
730 hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist
731 camp, tourist cabin, or other place in which rooms, meals or drinks are regularly
732 served to the public;

733 (f) Sales of tickets by every person operating a railroad, sleeping car,
734 dining car, express car, boat, airplane, and such buses and trucks as are licensed
735 by the division of motor carrier and railroad safety of the department of economic
736 development of Missouri, engaged in the transportation of persons for hire;

737 **(85) "School art supply":**

738 **(a) An item commonly used by a student in a course of study for**
739 **artwork. The term is mutually exclusive of the terms school supply,**
740 **school instructional material, and school computer supply;**

741 **(b) The following is an all-inclusive list:**

742 **a. Clay and glazes;**

743 **b. Paints, acrylic, tempora, and oil;**

744 **c. Paintbrushes for artwork;**

745 **d. Sketch and drawing pads; and**

746 **e. Watercolors;**

747 **(86) "School computer supply":**

748 **(a) An item commonly used by a student in a course of study in**
749 **which a computer is used. The term is mutually exclusive of the terms**
750 **school supply, school art supply, and school instructional material;**

751 **(b) The following is an all-inclusive list:**

752 **a. Computer storage media, diskettes, compact disks;**

753 **b. Handheld electronic schedulers, except devices that are**
754 **cellular phones;**

755 **c. Personal digital assistants, except devices that are cellular**

756 **phones; and**

757 **d. Computer printers and printer supplies for computers, printer**
758 **paper, and printer ink;**

759 **(87) "School instructional material":**

760 **(a) Written material commonly used by a student in a course of**
761 **study as a reference and to learn the subject being taught. The term is**
762 **mutually exclusive of the terms school supply, school art supply, and**
763 **school computer supply;**

764 **(b) The following is an all-inclusive list:**

765 **a. Reference books;**

766 **b. Reference maps and globes;**

767 **c. Textbooks; and**

768 **d. Workbooks;**

769 **(88) "School supply":**

770 **(a) An item commonly used by a student in a course of**
771 **study. The term is mutually exclusive of the terms school art supply,**
772 **school instructional material, and school computer supply;**

773 **(b) The following is an all-inclusive list:**

774 **a. Binders;**

775 **b. Book bags;**

776 **c. Calculators;**

777 **d. Cellophane tape;**

778 **e. Blackboard chalk;**

779 **f. Compasses;**

780 **g. Composition books;**

781 **h. Crayons;**

782 **i. Erasers;**

783 **j. Folders, expandable, pocket, plastic, and manila;**

784 **k. Glue, paste, and paste sticks;**

785 **l. Highlighters;**

786 **m. Index cards;**

787 **n. Index card boxes;**

788 **o. Legal pads;**

789 **p. Lunch boxes;**

790 **q. Markers;**

791 **r. Notebooks;**

792 **s. Paper, loose leaf notebook paper, copy paper, graph paper,**

793 **tracing paper, manila paper, colored paper, poster board, and**
794 **construction paper;**

795 **t. Pencil boxes and other school supply boxes;**

796 **u. Pencil sharpeners;**

797 **v. Pencils;**

798 **w. Pens;**

799 **x. Protractors;**

800 **y. Rulers;**

801 **z. Scissors; and**

802 **aa. Writing tablets;**

803 [(14)] **(89) "Seller" means, a person [selling or furnishing tangible]**

804 **making sales, leases, or rentals of personal property or [rendering services,**

805 **on the receipts from which a tax is imposed pursuant to section 144.020] service;**

806 **(90) "Selling agent", every person acting as a representative of a**

807 **principal, when such principal is not registered with the director of**

808 **revenue of the state of Missouri for the collection of the taxes imposed**

809 **under this chapter and who receives compensation by reason of the**

810 **sale of tangible personal property of the principal, if such property is**

811 **to be stored, used, or consumed in this state;**

812 **(91) "Service address":**

813 **(a) The location of the telecommunications equipment to which**

814 **a customer's call is charged and from which the call originates or**

815 **terminates, regardless of where the call is billed or paid;**

816 **(b) If the location in paragraph (a) of this subdivision is not**

817 **known, "service address" means the origination point of the signal of**

818 **the telecommunications services first identified by either the seller's**

819 **telecommunications system or in information received by the seller**

820 **from its service provider, where the system used to transport such**

821 **signals is not that of the seller;**

822 **(c) If the location in paragraphs (a) and (b) of this subdivision**

823 **are not known, the service address shall be the location of the**

824 **customer's place of primary use;**

825 **(92) "Specified digital products", electronically transferred**

826 **digital audio-visual works, digital audio works, and digital books;**

827 **(93) "Sport or recreational equipment", items designed for human**

828 **use and worn in conjunction with an athletic or recreational activity**

829 **that are not suitable for general use. Sport or recreational equipment**

830 are mutually exclusive of clothing, clothing accessories or equipment,
831 and protective equipment;

832 (94) "State", any state of the United States, the District of
833 Columbia, and the Commonwealth of Puerto Rico;

834 (95) "Storage", any keeping or retention in this state of tangible
835 personal property purchased from a vendor, except property for sale
836 or property that is temporarily kept or retained in this state for
837 subsequent use outside the state;

838 (96) "Tangible personal property", personal property that can be
839 seen, weighed, measured, felt, or touched, or that is in any other
840 manner perceptible to the senses. Tangible personal property shall
841 include electricity, water, gas, steam, and prewritten computer
842 software. Tangible personal property shall not include specified digital
843 products, digital audio-visual works, digital audio works, or digital
844 books;

845 [(15) The noun "tax" means]

846 (97) "Tax", either the tax payable by the purchaser of a commodity or
847 service subject to tax, or the aggregate amount of taxes due from the vendor of
848 such commodities or services during the period for which he or she is required to
849 report his or her collections, as the context may require; [and]

850 (98) "Taxpayer", any person remitting the tax or who should
851 remit the tax levied by this chapter;

852 (99) "Telecommunications nonrecurring charges", an amount
853 billed for the installation, connection, change or initiation of
854 telecommunications service received by the customer;

855 [(16)] (100) "Telecommunications service"[, for the purpose of this
856 chapter, the transmission of information by wire, radio, optical cable, coaxial
857 cable, electronic impulses, or other similar means. As used in this definition,
858 "information" means knowledge or intelligence represented by any form of
859 writing, signs, signals, pictures, sounds, or any other
860 symbols. Telecommunications service does not include the following if such
861 services are separately stated on the customer's bill or on records of the seller
862 maintained in the ordinary course of business:

863 (a) Access to the internet, access to interactive computer services or
864 electronic publishing services, except the amount paid for the telecommunications
865 service used to provide such access;

- 866 (b) Answering services and one-way paging services;
- 867 (c) Private mobile radio services which are not two-way commercial mobile
868 radio services such as wireless telephone, personal communications services or
869 enhanced specialized mobile radio services as defined pursuant to federal law; or
870 (d) Cable or satellite television or music services];
- 871 **(a) The electronic transmission, conveyance, or routing of voice,**
872 **data, audio, video, or any other information or signals to a point, or**
873 **between or among points;**
- 874 **(b) Telecommunications service shall include such transmission,**
875 **conveyance, or routing in which computer processing applications are**
876 **used to act on the form, code, or protocol of the content for purposes**
877 **of transmission, conveyance, or routing without regard to whether such**
878 **service is referred to as voice over internet protocol services or is**
879 **classified by the Federal Communications Commission as enhanced or**
880 **value added;**
- 881 **(c) Telecommunications service shall include air-to-ground**
882 **radiotelephone service, mobile telecommunications service, post-paid**
883 **calling service, prepaid calling service, prepaid wireless calling service,**
884 **and private communication service;**
- 885 **(d) Telecommunications service shall not include:**
- 886 **a. Data processing and information services that allow data to**
887 **be generated, acquired, stored, processed, or retrieved and delivered**
888 **by an electronic transmission to a purchaser where such purchaser's**
889 **primary purpose for the underlying transaction is the processed data**
890 **or information;**
- 891 **b. Installation or maintenance of wiring or equipment on a**
892 **customer's premises;**
- 893 **c. Tangible personal property;**
- 894 **d. Advertising, including but not limited to directory advertising;**
- 895 **e. Billing and collection services provided to third parties;**
- 896 **f. Internet access service;**
- 897 **g. Radio and television audio and video programming services,**
898 **regardless of the medium, including the furnishing of transmission,**
899 **conveyance, and routing of such services by the programming service**
900 **provider. Radio and television audio and video programming services**
901 **shall include, but not be limited to, cable service, as defined in 47**
902 **U.S.C. Section 522(6), and audio and video programming services**

903 delivered by commercial mobile radio service providers, as defined in
904 47 CFR 20.3;

905 h. Ancillary services; or

906 i. Digital products delivered electronically, including, but not
907 limited to, software, music, video, reading materials, or ring tones;

908 (101) "Transportation equipment", any of the following:

909 (a) Locomotives and railcars that are utilized for the carriage of
910 persons or property in interstate commerce;

911 (b) Trucks and truck-tractors with a gross vehicle weight rating
912 (GVWR) of ten thousand one pounds or greater, trailers, semi-trailers,
913 or passenger buses that are:

914 a. Registered through the International Registration Plan; and

915 b. Operated under authority of a carrier authorized and
916 certificated by the United States Department of Transportation or
917 another federal authority to engage in the carriage of persons or
918 property in interstate commerce;

919 (c) Aircraft that are operated by air carriers authorized and
920 certificated by the United States Department of Transportation or
921 another federal or a foreign authority to engage in the carriage of
922 persons or property in interstate or foreign commerce;

923 (d) Containers designed for use on and component parts attached
924 or secured on the items set forth in paragraphs (a) to (c) of this
925 subdivision;

926 (102) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or
927 any other item that contains tobacco;

928 (103) "Use", the exercise of any right or power over tangible
929 personal property incident to the ownership or control of that
930 property, except that it does not include the temporary storage of
931 property in this state for subsequent use outside the state, or the sale
932 of the property in the regular course of business;

933 (104) "Use-based exemption", an exemption based on a specified
934 use of the product by the purchaser;

935 (105) "Vendor", every person engaged in making sales of tangible
936 personal property by mail order, by advertising, by agent or peddling
937 tangible personal property, soliciting or taking orders for sales of
938 tangible personal property, for storage, use or consumption in this
939 state, all salesmen, solicitors, hawkers, representatives, consignees,

940 **peddlers or canvassers, as agents of the dealers, distributors,**
941 **consignors, supervisors, principals or employers under whom they**
942 **operate or from whom they obtain the tangible personal property sold**
943 **by them, and every person who maintains a place of business in this**
944 **state, maintains a stock of goods in this state, or engages in business**
945 **activities within this state and every person who engages in this state**
946 **in the business of acting as a selling agent for persons not otherwise**
947 **vendors as defined in this subdivision. Irrespective of whether they are**
948 **making sales on their own behalf or on behalf of the dealers,**
949 **distributors, consignors, supervisors, principals or employers, they**
950 **must be regarded as vendors and the dealers, distributors, consignors,**
951 **supervisors, principals or employers must be regarded as vendors for**
952 **the purposes of sections 144.600 to 144.745.**

953 2. For purposes of the taxes imposed under [sections 144.010 to 144.525]
954 **chapter 144**, and any other provisions of law pertaining to sales or use taxes
955 which incorporate the provisions of sections [144.010 to 144.525] **chapter 144**
956 by reference, the term manufactured homes shall have the same meaning given
957 it in section 700.010.

