

FIRST REGULAR SESSION

# SENATE BILL NO. 19

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS BRAY, SHOEMYER AND BARNITZ.

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Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.046, 144.049, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty new sections relating to the implementation of the streamlined sales and use tax agreement.

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

Section A. Sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.046, 144.049, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.049, 144.100, 144.105, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, to read as follows:

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

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of

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

9 adoption of the local sales tax, except as provided in subsection 18 of this section.

10 3. Every retailer within the jurisdiction of one or more taxing entities  
11 which has imposed one or more local sales taxes under the local sales tax law  
12 shall add all taxes so imposed along with the tax imposed by the sales tax law of  
13 the state of Missouri to the sale price and, when added, the combined tax shall  
14 constitute a part of the price, and shall be a debt of the purchaser to the retailer  
15 until paid, and shall be recoverable at law in the same manner as the purchase  
16 price. The combined rate of the state sales tax and all local sales taxes shall be  
17 the sum of the rates, multiplying the combined rate times the amount of the sale.

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

22 5. The ordinance or order imposing a local sales tax under the local sales  
23 tax law shall impose upon all sellers a tax for the privilege of engaging in the  
24 business of selling tangible personal property or rendering taxable services at  
25 retail to the extent and in the manner provided in sections 144.010 to 144.525,  
26 RSMo, and the rules and regulations of the director of revenue issued pursuant  
27 thereto; except that the rate of the tax shall be the sum of the combined rate of  
28 the state sales tax or state highway use tax and all local sales taxes imposed  
29 under the provisions of the local sales tax law.

30 6. On and after the effective date of any local sales tax imposed under the  
31 provisions of the local sales tax law, the director of revenue shall perform all  
32 functions incident to the administration, collection, enforcement, and operation  
33 of the tax, and the director of revenue shall collect in addition to the sales tax for  
34 the state of Missouri all additional local sales taxes authorized under the  
35 authority of the local sales tax law. All local sales taxes imposed under the local  
36 sales tax law together with all taxes imposed under the sales tax law of the state  
37 of Missouri shall be collected together and reported upon such forms and under  
38 such administrative rules and regulations as may be prescribed by the director  
39 of revenue.

40 7. All applicable provisions contained in sections 144.010 to 144.525,  
41 RSMo, governing the state sales tax and section 32.057, the uniform  
42 confidentiality provision, shall apply to the collection of any local sales tax  
43 imposed under the local sales tax law except as modified by the local sales tax  
44 law.

45           8. All exemptions granted to agencies of government, organizations,  
46 persons and to the sale of certain articles and items of tangible personal property  
47 and taxable services under the provisions of sections 144.010 to 144.525, RSMo,  
48 as these sections now read and as they may hereafter be amended, it being the  
49 intent of this general assembly to ensure that the same sales tax exemptions  
50 granted from the state sales tax law also be granted under the local sales tax law,  
51 are hereby made applicable to the imposition and collection of all local sales taxes  
52 imposed under the local sales tax law.

53           9. The same sales tax permit, exemption certificate and retail certificate  
54 required by sections 144.010 to 144.525, RSMo, for the administration and  
55 collection of the state sales tax shall satisfy the requirements of the local sales  
56 tax law, and no additional permit or exemption certificate or retail certificate  
57 shall be required; except that the director of revenue may prescribe a form of  
58 exemption certificate for an exemption from any local sales tax imposed by the  
59 local sales tax law.

60           10. All discounts allowed the retailer under the provisions of the state  
61 sales tax law for the collection of and for payment of taxes under the provisions  
62 of the state sales tax law are hereby allowed and made applicable to any local  
63 sales tax collected under the provisions of the local sales tax law.

64           11. The penalties provided in section 32.057 and sections 144.010 to  
65 144.525, RSMo, for a violation of the provisions of those sections are hereby made  
66 applicable to violations of the provisions of the local sales tax law.

67           12. (1) For the purposes of any local sales tax imposed by an ordinance  
68 or order under the local sales tax law, all sales, except the sale of motor vehicles,  
69 trailers, boats, and outboard motors, shall be deemed to be consummated at the  
70 place [of business of the retailer unless the tangible personal property sold is  
71 delivered by the retailer or his agent to an out-of-state destination. In the event  
72 a retailer has more than one place of business in this state which participates in  
73 the sale, the sale shall be deemed to be consummated at the place of business of  
74 the retailer where the initial order for the tangible personal property is taken,  
75 even though the order must be forwarded elsewhere for acceptance, approval of  
76 credit, shipment or billing. A sale by a retailer's agent or employee shall be  
77 deemed to be consummated at the place of business from which he works] **where**  
78 **the tangible personal property is received by the purchaser.**

79           (2) For the purposes of any local sales tax imposed by an ordinance or  
80 order under the local sales tax law, all sales of motor vehicles, trailers, boats, and

81 outboard motors shall be deemed to be consummated at the residence of the  
82 purchaser and not at the place of business of the retailer, or the place of business  
83 from which the retailer's agent or employee works.

84 (3) For the purposes of any local tax imposed by an ordinance or under the  
85 local sales tax law on charges for mobile telecommunications services, all taxes  
86 of mobile telecommunications service shall be imposed as provided in the Mobile  
87 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as  
88 amended.

89 13. Local sales taxes imposed pursuant to the local sales tax law on the  
90 purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not  
91 be collected and remitted by the seller, but shall be collected by the director of  
92 revenue at the time application is made for a certificate of title, if the address of  
93 the applicant is within a taxing entity imposing a local sales tax under the local  
94 sales tax law.

95 14. The director of revenue and any of his deputies, assistants and  
96 employees who have any duties or responsibilities in connection with the  
97 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,  
98 or recording of funds which come into the hands of the director of revenue under  
99 the provisions of the local sales tax law shall enter a surety bond or bonds  
100 payable to any and all taxing entities in whose behalf such funds have been  
101 collected under the local sales tax law in the amount of one hundred thousand  
102 dollars for each such tax; but the director of revenue may enter into a blanket  
103 bond covering himself and all such deputies, assistants and employees. The cost  
104 of any premium for such bonds shall be paid by the director of revenue from the  
105 share of the collections under the sales tax law retained by the director of  
106 revenue for the benefit of the state.

107 15. The director of revenue shall annually report on his management of  
108 each trust fund which is created under the local sales tax law and administration  
109 of each local sales tax imposed under the local sales tax law. He shall provide  
110 each taxing entity imposing one or more local sales taxes authorized by the local  
111 sales tax law with a detailed accounting of the source of all funds received by him  
112 for the taxing entity. Notwithstanding any other provisions of law, the state  
113 auditor shall annually audit each trust fund. A copy of the director's report and  
114 annual audit shall be forwarded to each taxing entity imposing one or more local  
115 sales taxes.

116 16. Within the boundaries of any taxing entity where one or more local

117 sales taxes have been imposed, if any person is delinquent in the payment of the  
118 amount required to be paid by him under the local sales tax law or in the event  
119 a determination has been made against him for taxes and penalty under the local  
120 sales tax law, the limitation for bringing suit for the collection of the delinquent  
121 tax and penalty shall be the same as that provided in sections 144.010 to 144.525,  
122 RSMo. Where the director of revenue has determined that suit must be filed  
123 against any person for the collection of delinquent taxes due the state under the  
124 state sales tax law, and where such person is also delinquent in payment of taxes  
125 under the local sales tax law, the director of revenue shall notify the taxing entity  
126 in the event any person fails or refuses to pay the amount of any local sales tax  
127 due so that appropriate action may be taken by the taxing entity.

128       17. Where property is seized by the director of revenue under the  
129 provisions of any law authorizing seizure of the property of a taxpayer who is  
130 delinquent in payment of the tax imposed by the state sales tax law, and where  
131 such taxpayer is also delinquent in payment of any tax imposed by the local sales  
132 tax law, the director of revenue shall permit the taxing entity to join in any sale  
133 of property to pay the delinquent taxes and penalties due the state and to the  
134 taxing entity under the local sales tax law. The proceeds from such sale shall  
135 first be applied to all sums due the state, and the remainder, if any, shall be  
136 applied to all sums due such taxing entity.

137       18. If a local sales tax has been in effect for at least one year under the  
138 provisions of the local sales tax law and voters approve reimposition of the same  
139 local sales tax at the same rate at an election as provided for in the local sales  
140 tax law prior to the date such tax is due to expire, the tax so reimposed shall  
141 become effective the first day of the first calendar quarter after the director  
142 receives a certified copy of the ordinance, order or resolution accompanied by a  
143 map clearly showing the boundaries thereof and the results of such election,  
144 provided that such ordinance, order or resolution and all necessary accompanying  
145 materials are received by the director at least thirty days prior to the expiration  
146 of such tax. Any administrative cost or expense incurred by the state as a result  
147 of the provisions of this subsection shall be paid by the city or county reimposing  
148 such tax.

149       **19. If the boundaries of a city in which a sales tax has been**  
150 **imposed shall thereafter be changed or altered, the city clerk shall**  
151 **forward to the director of revenue by United States registered mail or**  
152 **certified mail a certified copy of the ordinance adding or detaching**

153 territory from the city within ten days of adoption of the  
154 ordinance. The ordinance shall reflect the effective date of the  
155 ordinance and shall be accompanied by a map of the city clearly  
156 showing the territory added or detached from the city  
157 boundaries. Upon receipt of the ordinance and map, the tax imposed  
158 under the local sales tax law shall be effective in the added territory or  
159 abolished in the detached territory on the first day of the second  
160 calendar quarter after the director of revenue receives notice of the  
161 boundary change.

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 RSMo, governing the state sales tax and section 32.057, RSMo, the uniform  
5 confidentiality provision, shall apply to the collection of the tax imposed by the  
6 provisions of 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, RSMo, are hereby  
9 made applicable to the imposition and collection of the tax imposed by sections  
10 67.571 to 67.577.

11 2. The same sales tax permit, exemption certificate and retail certificate  
12 required by sections 144.010 to 144.510, RSMo, for the administration and  
13 collection of the state sales tax shall satisfy the requirements of sections 67.571  
14 to 67.577, and no additional permit or exemption certificate or retail certificate  
15 shall be required; except that, the director of revenue may prescribe a form of  
16 exemption certificate for an exemption from the tax imposed by sections 67.571  
17 to 67.577.

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

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

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

28 **to 67.577, all provisions of sections 32.085 and 32.087, RSMo, shall apply**  
29 **to the tax imposed under section 67.571 to 67.577.**

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, RSMo, for the purpose of providing law enforcement  
7 services for such county. The tax authorized by this section shall be in addition  
8 to any and all other sales taxes allowed by law, except that no ordinance or order  
9 imposing a sales tax under the provisions of this section shall be effective unless  
10 the governing body of the county submits to the voters of the county, at a county  
11 or state general, primary or special election, a proposal to authorize the governing  
12 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  
18 countywide 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 "Yes". If you  
22 are opposed to the question, place an "X" in the box opposite "No"; or

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

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

34 ☐ YES ☐ NO

35 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
36 are opposed to the question, place an "X" in the box opposite "No".

37 If a majority of the votes cast on the proposal by the qualified voters voting  
38 thereon are in favor of the proposal submitted pursuant to subdivision (1) of this  
39 subsection, then the ordinance or order and any amendments thereto shall be in  
40 effect on the first day of the second **calendar** quarter [immediately following the  
41 election approving the proposal] **after the director of revenue receives**  
42 **notification of adoption of the local sales tax**. If the constitutionally  
43 required percentage of the voters voting thereon are in favor of the proposal  
44 submitted pursuant to subdivision (2) of this subsection, then the ordinance or  
45 order and any amendments thereto shall be in effect on the first day of the second  
46 **calendar** quarter [immediately following the election approving the proposal]  
47 **after the director of revenue receives notification of adoption of the**  
48 **local sales tax**. If a proposal receives less than the required majority, then the  
49 governing body of the county shall have no power to impose the sales tax herein  
50 authorized unless and until the governing body of the county shall again have  
51 submitted another proposal to authorize the governing body of the county to  
52 impose the sales tax authorized by this section and such proposal is approved by  
53 the required majority of the qualified voters voting thereon. However, in no event  
54 shall a proposal pursuant to this section be submitted to the voters sooner than  
55 twelve months from the date of the last proposal pursuant to this section.

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

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

69 5. All sales taxes collected by the director of revenue under this section  
70 on behalf of any county, less one percent for cost of collection which shall be

71 deposited in the state's general revenue fund after payment of premiums for  
72 surety bonds as provided in section 32.087, RSMo, shall be deposited in a special  
73 trust fund, which is hereby created, to be known as the "County Law Enforcement  
74 Sales Tax Trust Fund". The moneys in the county law enforcement sales tax  
75 trust fund shall not be deemed to be state funds and shall not be commingled  
76 with any funds of the state. The director of revenue shall keep accurate records  
77 of the amount of money in the trust and which was collected in each county  
78 imposing a sales tax under this section, and the records shall be open to the  
79 inspection of officers of the county and the public. Not later than the tenth day  
80 of each month the director of revenue shall distribute all moneys deposited in the  
81 trust fund during the preceding month to the county which levied the tax; such  
82 funds shall be deposited with the county treasurer of each such county, and all  
83 expenditures of funds arising from the county law enforcement sales tax trust  
84 fund shall be by an appropriation act to be enacted by the governing body of each  
85 such county. Expenditures may be made from the fund for any law enforcement  
86 functions authorized in the ordinance or order adopted by the governing body  
87 submitting the law enforcement tax to the voters.

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

102         7. Except as modified in this section, all provisions of sections 32.085 and  
103 32.087, RSMo, 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, RSMo, for the purpose of providing law enforcement  
7 services for such county. The tax authorized by this section shall be in addition  
8 to any and all other sales taxes allowed by law, except that no ordinance or order  
9 imposing a sales tax pursuant to this section shall be effective unless the  
10 governing body of the county submits to the voters of the county, at a county or  
11 state general, primary, or special election, a proposal to authorize the governing  
12 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  
17 a countywide sales tax of ..... (insert amount) for the purpose of providing  
18 law enforcement services for the county?"

19 ☐ YES ☐ NO

20 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
21 are opposed to the question, place an "X" in the box opposite "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 submitted pursuant to this subsection, then  
24 the ordinance or order and any amendments thereto shall be in effect on the first  
25 day of the second **calendar** quarter [immediately following the election  
26 approving the proposal] **after the director of revenue receives notification**  
27 **of adoption of the local sales tax.** If a proposal receives less than the  
28 required majority, then the governing body of the county shall have no power to  
29 impose the sales tax herein authorized unless and until the governing body of the  
30 county shall again have submitted another proposal to authorize the governing  
31 body of the county to impose the sales tax authorized by this section and such  
32 proposal is approved by the required majority of the qualified voters voting  
33 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. 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, RSMo, shall be deposited in a special  
56 trust fund, which is hereby created, to be known as the "County Prosecuting  
57 Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales  
58 tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The  
59 moneys 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 county shall notify the director of revenue of the action at least ninety  
77 days before the effective date of the repeal and the director of revenue may order  
78 retention in the appropriate trust fund, for a period of one year, of two percent  
79 of the amount collected after receipt of such notice to cover possible refunds or  
80 overpayments of the tax and to redeem dishonored checks and drafts deposited  
81 to the credit of such accounts. After one year has elapsed after the effective date  
82 of abolition of the tax in such county, the director of revenue shall remit the  
83 balance in the account to the county and close the account of that county  
84 established pursuant to this section. The director of revenue shall notify each  
85 county of each instance of any amount refunded or any check redeemed from  
86 receipts due the county.

87 7. Except as modified in this section, all provisions of sections 32.085 and  
88 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

67.671. 1. The governing body of any county, except first class counties  
2 other than first class counties without charter form of government not adjoining  
3 any other first class county unless such first class county contains part of a city  
4 with a population over four hundred and fifty thousand, and except as otherwise  
5 provided in subsection 4 or subsection 7 of this section may, by a majority vote,  
6 impose a tourism sales tax throughout or in any portion of the county for the  
7 promotion of tourism as provided in this act, but such tax shall not become  
8 effective unless the governing body of the county submits to the voters of the  
9 county, at a public election, a proposal to authorize the county to impose a tax  
10 under the provisions of sections 67.671 to 67.685.

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

12 Shall the county of ..... (Insert the name of the  
13 county) impose a tourism sales tax of ..... (Insert rate of percent) percent in  
14 certain areas of the county?

15 ☐ YES ☐ NO

16 If a majority of the votes cast on the proposal by the qualified voters voting  
17 thereon are in favor of the proposal, then the tax shall be in effect **on the first**  
18 **day of the second calendar quarter after the director of revenue**  
19 **receives notification of adoption of the local sales tax.** If a majority of the  
20 votes cast by the qualified voters voting are opposed to the proposal, then the  
21 governing body of the county shall have no power to impose the tax authorized  
22 by sections 67.671 to 67.685, unless and until the governing body of the county  
23 shall again have submitted another proposal to authorize the governing body of

24 the county to impose the tax, and such proposal is approved by a majority of the  
25 qualified voters voting thereon.

26 3. Except as otherwise provided in subsection 4 or subsection 7 of this  
27 section, the tourism tax may be imposed at a rate of not more than seven-eighths  
28 of one percent on the receipts from the sale at retail of certain tangible personal  
29 property or taxable services within that part of the county for which such tax has  
30 been adopted, as specified in section 67.674.

31 4. The governing body of any third class county which adjoins the  
32 Mississippi River and which also adjoins one or more first class counties without  
33 a charter form of government and which has a population of not more than  
34 sixteen thousand inhabitants according to the 1980 decennial census may, by a  
35 majority vote, impose:

36 (1) A tourism sales tax on the sale of all food and beverages sold for  
37 consumption on the premises of all restaurants, bars, taverns, or other  
38 establishments which are primarily used to provide food and beverage services;

39 (2) A tourism sales tax upon the rent or lease charges paid by transient  
40 guests of hotels, motels, condominiums, houseboats, and space rented in  
41 campgrounds;

42 (3) Or both.

43 The tax may be imposed throughout or in any portion of the county for the  
44 promotion of tourism as provided in sections 67.671 to 67.685 but such tax shall  
45 not become effective unless the governing body of the county submits to the voters  
46 of the county, at a public election, a proposal to authorize the county to impose  
47 the tax.

