

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 18
98TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, January 29, 2015, with recommendation that the Senate Committee Substitute do pass.

0147S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 144.021, RSMo, and to enact in lieu thereof one new section relating to notice of sales tax modifications.

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

Section A. Section 144.021, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 144.021, to read as follows:

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**
17 **determined to be taxable under sections 144.010 to 144.510 is modified**
18 **by 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**
23 **are taxable, and a reasonable person would not have expected the**
24 **decision or order based solely on prior law or regulation, all affected**
25 **sellers shall be notified by the department of revenue before such**
26 **modification shall take effect for such sellers. Failure of the**
27 **department of revenue to notify a seller shall relieve such seller of**
28 **liability for taxes that would be due under the modification until the**
29 **seller is notified. The waiver of liability for taxes under this subsection**
30 **shall only apply to sellers actively selling the type of tangible personal**
31 **property or service affected by the decision on the date the decision or**
32 **order is made or handed down and shall not apply to any seller that**
33 **has previously remitted tax on the tangible personal property or**
34 **taxable services subject to the decision or order or to any seller that**
35 **had prior notice that the seller must collect and remit the tax.**

36 **3. The notification required by subsection 2 of this section shall**
37 **be delivered by United States mail, electronic mail, or other secure**
38 **electronic means of direct communications. The department of revenue**
39 **shall update its website with information regarding modifications in**
40 **sales tax law but such updates shall not constitute a notification**
41 **required by subsection 2 of this section.**

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