958 [3. Sections 144.010 to 144.525 may be known and quoted as the "Sales
959 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
22 of 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
41 shall include, but not be limited to, soap, shampoo, tissue and other toiletries and
42 food 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
11 pursuant to the provisions of the Federal Food Stamp Program as contained in
12 7 U.S.C. Section 2012, as that section now reads or as it may be amended

13 hereafter, and shall include food dispensed by or through vending machines. For
14 the purpose of this section,] Except for **food sold through** vending [machine
15 sales, the term "food"] **machines, subsection 1 of this section** shall not
16 [include] **apply to** food or drink sold by any establishment where the gross
17 receipts derived from the sale of food prepared by such establishment for
18 immediate consumption on or off the premises of the establishment constitutes
19 more than eighty percent of the total gross receipts of that establishment,
20 regardless of whether such prepared food is consumed on the premises of that
21 establishment, including, but not limited to, sales of food by any restaurant, fast
22 food restaurant, delicatessen, eating 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
28 of 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,
36 restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or
37 other place in which rooms, meals or drinks are regularly served to the
38 public. The tax imposed under this subdivision shall not apply to any automatic
39 mandatory gratuity for a large group imposed by a restaurant when such gratuity
40 is reported as employee tip income and the restaurant withholds income tax
41 under section 143.191 on 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

63 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the
64 lease 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
70 to 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**
50 **exceeds 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**

6 the 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
33 taxable.

34 3. In the case of a bundled transaction that includes the retail
35 sale of two or more products not listed in subsections 1 or 2 of this
36 section, if the price is attributable to products that are taxable and
37 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**
4 **144** such retail sales as may be made in commerce between this state and any
5 other state of the United States, or between this state and any foreign country,

6 and any retail sale which the state of Missouri is prohibited from taxing pursuant
7 to the Constitution or laws of the United States of America, and such retail sales
8 of tangible personal property which the general assembly of the state of Missouri
9 is 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
26 are 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
49 final 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
132 less 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
167 ambulatory aids including parts, and all sales or rental of manual and powered
168 wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille
169 equipment and, if purchased or rented by or on behalf of a person with one or
170 more physical or mental disabilities to enable them to function more
171 independently, all sales or rental of scooters including parts, and reading
172 machines, electronic print enlargers and magnifiers, electronic alternative and
173 augmentative communication devices, and items used solely to modify motor
174 vehicles to permit the use of such motor vehicles by individuals with disabilities
175 or sales of] over-the-counter [or nonprescription] drugs to individuals with
176 disabilities, **and all sales of drugs, including prescriptions, durable**
177 **medical equipment, prosthetic devices, mobility enhancing equipment,**
178 **kidney dialysis equipment, and enteral feeding systems,** and drugs
179 required by the Food and Drug Administration to meet the over-the-counter drug
180 product labeling requirements in 21 CFR 201.66, or its successor, as prescribed
181 by a health care practitioner licensed to prescribe;

182 (19) All sales made by or to religious and charitable organizations and
183 institutions in their religious, charitable or educational functions and activities
184 and all sales made by or to all elementary and secondary schools operated at
185 public expense in their educational functions and activities;

186 (20) All sales of aircraft to common carriers for storage or for use in
187 interstate commerce and all sales made by or to not-for-profit civic, social, service
188 or fraternal organizations, including fraternal organizations which have been
189 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
190 1986 Internal Revenue Code, as amended, in their civic or charitable functions
191 and activities and all sales made to eleemosynary and penal institutions and
192 industries of the state, and all sales made to any private not-for-profit institution
193 of higher education not otherwise excluded pursuant to subdivision (19) of this
194 subsection or any institution of higher education supported by public funds, and
195 all sales made to a state relief agency in the exercise of relief functions and
196 activities;

197 (21) All ticket sales made by benevolent, scientific and educational
198 associations which are formed to foster, encourage, and promote progress and
199 improvement in the science of agriculture and in the raising and breeding of
200 animals, and by nonprofit summer theater organizations if such organizations are
201 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
202 and all admission charges and entry fees to the Missouri state fair or any fair
203 conducted by a county agricultural and mechanical society organized and
204 operated pursuant to sections 262.290 to 262.530;

205 (22) All sales made to any private not-for-profit elementary or secondary
206 school, all sales of feed additives, medications or vaccines administered to
207 livestock or poultry in the production of food or fiber, all sales of pesticides used
208 in the production of crops, livestock or poultry for food or fiber, all sales of
209 bedding used in the production of livestock or poultry for food or fiber, all sales
210 of propane or natural gas, electricity or diesel fuel used exclusively for drying
211 agricultural crops, natural gas used in the primary manufacture or processing of
212 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
213 used by an eligible new generation cooperative or an eligible new generation
214 processing entity as defined in section 348.432, and all sales of farm machinery
215 and equipment, other than airplanes, motor vehicles and trailers, and any freight
216 charges on any exempt item. As used in this subdivision, the term "feed
217 additives" means tangible personal property which, when mixed with feed for
218 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
219 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
220 surfactants, wetting agents and other assorted pesticide carriers used to improve
221 or enhance the effect of a pesticide and the foam used to mark the application of

222 pesticides and herbicides for the production of crops, livestock or poultry. As
223 used in this subdivision, the term "farm machinery and equipment" means new
224 or used farm tractors and such other new or used farm machinery and equipment
225 and repair or replacement parts thereon and any accessories for and upgrades to
226 such farm machinery and equipment, rotary mowers used exclusively for
227 agricultural purposes, and supplies and lubricants used exclusively, solely, and
228 directly for producing crops, raising and feeding livestock, fish, poultry,
229 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
230 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
231 therefor which is:

- 232 (a) Used exclusively for agricultural purposes;
233 (b) Used on land owned or leased for the purpose of producing farm
234 products; and
235 (c) Used directly in producing farm products to be sold ultimately in
236 processed form or otherwise at retail or in producing farm products to be fed to
237 livestock or poultry to be sold ultimately in processed form at retail;

238 (23) Except as otherwise provided in section 144.032, all sales of metered
239 water service, electricity, [electrical current, natural, artificial or propane gas,
240 wood, coal or home heating oil] **piped natural or artificial gas, or other**
241 **fuels delivered by the seller** for domestic use and in any city not within a
242 county, all sales of metered or unmetered water service for domestic use:

243 (a) "Domestic use" means that portion of metered water service,
244 electricity, [electrical current, natural, artificial or propane gas, wood, coal or
245 home heating oil,] **piped natural or artificial gas, or other fuels delivered**
246 **by the seller** and in any city not within a county, metered or unmetered water
247 service, which an individual occupant of a residential premises uses for
248 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
249 a single or master meter for residential apartments or condominiums, including
250 service for common areas and facilities and vacant units, shall be deemed to be
251 for domestic use. Each seller shall establish and maintain a system whereby
252 individual purchases are determined as exempt or nonexempt;

253 (b) Regulated utility sellers shall determine whether individual purchases
254 are exempt or nonexempt based upon the seller's utility service rate
255 classifications as contained in tariffs on file with and approved by the Missouri
256 public service commission. Sales and purchases made pursuant to the rate
257 classification "residential" and sales to and purchases made by or on behalf of the

258 occupants of residential apartments or condominiums through a single or master
259 meter, including service for common areas and facilities and vacant units, shall
260 be considered as sales made for domestic use and such sales shall be exempt from
261 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
262 classified as nondomestic use. The seller's utility service rate classification and
263 the provision of service thereunder shall be conclusive as to whether or not the
264 utility must charge sales tax;

265 (c) Each person making domestic use purchases of [services or property]
266 **electricity, piped natural or artificial gas, or other fuels delivered by**
267 **the seller** and who uses any portion of the services or property so purchased for
268 a nondomestic use shall, by the fifteenth day of the fourth month following the
269 year of purchase, and without assessment, notice or demand, file a return and
270 pay sales tax on that portion of nondomestic purchases. Each person making
271 nondomestic purchases of [services or property] **electricity, piped natural or**
272 **artificial gas, or other fuels delivered by the seller** and who uses any
273 portion of the [services or property] **electricity, piped natural or artificial**
274 **gas, or other fuels delivered by the seller** so purchased for domestic use,
275 and each person making domestic purchases on behalf of occupants of residential
276 apartments or condominiums through a single or master meter, including service
277 for common areas and facilities and vacant units, under a nonresidential utility
278 service rate classification may, between the first day of the first month and the
279 fifteenth day of the fourth month following the year of purchase, apply for credit
280 or refund to the director of revenue and the director shall give credit or make
281 refund for taxes paid on the domestic use portion of the purchase. The person
282 making such purchases on behalf of occupants of residential apartments or
283 condominiums shall have standing to apply to the director of revenue for such
284 credit or refund;

285 (24) All sales of handicraft items made by the seller or the seller's spouse
286 if the seller or the seller's spouse is at least sixty-five years of age, and if the total
287 gross proceeds from such sales do not constitute a majority of the annual gross
288 income of the seller;

289 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,
290 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States
291 Code. The director of revenue shall promulgate rules pursuant to chapter 536 to
292 eliminate all state and local sales taxes on such excise taxes;