48 5. The ballot of submission shall be in substantially the following form:

49 Shall the county of ..... (Insert name of county)  
50 impose a tourism sales tax of ..... (Insert rate of percent) percent on the sale  
51 or rental of ..... (Insert type of property or service) in certain  
52 areas of the county?

53 ☐ YES ☐ NO

54 If a majority of the votes cast on the proposal by the qualified voters voting  
55 thereon are in favor of the proposal, then the tax shall be in effect. If a majority  
56 of the votes cast by the qualified voters voting are opposed to the proposal, then  
57 the governing body of the county shall have no power to impose the tax unless  
58 and until the governing body of the county shall again have submitted another  
59 proposal to authorize the governing body of the county to impose the tax, and

60 such proposal is approved by a majority of the qualified voters voting  
61 thereon. The tourism tax may be imposed at a rate of not more than two percent  
62 on the receipts from the sale or rental at retail of certain tangible personal  
63 property or taxable services as provided in this subsection within that part of the  
64 county for which such tax has been adopted.

65         6. Within ten days after a vote in favor of the adoption of a tourism sales  
66 tax by the voters of any such county, the governing body of the county shall make  
67 its order imposing the tax. The tax shall become effective on the first day of the  
68 [first] **second** calendar quarter after [such order is made; provided that in any  
69 first class county with a population of at least eighty thousand but less than one  
70 hundred thousand, the tax shall become effective on the first day of the first  
71 month which begins more than thirty days after such order is made, and such tax  
72 shall be collected by the department of revenue in the same manner as prescribed  
73 in section 32.087, RSMo, except as otherwise provided in this section] **the**  
74 **director of revenue receives notification of adoption of such tax.**

75         7. In any county which has any part of a Corps of Engineers lake with a  
76 shoreline of at least eight hundred miles and not exceeding a shoreline of nine  
77 hundred miles, the tourism tax may be imposed at a rate of not more than two  
78 percent on the receipts from the sale at retail of certain tangible personal  
79 property or taxable services, subject to tax pursuant to chapter 144, RSMo, within  
80 that portion of the county for which such tax has been adopted. All areas in such  
81 county imposing a tourism tax eligible to do so under the provisions of this  
82 section shall be contiguous with all other areas which adopt the tax.

83         [8. All tourism sales tax collected pursuant to subsection 7 of this section  
84 shall be collected and administered by the county collector as provided in section  
85 67.680 and deposited in the "County Advertising and Tourism Sales Tax Trust  
86 Fund" created in such section.]

67.678. 1. The following provisions shall govern the collection of the tax  
2 imposed by the provisions of sections 67.671 to 67.685:

3         (1) All applicable provisions contained in sections 144.010 to 144.510,  
4 RSMo, governing the state sales tax and section 32.057, RSMo, the uniform  
5 confidentiality provision, shall apply to the collection of the tax imposed by the  
6 provisions of sections 67.671 to 67.685, except as modified in sections 67.671 to  
7 67.685;

8         (2) All exemptions granted to agencies of government, organizations, and  
9 persons under the provisions of sections 144.010 to 144.510, RSMo, are hereby

10 made applicable to the imposition and collection of the tax imposed by sections  
11 67.671 to 67.685.

12         2. The same sales tax permit, exemption certificate and retail certificate  
13 required by sections 144.010 to 144.510, RSMo, for the administration and  
14 collection of the state sales tax shall satisfy the requirements of sections 67.671  
15 to 67.685, and no additional permit or exemption certificate or retail certificate  
16 shall be required; except that, the director of revenue may prescribe a form of  
17 exemption certificate for an exemption from the tax imposed by sections 67.671  
18 to 67.685.

19         3. All discounts allowed the retailer under the provisions of the state sales  
20 tax law for the collection of and for payment of taxes under that act are hereby  
21 allowed and made applicable to any taxes collected under the provisions of  
22 sections 67.671 to 67.685.

23         4. The penalties provided in sections 32.057 and 144.010 to 144.510,  
24 RSMo, for a violation of those acts are hereby made applicable to violations of the  
25 provisions of sections 67.671 to 67.685.

26         [5. For the purposes of the tourism sales tax imposed by an order  
27 pursuant to sections 67.671 to 67.685, all retail sales shall be deemed to be  
28 consummated at the place of business of the retailer.]

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, RSMo. In addition, the governing body  
13 of any 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

chapter 144, RSMo. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body 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 of submission for the tax authorized in this section shall be in substantially the following form:

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

☐ 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 [following the calendar quarter in which the election was held. 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, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal] **after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting on the question are opposed, then the tax shall not become effective unless 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. No proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.**

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

(1) Acquisition of land;

- 54 (2) Installation of infrastructure for industrial or business parks;
- 55 (3) Improvement of water and wastewater treatment capacity;
- 56 (4) Extension of streets;
- 57 (5) Providing matching dollars for state or federal grants;
- 58 (6) Marketing;
- 59 (7) Providing grants and low-interest loans to companies for job training,
- 60 equipment acquisition, site development, and infrastructure.

61 Not more than twenty-five percent of the revenue generated may be used  
62 annually for administrative purposes, including staff and facility costs.

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

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

88 6. Any city or county imposing the tax authorized in this section shall  
89 establish an economic development tax board. The board shall consist of eleven

90 members, to be appointed as follows:

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

95 (2) One member shall be appointed, in any manner agreed upon by the  
96 affected districts, to represent all other districts levying ad valorem taxes within  
97 the area selected for an economic development project or area funded by the sales  
98 tax authorized in this section, excluding representatives of the governing body of  
99 the city or county;

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

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

105 (5) In each city, two members shall be appointed by the governing body  
106 of the county in which the city is located. In each county, two members shall be  
107 appointed by the governing body of the county.

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

126 except that all vacancies shall be filled for unexpired terms in the same manner  
127 as were the original appointments.

128       **[6.] 7.** The board, subject to approval of the governing body of the city or  
129 county, shall develop economic development plans, economic development  
130 projects, or designations of an economic development area, and shall hold public  
131 hearings and provide notice of any such hearings. The board shall vote on all  
132 proposed economic development plans, economic development projects, or  
133 designations of an economic development area, and amendments thereto, within  
134 thirty days following completion of the hearing on any such plan, project, or  
135 designation, and shall make recommendations to the governing body within  
136 ninety days of the hearing concerning the adoption of or amendment to economic  
137 development plans, economic development projects, or designations of an economic  
138 development area.

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

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

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

149                               ☐ YES                               ☐ NO

150 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
151 shall become effective on December thirty-first of the calendar year in which such  
152 repeal was approved. If a majority of the votes cast on the question by the  
153 qualified voters voting thereon are opposed to the repeal, then the sales tax  
154 authorized in this section shall remain effective until the question is resubmitted  
155 under this section to the qualified voters of the city or county, and the repeal is  
156 approved by a majority of the qualified voters voting on the question.

157       **[9.] 10.** Whenever the governing body of any city or county that has  
158 adopted the sales tax authorized in this section receives a petition, signed by ten  
159 percent of the registered voters of the city or county voting in the last  
160 gubernatorial election, calling for an election to repeal the sales tax imposed  
161 under this section, the governing body shall submit to the voters a proposal to

162 repeal the tax. If a majority of the votes cast on the question by the qualified  
163 voters voting thereon are in favor of the repeal, that repeal shall become effective  
164 on December thirty-first of the calendar year in which such repeal was approved.  
165 If a majority of the votes cast on the question by the qualified voters voting  
166 thereon are opposed to the repeal, then the tax shall remain effective until the  
167 question is resubmitted under this section to the qualified voters and the repeal  
168 is approved by a majority of the qualified voters voting on the  
169 question. **Effective January 1, 2009, if the city or county abolishes the**  
170 **tax, the city or county shall notify the director of revenue of the action**  
171 **at least one hundred twenty days prior to the effective date of the**  
172 **repeal.**

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

182       **12. There is hereby created the "Economic Development Sales**  
183 **Tax Trust Fund", which shall consist of all sales tax revenue collected**  
184 **under this section. The state treasurer's office shall be custodian of the**  
185 **trust fund, and moneys in the trust fund shall be used solely for the**  
186 **purposes authorized in this section. Moneys in the trust fund shall be**  
187 **considered nonstate funds under article IV, section 15, of the Missouri**  
188 **constitution. The state treasurer shall invest moneys in the trust fund**  
189 **in the same manner as other funds are invested. Any interest and**  
190 **moneys earned on such investments shall be credited to the trust**  
191 **fund. All sales taxes collected by the director of revenue under this**  
192 **section on behalf of the city or county, less one percent for the cost of**  
193 **collection which shall be deposited in the state's general revenue fund**  
194 **after payment of premiums for surety bonds as provided in section**  
195 **32.087, RSMo, shall be deposited in the trust fund. The director of**  
196 **revenue shall keep accurate records of the amount of moneys in the**  
197 **trust fund that was collected in the city or county imposing a sales tax**  
198 **under this section, and the records shall be open to the inspection of**

199 the officers of each city or county and the general public. Not later  
200 than the tenth day of each month, the director of revenue shall  
201 distribute all moneys deposited in the trust fund during the preceding  
202 month to the city or county.

203 13. Except as provided in this section, all provisions of sections  
204 32.085 and 32.087, RSMo, shall apply to the tax imposed under this  
205 section.

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, RSMo,  
4 except sales of motor vehicles, trailers, boats or outboard motors and sales to or  
5 by [public utilities and] providers of communications, cable, or video  
6 services. Any sales and use tax imposed pursuant to this section may be imposed  
7 in increments of one-eighth of one percent, up to a maximum of one  
8 percent. Such district sales and use tax may be imposed for any district purpose  
9 designated by the district in its ballot of submission to its qualified voters; except  
10 that, no resolution adopted pursuant to this section shall become effective unless  
11 the board of directors of the district submits to the qualified voters of the district,  
12 by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this  
13 section. If a majority of the votes cast by the qualified voters on the proposed  
14 sales tax are in favor of the sales tax, then the resolution is adopted. If a  
15 majority of the votes cast by the qualified voters are opposed to the sales tax,  
16 then the resolution is void.

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

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

24 ☐ YES ☐ NO

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

27 3. Within ten days after the qualified voters have approved the imposition  
28 of the sales and use tax, the district shall, in accordance with section 32.087,  
29 RSMo, notify the director of the department of revenue. The sales and use tax

30 authorized by this section shall become effective on the first day of the second  
31 calendar quarter after the director of the department of revenue receives notice  
32 of the adoption of such tax.

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

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

63 [5.] 6. In each district in which a sales and use tax is imposed pursuant  
64 to this section, every retailer shall add such additional tax imposed by the district  
65 to such retailer's sale price, and when so added such tax shall constitute a part  
66 of the purchase price, shall be a debt of the purchaser to the retailer until paid

67 and shall be recoverable at law in the same manner as the purchase price.

68 [6.] 7. In order to allow retailers to collect and report the sales and use  
69 tax authorized by this section as well as all other sales and use taxes required by  
70 law in the simplest and most efficient manner possible, a district may establish  
71 appropriate brackets to be used in the district imposing a tax pursuant to this  
72 section in lieu of the brackets provided in section 144.285, RSMo.

73 [7.] 8. The penalties provided in sections 144.010 to 144.525, RSMo, shall  
74 apply to violations of this section.

75 [8.] 9. All revenue received by the district from a sales and use tax  
76 imposed pursuant to this section which is designated for a specific purpose shall  
77 be deposited into a special trust fund and expended solely for such  
78 purpose. Upon the expiration of any sales and use tax adopted pursuant to this  
79 section, all funds remaining in the special trust fund shall continue to be used  
80 solely for the specific purpose designated in the resolution adopted by the  
81 qualified voters. Any funds in such special trust fund which are not needed for  
82 current expenditures may be invested by the board of directors pursuant to  
83 applicable laws relating to the investment of other district funds.

84 [9.] 10. A district may repeal by resolution any sales and use tax imposed  
85 pursuant to this section before the expiration date of such sales and use tax  
86 unless the repeal of such sales and use tax will impair the district's ability to  
87 repay any liabilities the district has incurred, moneys the district has borrowed  
88 or obligation the district has issued to finance any improvements or services  
89 rendered for the district.

90 [10.] 11. Notwithstanding the provisions of chapter 115, RSMo, an  
91 election for a district sales and use tax under this section shall be conducted in  
92 accordance with the provisions of this section.

93 **12. Except as provided in this section, all provisions of sections**  
94 **32.085 and 32.087, RSMo, shall apply to the tax imposed under this**  
95 **section.**

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, RSMo, sales of] new or used motor  
4 vehicles[, trailers, boats, or other outboard motors, all utilities, telephone and  
5 wireless services, and sales of funeral services], made **on or after January 1,**  
6 **2009**, within the district which are subject to taxation pursuant to the provisions  
7 of sections 144.010 to 144.525, RSMo. Upon the written request of the board to

8 the election authority of the county in which a majority of the area of the district  
9 is situated, such election authority shall submit a proposition to the residents of  
10 such district at a municipal or statewide primary or general election, or at a  
11 special election called for that purpose. Such election authority shall give legal  
12 notice as provided in chapter 115, RSMo.

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

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

17 ☐ YES ☐ NO

18 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
19 are opposed to the question, place an "X" in the box opposite "No".

20 If a majority of the votes cast on the proposal by the qualified voters of the  
21 proposed district voting thereon are in favor of the proposal, then the order shall  
22 become effective on the first day of the second calendar quarter after the director  
23 of revenue receives notice of adoption of the tax. If the proposal receives less  
24 than the required majority, then the board shall have no power to impose the  
25 sales tax authorized pursuant to this section unless and until the board shall  
26 again have submitted another proposal to authorize the board to impose the sales  
27 tax authorized by this section and such proposal is approved by the required  
28 majority of the qualified voters of the district.

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

3 2. Whenever not less than fifty owners of real property located within any  
4 county of the first classification with more than seventy-one thousand three  
5 hundred but less than seventy-one thousand four hundred inhabitants, or any  
6 county of the first classification with more than one hundred ninety-eight  
7 thousand but less than one hundred ninety-nine thousand two hundred  
8 inhabitants, or any county of the first classification with more than eighty-five  
9 thousand nine hundred but less than eighty-six thousand inhabitants, or any  
10 county of the second classification with more than fifty-two thousand six hundred  
11 but less than fifty-two thousand seven hundred inhabitants, or any county of the  
12 first classification with more than one hundred four thousand six hundred but  
13 less than one hundred four thousand seven hundred inhabitants, or any county  
14 of the third classification without a township form of government and with more  
15 than seventeen thousand nine hundred but less than eighteen thousand

16 inhabitants, or any county of the first classification with more than thirty-seven  
17 thousand but less than thirty-seven thousand one hundred inhabitants, or any  
18 county of the third classification without a township form of government and with  
19 more than twenty-three thousand five hundred but less than twenty-three  
20 thousand six hundred inhabitants, or any county of the third classification  
21 without a township form of government and with more than nineteen thousand  
22 three hundred but less than nineteen thousand four hundred inhabitants, or any  
23 county of the first classification with more than two hundred forty thousand three  
24 hundred but less than two hundred forty thousand four hundred inhabitants,  
25 desire to create an exhibition center and recreational facility district, the property  
26 owners shall file a petition with the governing body of each county located within  
27 the boundaries of the proposed district requesting the creation of the  
28 district. The district boundaries may include all or part of the counties described  
29 in this section. The petition shall contain the following information:

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

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

34 (3) The name of the proposed district.

35 3. Upon the filing of a petition pursuant to this section, the governing  
36 body of any county described in this section may, by resolution, approve the  
37 creation of a district. Any resolution to establish such a district shall be adopted  
38 by the governing body of each county located within the proposed district, and  
39 shall contain the following information:

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

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

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

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

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

48 (1) Publish notice of the hearing on two separate occasions in at least one  
49 newspaper of general circulation in each county located within the proposed  
50 district, with the first publication to occur not more than thirty days before the  
51 hearing, and the second publication to occur not more than fifteen days or less

52 than ten days before the hearing;

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

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

56 5. Following the hearing, if the governing body of each county located  
57 within the proposed district decides to establish the proposed district, it shall  
58 adopt an order to that effect; if the governing body of any county located within  
59 the proposed district decides to not establish the proposed district, the boundaries  
60 of the proposed district shall not include that county. The order shall contain the  
61 following:

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

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

65 (3) The name of the district;

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

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

69 6. A district established pursuant to this section may, at a general,  
70 primary, or special election, submit to the qualified voters within the district  
71 boundaries a sales tax of one-fourth of one percent, for a period not to exceed  
72 twenty-five years, on all retail sales within the district, which are subject to  
73 taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition,  
74 construction, maintenance, operation, improvement, and promotion of an  
75 exhibition center and recreational facilities. The ballot of submission shall be in  
76 substantially the following form:

77 Shall the ..... (name of district) impose a sales tax  
78 of one-fourth of one percent to fund the acquisition, construction, maintenance,  
79 operation, improvement, and promotion of an exhibition center and recreational  
80 facilities, for a period of ..... (insert number of years)?

81 ☐ YES ☐ NO

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

84 If a majority of the votes cast in the portion of any county that is part of the  
85 proposed district favor the proposal, then the sales tax shall become effective in  
86 that portion of the county that is part of the proposed district on the first day of  
87 the [first] **second** calendar quarter [immediately following the election] **after**

88 **the director of revenue receives notification of adoption of the local**  
89 **sales tax.** If a majority of the votes cast in the portion of a county that is a part  
90 of the proposed district oppose the proposal, then that portion of such county  
91 shall not impose the sales tax authorized in this section until after the county  
92 governing body has submitted another such sales tax proposal and the proposal  
93 is approved by a majority of the qualified voters voting thereon. However, if a  
94 sales tax proposal is not approved, the governing body of the county shall not  
95 resubmit a proposal to the voters pursuant to this section sooner than twelve  
96 months from the date of the last proposal submitted pursuant to this section. If  
97 the qualified voters in two or more counties that have contiguous districts  
98 approve the sales tax proposal, the districts shall combine to become one district.