293 (26) Sales of fuel consumed or used in the operation of ships, barges, or

294 waterborne vessels which are used primarily in or for the transportation of
295 property or cargo, or the conveyance of persons for hire, on navigable rivers
296 bordering on or located in part in this state, if such fuel is delivered by the seller
297 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such
298 river;

299 (27) All sales made to an interstate compact agency created pursuant to
300 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the
301 functions and activities of such agency as provided pursuant to the compact;

302 (28) Computers, computer software and computer security systems
303 purchased for use by architectural or engineering firms headquartered in this
304 state. For the purposes of this subdivision, "headquartered in this state" means
305 the office for the administrative management of at least four integrated facilities
306 operated by the taxpayer is located in the state of Missouri;

307 (29) All livestock sales when either the seller is engaged in the growing,
308 producing or feeding of such livestock, or the seller is engaged in the business of
309 buying and selling, bartering or leasing of such livestock;

310 (30) All sales of barges which are to be used primarily in the
311 transportation of property or cargo on interstate waterways;

312 (31) Electrical energy or gas, whether natural, artificial or propane, water,
313 or other utilities which are ultimately consumed in connection with the
314 manufacturing of cellular glass products or in any material recovery processing
315 plant as defined in subdivision (4) of this subsection;

316 (32) Notwithstanding other provisions of law to the contrary, all sales of
317 pesticides or herbicides used in the production of crops, aquaculture, livestock or
318 poultry;

319 (33) Tangible personal property and utilities purchased for use or
320 consumption directly or exclusively in the research and development of
321 agricultural/biotechnology and plant genomics products and prescription
322 pharmaceuticals consumed by humans or animals;

323 (34) All sales of grain bins for storage of grain for resale;

324 (35) All sales of feed which are developed for and used in the feeding of
325 pets owned by a commercial breeder when such sales are made to a commercial
326 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325
327 to 273.357;

328 (36) All purchases by a contractor on behalf of an entity located in another
329 state, provided that the entity is authorized to issue a certificate of exemption for

330 purchases to a contractor under the provisions of that state's laws. For purposes
331 of this subdivision, the term "certificate of exemption" shall mean any document
332 evidencing that the entity is exempt from sales and use taxes on purchases
333 pursuant to the laws of the state in which the entity is located. Any contractor
334 making purchases on behalf of such entity shall maintain a copy of the entity's
335 exemption certificate as evidence of the exemption. If the exemption certificate
336 issued by the exempt entity to the contractor is later determined by the director
337 of revenue to be invalid for any reason [and the contractor has accepted the
338 certificate in good faith], neither the contractor or the exempt entity shall be
339 liable for the payment of any taxes, interest and penalty due as the result of use
340 of the invalid exemption certificate **unless the contractor fraudulently**
341 **accepted the certificate.** Materials shall be exempt from all state and local
342 sales and use taxes when purchased by a contractor for the purpose of fabricating
343 tangible personal property which is used in fulfilling a contract for the purpose
344 of constructing, repairing or remodeling facilities for the following:

345 (a) An exempt entity located in this state, if the entity is one of those
346 entities able to issue project exemption certificates in accordance with the
347 provisions of section 144.062; or

348 (b) An exempt entity located outside the state if the exempt entity is
349 authorized to issue an exemption certificate to contractors in accordance with the
350 provisions of that state's law and the applicable provisions of this section;

351 (37) All sales or other transfers of tangible personal property to a lessor
352 who leases the property under a lease of one year or longer executed or in effect
353 at the time of the sale or other transfer to an interstate compact agency created
354 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

355 (38) Sales of tickets to any collegiate athletic championship event that is
356 held in a facility owned or operated by a governmental authority or commission,
357 a quasi-governmental agency, a state university or college or by the state or any
358 political subdivision thereof, including a municipality, and that is played on a
359 neutral site and may reasonably be played at a site located outside the state of
360 Missouri. For purposes of this subdivision, "neutral site" means any site that is
361 not located on the campus of a conference member institution participating in the
362 event;

363 (39) All purchases by a sports complex authority created under section
364 64.920, and all sales of utilities by such authority at the authority's cost that are
365 consumed in connection with the operation of a sports complex leased to a

366 professional sports team;

367 (40) All materials, replacement parts, and equipment purchased for use
368 directly upon, and for the modification, replacement, repair, and maintenance of
369 aircraft, aircraft power plants, and aircraft accessories;

370 (41) Sales of sporting clays, wobble, skeet, and trap targets to any
371 shooting range or similar places of business for use in the normal course of
372 business and money received by a shooting range or similar places of business
373 from patrons and held by a shooting range or similar place of business for
374 redistribution to patrons at the conclusion of a shooting event;

375 (42) All sales of motor fuel, as defined in section 142.800, used in any
376 watercraft, as defined in section 306.010;

377 (43) Any new or used aircraft sold or delivered in this state to a person
378 who is not a resident of this state or a corporation that is not incorporated in this
379 state, and such aircraft is not to be based in this state and shall not remain in
380 this state more than ten business days subsequent to the last to occur of:

381 (a) The transfer of title to the aircraft to a person who is not a resident
382 of this state or a corporation that is not incorporated in this state; or

383 (b) The date of the return to service of the aircraft in accordance with 14
384 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations,
385 repairs, or installations that are completed contemporaneously with the transfer
386 of title to the aircraft to a person who is not a resident of this state or a
387 corporation that is not incorporated in this state;

388 (44) Motor vehicles registered in excess of fifty-four thousand pounds, and
389 the trailers pulled by such motor vehicles, that are actually used in the normal
390 course of business to haul property on the public highways of the state, and that
391 are capable of hauling loads commensurate with the motor vehicle's registered
392 weight; and the materials, replacement parts, and equipment purchased for use
393 directly upon, and for the repair and maintenance or manufacture of such
394 vehicles. For purposes of this subdivision, "motor vehicle" and "public highway"
395 shall have the meaning as ascribed in section 390.020;

396 (45) All internet access or the use of internet access regardless of whether
397 the tax is imposed on a provider of internet access or a buyer of internet
398 access. For purposes of this subdivision, the following terms shall mean:

399 (a) "Direct costs", costs incurred by a governmental authority solely
400 because of an internet service provider's use of the public right-of-way. The term
401 shall not include costs that the governmental authority would have incurred if the

402 internet service provider did not make such use of the public right-of-way. Direct
403 costs shall be determined in a manner consistent with generally accepted
404 accounting principles;

405 (b) "Internet", computer and telecommunications facilities, including
406 equipment and operating software, that comprises the interconnected worldwide
407 network that employ the transmission control protocol or internet protocol, or any
408 predecessor or successor protocols to that protocol, to communicate information
409 of all kinds by wire or radio;

410 (c) "Internet access", a service that enables users to connect to the
411 internet to access content, information, or other services without regard to
412 whether the service is referred to as telecommunications, communications,
413 transmission, or similar services, and without regard to whether a provider of the
414 service is subject to regulation by the Federal Communications Commission as a
415 common carrier under 47 U.S.C. Section 201, et seq. For purposes of this
416 subdivision, internet access also includes: the purchase, use, or sale of
417 communications services, including telecommunications services as defined in
418 section 144.010, to the extent the communications services are purchased, used,
419 or sold to provide the service described in this subdivision or to otherwise enable
420 users to access content, information, or other services offered over the internet;
421 services that are incidental to the provision of a service described in this
422 subdivision, when furnished to users as part of such service, including a home
423 page, electronic mail, and instant messaging, including voice-capable and
424 video-capable electronic mail and instant messaging, video clips, and personal
425 electronic storage capacity; a home page electronic mail and instant messaging,
426 including voice-capable and video-capable electronic mail and instant messaging,
427 video clips, and personal electronic storage capacity that are provided
428 independently or that are not packed with internet access. As used in this
429 subdivision, internet access does not include voice, audio, and video programming
430 or other products and services, except services described in this paragraph or this
431 subdivision, that use internet protocol or any successor protocol and for which
432 there is a charge, regardless of whether the charge is separately stated or
433 aggregated with the charge for services described in this paragraph or this
434 subdivision;

435 (d) "Tax", any charge imposed by the state or a political subdivision of the
436 state for the purpose of generating revenues for governmental purposes and that
437 is not a fee imposed for a specific privilege, service, or benefit conferred, except

438 as described as otherwise under this subdivision, or any obligation imposed on a
439 seller to collect and to remit to the state or a political subdivision of the state any
440 gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental
441 entity. The term tax shall not include any franchise fee or similar fee imposed
442 or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the
443 Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573;
444 or any other fee related to obligations of telecommunications carriers under the
445 Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent
446 that:

447 a. The fee is not imposed for the purpose of recovering direct costs
448 incurred by the franchising or other governmental authority from providing the
449 specific privilege, service, or benefit conferred to the payer of the fee; or

450 b. The fee is imposed for the use of a public right-of-way based on a
451 percentage of the service revenue, and the fee exceeds the incremental direct
452 costs incurred by the governmental authority associated with the provision of that
453 right-of-way to the provider of internet access service.

454 Nothing in this subdivision shall be interpreted as an exemption from taxes due
455 on goods or services that were subject to tax on January 1, 2016;

456 **(46) Usual and customary delivery charges that are stated**
457 **separately from the sale price.**

458 3. Any ruling, agreement, or contract, whether written or oral, express or
459 implied, between a person and this state's executive branch, or any other state
460 agency or department, stating, agreeing, or ruling that such person is not
461 required to collect sales and use tax in this state despite the presence of a
462 warehouse, distribution center, or fulfillment center in this state that is owned
463 or operated by the person or an affiliated person shall be null and void unless it
464 is specifically approved by a majority vote of each of the houses of the general
465 assembly. For purposes of this subsection, an "affiliated person" means any
466 person that is a member of the same controlled group of corporations as defined
467 in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the
468 vendor or any other entity that, notwithstanding its form of organization, bears
469 the same ownership relationship to the vendor as a corporation that is a member
470 of the same controlled group of corporations as defined in Section 1563(a) of the
471 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] **piped 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**
70 **exemption 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**
75 **determine whether the sales price falls below the price threshold**
76 **provided in subsection 1 of this section. A coupon that reduces the**
77 **sales price shall be treated as a discount only if the seller is not**
78 **reimbursed for the 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**
104 **an exemption period, but during the exemption period returns the item**
105 **and receives credit on the purchase of a different item of eligible**
106 **property, no sales tax shall be due on the sale of the new item if the**
107 **new item is 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**
123 **date" stamp on a mail order or the assignment of an "order number" to**
124 **a telephone order. An order shall be considered for immediate**
125 **shipment when the purchaser does not request delayed shipment. An**
126 **order shall be considered for immediate shipment notwithstanding a**
127 **shipment that may be delayed because of a backlog of orders or**
128 **because an item is 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**
38 **under this chapter**, all utilities, machinery, and equipment used or consumed
39 directly 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**
57 **under this chapter**, all sales and purchases of tangible personal property,
58 utilities, services, or any other transaction that would otherwise be subject to the
59 state or local sales or use tax when such sales are made to or purchases are made
60 by a private partner for use in completing a project under sections 227.600 to
61 227.669.

62 5. In addition to all other exemptions granted under this chapter, there
63 is hereby specifically exempted from the provisions of [sections 144.010 to 144.525
64 and 144.600 to 144.761, and section 238.235, and the local sales tax law as
65 defined in section 32.085, and from the computation of the tax levied, assessed,
66 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section
67 238.235, and the local sales tax law as defined in section 32.085] **this chapter**
68 **and from the computation of the tax levied, assessed, and payable**
69 **under this chapter**, all materials, manufactured goods, machinery and parts,
70 electrical energy and gas, whether natural, artificial or propane, water, coal and
71 other energy sources, chemicals, soaps, detergents, cleaning and sanitizing
72 agents, and other ingredients and materials inserted by commercial or industrial
73 laundries to treat, clean, and sanitize textiles in facilities which process at least
74 five hundred pounds of textiles per hour and at least sixty thousand pounds per
75 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
7 making any purchase or sale of a motor vehicle subject to sales tax as provided
8 by the Missouri sales tax law, unless such person making the sale is a motor
9 vehicle dealer authorized to collect and remit sales tax pursuant to subsection 8
10 of section 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**
13 **amount of tax owed on a purchase subject to sales tax under chapter**
14 **144 if:**

15 **(1) A purchaser's seller or a certified service provider relied on**
16 **erroneous data provided by the director on tax rates, boundaries,**
17 **taxing jurisdiction assignments, or in the taxability matrix created**
18 **pursuant to section 144.124;**

19 **(2) A purchaser holding a direct pay permit created pursuant to**
20 **section 144.079 relied on erroneous data provided by the director on**
21 **tax rates, boundaries, taxing jurisdiction assignments, or in the**
22 **taxability matrix created pursuant to section 144.124;**

23 **(3) A purchaser using a database created pursuant to section**
24 **144.123 received erroneous data provided by the director on tax rates,**
25 **boundaries, or taxing jurisdiction assignments; or**

26 **(4) A purchaser relied on erroneous data provided by the**
27 **director 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**
7 **the amount of tax owed and shall report and remit such amount**
8 **directly to 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**
12 **rule or portion of a rule, as that term is defined in section 536.010,**
13 **RSMo, that is created under the authority delegated in this section**

14 shall become effective only if it complies with and is subject to all of
15 the 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
18 536, RSMo, to review, to delay the effective date, or to disapprove and
19 annul 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
2 the 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
2 registration system that will allow sellers to register in this state and
3 other member 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
11 under 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
14 factor in determining whether the seller has nexus with this state for
15 any tax 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
8 legal holiday in the member state or on a day the Federal Reserve Bank
9 is 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
18 director 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
23 only those fields approved by the governing board. Such simplified
24 electronic return shall contain two parts, with part one containing
25 information relating to remittances and allocations and part two
26 containing 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
34 parts 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
41 a 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
49 a 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
61 a 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
68 file 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

70 shall file a return for such quarter as provided in sections 144.080 and
71 144.090.

72 **6. The director shall provide for a standardized transmission**
73 **process that allows for receipt of uniform tax returns and other**
74 **formatted information. Such process shall provide for the filing of**
75 **separate returns for multiple legal entities in a single transmission and**
76 **shall not include any requirement for manual entry or input by a**
77 **seller. The process shall allow a certified service provider, a tax**
78 **preparer, or any other authorized entity to do so, to file returns for**
79 **more than one seller in a single transmission. However, sellers filing**
80 **returns for multiple legal entities shall only do so for affiliated legal**
81 **entities.**

82 **7. The director shall give notice to a seller registered under the**
83 **streamlined sales and use tax agreement which has no legal**
84 **requirement to register in the state of a failure to file a required return**
85 **and shall provide such seller at least thirty days following such notice**
86 **to file a return prior to holding the seller liable for any penalties based**
87 **on a 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**
13 **period 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
38 be 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
41 the retailer shall be allowed as a deduction under subdivision (4) of
42 subsection 2 of this section in case the retailer has included the
43 receipts from such sale in a return made by such retailer and paid
44 taxes on such sale. The retailer shall, at the time of making such
45 return, pay to the director the amount of tax owed, except as otherwise
46 provided in this section. The director may extend the time for making
47 returns and paying the tax required by this section for any period not
48 to exceed sixty days under such rules and regulations as the director
49 of revenue may 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
52 jurisdictions in which the seller makes sales within the state. With each
53 return, the person shall remit to the director of revenue the full amount of the tax
54 due.

55 [3.] 5. In case of charge and time sales the gross receipts thereof shall
56 be included as sales in the returns as and when payments are received by the

57 person, without any deduction therefrom whatsoever.

58 [4.] 6. If an error or omission is discovered in a return or a change be
59 necessary to show the true facts, the error may be corrected, the omission
60 supplied, or the change made in the return next filed with the director for the
61 filing period immediately following the filing period in which the error was made
62 or the omission occurred, as prescribed by law, except that no refund under this
63 chapter shall be allowed for any amount of tax paid by a seller which is based
64 upon charges incident to credit card discounts. Any other omission or error must
65 be corrected by filing an amended return for the erroneously reported period if
66 the amount of tax is less than that originally reported, or an additional return if
67 the amount of tax is greater than that originally reported. An additional return
68 shall be deemed filed on the date the envelope in which it is mailed is postmarked
69 or the date it is received by the director, whichever is earlier. Any payment of
70 tax, interest, penalty or additions to tax shall be deemed filed on the date the
71 envelope containing the payment is postmarked or the date the payment is
72 received by the director, whichever is earlier. If a refund or credit results from
73 the filing of an amended return, no refund or credit shall be allowed unless an
74 application for refund or credit is properly completed and submitted to the
75 director pursuant to section 144.190.

76 [5.] 7. The amount of gross receipts from sales and the amount of tax due
77 returned by the person, as well as all matters contained in the return, is subject
78 to review and revision in the manner herein provided for the correction of the
79 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
13 during which the bad debt is written off as uncollectable in the seller's

14 books 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
24 in 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
29 be measured from the due date of the return on which the bad debt
30 could 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
2 model 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
13 written privacy policy statement accessible by the public on the
14 certified service 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
20 of 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
25 been collected and retained is no longer required for the purposes set
26 forth in subdivision (4) of subsection 1 of this section, such information
27 shall 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
30 provide reasonable access by such individual to his or her own
31 information in the state's possession, as well as a right to correct any
32 inaccurately 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
7 certify to the governing board its acceptance of the classifications made
8 by the system. The state shall relieve a certified service provider
9 (CSP), model 2 seller, or any other seller relying on the certification
10 provided by the state, from liability to this state and its local
11 jurisdictions for failure to collect sales or use taxes resulting from the
12 CSP, model 2 seller, or other seller's reliance on the certification
13 provided by the state.

14 2. The streamlined sales and use tax governing board and this
15 state shall not be responsible for classification of an item or
16 transaction with the product-based exemptions. The relief from
17 liability provided in this section shall not be available for a CSP, model
18 2 seller, or other seller that has incorrectly classified an item or
19 transaction into a product-based exemption certified by this state. This
20 subsection shall not apply to the individual listing of items or
21 transactions within a product definition approved by the governing
22 board or the state.

23 3. If the state determines that an item or transaction is
24 incorrectly classified as to its taxability, it shall notify the CSP, model
25 2 seller, or other seller relying on the certification provided by the
26 state of the incorrect classification. The CSP, model 2 seller, or other
27 seller shall have ten days to revise the classification after receipt of
28 notice from the state of the determination. Upon expiration of the ten
29 days, such CSP, model 2 seller, or other seller shall be liable for failure
30 to collect the correct amount of sales or use taxes due and owing to the
31 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;
9 and

10 (c) At the time the order is received, the recordkeeping system
11 of the seller used to calculate the proper amount of sales or use tax to

12 be imposed captures the location where the order is received.

13 (3) When the sale is sourced under this section to the location
14 where the order is received by the seller, only the sales tax for the
15 location where the order is received by the seller may be levied. No
16 additional sales or use tax based on the location where the product is
17 delivered to the purchaser may be levied on that sale. The purchaser
18 shall not be entitled to any refund if the combined state and local rate
19 or rates at the location where the product is received by the purchaser
20 is lower than the rate where the order is received by the seller.

21 (4) A purchaser shall have no additional liability to the state for
22 tax, penalty, or interest on a sale for which the purchaser remits tax to
23 the seller in the amount invoiced by the seller if such invoice amount
24 is calculated at either the rate applicable to the location where receipt
25 by the purchaser occurs or at the rate applicable to the location where
26 the order is received by the seller. A purchaser may rely on a written
27 representation by the seller as to the location where the order for such
28 sale was received by the seller. When the purchaser does not have a
29 written representation by the seller as to the location where the order
30 for such sale was received by the seller, the purchaser may use a
31 location indicated by a business address for the seller that is available
32 from the business records of the purchaser that are maintained in the
33 ordinary course of the purchaser's business to determine the rate
34 applicable to the location where the order was received.

35 (5) The location where the order is received by or on behalf of
36 the seller means the physical location of a seller or third party such as
37 an established outlet, office location, or automated order receipt system
38 operated by or on behalf of the seller where an order is initially
39 received by or on behalf of the seller and not where the order may be
40 subsequently accepted, completed, or fulfilled. An order is received
41 when all of the information from the purchaser necessary to the
42 determination whether the order can be accepted has been received by
43 or on behalf of the seller. The location from which a product is shipped
44 shall not be used in determining the location where the order is
45 received by the seller.

46 (6) When taxable services are sold with tangible personal
47 property or digital products pursuant to a single contract or in the
48 same transaction, are billed on the same billing statement or

49 statements, and, because of the application of this section, would be
50 sourced to different jurisdictions, this subsection shall apply to
51 determine the source for tax.