99         7. There is hereby created a board of trustees to administer any district  
100 created and the expenditure of revenue generated pursuant to this section  
101 consisting of four individuals to represent each county approving the district, as  
102 provided in this subsection. The governing body of each county located within the  
103 district, upon approval of that county's sales tax proposal, shall appoint four  
104 members to the board of trustees; at least one shall be an owner of a nonlodging  
105 business located within the taxing district, or their designee, at least one shall  
106 be an owner of a lodging facility located within the district, or their designee, and  
107 all members shall reside in the district except that one nonlodging business  
108 owner, or their designee, and one lodging facility owner, or their designee, may  
109 reside outside the district. Each trustee shall be at least twenty-five years of age  
110 and a resident of this state. Of the initial trustees appointed from each county,  
111 two shall hold office for two years, and two shall hold office for four  
112 years. Trustees appointed after expiration of the initial terms shall be appointed  
113 to a four-year term by the governing body of the county the trustee represents,  
114 with the initially appointed trustee to remain in office until a successor is  
115 appointed, and shall take office upon being appointed. Each trustee may be  
116 reappointed. Vacancies shall be filled in the same manner in which the trustee  
117 vacating the office was originally appointed. The trustees shall not receive  
118 compensation for their services, but may be reimbursed for their actual and  
119 necessary expenses. The board shall elect a chair and other officers necessary for  
120 its membership. Trustees may be removed if:

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

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

126           8. The board of trustees shall have the following powers, authority, and  
127 privileges:

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

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

130           (3) To enter into contracts, franchises, and agreements with any person  
131 or entity, public or private, affecting the affairs of the district, including contracts  
132 with any municipality, district, or state, or the United States, and any of their  
133 agencies, political subdivisions, or instrumentalities, for the funding, including  
134 without limitation interest rate exchange or swap agreements, planning,  
135 development, construction, acquisition, maintenance, or operation of a single  
136 exhibition center and recreational facilities or to assist in such  
137 activity. "Recreational facilities" means locations explicitly designated for public  
138 use where the primary use of the facility involves participation in hobbies or  
139 athletic activities;

140           (4) To borrow money and incur indebtedness and evidence the same by  
141 certificates, notes, or debentures, to issue bonds and use any one or more lawful  
142 funding methods the district may obtain for its purposes at such rates of interest  
143 as the district may determine. Any bonds, notes, and other obligations issued or  
144 delivered by the district may be secured by mortgage, pledge, or deed of trust of  
145 any or all of the property and income of the district. Every issue of such bonds,  
146 notes, or other obligations shall be payable out of property and revenues of the  
147 district and may be further secured by other property of the district, which may  
148 be pledged, assigned, mortgaged, or a security interest granted for such payment,  
149 without preference or priority of the first bonds issued, subject to any agreement  
150 with the holders of any other bonds pledging any specified property or  
151 revenues. Such bonds, notes, or other obligations shall be authorized by  
152 resolution of the district board, and shall bear such date or dates, and shall  
153 mature at such time or times, but not in excess of thirty years, as the resolution  
154 shall specify. Such bonds, notes, or other obligations shall be in such  
155 denomination, bear interest at such rate or rates, be in such form, either coupon  
156 or registered, be issued as current interest bonds, compound interest bonds,  
157 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such  
158 manner, be payable in such place or places, and be subject to redemption as such  
159 resolution may provide, notwithstanding section 108.170, RSMo. The bonds,

160 notes, or other obligations may be sold at either public or private sale, at such  
161 interest rates, and at such price or prices as the district shall determine;

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

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

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

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

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

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

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

182 9. [There is hereby created the "Exhibition Center and Recreational  
183 Facility District Sales Tax Trust Fund", which shall consist of all sales tax  
184 revenue collected pursuant to this section. The director of revenue shall be  
185 custodian of the trust fund, and moneys in the trust fund shall be used solely for  
186 the purposes authorized in this section. Moneys in the trust fund shall be  
187 considered nonstate funds pursuant to section 15, article IV, Constitution of  
188 Missouri. The director of revenue shall invest moneys in the trust fund in the  
189 same manner as other funds are invested. Any interest and moneys earned on  
190 such investments shall be credited to the trust fund. All sales taxes collected by  
191 the director of revenue pursuant to this section on behalf of the district, less one  
192 percent for the cost of collection which shall be deposited in the state's general  
193 revenue fund after payment of premiums for surety bonds as provided in section  
194 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall  
195 keep accurate records of the amount of moneys in the trust fund which was

196 collected in the district imposing a sales tax pursuant to this section, and the  
197 records shall be open to the inspection of the officers of each district and the  
198 general public. Not later than the tenth day of each month, the director of  
199 revenue shall distribute all moneys deposited in the trust fund during the  
200 preceding month to the district. The director of revenue may authorize refunds  
201 from the amounts in the trust fund and credited to the district for erroneous  
202 payments and overpayments made, and may redeem dishonored checks and drafts  
203 deposited to the credit of the district.

204       10. The sales tax authorized by this section is in addition to all other  
205 sales taxes allowed by law.] **After the effective date of any tax imposed**  
206 **under the provisions of this section, the director of revenue shall**  
207 **perform all functions incident to the administration, collection,**  
208 **enforcement, and operation of the tax and collect, in addition to the**  
209 **sales tax for the state of Missouri, the additional tax authorized under**  
210 **the authority of this section. The tax imposed under this section and**  
211 **the tax imposed under the sales tax law of the state of Missouri shall be**  
212 **collected together and reported upon such forms and under such**  
213 **administrative rules and regulations as may be prescribed by the**  
214 **director of revenue.**

215       10. All sales taxes collected by the director of revenue under this  
216 section on behalf of any district, less one percent for the cost of  
217 collection, which shall be deposited in the state's general revenue fund  
218 after payment of premiums for surety bonds as provided in section  
219 32.087, RSMo, shall be deposited with the state treasurer in a special  
220 trust fund, which is hereby created, to be known as the "Exhibition  
221 Center and Recreational Facility District Trust Fund". The moneys in  
222 the exhibition center and recreational facilities tax trust fund shall not  
223 be deemed to be state funds and shall not be commingled with any  
224 funds of the state. The director of revenue shall keep accurate records  
225 of the amount of money in the trust fund that was collected in each  
226 district imposing a sales tax under this section, and the records shall  
227 be open to the inspection of officers of each district and the general  
228 public. Not later than the tenth day of each month, the director of  
229 revenue shall distribute all moneys deposited in the trust fund during  
230 the preceding month by distributing to the district treasurer, or such  
231 other officer as may be designated by district ordinance or order, of  
232 each district imposing the tax authorized by this section, the sum, as

233 certified by the director of revenue, due the district.

234       **11. The director of revenue may authorize the state treasurer to**  
235 **make refunds from the amounts in the trust fund and credited to any**  
236 **city or county for erroneous payments and overpayments made, and**  
237 **may redeem dishonored checks and drafts deposited to the credit of**  
238 **such counties. Each city or county shall notify the director of revenue**  
239 **at least ninety days prior to the effective date of the expiration of the**  
240 **sales tax authorized by this section and the director of revenue may**  
241 **order retention in the trust fund, for a period of one year, of two**  
242 **percent of the amount collected after receipt of such notice to cover**  
243 **possible refunds or overpayment of such tax and to redeem dishonored**  
244 **checks and drafts deposited to the credit of such accounts. After one**  
245 **year has elapsed after the date of expiration of the tax authorized by**  
246 **this section in such city or county, the director of revenue shall remit**  
247 **the balance in the account to the city or county and close the account**  
248 **of that city or county. The director of revenue shall notify each city or**  
249 **county of each instance of any amount refunded or any check redeemed**  
250 **from receipts due the city or county.**

251       **12.** Except as modified in this section, all provisions of sections 32.085  
252 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

253       **[11.] 13.** Any sales tax imposed pursuant to this section shall not extend  
254 past the initial term approved by the voters unless an extension of the sales tax  
255 is submitted to and approved by the qualified voters in each county in the manner  
256 provided in this section. Each extension of the sales tax shall be for a period not  
257 to exceed twenty years. The ballot of submission for the extension shall be in  
258 substantially the following form:

259       Shall the ..... (name of district) extend the sales tax  
260 of one-fourth of one percent for a period of ..... (insert number of years) years  
261 to fund the acquisition, construction, maintenance, operation, improvement, and  
262 promotion of an exhibition center and recreational facilities?

263                               ☐ YES                               ☐ NO

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

266 If a majority of the votes cast favor the extension, then the sales tax shall remain  
267 in effect at the rate and for the time period approved by the voters. If a sales tax  
268 extension is not approved, the district may submit another sales tax proposal as

269 authorized in this section, but the district shall not submit such a proposal to the  
270 voters sooner than twelve months from the date of the last extension submitted.

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

295       [13.] 15. In the event that the district is dissolved or terminated by any  
296 means, the governing bodies of the counties in the district shall appoint a person  
297 to act as trustee for the district so dissolved or terminated. Before beginning the  
298 discharge of duties, the trustee shall take and subscribe an oath to faithfully  
299 discharge the duties of the office, and shall give bond with sufficient security,  
300 approved by the governing bodies of the counties, to the use of the dissolved or  
301 terminated district, for the faithful discharge of duties. The trustee shall have  
302 and exercise all powers necessary to liquidate the district, and upon satisfaction  
303 of all remaining obligations of the district, shall pay over to the county treasurer  
304 of each county in the district and take receipt for all remaining moneys in

305 amounts based on the ratio the levy of each county bears to the total levy for the  
306 district in the previous three years or since the establishment of the district,  
307 whichever time period is shorter. Upon payment to the county treasurers, the  
308 trustee shall deliver to the clerk of the governing body of any county in the  
309 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, RSMo, for the promotion of tourism in such city. The tax  
9 authorized by this section shall be in addition to any and all other sales taxes  
10 allowed by law, except that no ordinance or order imposing a sales tax pursuant  
11 to this section shall be effective unless the governing authority of the city submits  
12 to the qualified voters of the city, at any municipal or state general, primary, or  
13 special election, a proposal to authorize the governing authority of the city to  
14 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  
17 citywide sales tax of ..... (insert amount) for the purpose of promoting tourism  
18 in the city?"

19 ☐ YES ☐ NO

20 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
21 are opposed to the question, place an "X" in the box opposite "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 [first] **second**  
25 calendar quarter immediately [following notification to] **after** the director of the  
26 department of revenue [of the election approving the proposal] **receives**  
27 **notification of adoption of the local sales tax**. If a proposal receives less  
28 than the required majority, then the governing authority of the city shall have no  
29 power to impose the sales tax unless and until the governing authority of the city  
30 has submitted another proposal to authorize the imposition of the sales tax  
31 authorized by this section and such proposal is approved by the required majority

32 of the qualified voters voting thereon. However, in no event shall a proposal  
33 pursuant to this section be submitted to the voters sooner than twelve months  
34 from the date of the last proposal pursuant to this section.

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

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

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

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

64 4. There is hereby created the "City Tourism Sales Tax Trust  
65 Fund", which shall consist of all sales tax revenue collected pursuant  
66 to this section. The state treasurer's office shall be custodian of the  
67 trust fund, and moneys in the trust fund shall be used solely for the

68 **purposes authorized in this section. Moneys in the trust fund shall be**  
69 **considered nonstate funds under article IV, section 15, of the Missouri**  
70 **constitution. The state treasurer shall invest moneys in the trust fund**  
71 **in the same manner as other funds are invested. Any interest and**  
72 **moneys earned on such investments shall be credited to the trust**  
73 **fund. All sales taxes collected by the director of revenue under this**  
74 **section on behalf of the city, less one percent for the cost of collection,**  
75 **which shall be deposited in the state's general revenue fund after**  
76 **payment of premiums for surety bonds as provided in section 32.087,**  
77 **RSMo, shall be deposited in the trust fund. The director of revenue**  
78 **shall keep accurate records of the amount of moneys in the trust fund**  
79 **that was collected in the city imposing a sales tax under this section,**  
80 **and the records shall be open to the inspection of the officers of each**  
81 **city and the general public. Not later than the tenth day of each month,**  
82 **the director of revenue shall distribute all moneys deposited in the**  
83 **trust fund during the preceding month to the city. The director of**  
84 **revenue may authorize refunds from the amounts in the trust fund and**  
85 **credited to the city or county for erroneous payments and**  
86 **overpayments made, and may redeem dishonored checks and drafts**  
87 **deposited to the credit of the city.**

88       5. (1) The governing authority of any city that has adopted any sales tax  
89 pursuant to this section shall, upon filing of a petition calling for the repeal of  
90 such sales tax signed by at least ten percent of the qualified voters in the city,  
91 submit the question of repeal of the sales tax to the qualified voters at any  
92 primary or general election. The ballot of submission shall be in substantially the  
93 following form:

94       Shall ..... (insert name of city) repeal the sales tax of  
95 ..... (insert rate of percent) percent for tourism purposes now in effect in  
96 ..... (insert name of city)?

97                               ☐ YES                               ☐ NO

98 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
99 are opposed to the question, place an "X" in the box opposite "No".

100 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
101 shall become effective on December thirty-first of the calendar year in which such  
102 repeal was approved. **Effective January 1, 2009, if the city or county**  
103 **abolishes the tax, the city or county shall notify the director of revenue**

104 **of the action at least one hundred twenty days prior to the effective**  
105 **date of the repeal.**

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

112 (3) The governing authority of a city repealing a tax pursuant to this  
113 section shall notify the director of revenue of the action at least forty-five days  
114 before the effective date of the repeal and the director of revenue may order  
115 retention in any trust fund created in the state treasury associated with the tax,  
116 for a period of one year, of two percent of the amount collected after receipt of  
117 such notice to cover refunds or overpayment of the tax and to redeem dishonored  
118 checks and drafts deposited to the credit of such accounts. After one year has  
119 elapsed after the effective date of repeal of the tax in the city, the director of  
120 revenue shall remit the balance in the trust fund to the city and close the account  
121 of that city. The director of revenue shall notify each city of each instance of any  
122 amount refunded or any check redeemed from receipts due the city.

123 (4) In the event that the repeal of a sales tax pursuant to this section  
124 dissolves or terminates a taxing district, the governing authority of the city shall  
125 appoint a person to act as trustee for the district so dissolved or  
126 terminated. Before beginning the discharge of duties, the trustee shall take and  
127 subscribe an oath to faithfully discharge the duties of the office, and shall give  
128 bond with sufficient security, approved by the governing authority of the city, to  
129 the use of the dissolved or terminated district, for the faithful discharge of  
130 duties. The trustee shall have and exercise all powers necessary to liquidate the  
131 district, and upon satisfaction of all remaining obligations of the district, shall  
132 pay over to the city treasurer or the equivalent official and take receipt for all  
133 remaining moneys. Upon payment to the city treasurer, the trustee shall deliver  
134 to the clerk of the governing authority of the city all books, papers, records, and  
135 deeds belonging to the dissolved district.

136 6. Except as modified in this section, all provisions of sections 32.085 and  
137 32.087, RSMo, 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] second** calendar quarter **[immediately following the action by the district**  
86 **board of directors imposing the tax] after the director of revenue receives**  
87 **notification of adoption of the local sales tax.**

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

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

95           (1) To sue and be sued in its own name, and to receive service of process,  
96 which shall be served upon the district secretary;

97           (2) To fix compensation of its employees and contractors;

98           (3) To enter into contracts, franchises, and agreements with any person  
99 or entity, public or private, affecting the affairs of the district, including contracts  
100 with any municipality, district, or state, or the United States, and any of their  
101 agencies, political subdivisions, or instrumentalities, for the funding, including  
102 without limitation, interest rate exchange or swap agreements, planning,  
103 development, construction, acquisition, maintenance, or operation of a district  
104 facility or to assist in such activity;

105           (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange,  
106 mortgage, and encumber real and personal property in furtherance of district  
107 purposes;

108           (5) To collect and disburse funds for its activities;

109           (6) To collect taxes and other revenues;

110           (7) To borrow money and incur indebtedness and evidence the same by

111 certificates, notes, bonds, debentures, or refunding of any such obligations for the  
112 purpose of paying all or any part of the cost of land, construction, development,  
113 or equipping of any facilities or operations of the district;

114 (8) To own or lease real or personal property for use in connection with  
115 the exercise of powers pursuant to this subsection;

116 (9) To provide for the election or appointment of officers, including a  
117 chairman, treasurer, and secretary. Officers shall not be required to be residents  
118 of the district, and one officer may hold more than one office;

119 (10) To hire and retain agents, employees, engineers, and attorneys;

120 (11) To enter into entertainment contracts binding the district and artists,  
121 agencies, or performers, management contracts, contracts relating to the booking  
122 of entertainment and the sale of tickets, and all other contracts which relate to  
123 the purposes of the district;

124 (12) To contract with a local government, a corporation, partnership, or  
125 individual regarding funding, promotion, planning, designing, constructing,  
126 improving, maintaining, or operating a project or to assist in such activity;

127 (13) To contract for transfer to a city, town, or village such district  
128 facilities and improvements free of cost or encumbrance on such terms set forth  
129 by contract;

130 (14) To exercise such other powers necessary or convenient for the district  
131 to accomplish its purposes which are not inconsistent with its express powers.

132 16. A district may at any time authorize or issue notes, bonds, or other  
133 obligations for any of its powers or purposes. Such notes, bonds, or other  
134 obligations:

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

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

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

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

144 (5) Shall be in such denomination, bear interest at such rates, be in such  
145 form, be issued as current interest bonds, compound interest bonds, variable rate  
146 bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be

147 payable in such place or places and subject to redemption as such resolution may  
148 provide; and

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

151 The provisions of this subsection are applicable to the district notwithstanding  
152 the provisions of section 108.170, RSMo.

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,  
23 RSMo. Upon voter approval, and receiving the necessary certifications from the  
24 governing body of the municipality in which the district is located, or from the  
25 circuit court if the district was formed by the circuit court, the board of directors  
26 shall have the power to impose a sales tax at its first meeting, or any meeting  
27 thereafter. Voter approval of the question of the imposing sales tax shall be in  
28 accordance with section 67.2520. [The sales tax shall become effective in those  
29 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, RSMo.