52 2. Except as provided in section 144.112, when the location where
53 the order is received by the seller and the location where the receipt
54 of the product by the purchaser (or the purchaser's donee, designated
55 as such by the purchaser) occurs are in different states, the retail sale,
56 excluding lease or rental, of a product shall be sourced as follows:

57 (1) When the product is received by the purchaser at a business
58 location of the seller, the sale shall be sourced to such business
59 location;

60 (2) When the product is not received by the purchaser at a
61 business location of the seller, the sale shall be sourced to the location
62 where receipt by the purchaser (or the purchaser's donee, designated
63 as such by the purchaser) occurs, including the location indicated by
64 instructions for delivery to the purchaser or donee, known to the seller;

65 (3) When subdivisions (1) and (2) of this subsection do not apply,
66 the sale shall be sourced to the location indicated by an address for the
67 purchaser that is available from the business records of the seller that
68 are maintained in the ordinary course of the seller's business when use
69 of this address does not constitute bad faith;

70 (4) When subdivisions (1), (2), and (3) of this subsection do not
71 apply, the sale shall be sourced to the location indicated by an address
72 for the purchaser obtained during the consummation of the sale,
73 including the address of a purchaser's payment instrument, if no other
74 address is available, when use of this address does not constitute bad
75 faith;

76 (5) When none of the previous rules of subdivisions (1), (2), (3),
77 and (4) of this subsection apply, including the circumstances in which
78 the seller is without sufficient information to apply the previous rules,
79 then the location will be determined by the address from which
80 tangible personal property was shipped, from which the digital good or
81 computer software delivered electronically was first available for
82 transmission from the seller, or from which the service was provided
83 (disregarding for these purposes any location that merely provided the
84 digital transfer of the product sold).

85 3. Notwithstanding subsections 1 and 2 of this section, all sales

86 of motor vehicles, trailers, semi-trailers, watercraft, outboard motors,
87 and aircraft that do not qualify as transportation equipment shall be
88 sourced to the address of the owner thereof.

89 4. The lease or rental of tangible personal property, other than
90 property identified in subsection 2 or 3 of this section or transactions
91 regulated under sections 407.660 to 407.665, shall be sourced as follows:

92 (1) For a lease or rental that requires recurring periodic
93 payments, the first periodic payment is sourced the same as a retail
94 sale in accordance with the provisions of subsection 2 of this
95 section. Periodic payments made subsequent to the first payment are
96 sourced to the primary property location for each period covered by
97 the payment. The primary property location shall be as indicated by
98 an address for the property provided by the lessee that is available to
99 the lessor from its records maintained in the ordinary course of
100 business, when use of this address does not constitute bad faith. The
101 property location shall not be altered by intermittent use at different
102 locations, such as use of business property that accompanies employees
103 on business trips and service calls;

104 (2) For a lease or rental that does not require recurring periodic
105 payments, the payment is sourced the same as a retail sale in
106 accordance with the provisions of subsection 2 of this section;

107 (3) This subsection does not affect the imposition or computation
108 of sales or use tax on leases or rentals based on a lump sum or
109 accelerated basis, or on the acquisition of property for lease.

110 5. The lease or rental of motor vehicles, trailers, semi-trailers, or
111 aircraft that do not qualify as transportation equipment, as defined in
112 section 144.010, shall be sourced as follows:

113 (1) For a lease or rental that requires recurring periodic
114 payments, each periodic payment is sourced to the primary property
115 location. The primary property location shall be as indicated by an
116 address for the property provided by the lessee that is available to the
117 lessor from its records maintained in the ordinary course of business,
118 when use of such address does not constitute bad faith. Such location
119 shall not be altered by intermittent use at different locations;

120 (2) For a lease or rental that does not require recurring periodic
121 payments, the payment is sourced the same as a retail sale in
122 accordance with the provisions of subsection 2 of this section;

123 **(3) This subsection does not affect the imposition or computation**
124 **of sales or use tax on leases or rentals based on a lump sum or**
125 **accelerated basis, or on the acquisition of property for lease.**

126 **6. The retail sale, including lease or rental, of transportation**
127 **equipment shall be sourced the same as a retail sale in accordance with**
128 **the provisions of subsection 2 of this section, notwithstanding the**
129 **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**
5 **section 144.111 shall only apply to determine a seller's obligation to pay**
6 **or collect and remit sales or use tax with respect to the seller's retail**
7 **sale 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**
9 **product 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**
5 **(or other written statement approved, authorized, or accepted by the**
6 **state); or**

7 **(c) Information showing the jurisdictions to which the**
8 **advertising 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**
16 **to be delivered to the recipients and shall report and pay any**

17 applicable tax due.

18 (3) If the purchaser provides the seller information showing the
19 jurisdictions to which the advertising and promotional direct mail is
20 to be delivered to recipients, the seller shall source the sale to the
21 jurisdictions to which the advertising and promotional direct mail is
22 to 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
32 on 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
42 (or other written statement approved, authorized, or accepted by the
43 state).

44 (3) If the purchaser provides the permit, certificate, or statement
45 referred to in paragraph (a) or (b) of subdivision (2) of this subsection,
46 the seller, in the absence of bad faith, is relieved of all obligations to
47 collect, pay, or remit any tax on any transaction involving other direct
48 mail to which the permit, certificate, or statement
49 apply. Notwithstanding subdivision (1) of this subsection, the sale shall
50 be sourced to the jurisdictions to which the other direct mail is to be
51 delivered to the recipients and the purchaser shall report and pay
52 applicable tax due.

53 (4) Notwithstanding section 144.111, this subsection shall apply

54 to sales of other direct mail.

55 **3. (1) (a) This section applies to a transaction characterized**
56 **under state law as the sale of services only if the service is an integral**
57 **part of the production and distribution of printed material that meets**
58 **the definition of direct mail.**

59 **(b) This section does not apply to any transaction that includes**
60 **the development of billing information or the provision of any data**
61 **processing service that is more than incidental regardless of whether**
62 **advertising and promotional direct mail is included in the same**
63 **mailing.**

64 **(2) If a transaction is a bundled transaction that includes**
65 **advertising and promotion direct mail, this section applies only if the**
66 **primary purpose of the transaction is the sale of products or services**
67 **that meet the definition of advertising and promotional direct mail.**

68 **(3) Nothing in this section shall limit any purchaser's:**

69 **(a) Obligation for sales or use tax to any state to which the direct**
70 **mail is delivered;**

71 **(b) Right under local, state, federal, or constitutional law, to a**
72 **credit for sales or use taxes legally due and paid to other jurisdictions;**
73 **or**

74 **(c) Right to a refund of sales or use taxes overpaid to any**
75 **jurisdiction.**

76 **(4) This section applies for purposes of uniformly sourcing direct**
77 **mail transactions and does not impose requirements on states**
78 **regarding the taxation of products that meet the definition of direct**
79 **mail or to the application of sales for resale or other exemptions.**

2 [144.043.] 144.114. 1. [As used in this section, the following terms mean:

3 (1) "Light aircraft", a light airplane that seats no more than four persons,
4 with a gross weight of three thousand pounds or less, which is primarily used for
5 recreational flying or flight training;

6 (2) "Light aircraft kit", factory manufactured parts and components,
7 including engine, propeller, instruments, wheels, brakes, and air frame parts
8 which make up a complete aircraft kit or partial kit designed to be assembled into
9 a light aircraft and then operated by a qualified purchaser for recreational and
10 educational purposes;

11 (3) "Parts and components", manufactured light aircraft parts, including
12 air frame and engine parts, that are required by the qualified purchaser to

13 complete a light aircraft kit, or spare or replacement parts for an already
14 completed light aircraft;

15 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit,
16 parts or components who is nonresident of this state, who will transport the light
17 aircraft, light aircraft kit, parts or components outside this state within ten days
18 after the date of purchase, and who will register any light aircraft so purchased
19 in another state or country. Such purchaser shall not base such aircraft in this
20 state and such purchaser shall not be a resident of the state unless such
21 purchaser has paid sales or use tax on such aircraft in another state.

22 2. In addition to the exemptions granted under the provisions of section
23 144.030, there shall also be specifically exempted from the provisions of sections
24 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the
25 provisions of any local sales tax law, as defined in section 32.085, and from the
26 computation of the tax levied, assessed or payable under sections 144.010 to
27 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales
28 tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft
29 kits, parts or components manufactured or substantially completed within this
30 state, when such new light aircraft, light aircraft kits, parts or components are
31 sold by the manufacturer to a qualified purchaser. The director of revenue shall
32 prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts
33 or components to establish that such person is a qualified purchaser and is
34 eligible for the exemption established in this section] **Except for the defined**
35 **telecommunication services in subsection 3 of this section, the sale of**
36 **telecommunication service sold on a call-by-call basis shall be sourced**
37 **to:**

38 (1) **Each level of taxing jurisdiction where the call originates and**
39 **terminates in that jurisdiction; or**

40 (2) **Each level of taxing jurisdiction where the call either**
41 **originates or terminates and in which the service address is also**
42 **located.**

43 2. **Except for the defined telecommunication services in**
44 **subsection 3 of this section, a sale of telecommunications services sold**
45 **on a basis other than a call-by-call basis, is sourced to the customer's**
46 **place of primary use.**

47 3. **The sale of the following telecommunication services shall be**
48 **sourced to each level of taxing jurisdiction as follows:**

49 **(1) A sale of mobile telecommunications services other than air-**
50 **to-ground radiotelephone service and prepaid calling service, is**
51 **sourced to the customer's place of primary use as required by the**
52 **Mobile Telecommunications Sourcing Act;**

53 **(2) A sale of post-paid calling service is sourced to the**
54 **origination point of the telecommunications signal as first identified by**
55 **either:**

56 **(a) The seller's telecommunications system; or**

57 **(b) Information received by the seller from its service provider,**
58 **where the system used to transport such signals is not that of the seller;**

59 **(3) A sale of prepaid calling service or a sale of a prepaid**
60 **wireless calling service is sourced in accordance with section 144.111,**
61 **provided however, in the case of a sale of prepaid wireless calling**
62 **service, the rule provided in subdivision (5) of subsection 2 of section**
63 **144.111 shall include as an option the location associated with the**
64 **mobile telephone number;**

65 **(4) A sale of a private communication service is sourced as**
66 **follows:**

67 **(a) Service for a separate charge related to a customer channel**
68 **termination point is sourced to each level of jurisdiction in which such**
69 **customer channel termination point is located;**

70 **(b) Service where all customer termination points are located**
71 **entirely within one jurisdiction or levels of jurisdiction is sourced in**
72 **such jurisdiction in which the customer channel termination points are**
73 **located;**

74 **(c) Service for segments of a channel between two customer**
75 **channel termination points located in different jurisdictions and which**
76 **segment of channel are separately charged is sourced fifty percent in**
77 **each level of jurisdiction in which the customer channel termination**
78 **points are located; and**

79 **(d) Service for segments of a channel located in more than one**
80 **jurisdiction or levels of jurisdiction and which segments are not**
81 **separately billed is sourced in each jurisdiction based on the**
82 **percentage determined by dividing the number of customer channel**
83 **termination points in such jurisdiction by the total number of customer**
84 **channel termination points.**

85 **4. The sale of internet access service is sourced to the customer's**

86 **place of primary use.**

87 **5. The sale of an ancillary service is sourced to the customer's**
88 **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**
12 **assigns 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**
14 **area shall apply if the area includes more than one tax rate in any level**
15 **of taxing jurisdiction. If a nine-digit zip code designation is not**
16 **available for a street address, or if a seller or a certified service**
17 **provider (CSP) is unable to determine the nine-digit zip code**
18 **designation applicable to a purchase after exercising due diligence to**
19 **determine the designation, the seller or CSP may apply the rate for the**
20 **five-digit zip code area. For purposes of this section, there shall be a**
21 **rebuttable presumption that a seller or CSP has exercised due diligence**
22 **if the seller has attempted to determine the nine-digit zip code**
23 **designation by utilizing software approved by the governing board that**
24 **makes this designation from the street address and the five-digit zip**
25 **code applicable to a purchase.**

26 **4. The director may provide address-based boundary database**
27 **records for assigning taxing jurisdictions and associated rates which**
28 **shall be in addition to the requirements of subsection 3 of this**
29 **section. The database records shall be in the same approved format as**
30 **the database records required under subsection 3 of this section and**
31 **shall meet the requirements developed pursuant to the federal Mobile**
32 **Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the**
33 **director develops address-based assignment database records pursuant**
34 **to the agreement, sellers that register under the agreement shall be**

35 required to use such database. A seller or CSP shall use such database
36 records in place of the five- and nine-digit zip code database records
37 provided for in subsection 3 of this section. If a seller or CSP is unable
38 to determine the applicable rate and jurisdiction using an address-
39 based database record after exercising due diligence, the seller or CSP
40 may apply the nine-digit zip code designation applicable to a purchase.
41 If a nine-digit zip code designation is not available for a street address
42 or if a seller or CSP is unable to determine the nine-digit zip code
43 designation applicable to a purchase after exercising due diligence to
44 determine the designation, the seller or CSP may apply the rate for the
45 five-digit zip code area. For the purposes of this section, there shall be
46 a rebuttable presumption that a seller or CSP has exercised due
47 diligence if the seller or CSP has attempted to determine the tax rate
48 and jurisdiction by utilizing software approved by the director and
49 makes the assignment from the address and zip code information
50 applicable to the purchase. If the director has met the requirements of
51 subsection 3 of this section, the director may also elect to certify
52 vendor provided address-based databases for assigning tax rates and
53 jurisdictions. The databases shall be in the same approved format as
54 the database records under this section and meet the requirements
55 developed pursuant to the federal Mobile Telecommunications Sourcing
56 Act, 4 U.S.C. Section 119(a). If the director certifies a vendor address-
57 based database, a seller or CSP may use such database in place of the
58 database provided for in this subsection.

59 5. The electronic databases provided for in subsections 1, 2, 3,
60 and 4 of this section shall be in downloadable format as determined by
61 the director. The databases may be directly provided by the director
62 or provided by a vendor as designated by the director. A database
63 provided by a vendor as designated by the director shall be applicable
64 and subject to the provisions of section 144.1031 and this section. The
65 databases shall be provided at no cost to the user of the database. The
66 provisions of subsections 3 and 4 of this section shall not apply when
67 the purchased product is received by the purchaser at the business
68 location of the seller.

69 6. No seller or CSP shall be liable for reliance upon erroneous
70 data provided by the director on tax rates, boundaries, or taxing
71 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
2 unpaid sales or use tax to a seller who registers to pay or to collect and
3 remit applicable sales or use tax on sales made to purchasers in this
4 state in accordance with the terms of the agreement, provided that the
5 seller was not so registered in this state in the twelve-month period
6 preceding the effective date of this state's participation in the
7 agreement.

8 (2) Amnesty shall preclude assessment for uncollected or unpaid
9 sales or use tax together with penalty or interest for sales made during
10 the period the seller was not registered in this state, provided
11 registration occurs within twelve months of the effective date of this
12 state's participation in the agreement.

13 (3) Amnesty shall be provided if this state joins the agreement
14 after the seller has registered.

15 2. Amnesty shall not be available to a seller with respect to any
16 matter or matters for which the seller received notice of the
17 commencement of an audit and which audit is not yet finally resolved
18 including any related administrative and judicial processes. The
19 amnesty shall not be available for sales or use taxes already paid or
20 remitted to this state or to taxes collected by the seller.

21 3. Amnesty provided under this section shall be fully effective,
22 absent the seller's fraud or intentional misrepresentation of a material
23 fact, as long as the seller continues registration and payment or
24 collection and remittance of applicable sales or use taxes for a period
25 of at least thirty-six months. The statute of limitations applicable to
26 asserting a tax liability during this thirty-six month period shall be
27 tolled.

28 **4. Amnesty provided under this section shall be applicable only**
29 **to sales or use taxes due from a seller in its capacity as a seller and not**
30 **to sales or use taxes due from a seller in its capacity as a purchaser.**

31 **5. The provisions of this section shall become effective as of the**
32 **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**
8 **to each of the following:**

9 **(1) A CSP, in accordance with the agreement and under the**
10 **terms of the contract signed with the provider, provided that such**
11 **allowance 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**
18 **streamlined sales and use tax agreement.**

19 **3. The monetary allowance provided for vendors in subdivision**
20 **(2) or (3) of subsection 2 of this section shall be determined in**
21 **accordance with the agreement entered into with these parties by the**
22 **governing 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
69 of this subsection shall apply to all refund claims filed after August 28,
70 2012. The provisions of this subsection allowing a purchaser to appeal the
71 director's decision to deny a refund claim shall also apply to any refund claim
72 denied by the director on or after January 1, 2007, if an appeal of the denial of
73 the refund claim is filed by the purchaser no later than September 28, 2012, and
74 if such claim is based solely on the issue of the exemption of the electronic
75 transmission or delivery of 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
103 provider shall correct the error and, at its election, either refund or credit the
104 amount of tax erroneously collected to the customer for a period of up to three
105 years from the last day of the home service provider's sixty-day review period. If
106 the home service provider determines that the review shows that the amount of
107 tax, the assignment of place of primary use or the taxing jurisdiction is correct,
108 the home service provider shall provide a written explanation of its determination
109 to the 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**
145 **the information necessary to determine the validity of the request. A**
146 **seller 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**
148 **by 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
5 the 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**
18 **department 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**
22 **information available to the third-party vendor evidencing**
23 **qualification for a resale exemption, regardless of whether the**
24 **customer is registered to collect and remit sales and use tax in the state**
25 **where the sale is sourced.**

26 **2. Sellers that comply with the requirements of this section shall**
27 **be relieved from collecting and remitting tax otherwise applicable if it**
28 **is determined that the purchaser improperly claimed an exemption and**
29 **such purchaser shall be liable for the nonpayment of tax. Relief from**
30 **liability provided under this section shall not apply to a seller who**
31 **fraudulently fails to collect tax; to a seller who solicits purchasers to**
32 **participate in the unlawful claim of an exemption; to a seller who**
33 **accepts an exemption certificate when the purchaser claims an entity-**
34 **based exemption when the subject of the transaction sought to be**
35 **covered by the exemption certificate is actually received by the**
36 **purchaser at a location operated by the seller and the state in which**
37 **that location resides provides an exemption certificate that clearly and**
38 **affirmatively indicates that the claimed exemption is not available in**
39 **such state; or to a seller who accepts an exemption certificate claiming**
40 **multiple points of use for tangible personal property other than**
41 **computer software for which an exemption claiming multiple points of**
42 **use.**

43 **(1) A seller shall be relieved from collecting and remitting tax**
44 **otherwise applicable if the seller obtains a fully completed exemption**
45 **certificate or captures the relevant data elements required under the**
46 **agreement within ninety days subsequent to the date of sale.**

47 **(2) If a seller fails to obtain an exemption certificate or all**
48 **relevant data elements as provided in this section, the seller may,**
49 **within one hundred twenty days subsequent to a request for**
50 **substantiation by the director of the department of revenue or the**
51 **director's designee, either prove that the transaction was not subject**
52 **to tax by other means or obtain a fully completed exemption certificate**

53 **from the purchaser, taken in good faith.**

54 **3. Nothing in this section shall affect the ability of the director**
55 **of the department of revenue or the director's designee to require**
56 **purchasers to update exemption certificate information or to reapply**
57 **with the state to claim certain exemptions.**

58 **4. Notwithstanding the provisions of subsection 2 of this section**
59 **to the contrary, the director shall relieve a seller of the tax otherwise**
60 **applicable if the seller obtains a blanket exemption certificate for a**
61 **purchaser with which the seller has a recurring business**
62 **relationship. The director shall not request from the seller renewal of**
63 **blanket certificates or updates of exemption certificate information or**
64 **data elements when there is a recurring business relationship between**
65 **the buyer and seller. For purposes of this section, a recurring business**
66 **relationship exists when a period of no more than twelve months**
67 **elapses 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**
12 **taxes** all retail sales of any [energy star certified] new appliance[,] **that is an**
13 **energy star qualified product with a sales price of** up to one thousand five
14 hundred dollars per appliance[,] during a seven-day period beginning at 12:01
15 a.m. on April nineteenth and ending at midnight on April twenty-fifth. **Where**
16 **a 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**
36 **exemption 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**
41 **determine whether the sales price falls below the price threshold**
42 **provided in subsection 1 of this section. A coupon that reduces the**
43 **sales price shall be treated as a discount only if the seller is not**
44 **reimbursed for the 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
61 during an exemption period, but later exchanges the item for a similar
62 eligible item after the exemption period, no additional tax shall be due
63 on the 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
70 an exemption period, but during the exemption period returns the item
71 and receives credit on the purchase of a different item of eligible
72 property, no sales tax shall be due on the sale of the new item if the
73 new item is 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
89 date" stamp on a mail order or the assignment of an "order number" to
90 a telephone order. An order shall be considered for immediate