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 or  
53 taxable services at retail within the district adopting such tax, if such property  
54 and services are subject to taxation by the state of Missouri pursuant to the  
55 provisions of sections 144.010 to 144.525, RSMo. Any district sales tax imposed  
56 pursuant to this section shall be imposed at a rate that shall be uniform  
57 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, RSMo, and the  
62 rules and regulations of the director of revenue issued pursuant thereto; except  
63 that the rate of the tax shall be the rate imposed by the resolution as the sales  
64 tax and 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)] **6. After the effective date of any tax imposed under the**  
72 **provisions of this section, the director of revenue shall perform all**  
73 **functions incident to the administration, collection, enforcement, and**  
74 **operation of the tax and collect, in addition to the sales tax for the**  
75 **state of Missouri, the additional tax authorized under the authority of**  
76 **this section. The tax imposed under this section and the tax imposed**  
77 **under the sales tax law of the state of Missouri shall be collected**  
78 **together and reported upon such forms and under such administrative**  
79 **rules and regulations as may be prescribed by the director of revenue.**

80 **7. All sales taxes collected by the director of revenue under this**  
81 **section on behalf of any district, less one percent for the cost of**  
82 **collection, which shall be deposited in the state's general revenue fund**  
83 **after payment of premiums for surety bonds as provided in section**  
84 **32.087, RSMo, shall be deposited with the state treasurer in a special**  
85 **trust fund, which is hereby created, to be known as the "Theater,**  
86 **Cultural Arts, and Entertainment District Trust Fund". The moneys in**  
87 **the theater, cultural arts, and entertainment tax trust fund shall not be**  
88 **deemed to be state funds and shall not be commingled with any funds**  
89 **of the state. The director of revenue shall keep accurate records of the**  
90 **amount of money in the trust fund that was collected in each district**  
91 **imposing a sales tax under this section, and the records shall be open**  
92 **to the inspection of officers of each district and the general public. Not**  
93 **later than the tenth day of each month, the director of revenue shall**  
94 **distribute all moneys deposited in the trust fund during the preceding**  
95 **month by distributing to the district treasurer, or such other officer as**  
96 **may be designated by the district ordinance or order, of each district**  
97 **imposing the tax authorized by this section, the sum, as certified by the**  
98 **director of revenue, due the district.**

99 **8. All [such] sales taxes [collected by the district] shall be deposited by**  
100 **the district in a special fund to be expended for the purposes authorized in this**  
101 **section. The district shall keep accurate records of the amount of money which**  
102 **was collected pursuant to this section, and the records shall be open to the**  
103 **inspection of officers of each district and the general public.**

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

111           10. (1) All applicable provisions contained in sections 144.010 to 144.525,  
112 RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and  
113 section 32.057, RSMo, the uniform confidentiality provision, shall apply to the  
114 collection of the tax imposed by this section, except as modified in this section.

115           (2) All exemptions granted to agencies of government, organizations,  
116 persons, and to the sale of certain articles and items of tangible personal property  
117 and taxable services pursuant to the provisions of sections 144.010 to 144.525,  
118 RSMo, are hereby made applicable to the imposition and collection of the tax  
119 imposed by this section.

120           (3) The same sales tax permit, exemption certificate, and retail certificate  
121 required by sections 144.010 to 144.525, RSMo, for the administration and  
122 collection of the state sales tax shall satisfy the requirements of this section, and  
123 no additional permit or exemption certificate or retail certificate shall be  
124 required; except that the district may prescribe a form of exemption certificate for  
125 an exemption from the tax imposed by this section.

126           (4) All discounts allowed the retailer pursuant to the provisions of the  
127 state sales tax laws for the collection of and for payment of taxes pursuant to  
128 such laws are hereby allowed and made applicable to any taxes collected pursuant  
129 to the provisions of this section.

130           (5) The penalties provided in section 32.057, RSMo, and sections 144.010  
131 to 144.525, RSMo, for violation of those sections are hereby made applicable to  
132 violations of this section.

133           (6) For the purpose of a sales tax imposed by a resolution pursuant to this  
134 section, all retail sales shall be deemed to be consummated at the place of  
135 business of the retailer unless the tangible personal property sold is delivered by  
136 the retailer or the retailer's agent to an out-of-state destination or to a common  
137 carrier for delivery to an out-of-state destination. In the event a retailer has  
138 more than one place of business in this state which participates in the sale, the  
139 sale shall be deemed to be consummated at the place of business of the retailer

140 where the initial order for the tangible personal property is taken, even though  
141 the order must be forwarded elsewhere for acceptance, approval of credit,  
142 shipment, or billing. A sale by a retailer's employee shall be deemed to be  
143 consummated at the place of business from which the employee works.

144 (7)] 9. Subsequent to the initial approval by the voters and  
145 implementation of a sales tax in the district, the rate of the sales tax may be  
146 increased, but not to exceed a rate of one-half of one percent on retail sales as  
147 provided in this subsection. The election shall be conducted in accordance with  
148 section 67.2520; provided, however, that the district board of directors may place  
149 the question of the increase of the sales tax before the voters of the district by  
150 resolution, and the municipal clerk of the city, town, or village which originally  
151 conducted the incorporation of the district, or the circuit clerk of the court which  
152 originally conducted the incorporation of the district, shall conduct the  
153 subsequent election. In subsequent elections, the election judges shall certify the  
154 election results to the district board of directors. The ballot of submission shall  
155 be in substantially the following form:

156 Shall ..... (name of district) increase the .....  
157 (insert amount) percent district sales tax now in effect to..... (insert  
158 amount) in the ..... (name of district)?

159 ☐ YES ☐ NO

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

162 If a majority of the votes cast on the proposal by the qualified voters of the  
163 district voting thereon are in favor of the increase, the increase shall become  
164 effective [December thirty-first of the calendar year in which such increase was  
165 approved] **on the first day of the second calendar quarter after the**  
166 **director of revenue receives notification of the local sales tax increase.**

167 [11.] 10. (1) There shall not be any election as provided for in this  
168 section while the district has any financing or other obligations outstanding.

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

175 Shall ..... (name of district) dissolve and repeal the

176 ..... (insert amount) percent district sales tax now in effect in the  
177 ..... (name of district)?

178 ☐ YES ☐ NO

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

181 Such subsequent elections for the repeal of the sales tax shall be conducted in  
182 accordance with section 67.2520; provided, however, that the district board of  
183 directors may place the question of the repeal of the sales tax before the voters  
184 of the district, and the municipal clerk of the city, town, or village which  
185 originally conducted the incorporation of the district, or the circuit clerk of the  
186 court which originally conducted the incorporation of the district, shall conduct  
187 the subsequent election. In subsequent elections the election judges shall certify  
188 the election results to the district board of directors.

189 (3) If a majority of the votes cast on the proposal by the qualified voters  
190 of the district voting thereon are in favor of repeal, that repeal shall become  
191 effective December thirty-first of the calendar year in which such repeal was  
192 approved or after the repayment of the district's indebtedness, whichever occurs  
193 later. **Effective January 1, 2009, if the district abolishes the tax, the**  
194 **district shall notify the director of revenue of the action at least one**  
195 **hundred twenty days prior to the effective date of the repeal.**

196 [12.] 11. (1) At such time as the board of directors of the district  
197 determines that further operation of the district is not in the best interests of the  
198 inhabitants of the district, and that the district should dissolve, the board shall  
199 submit for a vote in an election held throughout the district the question of  
200 whether the district should be abolished. The question shall be submitted in  
201 substantially the following form:

202 Shall the ..... theater, cultural arts, and  
203 entertainment district be abolished?

204 ☐ YES ☐ NO

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

207 (2) The district board shall not propose the question to abolish the district  
208 while there are outstanding claims or causes of action pending against the  
209 district, while the district liabilities exceed its assets, while indebtedness of the  
210 district is outstanding, or while the district is insolvent, in receivership or under  
211 the jurisdiction of the bankruptcy court. Prior to submitting the question to

212 abolish the district to a vote of the entire district, the state auditor shall audit  
213 the district to determine the financial status of the district, and whether the  
214 district may be abolished pursuant to law. The vote on the abolition of the  
215 district shall be conducted by the municipal clerk of the city, town, or village in  
216 which the district is located. The procedure shall be the same as in section  
217 67.2520, except that the question shall be determined by the qualified voters of  
218 the entire district. No individual subdistrict may be abolished, except at such  
219 time as the district is abolished.

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

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

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

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

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

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

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

243 **12. Except as provided in this section, all provisions of sections**  
244 **32.085 and 32.087, RSMo, shall apply to the tax imposed under this**  
245 **section.**

94.578. 1. In addition to the sales tax authorized in section 94.577, the  
2 governing body of any home rule city with more than one hundred fifty-one

3 thousand five hundred but less than one hundred fifty-one thousand six hundred  
4 inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on  
5 all retail sales made within the city which are subject to sales tax under chapter  
6 144, RSMo. The tax authorized in this section may be imposed at a rate of  
7 one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not  
8 exceed one-half of one percent, shall not be imposed for longer than three years,  
9 and shall be imposed solely for the purpose of funding the construction, operation,  
10 and maintenance of capital improvements in the city's center city. The governing  
11 body may issue bonds for the funding of such capital improvements, which will  
12 be retired by the revenues received from the sales tax authorized by this  
13 section. The order or ordinance shall not become effective unless the governing  
14 body of the city submits to the voters residing within the city at a state or  
15 municipal general, primary, or special election a proposal to authorize the  
16 governing body of the city to impose a tax under this section. The tax authorized  
17 in this section shall be in addition to all other sales taxes imposed by law, and  
18 shall be stated separately from all other charges and taxes.

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

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

25 ☐ YES ☐ NO

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

36 3. Any sales tax imposed under this section shall be administered,  
37 collected, enforced, and operated as required in [section] **sections 32.085 and**  
38 **32.087, RSMo.** All revenue generated by the tax shall be deposited in a special

39 trust fund and shall be used solely for the designated purposes. If the tax is  
40 repealed, all funds remaining in the special trust fund shall continue to be used  
41 solely for the designated purposes. Any funds in the special trust fund which are  
42 not needed for current expenditures shall be invested in the same manner as  
43 other funds are invested. Any interest and moneys earned on such investments  
44 shall be credited to the fund.

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

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

62 Shall ..... (insert the name of the city) repeal the  
63 sales tax imposed at a rate of ..... (insert rate of percent) percent for capital  
64 improvements purposes in the city's center city?

65 ☐ YES ☐ NO

66 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
67 shall become effective on December thirty-first of the calendar year in which such  
68 repeal was approved. If a majority of the votes cast on the question by the  
69 qualified voters voting thereon are opposed to the repeal, then the sales tax  
70 authorized in this section shall remain effective until the question is resubmitted  
71 under this section to the qualified voters, and the repeal is approved by a  
72 majority of the qualified voters voting on the question. **Effective January 1,**  
73 **2009, if the city or county abolishes the tax, the city or county shall**  
74 **notify the director of revenue of the action at least one hundred twenty**

75 **days prior to the effective date of the repeal.**

76           6. Whenever the governing body of any city that has adopted the sales tax  
77 authorized in this section receives a petition, signed by ten percent of the  
78 registered voters of the city voting in the last gubernatorial election, calling for  
79 an election to repeal the sales tax imposed under this section, the governing body  
80 shall submit to the voters of the city a proposal to repeal the tax. If a majority  
81 of the votes cast on the question by the qualified voters voting thereon are in  
82 favor of the repeal, that repeal shall become effective on December thirty-first of  
83 the calendar year in which such repeal was approved. If a majority of the votes  
84 cast on the question by the qualified voters voting thereon are opposed to the  
85 repeal, then the tax shall remain effective until the question is resubmitted under  
86 this section to the qualified voters and the repeal is approved by a majority of the  
87 qualified voters voting on the question.

88           **7. Except as provided in this section, all provisions of section**  
89 **32.085 and 32.087, RSMo, apply to the sales tax imposed under this**  
90 **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 retail of all tangible personal property or  
6 taxable services at retail within any city adopting such tax, if such property and  
7 services are subject to taxation by the state of Missouri under the provisions of  
8 sections 144.010 to 144.525, RSMo.

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, RSMo, and tax revenues derived from such  
15 taxes shall not be subject to allocation under the provisions of subsection 3 of  
16 section 99.845, RSMo, or subsection 4 of section 99.957, RSMo. Any one-eighth  
17 of one cent sales tax imposed in such city under sections 94.600 to 94.655 for  
18 constructing and operating a light-rail transit system shall not be considered  
19 economic activity taxes as such term is defined under sections 99.805 and 99.918,  
20 RSMo, and tax revenues derived from such tax shall not be subject to allocation

21 under the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of  
22 section 99.957, RSMo.

23 [4. If the boundaries of a city in which such sales tax has been imposed  
24 shall thereafter be changed or altered, the city or county clerk shall forward to  
25 the director of revenue by United States registered mail or certified mail a  
26 certified copy of the ordinance adding or detaching territory from the city. The  
27 ordinance shall reflect the effective date thereof, and shall be accompanied by a  
28 map of the city clearly showing the territory added thereto or detached  
29 therefrom. Upon receipt of the ordinance and map, the tax imposed by sections  
30 94.600 to 94.655 shall be effective in the added territory or abolished in the  
31 detached territory on the effective date of the change of the city boundary.]

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 retail of all tangible personal property or taxable  
9 services within the city or county adopting the tax, if such property and services  
10 are subject to taxation by the state of Missouri under sections 144.010 to 144.525,  
11 RSMo.

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)  
15 impose a 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 the  
21 first day of the [next] **second** calendar quarter beginning after [its adoption and  
22 notice to] the director of revenue[, but no sooner than thirty days after such  
23 adoption and notice] **receives notice of adoption of the local sales tax**. If  
24 a majority of the votes cast in that county or city not within a county by the  
25 qualified voters voting are opposed to the proposal, then the additional sales tax

26 shall not be imposed in that county or city not within a county unless and until  
27 the governing body of that county or city not within a county shall have  
28 submitted another proposal to authorize the local option transportation sales tax  
29 authorized in this section, and such proposal is approved by a majority of the  
30 qualified voters voting on it. In no event shall a proposal pursuant to this section  
31 be submitted to the voters sooner than twelve months from the date of the last  
32 proposal.

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

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

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

60 7. The revenues derived from any transportation sales tax under this  
61 section shall be used only for the planning, development, acquisition,

62 construction, maintenance and operation of public transit facilities and systems  
63 other than highways.

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

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

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

17 Shall the city of ..... (city's name) impose a sales  
18 tax of ..... (insert amount) for transportation purposes?

19

☐ YES☐ NO

20 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
21 are opposed to the question, place an "X" in the box opposite "No";

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

25 Shall the city of ..... (city's name) issue bonds  
26 in the amount of ..... (insert amount) for transportation purposes and impose  
27 a sales tax of ..... (insert amount) to repay such bonds?

28 ☐ YES ☐ NO

29 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
30 are opposed to the question, place an "X" in the box opposite "No".

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

54 2. No incorporated municipality located wholly or partially within any  
55 first class county operating under a charter form of government and having a

56 population of over nine hundred thousand inhabitants shall impose such a sales  
57 tax for that part of the city, town or village that is located within such first class  
58 county, in the event such a first class county imposes a sales tax under the  
59 provisions of sections 94.600 to 94.655.

60 3. The sales tax may be imposed at a rate not to exceed one-half of one  
61 percent on the receipts from the sale at retail of all tangible personal property or  
62 taxable services at retail within any city adopting such tax, if such property and  
63 services are subject to taxation by the state of Missouri under the provisions of  
64 sections 144.010 to 144.525, RSMo.

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

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

144.010. 1. The following words, terms, and phrases when used in  
2 sections 144.010 to 144.525 have the meanings ascribed to them in this section,  
3 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) **"Bundled transaction", is the retail sale of two or more**  
9 **products, except real property and services to real property, where the**  
10 **products are otherwise distinct and identifiable, and the products are**  
11 **sold for one non-itemized price. A "bundled transaction" does not**  
12 **include the sale of any products in which the sales price varies, or is**  
13 **negotiable, based on the selection by the purchaser of the products**  
14 **included in the transaction. "Distinct and identifiable products" does**  
15 **not include:**

16           (a) Packaging, such as containers, boxes, sacks, bags, bottles, or  
17 other materials such as wrapping, labels, tags, and instruction guides  
18 that accompany the retail sale of the products and are incidental or  
19 immaterial to the retail sale thereof. Examples of packaging that are  
20 incidental or immaterial include grocery sacks, shoe boxes, dry  
21 cleaning garment bags, and express delivery envelopes and boxes;

22           (b) A product provided free of charge with the required purchase  
23 of another product. A product is provided free of charge if the sales  
24 price of the product purchased does not vary depending on the  
25 inclusion of the product provided free of charge;

26           (c) Items included in the member state's definition of sales price,  
27 under appendix C of the agreement. The term "one non-itemized price"  
28 does not include a price that is separately identified by product on  
29 binding sales or other supporting sales-related documentation made  
30 available to the customer in paper or electronic form including, but not  
31 limited to, an invoice, bill of sale, receipt, contract, service agreement,  
32 lease agreement, periodic notice of rates and services, rate card, or  
33 price list. A transaction that otherwise meets the definition of a  
34 bundled transaction as defined in this subdivision, is not a bundled  
35 transaction if it is:

36           a. The retail sale of tangible personal property and a service  
37 where the tangible personal property is essential to the use of the  
38 service, and is provided exclusively in connection with the service, and  
39 the true object of the transaction is the service; or

40           b. The retail sale of services where one service is provided that  
41 is essential to the use of receipt of a second service and the first  
42 service is provided exclusively in connection with the second service  
43 and the true object of the transaction is the second service; or

44           c. A transaction that includes taxable products and nontaxable  
45 products and the purchase price or sales price of the taxable products  
46 is de minimis. "De minimis" means the seller's purchase price or sales  
47 price of the taxable products is ten percent or less of the total purchase  
48 price or sales price of the bundled products.