91 shipment when the purchaser does not request delayed shipment. An
92 order shall be considered for immediate shipment notwithstanding a
93 shipment that may be delayed because of a backlog of orders or
94 because an item is 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
31 provisions 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**
40 **or 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**
43 **use, 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**
47 **titled under the laws of the state and subject to tax under subdivision**
48 **(9) of 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**
55 **made through the marketplace facilitator's marketplace by or on behalf**
56 **of a 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**
59 **also 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**
62 **than 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**
67 **showing the purchaser, address, purchase amount, and sales tax**
68 **collected. Such records shall be made available for review and**
69 **inspection upon request 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
72 the provisions of this section by or on behalf of marketplace sellers
73 shall be 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
79 manner provided for in section 144.190 for taxes collected and remitted
80 under 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
4 Use 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
3 is 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
20 services 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**
23 **by the vendor at an office, distribution facility, warehouse, storage**
24 **place, or similar place of business maintained by the person in the**
25 **state; or**

26 **(e) Conducts any other activities in the state that are**
27 **significantly associated with the vendor's ability to establish and**
28 **maintain a market in the state for the sales;**

29 **(4) The presumption in subdivision (3) of this section may be**
30 **rebutted by demonstrating that the person's activities in the state are**
31 **not significantly associated with the vendor's ability to establish or**
32 **maintain a market in this state for the vendor's sales;**

33 **(5) Notwithstanding subdivision (3) of this section, a vendor shall**
34 **be presumed to engage in business activities within this state if the**
35 **vendor enters into an agreement with one or more residents of this**
36 **state under which the resident, for a commission or other**
37 **consideration, directly or indirectly refers potential customers,**
38 **whether by a link on an internet website, an in-person oral**
39 **presentation, telemarketing, or otherwise, to the vendor, if the**
40 **cumulative gross receipts from sales by the vendor to customers in the**
41 **state who are referred to the vendor by all residents with this type of**
42 **an agreement with the vendor is in excess of ten thousand dollars**
43 **during the preceding twelve months;**

44 **(6) The presumption in subdivision (5) of this section may be**
45 **rebutted by submitting proof that the residents with whom the vendor**
46 **has an agreement did not engage in any activity within the state that**
47 **was significantly associated with the vendor's ability to establish or**
48 **maintain the vendor's market in the state during the preceding twelve**
49 **months. Such proof may consist of sworn written statements from all**
50 **of the residents with whom the vendor has an agreement stating that**
51 **they did not engage in any solicitation in the state on behalf of the**
52 **vendor during the preceding year provided that such statements were**
53 **provided 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-**
62 **first 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**
6 **tax 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
56 may order retention in the trust fund, for a period of one year, of two percent of
57 the 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
3 such repeal or amendment is submitted to and approved by the voters of the
4 county or municipality in the manner provided in section 144.757; provided,
5 however, that the repeal of the local sales tax within the county or municipality
6 shall be deemed to repeal the local use tax imposed pursuant to sections 144.757
7 to 144.761.

8 2. Whenever the governing body of any county or municipality in which
9 a local use tax has been imposed in the manner provided by sections 144.757 to

10 144.761 receives a petition, signed by fifteen percent of the registered voters of
11 such county or municipality voting in the last gubernatorial election, calling for
12 an election to repeal such local use tax, the governing body shall submit to the
13 voters of such county or municipality a proposal to repeal the county or
14 municipality use tax imposed pursuant to sections 144.757 to 144.761. If a
15 majority of the votes cast on the proposal by the registered voters voting thereon
16 are in favor of the proposal to repeal the local use tax, then the ordinance or
17 order imposing the local use tax, along with any amendments thereto, is repealed.
18 If a majority of the votes cast by the registered voters voting thereon are opposed
19 to the proposal to repeal the local use tax, then the ordinance or order imposing
20 the local use tax, along with any amendments thereto, shall remain in
21 effect. **Subsection 19 of section 32.087 shall apply to such repeal of the**
22 **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
32 solely for such designated purpose. All funds remaining in the special trust fund
33 shall continue to be used solely for such designated museum or cultural
34 purpose. Any funds in such special trust fund which are not needed for current
35 expenditures may be invested by the board of directors in accordance with
36 applicable laws relating to the investment of other museum or cultural district
37 funds.

38 6. The sales tax may be imposed at a rate of one-half of one percent,
39 three-fourths of one percent or one percent on the receipts from the sale at retail
40 of all tangible personal property or taxable services at retail within the museum
41 and cultural district adopting such tax, if such property and services are subject
42 to taxation by the state of Missouri [pursuant to the provisions of sections
43 144.010 to 144.525] **under chapter 144**. Any museum and cultural district
44 sales tax imposed pursuant to this section shall be imposed at a rate that shall
45 be uniform throughout the district.

46 7. On and after the effective date of any tax imposed pursuant to this
47 section, the [museum and cultural district] **director of revenue** shall perform
48 all functions incident to the administration, collection, enforcement, and operation
49 of the tax. The tax imposed pursuant to this section shall be collected and
50 reported upon such forms and under such administrative rules and regulations
51 as may be prescribed by the [museum and cultural district] **director of**
52 **revenue**.

53 8. All applicable provisions contained in [sections 144.010 to 144.525]
54 **chapter 144** governing the state sales tax, sections 32.085 [and] to 32.087, and
55 section 32.057, the uniform confidentiality provision, shall apply to the collection
56 of the tax imposed by this section, except as modified in this section. All revenue
57 collected under this section by the director of the department of revenue on behalf
58 of the museum and cultural districts[, except for one percent for the cost of
59 collection which shall be deposited in the state's general revenue fund,] shall be

60 deposited in a special trust fund, which is hereby created and shall be known as
61 the "Missouri Museum Cultural District Tax Fund", and shall be used solely for
62 such designated purpose. [Moneys in the fund shall not be deemed to be state
63 funds, and shall not be commingled with any funds of the state.] The director
64 may make refunds from the amounts in the fund and credited to the district for
65 erroneous payments and overpayments made, and may redeem dishonored checks
66 and drafts deposited to the credit of such county.

67 9. All exemptions granted to agencies of government, organizations,
68 persons and to the sale of certain articles and items of tangible personal property
69 and taxable services [pursuant to the provisions of sections 144.010 to 144.525]
70 **under chapter 144** are hereby made applicable to the imposition and collection
71 of the tax imposed by this section.

72 10. The same sales tax permit, exemption certificate and retail certificate
73 required by [sections 144.010 to 144.525] **chapter 144** for the administration and
74 collection of the state sales tax shall satisfy the requirements of this section, and
75 no additional permit or exemption certificate or retail certificate shall be
76 required; except that the museum and cultural district may prescribe a form of
77 exemption certificate for an exemption from the tax imposed by this section.

78 11. The penalties provided in section 32.057 and [sections 144.010 to
79 144.525] **chapter 144** for violation of those sections are hereby made applicable
80 to violations of this section.

81 12. [For the purpose of a sales tax imposed by a resolution pursuant to
82 this section, all retail sales except retail sales of motor vehicles shall be deemed
83 to be consummated at the place of business of the retailer unless the tangible
84 personal property sold is delivered by the retailer or the retailer's agent to an
85 out-of-state destination or to a common carrier for delivery to an out-of-state
86 destination. In the event a retailer has more than one place of business in this
87 state which participates in the sale, the sale shall be deemed to be consummated
88 at the place of business of the retailer where the initial order for the tangible
89 personal property is taken, even though the order shall be forwarded elsewhere
90 for acceptance, approval of credit, shipment or billing. A sale by a retailer's
91 employee shall be deemed to be consummated at the place of business from which
92 the employee works.

93 13.] All sales taxes collected by the museum and cultural district shall be
94 deposited by the museum and cultural district in a special fund to be expended
95 for the purposes authorized in this section. The museum and cultural district

96 shall keep accurate records of the amount of money which was collected pursuant
 97 to this section, and the records shall be open to the inspection by the officers and
 98 directors of each museum and cultural district and the Missouri department of
 99 revenue. Tax returns filed by businesses within the district shall otherwise be
 100 considered as confidential in the same manner as sales tax returns filed with the
 101 Missouri department of revenue.

102 [14.] **13.** No museum and cultural district imposing a sales tax pursuant
 103 to this section may repeal or amend such sales tax unless such repeal or
 104 amendment will not impair the district's ability to repay any liabilities which it
 105 has incurred, money which it has borrowed or revenue bonds, notes or other
 106 obligations which it has issued or which have been issued to finance any project
 107 or projects.