49 Sellers shall use either the purchase price or the sales price of the  
50 products to determine if the taxable products are de minimis. Sellers  
51 may not use a combination of the purchase price and sales price of the  
52 products to determine if the taxable products are de minimis. Sellers

53 shall use the full term of a service contract to determine if the taxable  
54 products are de minimis; or

55 d. The retail sale of exempt tangible personal property and  
56 taxable tangible personal property where:

57 i. The transaction included food and food ingredients, drugs,  
58 durable medical equipment, mobility enhancing equipment, over-the-  
59 counter drugs, prosthetic devices, all as defined in appendix C, or  
60 medical supplies; and

61 ii. The seller's purchase price or sales price of the taxable  
62 tangible personal property is fifty percent or less of the total purchase  
63 price or sales price of the bundled tangible personal property. Sellers  
64 may not use a combination of the purchase price and sales price of the  
65 tangible personal property when making the fifty percent  
66 determination for a transaction;

67 (3) "Business" includes any activity engaged in by any person, or caused  
68 to be engaged in by him, with the object of gain, benefit or advantage, either  
69 direct or indirect, and the classification of which business is of such character as  
70 to be subject to the terms of sections 144.010 to 144.525. The isolated or  
71 occasional sale of tangible personal property, service, substance, or thing, by a  
72 person not engaged in such business, does not constitute engaging in business  
73 within the meaning of sections 144.010 to 144.525 unless the total amount of the  
74 gross receipts from such sales, exclusive of receipts from the sale of tangible  
75 personal property by persons which property is sold in the course of the partial  
76 or complete liquidation of a household, farm or nonbusiness enterprise, exceeds  
77 three thousand dollars in any calendar year. The provisions of this subdivision  
78 shall not be construed to make any sale of property which is exempt from sales  
79 tax or use tax on June 1, 1977, subject to that tax thereafter;

80 (4) "Delivery charges", charges by the seller of personal property  
81 or services for preparation and delivery to a location designated by the  
82 purchaser of personal property or services including, but not limited  
83 to, transportation, shipping, postage, handling, crating, and packing;

84 [(3)] (5) "Gross receipts", except as provided in section 144.012, means  
85 the total amount of the sale price of the sales at retail including any services  
86 other than charges incident to the extension of credit that are a part of such sales  
87 made by the businesses herein referred to, capable of being valued in money,  
88 whether received in money or otherwise; except that, the term "gross receipts"

89 shall not include the sale price of property returned by customers when the full  
90 sale price thereof is refunded either in cash or by credit. In determining any tax  
91 due under sections 144.010 to 144.525 on the gross receipts, charges incident to  
92 the extension of credit shall be specifically exempted. For the purposes of  
93 sections 144.010 to 144.525 the total amount of the sale price above mentioned  
94 shall be deemed to be the amount received. It shall also include the lease or  
95 rental consideration where the right to continuous possession or use of any article  
96 of tangible personal property is granted under a lease or contract and such  
97 transfer of possession would be taxable if outright sale were made and, in such  
98 cases, the same shall be taxable as if outright sale were made and considered as  
99 a sale of such article, and the tax shall be computed and paid by the lessee upon  
100 the rentals paid;

101 **(6) "Lease or rental", any transfer of possession or control of**  
102 **tangible personal property for a fixed or indeterminate term for**  
103 **consideration. A lease or rental may include future options to purchase**  
104 **or extend;**

105 **(a) Lease or rental does not include:**

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

109 **b. A transfer or possession or control of property under an**  
110 **agreement that requires the transfer of title upon completion of**  
111 **required payments and payment of an option price does not exceed the**  
112 **greater of one hundred dollars or one percent of the total required**  
113 **payments; or**

114 **c. Providing tangible personal property along with an operator**  
115 **for a fixed or indeterminate period of time. A condition of this**  
116 **exclusion is that the operator is necessary for the equipment to**  
117 **perform as designed. For the purpose of this subsection, an operator**  
118 **must do more than maintain, inspect, or set-up the tangible personal**  
119 **property;**

120 **(b) Lease or rental does include agreements covering motor**  
121 **vehicles and trailers where the amount of consideration may be**  
122 **increased or decreased by reference to the amount realized upon sale**  
123 **or disposition of the property as defined in 26 U.S.C. 7701(h)(1), as**  
124 **amended;**

125 **(c) This definition shall be used for sales and use tax purposes**

126 regardless of whether a transaction is characterized as a lease or rental  
127 under generally accepted accounting principles, the Internal Revenue  
128 Code, the Missouri revised statutes, or other provisions of federal,  
129 state, or local law;

130 (d) This definition will be applied only prospectively from the  
131 date of adoption and will have no retroactive impact on existing leases  
132 or rentals;

133 [(4)] (7) "Livestock", cattle, calves, sheep, swine, ratite birds, including  
134 but not limited to, ostrich and emu, aquatic products as defined in section  
135 277.024, RSMo, llamas, alpaca, buffalo, elk documented as obtained from a legal  
136 source and not from the wild, goats, horses, other equine, or rabbits raised in  
137 confinement for human consumption;

138 [(5)] (8) "Motor vehicle leasing company" [shall be], a company obtaining  
139 a permit from the director of revenue to operate as a motor vehicle leasing  
140 company. Not all persons renting or leasing trailers or motor vehicles need to  
141 obtain such a permit; however, no person failing to obtain such a permit may  
142 avail itself of the optional tax provisions of subsection 5 of section 144.070, as  
143 hereinafter provided;

144 [(6)] (9) "Person" [includes], any individual, firm, copartnership, joint  
145 adventure, association, corporation, municipal or private, and whether organized  
146 for profit or not, state, county, political subdivision, state department,  
147 commission, board, bureau or agency, except the state transportation department,  
148 estate, trust, business trust, receiver or trustee appointed by the state or federal  
149 court, syndicate, or any other group or combination acting as a unit, and the  
150 plural as well as the singular number;

151 (10) "Product that is intended to be sold ultimately for final use  
152 or consumption", tangible personal property, or any service that is  
153 subject to state or local sales or use taxes, or any tax that is  
154 substantially equivalent to these taxes, in this state or any other state;

155 (11) "Purchase price", applies to the measure subject to use tax  
156 and has the same meaning as sales price;

157 [(7)] (12) "Purchaser" [means], a person who purchases tangible personal  
158 property or to whom are rendered services, receipts from which are taxable under  
159 sections 144.010 to 144.525;

160 [(8)] (13) "Research or experimentation activities" [are], the development  
161 of an experimental or pilot model, plant process, formula, invention or similar

162 property, and the improvement of existing property of such type. Research or  
163 experimentation activities do not include activities such as ordinary testing or  
164 inspection of materials or products for quality control, efficiency surveys,  
165 advertising promotions or research in connection with literary, historical or  
166 similar projects;

167       [(9)] (14) "Sale" or "sales" includes, installment and credit sales, and the  
168 exchange of properties as well as the sale thereof for money, every closed  
169 transaction constituting a sale, and means any transfer, exchange or barter,  
170 conditional or otherwise, in any manner or by any means whatsoever, of tangible  
171 personal property for valuable consideration and the rendering, furnishing or  
172 selling for a valuable consideration any of the substances, things and services  
173 herein designated and defined as taxable under the terms of sections 144.010 to  
174 144.525;

175       [(10)] (15) "Sale at retail" [means any transfer made by any person  
176 engaged in business as defined herein of the ownership of, or title to, tangible  
177 personal property to the purchaser, for use or consumption and not for resale in  
178 any form as tangible personal property, for a valuable consideration; except that,  
179 for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)  
180 purchases of tangible personal property made by duly licensed physicians,  
181 dentists, optometrists and veterinarians and used in the practice of their  
182 professions shall be deemed to be purchases for use or consumption and not for  
183 resale; and (ii) the selling of computer printouts, computer output or microfilm  
184 or microfiche and computer-assisted photo compositions to a purchaser to enable  
185 the purchaser to obtain for his or her own use the desired information contained  
186 in such computer printouts, computer output on microfilm or microfiche and  
187 computer-assisted photo compositions shall be considered as the sale of a service  
188 and not as the sale of tangible personal property], **any sale, lease, or rental**  
189 **for any purpose other than for resale, sublease, or subrent. Purchases**  
190 **of tangible personal property made by duly licensed physicians,**  
191 **dentists, optometrists, and veterinarians and used in the practice of**  
192 **their professions shall be deemed to be purchases for use or**  
193 **consumption and not for resale.** Where necessary to conform to the context  
194 of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at  
195 retail" shall be construed to embrace:

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

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

200 (c) Sales of local and long distance telecommunications service to  
201 telecommunications subscribers and to others through equipment of  
202 telecommunications subscribers for the transmission of messages and  
203 conversations, and the sale, rental or leasing of all equipment or services  
204 pertaining or incidental thereto;

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

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

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

214 **(16) "Sales price", applies to the measure subject to sales tax and**  
215 **means the total amount of consideration, including cash, credit,**  
216 **property, and services, for which personal property or services are**  
217 **sold, leased, or rented, valued in money, whether received in money or**  
218 **otherwise, without any deduction for the following:**

219 **(a) The seller's cost of the property sold;**

220 **(b) The cost of materials used, labor or service cost, interest,**  
221 **losses, all costs of transportation to the seller, all taxes imposed on the**  
222 **seller, and any other expense of the seller;**

223 **(c) Charges by the seller for any services necessary to complete**  
224 **the sale, other than delivery and installation charges;**

225 **(d) Delivery charges;**

226 **(e) Installation charges; and**

227 **(f) Credit for any trade-in, as determined by state law;**

228 **[(11)] (17) "Seller" means a person selling or furnishing tangible personal**  
229 **property or rendering services, on the receipts from which a tax is imposed**  
230 **pursuant to section 144.020;**

231 **(18) "Tangible personal property", personal property that can be**  
232 **seen, weighed, measured, felt, or touched, or that is in any other**  
233 **manner perceptible to the senses. "Tangible personal property"**

234 includes electricity, water, gas, steam, and prewritten computer  
235 software;

236 [(12)] (19) The noun "tax" means either the tax payable by the purchaser  
237 of a commodity or service subject to tax, or the aggregate amount of taxes due  
238 from the vendor of such commodities or services during the period for which he  
239 or she is required to report his or her collections, as the context may require;

240 [(13)] (20) "Telecommunications service", for the purpose of this chapter,  
241 the transmission of information by wire, radio, optical cable, coaxial cable,  
242 electronic impulses, or other similar means. As used in this definition,  
243 "information" means knowledge or intelligence represented by any form of  
244 writing, signs, signals, pictures, sounds, or any other  
245 symbols. Telecommunications service does not include the following if such  
246 services are separately stated on the customer's bill or on records of the seller  
247 maintained in the ordinary course of business:

248 (a) Access to the Internet, access to interactive computer services or  
249 electronic publishing services, except the amount paid for the telecommunications  
250 service used to provide such access;

251 (b) Answering services and one-way paging services;

252 (c) Private mobile radio services which are not two-way commercial mobile  
253 radio services such as wireless telephone, personal communications services or  
254 enhanced specialized mobile radio services as defined pursuant to federal law;  
255 [or]

256 (d) Cable or satellite television or music services; [and

257 (14) "Product which is intended to be sold ultimately for final use or  
258 consumption" means tangible personal property, or any service that is subject to  
259 state or local sales or use taxes, or any tax that is substantially equivalent  
260 thereto, in this state or any other state.]

261 Beginning January 1, 2009, "telecommunications service" shall be  
262 defined as:

263 a. "Air-to-ground radiotelephone service", a radio service, as that  
264 term is defined in 47 C.F.R. 22.99, in which common carriers are  
265 authorized to offer and provide radio telecommunications service for  
266 hire to subscribers in aircraft;

267 b. "Ancillary services", services that are associated with or  
268 incidental to the provisions of telecommunications services, including  
269 but not limited to, detailed telecommunications billing, directory

270 assistance, vertical service, and voice mail services;

271 c. "Call-by-call basis", any method of charging for  
272 telecommunications services where the price is measured by individual  
273 calls;

274 d. "Communications channel", a physical or virtual path of  
275 communications over which signals are transmitted between or among  
276 customer channel termination points;

277 e. "Customer", the person or entity that contracts with the seller  
278 of telecommunications services. If the end user of telecommunications  
279 services is not the contracting party, the end user of the  
280 telecommunications service is the customer of the telecommunication  
281 service, but this subparagraph only applies to the purpose of sourcing  
282 sales of telecommunications under chapter 314, RSMo. "Customer" does  
283 not include a reseller of telecommunications service or for mobile  
284 telecommunications service of a serving carrier under an agreement to  
285 serve the customer outside the home service provider's licensed service  
286 area;

287 f. "Customer channel termination point", the location where the  
288 customer either inputs or receives the communication;

289 g. "End user", the person who utilizes the telecommunication  
290 service. In case of an entity, "end user" means the individual who  
291 utilizes the service on behalf of the entity;

292 h. "Home service provider", the same as that term is defined in  
293 Section 124(5) of Public Law 106-252, Mobile Telecommunications  
294 Sourcing Act;

295 i. "Mobile telecommunications service", the same as that term is  
296 defined in Section 124(7) of Public Law 106-252, Mobile  
297 Telecommunications Sourcing Act;

298 j. "Place of primary use", the street address representative of  
299 where the customer's use of the telecommunications service primarily  
300 occurs, which must be the residential street address or the primary  
301 business street address of the customer. In Streamlined Sales and Use  
302 Tax Agreement, Page 29, January 13, 2006, the case of mobile  
303 telecommunications services, place of primary use must be within the  
304 licensed service area of the home service provider;

305 k. "Post-paid calling service", the telecommunications service  
306 obtained by making a payment on a call-by-call basis either through the

307 use of a credit card or payment mechanism such as a bank card, travel  
308 card, credit card, or debit card, or by charge made to a telephone  
309 number which is not associated with the origination or termination of  
310 the telecommunications service. A post-paid calling service includes a  
311 telecommunications service, except a prepaid wireless calling service,  
312 that would be a prepaid calling service except it is not exclusively a  
313 telecommunications service;

314       l. "Prepaid calling service", the right to access exclusively  
315 telecommunications services, which must be paid for in advance and  
316 which enables the origination of calls using an access number or  
317 authorization code, whether manually or electronically dialed, and that  
318 is sold in predetermined units or dollars of which the number declines  
319 with use in a known amount;

320       m. "Prepaid wireless calling service", a telecommunications  
321 service that provides the right to utilize mobile wireless services as  
322 well as other non-telecommunications services, including the download  
323 of digital products delivered electronically, content and ancillary  
324 services, which must be paid for in advance that is sold in  
325 predetermined units or dollars of which the number declines with use  
326 in a known amount;

327       n. "Private communication service", a telecommunications service  
328 that entitles the customer to exclusive or priority use of a  
329 communications channel or group of channels between or among  
330 termination points, regardless of the manner in which such channel or  
331 channels are connected, and includes switching capacity, extension  
332 lines, stations, and any other associated services that are provided in  
333 connection with the use of such channel or channels;

334       o. "Service address":

335       i. The location of the telecommunications equipment to which a  
336 customer's call is charged and from which the call originates or  
337 terminates, regardless of where the call is billed or paid;

338       ii. If the location in subparagraph n. of this paragraph is not  
339 known, service address means the origination point of the signal of the  
340 telecommunications services first identified in either the seller's  
341 telecommunications system or in information received by the seller  
342 from its service provider, where the system used to transport such  
343 signals is not that of the seller;

344           iii. If the location in subparagraph n. of this paragraph is not  
345 known, the service address means the location of the customer's place  
346 of primary use;

347           p. "Telecommunications service", the electronic transmission,  
348 conveyance, or routing of voice, data, audio, video, or any other  
349 information or signals to a point, or between or among points. The  
350 term "telecommunications service" includes such transmission,  
351 conveyance, or routing in which computer processing applications are  
352 used to act on the form, code, or protocol of the content for purposes  
353 of transmission, conveyance, or routing without regard to whether such  
354 service is referred to as voice over Internet protocol services or is  
355 classified by the Federal Communications Commission as enhanced or  
356 value added. "Telecommunications service" does not include:

357           i. Data processing and information services that allow data to be  
358 generated, acquired, stored, processed, or retrieved and delivered by  
359 an electronic transmission to a purchaser where such purchaser's  
360 primary purpose for the underlying transaction is the processed data  
361 or information;

362           ii. Installation or maintenance of wiring or equipment on a  
363 customer's premises;

364           iii. Tangible personal property;

365           iv. Advertising, including but not limited to directory  
366 advertising;

367           v. Billing and collection services provided to third parties;

368           vi. Internet access service;

369           vii. Radio and television audio and video programming services,  
370 regardless of the medium, including the furnishing of transmission,  
371 conveyance, and routing of such services by the programming service  
372 provider. Radio and television audio and video programming services  
373 shall include but not be limited to cable service as defined in 47 U.S.C.  
374 522(6) and audio and video programming services delivered by  
375 commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

376           viii. Ancillary services; or

377           ix. Digital products delivered electronically, including, but not  
378 limited to, software, music, video, reading materials, or ring tones.

379           2. For purposes of the taxes imposed under sections 144.010 to 144.525,  
380 and any other provisions of law pertaining to sales or use taxes which incorporate

381 the provisions of sections 144.010 to 144.525 by reference, the term  
382 "manufactured homes" shall have the same meaning given it in section 700.010,  
383 RSMo.

384 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales  
385 Tax Law".

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 on all retail sales of food shall  
4 be at the rate of one percent. The revenue derived from the one percent rate  
5 pursuant to this section shall be deposited by the state treasurer in the school  
6 district trust fund and shall be distributed as provided in section 144.701.

7 2. For the purposes of this section, the term "food" shall include only  
8 [those products and types of food for which food stamps may be redeemed  
9 pursuant to the provisions of the Federal Food Stamp Program as contained in  
10 7 U.S.C. Section 2012, as that section now reads or as it may be amended  
11 hereafter, and shall include food dispensed by or through vending machines] **food**  
12 **and food ingredients; food sold through vending machines; and**  
13 **prepared food sold in an unheated state by weight or volume as a single**  
14 **item without eating utensils, food sold by a seller whose proper**  
15 **primary NAICS classification is manufacturing in sector 311 and bakery**  
16 **items, including bread, rolls, buns, biscuits, bagels, croissants, pastries,**  
17 **donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and**  
18 **tortillas. For purposes of this section, the term "food and food**  
19 **ingredients" means substances, whether in liquid, concentrated, solid,**  
20 **frozen, dried, or dehydrated form, that are sold for ingestion or**  
21 **chewing by humans and are consumed for their taste or nutritional**  
22 **value. "Food and food ingredients" does not include alcoholic**  
23 **beverages, tobacco, or dietary supplements. For purposes of this**  
24 **section, the term "food sold through vending machines" means food**  
25 **dispensed from a machine or other mechanical device that accepts**  
26 **payment. "Prepared food" means food sold in a heated state or heated**  
27 **by the seller; two or more food ingredients mixed or combined by the**  
28 **seller for sale as a single item; or food sold with eating utensils**  
29 **provided by the seller, including plates, knives, forks, spoons, glasses,**  
30 **cups, napkins, or straws. A plate does not include a container or**  
31 **packaging used to transport the food. "Prepared food" does not include**

32 food that is only cut, repackaged, or pasteurized by the seller, and eggs,  
33 fish, meat, poultry, and foods containing these raw animal foods  
34 requiring cooking by the consumer as recommended by the Food and  
35 Drug Administration in chapter 3, part 401.11 of its Food Code so as to  
36 prevent food borne illnesses. "Alcoholic beverages" means beverages  
37 that are suitable for human consumption and contain one-half of one  
38 percent or more of alcohol by volume. "Dietary supplement" means any  
39 product, other than tobacco, intended to supplement the diet that  
40 contains one or more of the following dietary ingredients: a vitamin; a  
41 mineral; an herb or other botanical; an amino acid; a dietary substance  
42 for use by humans to supplement the diet by increasing the total  
43 dietary intake; or a concentrate, metabolite, constituent, extract, or  
44 combination of any ingredient described above; and that is intended for  
45 ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or  
46 if not intended for ingestion in such a form, is not represented as a  
47 conventional food and is not represented for use as a sole item of a  
48 meal or of the diet; and that is required to be labeled as a dietary  
49 supplement, identifiable by the supplemental facts box found on the  
50 label and as required pursuant to 21 C.F.R. Section 101.36. "Tobacco"  
51 means cigarettes, cigars, chewing or pipe tobacco, or any other item  
52 that contains tobacco. For the purpose of this section, except for vending  
53 machine sales, the term "food" shall not include food or drink sold by any  
54 establishment where the gross receipts derived from the sale of food prepared by  
55 such establishment for immediate consumption on or off the premises of the  
56 establishment constitutes more than eighty percent of the total gross receipts of  
57 that establishment, regardless of whether such prepared food is consumed on the  
58 premises of that establishment, including, but not limited to, sales of food by any  
59 restaurant, fast food restaurant, delicatessen, eating house, or café.

144.030. 1. There is hereby specifically exempted from the provisions of  
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed  
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be  
4 made in commerce between this state and any other state of the United States,  
5 or between this state and any foreign country, and any retail sale which the state  
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the  
7 United States of America, and such retail sales of tangible personal property  
8 which the general assembly of the state of Missouri is prohibited from taxing or

9 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, RSMo, section 238.235, RSMo, and  
12 sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of  
13 the tax levied, assessed or payable pursuant to the local sales tax law as defined  
14 in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525  
15 and 144.600 to 144.745:

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, RSMo; or  
18 upon the sale at retail of fuel to be consumed in manufacturing or creating gas,  
19 power, steam, electrical current or in furnishing water to be sold ultimately at  
20 retail; or feed for livestock or poultry; or grain to be converted into foodstuffs  
21 which are to be sold ultimately in processed form at retail; or seed, limestone or  
22 fertilizer which is to be used for seeding, liming or fertilizing crops which when  
23 harvested will be sold at retail or will be fed to livestock or poultry to be sold  
24 ultimately in processed form at retail; economic poisons registered pursuant to  
25 the provisions of the Missouri pesticide registration law (sections 281.220 to  
26 281.310, RSMo) which are to be used in connection with the growth or production  
27 of crops, fruit trees or orchards applied before, during, or after planting, the crop  
28 of which when harvested will be sold at retail or will be converted into foodstuffs  
29 which are to 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 useable  
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, RSMo. Material recovery is not the reuse of materials within a  
61 manufacturing process or the use of a product previously recovered. The material  
62 recovery processing plant shall qualify under the provisions of this section  
63 regardless of ownership of the material being recovered;

64           (5) Machinery and equipment, and parts and the materials and supplies  
65 solely required for the installation or construction of such machinery and  
66 equipment, purchased and used to establish new or to expand existing  
67 manufacturing, mining or fabricating plants in the state if such machinery and  
68 equipment is used directly in manufacturing, mining or fabricating a product  
69 which is intended to be sold ultimately for final use or consumption;

70           (6) Tangible personal property which is used exclusively in the  
71 manufacturing, processing, modification or assembling of products sold to the  
72 United States government or to any agency of the United States government;

73           (7) Animals or poultry used for breeding or feeding purposes;

74           (8) Newsprint, ink, computers, photosensitive paper and film, toner,  
75 printing plates and other machinery, equipment, replacement parts and supplies  
76 used in producing newspapers published for dissemination of news to the general  
77 public;

78           (9) The rentals of films, records or any type of sound or picture  
79 transcriptions for public commercial display;

80           (10) Pumping machinery and equipment used to propel products delivered

81 by pipelines engaged as common carriers;

82 (11) Railroad rolling stock for use in transporting persons or property in  
83 interstate commerce and motor vehicles licensed for a gross weight of twenty-four  
84 thousand pounds or more or trailers used by common carriers, as defined in  
85 section 390.020, RSMo, in the transportation of persons or property;

86 (12) Electrical energy used in the actual primary manufacture, processing,  
87 compounding, mining or producing of a product, or electrical energy used in the  
88 actual secondary processing or fabricating of the product, or a material recovery  
89 processing plant as defined in subdivision (4) of this subsection, in facilities  
90 owned or leased by the taxpayer, if the total cost of electrical energy so used  
91 exceeds ten percent of the total cost of production, either primary or secondary,  
92 exclusive of the cost of electrical energy so used or if the raw materials used in  
93 such processing contain at least twenty-five percent recovered materials as  
94 defined in section 260.200, RSMo. There shall be a rebuttable presumption that  
95 the raw materials used in the primary manufacture of automobiles contain at  
96 least twenty-five percent recovered materials. For purposes of this subdivision,  
97 "processing" means any mode of treatment, act or series of acts performed upon  
98 materials to transform and reduce them to a different state or thing, including  
99 treatment necessary to maintain or preserve such processing by the producer at  
100 the production facility;

101 (13) Anodes which are used or consumed in manufacturing, processing,  
102 compounding, mining, producing or fabricating and which have a useful life of  
103 less than one year;

104 (14) Machinery, equipment, appliances and devices purchased or leased  
105 and used solely for the purpose of preventing, abating or monitoring air pollution,  
106 and materials and supplies solely required for the installation, construction or  
107 reconstruction of such machinery, equipment, appliances and devices;

108 (15) Machinery, equipment, appliances and devices purchased or leased  
109 and used solely for the purpose of preventing, abating or monitoring water  
110 pollution, and materials and supplies solely required for the installation,  
111 construction or reconstruction of such machinery, equipment, appliances and  
112 devices;

113 (16) Tangible personal property purchased by a rural water district;

114 (17) All amounts paid or charged for admission or participation or other  
115 fees paid by or other charges to individuals in or for any place of amusement,  
116 entertainment or recreation, games or athletic events, including museums, fairs,

117 zoos and planetariums, owned or operated by a municipality or other political  
118 subdivision where all the proceeds derived therefrom benefit the municipality or  
119 other political subdivision and do not inure to any private person, firm, or  
120 corporation;

121       (18) All sales of insulin and [prosthetic or] orthopedic devices as defined  
122 on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of  
123 the Social Security Act of 1965, including the items specified in Section  
124 1862(a)(12) of that act, and also specifically including hearing aids and hearing  
125 aid supplies and all sales of drugs which may be legally dispensed by a licensed  
126 pharmacist only upon a lawful prescription of a practitioner licensed to  
127 administer those items, including samples and materials used to manufacture  
128 samples which may be dispensed by a practitioner authorized to dispense such  
129 samples and all sales of medical oxygen, home respiratory equipment and  
130 accessories, hospital beds and accessories and ambulatory aids, all sales of  
131 manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille  
132 equipment and, if purchased by or on behalf of a person with one or more physical  
133 or mental disabilities to enable them to function more independently, all sales of  
134 scooters, reading machines, electronic print enlargers and magnifiers, electronic  
135 alternative and augmentative communication devices, and items used solely to  
136 modify motor vehicles to permit the use of such motor vehicles by individuals  
137 with disabilities or sales of over-the-counter or nonprescription drugs to  
138 individuals with disabilities, **except grooming or hygiene products, to**  
139 **individuals with disabilities, and all sales of prosthetic devices. For**  
140 **purposes of this section, "prosthetic device" means a replacement,**  
141 **corrective, or supportive device including repair and replacement parts**  
142 **for same worn on or in the body to: artificially replace a missing**  
143 **portion of the body; prevent or correct physical deformity or**  
144 **malfunction; or support a weak or deformed portion of the**  
145 **body. "Prosthetic device" does not include corrective eyeglasses or**  
146 **contact lenses. For purposes of this section, "drug" means a compound,**  
147 **substance or preparation, and any component of a compound, substance**  
148 **or preparation, other than food and food ingredients, dietary**  
149 **supplements, or alcoholic beverages: recognized in the official United**  
150 **States Pharmacopoeia, official Homeopathic Pharmacopoeia of the**  
151 **United States, or official National Formulary, and supplement to any**  
152 **of them; or intended for use in the diagnosis, cure, mitigation,**

153 treatment, or prevention of disease; or intended to affect the structure  
154 or any function of the body. For purposes of this section, "prescription"  
155 means an order, formula, or recipe issued in any form of oral, written,  
156 electronic, or other means of transmission by a duly licensed  
157 practitioner authorized by the laws of this state. For purposes of this  
158 section, "over-the-counter-drug" means a drug that contains a label that  
159 identifies the product as a drug as required by 21 C.F.R. Section  
160 201.66. The over-the-counter-drug label includes: a drug facts panel; or  
161 a statement of the active ingredients with a list of those ingredients  
162 contained in the compound, substance, or preparation. Over-the-  
163 counter-drug does not include grooming and hygiene  
164 products. "Grooming and hygiene products" are soaps and cleaning  
165 solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun  
166 tan lotions and screens, regardless of whether the items meet the  
167 definition of over-the-counter-drugs;

168 (19) All sales made by or to religious and charitable organizations and  
169 institutions in their religious, charitable or educational functions and activities  
170 and all sales made by or to all elementary and secondary schools operated at  
171 public expense in their educational functions and activities;

172 (20) All sales of aircraft to common carriers for storage or for use in  
173 interstate commerce and all sales made by or to not-for-profit civic, social, service  
174 or fraternal organizations, including fraternal organizations which have been  
175 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the  
176 1986 Internal Revenue Code, as amended, in their civic or charitable functions  
177 and activities and all sales made to eleemosynary and penal institutions and  
178 industries of the state, and all sales made to any private not-for-profit institution  
179 of higher education not otherwise excluded pursuant to subdivision (19) of this  
180 subsection or any institution of higher education supported by public funds, and  
181 all sales made to a state relief agency in the exercise of relief functions and  
182 activities;

183 (21) All ticket sales made by benevolent, scientific and educational  
184 associations which are formed to foster, encourage, and promote progress and  
185 improvement in the science of agriculture and in the raising and breeding of  
186 animals, and by nonprofit summer theater organizations if such organizations are  
187 exempt from federal tax pursuant to the provisions of the Internal Revenue Code  
188 and all admission charges and entry fees to the Missouri state fair or any fair

189 conducted by a county agricultural and mechanical society organized and  
190 operated pursuant to sections 262.290 to 262.530, RSMo;

191 (22) All sales made to any private not-for-profit elementary or secondary  
192 school, all sales of feed additives, medications or vaccines administered to  
193 livestock or poultry in the production of food or fiber, all sales of pesticides used  
194 in the production of crops, livestock or poultry for food or fiber, all sales of  
195 bedding used in the production of livestock or poultry for food or fiber, all sales  
196 of propane or natural gas, electricity or diesel fuel used exclusively for drying  
197 agricultural crops, natural gas used in the primary manufacture or processing of  
198 fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and  
199 electricity used by an eligible new generation cooperative or an eligible new  
200 generation processing entity as defined in section 348.432, RSMo, and all sales  
201 of farm machinery and equipment, other than airplanes, motor vehicles and  
202 trailers. As used in this subdivision, the term "feed additives" means tangible  
203 personal property which, when mixed with feed for livestock or poultry, is to be  
204 used in the feeding of livestock or poultry. As used in this subdivision, the term  
205 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and  
206 other assorted pesticide carriers used to improve or enhance the effect of a  
207 pesticide and the foam used to mark the application of pesticides and herbicides  
208 for the production of crops, livestock or poultry. As used in this subdivision, the  
209 term "farm machinery and equipment" means new or used farm tractors and such  
210 other new or used farm machinery and equipment and repair or replacement  
211 parts thereon, and supplies and lubricants used exclusively, solely, and directly  
212 for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
213 chukar, quail, or for producing milk for ultimate sale at retail, including field  
214 drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which  
215 is:

- 216 (a) Used exclusively for agricultural purposes;  
217 (b) Used on land owned or leased for the purpose of producing farm  
218 products; and  
219 (c) Used directly in producing farm products to be sold ultimately in  
220 processed form or otherwise at retail or in producing farm products to be fed to  
221 livestock or poultry to be sold ultimately in processed form at retail;

222 (23) Except as otherwise provided in section 144.032, all sales of metered  
223 water service, electricity, electrical current, natural, artificial or propane gas,  
224 wood, coal or home heating oil for domestic use and in any city not within a

225 county, all sales of metered or unmetered water service for domestic use:

226 (a) "Domestic use" means that portion of metered water service,  
227 electricity, electrical current, natural, artificial or propane gas, wood, coal or  
228 home heating oil, and in any city not within a county, metered or unmetered  
229 water service, which an individual occupant of a residential premises uses for  
230 nonbusiness, noncommercial or nonindustrial purposes. Utility service through  
231 a single or master meter for residential apartments or condominiums, including  
232 service for common areas and facilities and vacant units, shall be deemed to be  
233 for domestic use. Each seller shall establish and maintain a system whereby  
234 individual purchases are determined as exempt or nonexempt;

235 (b) Regulated utility sellers shall determine whether individual purchases  
236 are exempt or nonexempt based upon the seller's utility service rate  
237 classifications as contained in tariffs on file with and approved by the Missouri  
238 public service commission. Sales and purchases made pursuant to the rate  
239 classification "residential" and sales to and purchases made by or on behalf of the  
240 occupants of residential apartments or condominiums through a single or master  
241 meter, including service for common areas and facilities and vacant units, shall  
242 be considered as sales made for domestic use and such sales shall be exempt from  
243 sales tax. Sellers shall charge sales tax upon the entire amount of purchases  
244 classified as nondomestic use. The seller's utility service rate classification and  
245 the provision of service thereunder shall be conclusive as to whether or not the  
246 utility must charge sales tax;

247 (c) Each person making domestic use purchases of services or property  
248 and who uses any portion of the services or property so purchased for a  
249 nondomestic use shall, by the fifteenth day of the fourth month following the year  
250 of purchase, and without assessment, notice or demand, file a return and pay  
251 sales tax on that portion of nondomestic purchases. Each person making  
252 nondomestic purchases of services or property and who uses any portion of the  
253 services or property so purchased for domestic use, and each person making  
254 domestic purchases on behalf of occupants of residential apartments or  
255 condominiums through a single or master meter, including service for common  
256 areas and facilities and vacant units, under a nonresidential utility service rate  
257 classification may, between the first day of the first month and the fifteenth day  
258 of the fourth month following the year of purchase, apply for credit or refund to  
259 the director of revenue and the director shall give credit or make refund for taxes  
260 paid on the domestic use portion of the purchase. The person making such

261 purchases on behalf of occupants of residential apartments or condominiums shall  
262 have standing to apply to the director of revenue for such credit or refund;

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

267 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,  
268 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United  
269 States Code. The director of revenue shall promulgate rules pursuant to chapter  
270 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

271 (26) Sales of fuel consumed or used in the operation of ships, barges, or  
272 waterborne vessels which are used primarily in or for the transportation of  
273 property or cargo, or the conveyance of persons for hire, on navigable rivers  
274 bordering on or located in part in this state, if such fuel is delivered by the seller  
275 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such  
276 river;

277 (27) All sales made to an interstate compact agency created pursuant to  
278 sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the  
279 exercise of the functions and activities of such agency as provided pursuant to the  
280 compact;

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

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

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

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

295 (32) Notwithstanding other provisions of law to the contrary, all sales of  
296 pesticides or herbicides used in the production of crops, aquaculture, livestock or

297 poultry;

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

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

303           (35) All sales of feed which are developed for and used in the feeding of  
304 pets owned by a commercial breeder when such sales are made to a commercial  
305 breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections  
306 273.325 to 273.357, RSMo;

307           (36) All purchases by a contractor on behalf of an entity located in another  
308 state, provided that the entity is authorized to issue a certificate of exemption for  
309 purchases to a contractor under the provisions of that state's laws. For purposes  
310 of this subdivision, the term "certificate of exemption" shall mean any document  
311 evidencing that the entity is exempt from sales and use taxes on purchases  
312 pursuant to the laws of the state in which the entity is located. Any contractor  
313 making purchases on behalf of such entity shall maintain a copy of the entity's  
314 exemption certificate as evidence of the exemption. If the exemption certificate  
315 issued by the exempt entity to the contractor is later determined by the director  
316 of revenue to be invalid for any reason and the contractor has accepted the  
317 certificate in good faith, neither the contractor or the exempt entity shall be liable  
318 for the payment of any taxes, interest and penalty due as the result of use of the  
319 invalid exemption certificate. Materials shall be exempt from all state and local  
320 sales and use taxes when purchased by a contractor for the purpose of fabricating  
321 tangible personal property which is used in fulfilling a contract for the purpose  
322 of constructing, repairing or remodeling facilities for the following:

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

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

329           (37) All sales or other transfers of tangible personal property to a lessor  
330 who leases the property under a lease of one year or longer executed or in effect  
331 at the time of the sale or other transfer to an interstate compact agency created  
332 pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100,

333 RSMo;

334 (38) Sales of tickets to any collegiate athletic championship event that is  
335 held in a facility owned or operated by a governmental authority or commission,  
336 a quasi-governmental agency, a state university or college or by the state or any  
337 political subdivision thereof, including a municipality, and that is played on a  
338 neutral site and may reasonably be played at a site located outside the state of  
339 Missouri. For purposes of this subdivision, "neutral site" means any site that is  
340 not located on the campus of a conference member institution participating in the  
341 event;

342 (39) All purchases by a sports complex authority created under section  
343 64.920, RSMo;

344 (40) Beginning January 1, 2009, but not after January 1, 2015, materials,  
345 replacement parts, and equipment purchased for use directly upon, and for the  
346 modification, replacement, repair, and maintenance of aircraft, aircraft power  
347 plants, and aircraft accessories.