108 **14. Except as modified in this section, all provisions of sections**
 109 **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
 15 a 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
27 required majority, the commission shall have no power to impose the sales tax
28 authorized pursuant to this section unless and until the commission shall again
29 have submitted another proposal to authorize the commission to impose the sales
30 tax authorized by this section and such proposal is approved by the required
31 majority of the qualified voters of the district voting on such proposal; however,
32 in no event shall a proposal pursuant to this section be submitted to the voters
33 sooner than twelve months from the date of the last submission of a proposal
34 pursuant to this 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
62 any 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**
70 **19 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,
75 the director of revenue shall remit the balance in the account to the district and
76 close the account of that district. The director of revenue shall notify each
77 district in each instance of any amount refunded or any check redeemed from
78 receipts due 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
2 resolution impose a transportation development district sales tax on all retail
3 sales made in such transportation development district which are subject to
4 taxation [pursuant to the provisions of sections 144.010 to 144.525] **under**
5 **chapter 144**, except such transportation development district sales tax shall not
6 apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor
7 to all sales of electricity or electrical current, water and gas, natural or artificial,
8 nor to sales of service to telephone subscribers, either local or long distance],
9 **electricity piped natural or artificial gas, or other fuels delivered by**
10 **the seller.** Such transportation development district sales tax may be imposed
11 for any 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
47 the 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
115 additional permit or exemption certificate or retail certificate shall be required;
116 except that the transportation development district may prescribe a form of
117 exemption 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
124 of 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
135 employee shall be deemed to be consummated at the place of business from which
136 the 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
159 tax imposed pursuant to the provisions of this section. If a majority of the votes
160 cast on the proposal by the qualified voters voting thereon are in favor of the
161 proposal to repeal the transportation development sales tax, then the resolution
162 imposing the transportation development sales tax, along with any amendments
163 thereto, is repealed **as provided by subsection 19 of section 32.087**. If a
164 majority of the votes cast by the qualified voters voting thereon are opposed to
165 the proposal to repeal the transportation development sales tax, then the
166 ordinance or resolution imposing the transportation development sales tax, along
167 with any 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**
175 **provisions of this section, the director of revenue shall perform all**
176 **functions incident to the administration, collection, enforcement, and**
177 **operation of the tax, and collect, in addition to the sales tax for the**
178 **state of Missouri, the additional tax authorized under the authority of**
179 **this section. The tax imposed under this section and the tax imposed**
180 **under the sales tax law of the state of Missouri shall be collected**
181 **together and reported upon such forms and under such administrative**
182 **rules and 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
26 sales tax authorized by this section unless and until another proposal to
27 authorize the transit authority to impose the sales tax authorized by this section
28 has been submitted and such proposal is approved by a majority of the qualified
29 voters 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
56 the rules and regulations of the director of revenue issued pursuant thereto;
57 except that the rate of the tax shall be the rate approved pursuant to this
58 section. The amount reported and returned to the director of revenue by the
59 seller shall be computed on the basis of the combined rate of the tax imposed by
60 [sections 144.010 to 144.525] **chapter 144** and the tax imposed by this section,
61 plus any 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
105 employee shall be deemed to be consummated at the place of business from which
106 he works.

107 9.] All sales taxes collected by the director of revenue under this section
108 on behalf of any transit authority[, less one percent for cost of collection which
109 shall be deposited in the state's general revenue fund after payment of premiums
110 for surety bonds as provided in this section,] shall be deposited in the state
111 treasury in a special trust fund, which is hereby created, to be known as the
112 "County Transit Authority Sales Tax Trust Fund". [The moneys in the county
113 transit authority sales tax trust fund shall not be deemed to be state funds and
114 shall not be commingled with any funds of the state.] The director of revenue
115 shall keep accurate records of the amount of money in the trust fund which was
116 collected in each transit authority imposing a sales tax under this section, and
117 the records shall be open to the inspection of officers of the county and the

118 public. Not later than the tenth day of each month the director of revenue shall
119 distribute all moneys deposited in the trust fund during the preceding month to
120 the transit authority which levied the tax.

121 [10.] 9. The director of revenue may authorize the state treasurer to
122 make refunds from the amounts in the trust fund and credited to any transit
123 authority for erroneous payments and overpayments made, and may authorize the
124 state treasurer to redeem dishonored checks and drafts deposited to the credit of
125 such transit authorities. If any transit authority abolishes the tax, the transit
126 authority shall notify the director of revenue of the action [at least ninety days]
127 prior to the effective date of the repeal and the **repeal shall be effective as**
128 **provided in subsection 19 of section 32.087.** The director of revenue may
129 order retention in the trust fund, for a period of one year, of two percent of the
130 amount collected after receipt of such notice to cover possible refunds or
131 overpayment of the tax and to redeem dishonored checks and drafts deposited to
132 the credit of such accounts. After one year has elapsed after the effective date of
133 abolition of the tax in such transit authority, the director of revenue shall
134 authorize the state treasurer to remit the balance in the account to the transit
135 authority and close the account of that transit authority. The director of revenue
136 shall notify each transit authority of each instance of any amount refunded or any
137 check redeemed from receipts due the transit authority. The director of revenue
138 shall annually report on his management of the trust fund and administration of
139 the sales taxes authorized by this section. He shall provide each transit authority
140 imposing the tax authorized by this section with a detailed accounting of the
141 source of all funds received by him for the transit authority.

142 [11.] 10. The director of revenue and any of his deputies, assistants and
143 employees who shall have any duties or responsibilities in connection with the
144 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
145 or recording of funds which come into the hands of the director of revenue under
146 the provisions of this section shall enter a surety bond or bonds payable to any
147 and all transit authorities in whose behalf such funds have been collected under
148 this section in the amount of one hundred thousand dollars; but the director of
149 revenue may enter into a blanket bond or bonds covering himself and all such
150 deputies, assistants and employees. The cost of the premium or premiums for the
151 surety bond or bonds shall be paid by the director of revenue from the share of
152 the collection retained by the director of revenue for the benefit of the state.

153 [12.] 11. Sales taxes imposed pursuant to this section and use taxes on

154 the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall
155 not be collected and remitted by the seller, but shall be collected by the director
156 of revenue at the time application is made for a certificate of title, if the address
157 of the applicant is within a county where a sales tax is imposed under this
158 section. The amounts so collected, less the one percent collection cost, shall be
159 deposited in the county transit authority sales tax trust fund. The purchase or
160 sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be
161 consummated at the address of the applicant. As used in this subsection, the
162 term "boat" shall only include motorboats and vessels as the terms "motorboat"
163 and "vessel" are defined in section 306.010.

164 [13.] **12.** In any county where the transit authority sales tax has been
165 imposed, if any person is delinquent in the payment of the amount required to be
166 paid by him under this section or in the event a determination has been made
167 against him for taxes and penalty under this section, the limitation for bringing
168 suit for the collection of the delinquent tax and penalty shall be the same as that
169 provided in [sections 144.010 to 144.525] **chapter 144**. Where the director of
170 revenue has determined that suit must be filed against any person for the
171 collection of delinquent taxes due the state under the state sales tax law, and
172 where such person is also delinquent in payment of taxes under this section, the
173 director of revenue shall notify the transit authority to which delinquent taxes
174 are due under this section by United States registered mail or certified mail at
175 least ten days before turning the case over to the attorney general. The transit
176 authority, acting through its attorney, may join in such suit as a party plaintiff
177 to seek a judgment for the delinquent taxes and penalty due such transit
178 authority. In the event any person fails or refuses to pay the amount of any sales
179 tax due under this section, the director of revenue shall promptly notify the
180 transit authority to which the tax would be due so that appropriate action may
181 be taken by the transit authority.

182 [14.] **13.** Where property is seized by the director of revenue under the
183 provisions of any law authorizing seizure of the property of a taxpayer who is
184 delinquent in payment of the tax imposed by the state sales tax law, and where
185 such taxpayer is also delinquent in payment of any tax imposed by this section,
186 the director of revenue shall permit the transit authority to join in any sale of
187 property to pay the delinquent taxes and penalties due the state and to the
188 transit authority under this section. The proceeds from such sale shall first be
189 applied to all sums due the state, and the remainder, if any, shall be applied to

190 all sums due such transit authority under this section.

191 [15. The transit authority created under the provisions of sections 238.400
192 to 238.412 shall notify any and all affected businesses of the change in tax rate
193 caused by the imposition of the tax authorized by sections 238.400 to 238.412.

194 16.] 14. In the event that any transit authority in any county with a
195 charter form of government and with more than two hundred fifty thousand but
196 fewer than three hundred fifty thousand inhabitants submits a proposal in any
197 election to increase the sales tax under this section, and such proposal is
198 approved by the voters, the county shall be reimbursed for the costs of submitting
199 such proposal from the funds derived from the tax levied under this section.

200 **15. Except as provided in sections 238.400 to 238.412, all**
201 **provisions of sections 32.085 to 32.087 shall apply to the tax imposed**
202 **under sections 238.410 to 238.412.**

644.032. 1. The governing body of any municipality or county may
2 impose, by ordinance or order, a sales tax in an amount not to exceed one-half of
3 one percent on all retail sales made in such municipality or county which are
4 subject 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
27 cast 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
45 applicable 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.**

[66.601. The duties of the director of revenue with respect
2 to the allocation, division and distribution of sales and use tax
3 proceeds determined to be due any county of the first classification
4 having a charter form of government and having a population of
5 nine hundred thousand or more inhabitants and all municipalities
6 within such county, resulting from taxes levied or imposed under
7 the authority of sections 66.600 to 66.630, section 144.748, and
8 sections 94.850 to 94.857, may be delegated to the county levying
9 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
17 provided by the director of revenue under the provisions of this
18 section solely for the purpose of allocating, dividing and
19 distributing such sales and use tax revenues. The county shall
20 exercise all of the director's powers and duties with respect to such
21 allocation, division and distribution, and shall receive no fee for
22 carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby
2 specifically exempted from the tax imposed pursuant to section
3 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized
2 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.]

[144.069. All sales taxes associated with the titling of motor
2 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.]

[144.517. In addition to the exemptions granted pursuant
2 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
68 whether organized for profit or not, state, county, political
69 subdivision, state department, commission, board, bureau or
70 agency, except the state transportation department, estate, trust,
71 business trust, receiver or trustee appointed by the state or federal
72 court, syndicate, or any other group or combination acting as a
73 unit, and the plural as well 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
12 least 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:

5 (1) Requires adoption of a definition of any term that would
6 cause any item or transaction that is now excluded or exempted
7 from sales or use tax to become subject to sales or use tax;

8 (2) Requires the state of Missouri to fully exempt or fully
9 apply sales taxes to the sale of food or any other item;

10 (3) Restricts the ability of local governments under statutes
11 in effect on August 28, 2002, to enact one or more local taxes on
12 one or more items without application of the tax to all sales within
13 the taxing jurisdiction, however, restriction of any such taxes
14 allowed by statutes effective after August 28, 2002, may be
15 supported;

16 (4) Provides for adoption of any uniform rate structure that
17 would result in a tax increase for any Missouri taxpayer;

18 (5) Affects the sourcing of sales tax transactions; or

19 (6) Prohibits limitations or thresholds on the application of
20 sales and use tax rates or prohibits any current sales or use tax
21 exemption in the state of Missouri, including exemptions that are
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
4 when deciding whether or not to enter into any streamlined sales
5 and use tax agreement:

6 (1) The agreement should address the limitation of the
7 number of state rates over time;

8 (2) The agreement should establish uniform standards for
9 administration of exempt sales and the form used for filing sales
10 and use tax returns and remittances;

(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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