144.049. 1. For purposes of this section, the following terms mean:

2 (1) "Clothing", [any article of wearing apparel, including footwear,  
3 intended to be worn on or about the human body. The term shall include but not  
4 be limited to cloth and other material used to make school uniforms or other  
5 school clothing. Items normally sold in pairs shall not be separated to qualify for  
6 the exemption. The term shall not include watches, watchbands, jewelry,  
7 handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles;  
8 and] **all human wearing apparel suitable for general use. The following**  
9 **list contains examples and is not intended to be an all-inclusive list:**

10 (a) "Clothing" shall include:

11 a. Aprons, household and shop;

12 b. Athletic supporters;

13 c. Baby receiving blankets;

14 d. Bathing suits and caps;

15 e. Beach capes and coats;

16 f. Boots;

17 g. Coats and jackets;

18 h. Costumes;

19 i. Diapers, children and adult, including disposable diapers;

20 j. Ear muffs;

21 k. Footlets;

- 22           **l. Formal wear;**
- 23           **m. Garters and garter belts;**
- 24           **n. Gloves and mittens for general use;**
- 25           **o. Hats and caps;**
- 26           **p. Hosiery;**
- 27           **q. Insoles for shoes;**
- 28           **r. Lab coats;**
- 29           **s. Neckties;**
- 30           **t. Overshoes;**
- 31           **u. Pantyhose;**
- 32           **v. Rainwear;**
- 33           **w. Rubber pants;**
- 34           **x. Sandals;**
- 35           **y. Scarves;**
- 36           **z. Shoes and shoe laces;**
- 37           **aa. Slippers;**
- 38           **bb. Sneakers;**
- 39           **cc. Socks and stockings;**
- 40           **dd. Steel-toed shoes;**
- 41           **ee. Underwear;**
- 42           **ff. Uniforms, athletic and non-athletic; and**
- 43           **gg. Wedding apparel;**
- 44           **(b) Clothing shall not include:**
- 45               **a. Belt buckles sold separately;**
- 46               **b. Costume masks sold separately;**
- 47               **c. Patches and emblems sold separately;**
- 48               **d. Sewing equipment and supplies, including but not limited to,**
- 49 **knitting needles, patterns, pins, scissors, sewing machines, sewing**
- 50 **needles, tape measures, and thimbles; and**
- 51               **e. Sewing materials that become part of "clothing" including, but**
- 52 **not limited to, buttons, fabric, lace, thread, yarn, and zippers;**
- 53           **(2) "Personal computers", a laptop, desktop, or tower computer system**
- 54 **which consists of a central processing unit, random access memory, a storage**
- 55 **drive, a display monitor, and a keyboard and devices designed for use in**
- 56 **conjunction with a personal computer, such as a disk drive, memory module,**
- 57 **compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard,**
- 58 **mouse, multimedia speaker, printer, scanner, single-user hardware, single-user**

59 operating system, soundcard, or video card;

60 (3) "School supplies", [any item normally used by students in a standard  
61 classroom for educational purposes, including but not limited to textbooks,  
62 notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags,  
63 backpacks, handheld calculators, chalk, maps, and globes. The term shall not  
64 include watches, radios, CD players, headphones, sporting equipment, portable  
65 or desktop telephones, copiers or other office equipment, furniture, or  
66 fixtures. School supplies shall also include computer software having a taxable  
67 value of three hundred fifty dollars or less] **an item commonly used by a**  
68 **student in a course of study. The following is an all-inclusive list:**

69 (a) **Binders;**

70 (b) **Book bags;**

71 (c) **Calculators;**

72 (d) **Cellophane tape;**

73 (e) **Blackboard chalk;**

74 (f) **Compasses;**

75 (g) **Composition books;**

76 (h) **Crayons;**

77 (i) **Erasers;**

78 (j) **Folders, expandable, pocket, plastic, and manila;**

79 (k) **Glue, paste, and paste sticks;**

80 (l) **Highlighters;**

81 (m) **Index cards;**

82 (n) **Index card boxes;**

83 (o) **Legal pads;**

84 (p) **Lunch boxes;**

85 (q) **Markers;**

86 (r) **Notebooks;**

87 (s) **Paper, loose leaf ruled notebook paper, copy paper, graph**  
88 **paper, tracing paper, manila paper, colored paper, poster board, and**  
89 **construction paper;**

90 (t) **Pencil boxes and other school supply boxes;**

91 (u) **Pencil sharpeners;**

92 (v) **Pencils;**

93 (w) **Pens;**

94 (x) **Protractors;**

95 (y) **Scissors;**

96           **(z) Writing tablets;**

97           **(aa) School art supply. School art supply is an item commonly**  
98 **used by a student in a course of study for artwork. The following is an**  
99 **all-inclusive list:**

100           **a. Clay and glazes;**

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

102           **c. Paintbrushes for artwork;**

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

104           **e. Watercolors;**

105           **(bb) School instructional material. School instructional material**  
106 **is written material commonly used by a student in a course of study as**  
107 **a reference and to learn the subject being taught. The following is an**  
108 **all-inclusive list:**

109           **a. Reference books;**

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

111           **c. Textbooks; and**

112           **d. Workbooks;**

113           **(cc) School computer supply. School computer supply is an item**  
114 **commonly used by a student in a course of study in which a computer**  
115 **is used. The following is an all-inclusive list:**

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

117           **b. Handheld electronic schedulers, except devices that are**  
118 **cellular phones;**

119           **c. Personal digital assistants, except devices that are cellular**  
120 **phones; and**

121           **d. Computer printers and printer supplies for computers, printer**  
122 **paper, and printer ink.**

123           **2. In each year beginning on or after January 1, 2005, there is hereby**  
124 **specifically exempted from state sales tax law all retail sales of any article of**  
125 **clothing having a taxable value of one hundred dollars or less, all retail sales of**  
126 **school supplies not to exceed fifty dollars per purchase, all computer software**  
127 **with a taxable value of three hundred fifty dollars or less, and all retail sales of**  
128 **personal computers or computer peripheral devices not to exceed three thousand**  
129 **five hundred dollars, during a three-day period beginning at 12:01 a.m. on the**  
130 **first Friday in August and ending at midnight on the Sunday following.**

131           **3. [If the governing body of any political subdivision adopted an ordinance**  
132 **that applied to the 2004 sales tax holiday to prohibit the provisions of this section**

133 from allowing the sales tax holiday to apply to such political subdivision's local  
134 sales tax, then, notwithstanding any provision of a local ordinance to the  
135 contrary, the 2005 sales tax holiday shall not apply to such political subdivision's  
136 local sales tax. However, any such political subdivision may enact an ordinance  
137 to allow the 2005 sales tax holiday to apply to its local sales taxes. A political  
138 subdivision must notify the department of revenue not less than forty-five  
139 calendar days prior to the beginning date of the sales tax holiday occurring in  
140 that year of any ordinance or order rescinding an ordinance or order to opt out.

141         4.] This section shall not apply to any sales which take place within the  
142 Missouri state fairgrounds.

143         [5.] 4. This section applies to sales of items bought for personal use only.

144         [6. After the 2005 sales tax holiday, any political subdivision may, by  
145 adopting an ordinance or order, choose to prohibit future annual sales tax  
146 holidays from applying to its local sales tax. After opting out, the political  
147 subdivision may rescind the ordinance or order. The political subdivision must  
148 notify the department of revenue not less than forty-five calendar days prior to  
149 the beginning date of the sales tax holiday occurring in that year of any ordinance  
150 or order rescinding an ordinance or order to opt out.

151         7. This section may not apply to any retailer when less than two percent  
152 of the retailer's merchandise offered for sale qualifies for the sales tax  
153 holiday. The retailer shall offer a sales tax refund in lieu of the sales tax  
154 holiday.]

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. With  
10 each return, the person shall remit to the director of revenue the full amount of  
11 the tax due.

12         3. In case of charge and time sales the gross receipts thereof shall be  
13 included as sales in the returns as and when payments are received by the  
14 person, without any deduction therefrom whatsoever.

15           4. If an error or omission is discovered in a return or a change be  
16 necessary to show the true facts, the error may be corrected, the omission  
17 supplied, or the change made in the return next filed with the director for the  
18 filing period immediately following the filing period in which the error was made  
19 or the omission occurred, as prescribed by law, except that no refund under this  
20 chapter shall be allowed for any amount of tax paid by a seller which is based  
21 upon charges incident to credit card discounts. Any other omission or error must  
22 be corrected by filing an amended return for the erroneously reported period if  
23 the amount of tax is less than that originally reported, or an additional return if  
24 the amount of tax is greater than that originally reported. An additional return  
25 shall be deemed filed on the date the envelope in which it is mailed is postmarked  
26 or the date it is received by the director, whichever is earlier. Any payment of  
27 tax, interest, penalty or additions to tax shall be deemed filed on the date the  
28 envelope containing the payment is postmarked or the date the payment is  
29 received by the director, whichever is earlier. If a refund or credit results from  
30 the filing of an amended return, no refund or credit shall be allowed unless an  
31 application for refund or credit is properly completed and submitted to the  
32 director pursuant to section 144.190.

33           5. The amount of gross receipts from sales and the amount of tax due  
34 returned by the person, as well as all matters contained in the return, is subject  
35 to review and revision in the manner herein provided for the correction of the  
36 returns.

37           **6. The director of revenue may require any seller to file and**  
38 **remit sales tax electronically.**

**144.105. 1. Beginning on or before January 1, 2010, the state**  
2 **shall review software submitted to the streamlined sales and use tax**  
3 **governing board for certification as a CAS under Section 501 of the**  
4 **streamlined sales and use tax agreement. Such review shall include a**  
5 **review to determine that the program adequately classifies the state's**  
6 **product-based exemptions. Upon completion of the review, the state**  
7 **shall certify to the governing board its acceptance of the classifications**  
8 **made by the system. The state shall relieve CSPs and model 2 sellers**  
9 **from liability to this state and its local jurisdictions for not collecting**  
10 **sales or use taxes resulting from the CSP or model 2 seller relying on**  
11 **the certification provided by the state.**

12           **2. The streamlined sales and use tax governing board and this**

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

20 3. If the state determines that an item or transaction is  
21 incorrectly classified as to its taxability, it shall notify the CSP or  
22 model 2 seller of the incorrect classification. The CSP or model 2 seller  
23 shall have ten days to revise the classification after receipt of notice  
24 from the state of the determination. Upon expiration of the ten days,  
25 CSP or model 2 seller shall be liable for the failure to collect the  
26 correct amount of sales or use taxes due and owing to the state.

27 4. For purposes of this section, the following terms shall mean:

28 (1) "Certified automated system" or "CAS", software certified  
29 under the streamlined sales and use tax agreement to calculate the tax  
30 imposed by each jurisdiction on a transaction, determine the amount  
31 of tax to remit to the appropriate state, and maintain a record of the  
32 transaction;

33 (2) "Certified service provider" or "CSP", an agent certified under  
34 the streamlined sales and use tax agreement to perform all the seller's  
35 sales and use tax functions, other than the seller's obligation to remit  
36 tax on its own purchases;

37 (3) "Model 2 seller", a seller that has selected a CAS to perform  
38 part of its sales and use tax functions, but retains responsibility for  
39 remitting the tax;

40 (4) "Product-based exemption", an exemption based on the  
41 description of the product and not based on who purchases the product  
42 or how the purchaser intends to use the product.

144.625. To secure the payment of the tax, interest and penalties, which  
2 may become due from a vendor as provided in sections 144.600 to 144.745, the  
3 director of revenue may, where necessary to secure the payment of the tax,  
4 interest, and penalties require [all vendors] a **vendor** to file a bond or a letter  
5 of credit in an amount to be determined by the director, under the same  
6 requirements as provided in section 144.087.

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] **Any out-of-state seller, which is not legally required to**  
58 **register for use tax in this state, but chooses to collect and remit use**  
59 **tax under sections 144.600 to 144.761, shall file a return for the calendar**  
60 **year. The return shall be filed and the taxes paid on or before January**  
61 **thirty-first of the succeeding year. In the event that any out-of-state**  
62 **seller, which is not legally required to register for use tax in this state,**  
63 **but chooses to collect and remit use tax under sections 144.600 to**  
64 **144.761, has accumulated state and local use tax funds in the amount**  
65 **equal to one thousand dollars or more, such vendor shall file a return**  
66 **and remit the amount due for the month in which the accumulated**  
67 **state and local use tax funds in the amount equal to one thousand**  
68 **dollars.**

69 6. The director of revenue may require any seller to file and  
70 remit use tax electronically.

144.805. 1. In addition to the exemptions granted pursuant to the  
2 provisions of section 144.030, there shall also be specifically exempted from the  
3 provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section

4 238.235, RSMo, and the provisions of any local sales tax law, as defined in section  
5 32.085, RSMo, and from the computation of the tax levied, assessed or payable  
6 pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section  
7 238.235, RSMo, and the provisions of any local sales tax law, as defined in section  
8 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common  
9 carriers engaged in the interstate air transportation of passengers and cargo, and  
10 the storage, use and consumption of such aviation jet fuel by such common  
11 carriers, if such common carrier has first paid to the state of Missouri, in  
12 accordance with the provisions of this chapter, state sales and use taxes pursuant  
13 to the foregoing provisions and applicable to the purchase, storage, use or  
14 consumption of such aviation jet fuel in a maximum and aggregate amount of one  
15 million five hundred thousand dollars of state sales and use taxes in such  
16 calendar year.

17 2. To qualify for the exemption prescribed in subsection 1 of this section,  
18 the common carrier shall furnish to the seller a certificate in writing to the effect  
19 that an exemption pursuant to this section is applicable to the aviation jet fuel  
20 so purchased, stored, used and consumed. The director of revenue shall permit  
21 any such common carrier to enter into a direct-pay agreement with the  
22 department of revenue, pursuant to which such common carrier may pay directly  
23 to the department of revenue any applicable sales and use taxes on such aviation  
24 jet fuel up to the maximum aggregate amount of one million five hundred  
25 thousand dollars in each calendar year. The director of revenue shall adopt  
26 appropriate rules and regulations to implement the provisions of this section, and  
27 to permit appropriate claims for refunds of any excess sales and use taxes  
28 collected in calendar year 1993 or any subsequent year with respect to any such  
29 common carrier and aviation jet fuel.

30 3. The provisions of this section shall apply to all purchases and deliveries  
31 of aviation jet fuel from and after May 10, 1993.

32 4. All sales and use tax revenues upon aviation jet fuel received pursuant  
33 to this chapter, less the amounts specifically designated pursuant to the  
34 constitution or pursuant to section 144.701 for other purposes, shall be deposited  
35 to the credit of the aviation trust fund established pursuant to section 155.090,  
36 RSMo; provided however, the amount of such state sales and use tax revenues  
37 deposited to the credit of such aviation trust fund shall not exceed ten million  
38 dollars in each calendar year.

39 5. The provisions of this section and section 144.807 shall expire on

40 [December 31, 2013] **January 31, 2009.**

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, RSMo, for the purpose of providing jail services and  
6 court facilities and equipment for such region. The tax authorized by this section  
7 shall be in addition to any and all other sales taxes allowed by law, except that  
8 no order imposing a sales tax pursuant to this section shall be effective unless the  
9 commission submits to the voters of the district, on any election date authorized  
10 in chapter 115, RSMo, a proposal to authorize the commission to impose a tax.

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

13 Shall the regional jail district of ..... (counties'  
14 names) impose a region-wide sales tax of ..... (insert amount) for the purpose  
15 of providing jail services and court facilities and equipment for the region?

16 ☐ YES ☐ NO

17 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
18 are opposed to the question, place an "X" in the box opposite "No". If a majority  
19 of the votes cast on the proposal by the qualified voters of the district voting  
20 thereon are in favor of the proposal, then the order and any amendment to such  
21 order shall be in effect on the first day of the second **calendar** quarter  
22 [immediately following the election approving the proposal] **after the director**  
23 **of revenue receives notification of adoption of the local sales tax.** If the  
24 proposal receives less than the required majority, the commission shall have no  
25 power to impose the sales tax authorized pursuant to this section unless and until  
26 the commission shall again have submitted another proposal to authorize the  
27 commission to impose the sales tax authorized by this section and such proposal  
28 is approved by the required majority of the qualified voters of the district voting  
29 on such proposal; however, in no event shall a proposal pursuant to this section  
30 be submitted to the voters sooner than twelve months from the date of the last  
31 submission of a proposal pursuant to this section.

32 3. All revenue received by a district from the tax authorized pursuant to  
33 this section shall be deposited in a special trust fund and shall be used solely for  
34 providing jail services and court facilities and equipment for such district for so  
35 long as the tax shall remain in effect.

36           4. Once the tax authorized by this section is abolished or terminated by  
37 any means, all funds remaining in the special trust fund shall be used solely for  
38 providing jail services and court facilities and equipment for the district. Any  
39 funds in such special trust fund which are not needed for current expenditures  
40 may be invested by the commission in accordance with applicable laws relating  
41 to the investment of other county funds.

42           5. All sales taxes collected by the director of revenue pursuant to this  
43 section on behalf of any district, less one percent for cost of collection which shall  
44 be deposited in the state's general revenue fund after payment of premiums for  
45 surety bonds as provided in section 32.087, RSMo, shall be deposited in a special  
46 trust fund, which is hereby created, to be known as the "Regional Jail District  
47 Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust  
48 fund shall not be deemed to be state funds and shall not be commingled with any  
49 funds of the state. The director of revenue shall keep accurate records of the  
50 amount of money in the trust fund which was collected in each district imposing  
51 a sales tax pursuant to this section, and the records shall be open to the  
52 inspection of officers of each member county and the public. Not later than the  
53 tenth day of each month the director of revenue shall distribute all moneys  
54 deposited in the trust fund during the preceding month to the district which  
55 levied the tax. Such funds shall be deposited with the treasurer of each such  
56 district, and all expenditures of funds arising from the regional jail district sales  
57 tax trust fund shall be paid pursuant to an appropriation adopted by the  
58 commission and shall be approved by the commission. Expenditures may be  
59 made from the fund for any function authorized in the order adopted by the  
60 commission submitting the regional jail district tax to the voters.

61           6. The director of revenue may authorize the state treasurer to make  
62 refunds from the amounts in the trust fund and credited to any district for  
63 erroneous payments and overpayments made, and may redeem dishonored checks  
64 and drafts deposited to the credit of such districts. If any district abolishes the  
65 tax, the commission shall notify the director of revenue of the action at least  
66 ninety days prior to the effective date of the repeal, and the director of revenue  
67 may order retention in the trust fund, for a period of one year, of two percent of  
68 the amount collected after receipt of such notice to cover possible refunds or  
69 overpayment of the tax and to redeem dishonored checks and drafts deposited to  
70 the credit of such accounts. After one year has elapsed after the effective date of  
71 abolition of the tax in such district, the director of revenue shall remit the

72 balance in the account to the district and close the account of that district. The  
73 director of revenue shall notify each district in each instance of any amount  
74 refunded or any check redeemed from receipts due the district.

75 7. Except as provided in this section, all provisions of sections 32.085 and  
76 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

77 8. The provisions of this section shall expire September 30, 2015.

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, RSMo, except  
5 such transportation development district sales tax shall not apply to the sale or  
6 use of motor vehicles, trailers, boats or outboard motors [nor to all sales of  
7 electricity or electrical current, water and gas, natural or artificial, nor to sales  
8 of service to telephone subscribers, either local or long distance]. Such  
9 transportation development district sales tax may be imposed for any  
10 transportation development purpose designated by the transportation  
11 development district in its ballot of submission to its qualified voters, except that  
12 no resolution enacted pursuant to the authority granted by this section shall be  
13 effective unless:

14 (a) The board of directors of the transportation development district  
15 submits to the qualified voters of the transportation development district a  
16 proposal to authorize the board of directors of the transportation development  
17 district to impose or increase the levy of an existing tax pursuant to the  
18 provisions of this section; or

19 (b) The voters approved the question certified by the petition filed  
20 pursuant to subsection 5 of section 238.207.

21 (2) If the transportation district submits to the qualified voters of the  
22 transportation development district a proposal to authorize the board of directors  
23 of the transportation development district to impose or increase the levy of an  
24 existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this  
25 subsection, the ballot of submission shall contain, but need not be limited to, the  
26 following language:

27 Shall the transportation development district of .....  
28 (transportation development district's name) impose a transportation development  
29 district-wide sales tax at the rate of ..... (insert amount) for a period of .....  
30 (insert number) years from the date on which such tax is first imposed for the

31 purpose of..... (insert transportation development purpose)?

32 ☐ YES ☐ NO

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

35 If a majority of the votes cast on the proposal by the qualified voters voting  
36 thereon are in favor of the proposal, then the resolution and any amendments  
37 thereto shall be in effect. If a majority of the votes cast by the qualified voters  
38 voting are opposed to the proposal, then the board of directors of the  
39 transportation development district shall have no power to impose the sales tax  
40 authorized by this section unless and until the board of directors of the  
41 transportation development district shall again have submitted another proposal  
42 to authorize it to impose the sales tax pursuant to the provisions of this section  
43 and such proposal is approved by a majority of the qualified voters voting  
44 thereon.

45 (3) [The sales tax authorized by this section shall become effective on the  
46 first day of the month following adoption of the tax by the qualified voters.

47 (4) In each transportation development district in which a sales tax has  
48 been imposed in the manner provided by this section, every retailer shall add the  
49 tax imposed by the transportation development district pursuant to this section  
50 to the retailer's sale price, and when so added such tax shall constitute a part of  
51 the price, shall be a debt of the purchaser to the retailer until paid, and shall be  
52 recoverable at law in the same manner as the purchase price.

53 (5) In order to permit sellers required to collect and report the sales tax  
54 authorized by this section to collect the amount required to be reported and  
55 remitted, but not to change the requirements of reporting or remitting tax or to  
56 serve as a levy of the tax, and in order to avoid fractions of pennies, the  
57 transportation development district may establish appropriate brackets which  
58 shall be used in the district imposing a tax pursuant to this section in lieu of  
59 those brackets provided in section 144.285, RSMo.

60 (6) All revenue received by a transportation development district from  
61 the tax authorized by this section which has been designated for a certain  
62 transportation development purpose shall be deposited in a special trust fund and  
63 shall be used solely for such designated purpose. Upon the expiration of the  
64 period of years approved by the qualified voters pursuant to subdivision (2) of this  
65 subsection or if the tax authorized by this section is repealed pursuant to  
66 subsection 6 of this section, all funds remaining in the special trust fund shall

67 continue to be used solely for such designated transportation development  
68 purpose. Any funds in such special trust fund which are not needed for current  
69 expenditures may be invested by the board of directors in accordance with  
70 applicable laws relating to the investment of other transportation development  
71 district funds.

72       ~~[(7)]~~ (4) The sales tax may be imposed in increments of one-eighth of one  
73 percent, up to a maximum of one percent on the receipts from the sale at retail  
74 of all tangible personal property or taxable services at retail within the  
75 transportation development district adopting such tax, if such property and  
76 services are subject to taxation by the state of Missouri pursuant to the  
77 provisions of sections 144.010 to 144.525, RSMo, except such transportation  
78 development district sales tax shall not apply to the sale or use of motor vehicles,  
79 trailers, boats or outboard motors [nor to public utilities]. Any transportation  
80 development district sales tax imposed pursuant to this section shall be imposed  
81 at a rate that shall be uniform throughout the district.

82       2. The resolution imposing the sales tax pursuant to this section shall  
83 impose upon all sellers a tax for the privilege of engaging in the business of  
84 selling tangible personal property or rendering taxable services at retail to the  
85 extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the  
86 rules and regulations of the director of revenue issued pursuant thereto; except  
87 that the rate of the tax shall be the rate imposed by the resolution as the sales  
88 tax and the tax shall be reported and returned to and collected by the  
89 transportation development district.

90       3. [On and after the effective date of any tax imposed pursuant to this  
91 section, the transportation development district shall perform all functions  
92 incident to the administration, collection, enforcement, and operation of the  
93 tax. The tax imposed pursuant to this section shall be collected and reported  
94 upon such forms and under such administrative rules and regulations as may be  
95 prescribed by the transportation development district.

96       4. (1) All applicable provisions contained in sections 144.010 to 144.525,  
97 RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and  
98 section 32.057, RSMo, the uniform confidentiality provision, shall apply to the  
99 collection of the tax imposed by this section, except as modified in this section.

100       (2) All exemptions granted to agencies of government, organizations,  
101 persons and to the sale of certain articles and items of tangible personal property  
102 and taxable services pursuant to the provisions of sections 144.010 to 144.525,

103 RSMo, are hereby made applicable to the imposition and collection of the tax  
104 imposed by this section.

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

112 (4) All discounts allowed the retailer pursuant to the provisions of the  
113 state sales tax laws for the collection of and for payment of taxes pursuant to  
114 such laws are hereby allowed and made applicable to any taxes collected pursuant  
115 to the provisions of this section.

116 (5) The penalties provided in section 32.057, RSMo, and sections 144.010  
117 to 144.525, RSMo, for violation of those sections are hereby made applicable to  
118 violations of this section.

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

131 5.] All sales taxes collected by the transportation development district  
132 shall be deposited by the transportation development district in a special fund to  
133 be expended for the purposes authorized in this section. The transportation  
134 development district shall keep accurate records of the amount of money which  
135 was collected pursuant to this section, and the records shall be open to the  
136 inspection of officers of each transportation development district and the general  
137 public.

138 [6.] 4. (1) No transportation development district imposing a sales tax

139 pursuant to this section may repeal or amend such sales tax unless such repeal  
140 or amendment will not impair the district's ability to repay any liabilities which  
141 it has incurred, money which it has borrowed or revenue bonds, notes or other  
142 obligations which it has issued or which have been issued by the commission or  
143 any local transportation authority to finance any project or projects.

144 (2) Whenever the board of directors of any transportation development  
145 district in which a transportation development sales tax has been imposed in the  
146 manner provided by this section receives a petition, signed by ten percent of the  
147 qualified voters calling for an election to repeal such transportation development  
148 sales tax, the board of directors shall, if such repeal will not impair the district's  
149 ability to repay any liabilities which it has incurred, money which it has borrowed  
150 or revenue bonds, notes or other obligations which it has issued or which have  
151 been issued by the commission or any local transportation authority to finance  
152 any project or projects, submit to the qualified voters of such transportation  
153 development district a proposal to repeal the transportation development sales  
154 tax imposed pursuant to the provisions of this section. If a majority of the votes  
155 cast on the proposal by the qualified voters voting thereon are in favor of the  
156 proposal to repeal the transportation development sales tax, then the resolution  
157 imposing the transportation development sales tax, along with any amendments  
158 thereto, is repealed. If a majority of the votes cast by the qualified voters voting  
159 thereon are opposed to the proposal to repeal the transportation development  
160 sales tax, then the ordinance or resolution imposing the transportation  
161 development sales tax, along with any amendments thereto, shall remain in  
162 effect.

163 **5. After the effective date of any tax imposed under the**  
164 **provisions of this section, the director of revenue shall perform all**  
165 **functions incident to the administration, collection, enforcement, and**  
166 **operation of the tax and collect, in addition to the sales tax for the**  
167 **state of Missouri, the additional tax authorized under the authority of**  
168 **this section. The tax imposed under this section and the tax imposed**  
169 **under the sales tax law of the state of Missouri shall be collected**  
170 **together and reported upon such forms and under such administrative**  
171 **rules and regulations as may be prescribed by the director of revenue.**

172 **6. All transportation development district sales taxes collected**  
173 **by the director of revenue pursuant to this section on behalf of any**  
174 **transportation development district, less one percent for cost of**

175 collection, which shall be deposited in the state's general revenue fund  
176 after payment of premiums for surety bonds as provided in section  
177 32.087, RSMo, shall be deposited with the state treasurer in a  
178 transportation development district sales tax trust fund. The moneys  
179 in such transportation development district sales tax trust fund shall  
180 not be deemed to be state funds and shall not be commingled with any  
181 funds of the state. The director of revenue shall keep accurate records  
182 of the amount of money in the trust fund which was collected in each  
183 transportation development district imposing a transportation  
184 development district sales tax, and the records shall be open to the  
185 inspection of officers of the district and to the public. Not later than  
186 the tenth day of each month the director of revenue shall distribute all  
187 moneys deposited in the trust fund during the preceding month by  
188 distributing to the district treasurer, or such other officer as may be  
189 designated by the transportation development district ordinance or  
190 order, of each district imposing the tax authorized by this section, the  
191 sum due the district as certified by the director of revenue.

192         7. The director of revenue may authorize the state treasurer to  
193 make refunds from the amounts in the trust fund and credited to any  
194 transportation development district for erroneous payments and  
195 overpayments made, and may redeem dishonored checks and drafts  
196 deposited to the credit of such counties. If any county abolishes the  
197 tax, the transportation development district shall notify the director of  
198 revenue of the action at least ninety days prior to the effective date of  
199 the repeal, and the director of revenue may order retention in the trust  
200 fund, for a period of one year, of two percent of the amount collected  
201 after receipt of such notice to cover possible refunds or overpayment  
202 of the tax and to redeem dishonored checks and drafts deposited to the  
203 credit of such accounts. After one year has elapsed after the effective  
204 date of abolition of the tax in such transportation development district,  
205 the director of revenue shall authorize the state treasurer to remit the  
206 balance in the account to the transportation development district and  
207 close the account of that county. The director of revenue shall notify  
208 each transportation development district of each instance of any  
209 amount refunded or any check redeemed from receipts due the district.

210         8. Except as provided in this section, all provisions of sections  
211 32.085 and 32.087, RSMo, shall apply to the tax imposed under this

212 **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 144.010  
4 to 144.525, RSMo. The tax authorized by this section shall be in addition to any  
5 and all other sales taxes allowed by law, except that no sales tax imposed under  
6 the provisions of this section shall be effective unless the governing body of the  
7 county, on behalf of the transit authority, submits to the voters of the county, at  
8 a county or state general, primary or special election, a proposal to authorize the  
9 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  
13 countywide sales tax of .....(insert amount) in order to provide revenues  
14 for the operation of transportation facilities operated by the transit authority?

15 ☐ YES ☐ NO

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

18 If a majority of the votes cast on the proposal by the qualified voters voting  
19 thereon are in favor of the proposal, then the tax shall become effective on the  
20 first day of the second calendar quarter following notification to the department  
21 of revenue of adoption of the tax. If a majority of the votes cast by the qualified  
22 voters voting are opposed to the proposal, then the transit authority shall have  
23 no power to impose the sales tax authorized by this section unless and until  
24 another proposal to authorize the transit authority to impose the sales tax  
25 authorized by this section has been submitted and such proposal is approved by  
26 a majority of the qualified voters voting thereon.

27 3. All revenue received by the transit authority from the tax authorized  
28 under the provisions of this section shall be deposited in a special trust fund and  
29 shall be used solely by the transit authority for construction, purchase, lease,  
30 maintenance and operation of transportation facilities located within the county  
31 for so long as the tax shall remain in effect. Any funds in such special trust fund  
32 which are not needed for current expenditures may be invested by the transit  
33 authority in accordance with applicable laws relating to the investment of county  
34 funds.

35 4. No transit authority imposing a sales tax pursuant to this section may

36 repeal or amend such sales tax unless such repeal or amendment is submitted to  
37 and approved by the voters of the county in the same manner as provided in  
38 subsection 1 of this section for approval of such tax. Whenever the governing  
39 body of any county in which a sales tax has been imposed in the manner provided  
40 by this section receives a petition, signed by ten percent of the registered voters  
41 of such county voting in the last gubernatorial election, calling for an election to  
42 repeal such sales tax, the governing body shall submit to the voters of such  
43 county a proposal to repeal the sales tax imposed under the provisions of this  
44 section. If a majority of the votes cast on the proposal by the registered voters  
45 voting thereon are in favor of the proposal to repeal the sales tax, then such sales  
46 tax is repealed. If a majority of the votes cast by the registered voters voting  
47 thereon are opposed to the proposal to repeal the sales tax, then such sales tax  
48 shall remain in effect.

49         5. The sales tax imposed under the provisions of this section shall impose  
50 upon all sellers a tax for the privilege of engaging in the business of selling  
51 tangible personal property or rendering taxable services at retail to the extent  
52 and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules  
53 and regulations of the director of revenue issued pursuant thereto; except that  
54 the rate of the tax shall be the rate approved pursuant to this section. The  
55 amount reported and returned to the director of revenue by the seller shall be  
56 computed on the basis of the combined rate of the tax imposed by sections  
57 144.010 to 144.525, RSMo, and the tax imposed by this section, plus any amounts  
58 imposed under other provisions of law.

59         6. After the effective date of any tax imposed under the provisions of this  
60 section, the director of revenue shall perform all functions incident to the  
61 administration, collection, enforcement, and operation of the tax, and the director  
62 of revenue shall collect in addition to the sales tax for the state of Missouri the  
63 additional tax authorized under the authority of this section. The tax imposed  
64 under this section and the tax imposed under the sales tax law of the state of  
65 Missouri shall be collected together and reported upon such forms and under such  
66 administrative rules and regulations as may be prescribed by the director of  
67 revenue. In order to permit sellers required to collect and report the sales tax to  
68 collect the amount required to be reported and remitted, but not to change the  
69 requirements of reporting or remitting tax or to serve as a levy of the tax, and in  
70 order to avoid fractions of pennies, the applicable provisions of section 144.285,  
71 RSMo, shall apply to all taxable transactions.

72           7. All applicable provisions contained in sections 144.010 to 144.525,  
73 RSMo, governing the state sales tax and section 32.057, RSMo, the uniform  
74 confidentiality provision, shall apply to the collection of the tax imposed by this  
75 section, except as modified in this section. All exemptions granted to agencies of  
76 government, organizations, persons and to the sale of certain articles and items  
77 of tangible personal property and taxable services under the provisions of sections  
78 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and  
79 collection of the tax imposed by this section. The same sales tax permit,  
80 exemption certificate and retail certificate required by sections 144.010 to  
81 144.525, RSMo, for the administration and collection of the state sales tax shall  
82 satisfy the requirements of this section, and no additional permit or exemption  
83 certificate or retail certificate shall be required; except that the director of  
84 revenue may prescribe a form of exemption certificate for an exemption from the  
85 tax imposed by this section. All discounts allowed the retailer under the  
86 provisions of the state sales tax law for the collection of and for payment of taxes  
87 under chapter 144, RSMo, are hereby allowed and made applicable to any taxes  
88 collected under the provisions of this section. The penalties provided in section  
89 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for a violation of those  
90 sections are hereby made applicable to violations of this section.

91           8. [For the purposes of a sales tax imposed pursuant to this section, all  
92 retail sales shall be deemed to be consummated at the place of business of the  
93 retailer, except for tangible personal property sold which is delivered by the  
94 retailer or his agent to an out-of-state destination or to a common carrier for  
95 delivery to an out-of-state destination and except for the sale of motor vehicles,  
96 trailers, boats and outboard motors, which is provided for in subsection 12 of this  
97 section. In the event a retailer has more than one place of business in this state  
98 which participates in the sale, the sale shall be deemed to be consummated at the  
99 place of business of the retailer where the initial order for the tangible personal  
100 property is taken, even though the order must be forwarded elsewhere for  
101 acceptance, approval of credit, shipment or billing. A sale by a retailer's  
102 employee shall be deemed to be consummated at the place of business from which  
103 he works.

104           9.] All sales taxes collected by the director of revenue under this section  
105 on behalf of any transit authority, less one percent for cost of collection which  
106 shall be deposited in the state's general revenue fund after payment of premiums  
107 for surety bonds as provided in this section, shall be deposited in the state

108 treasury in a special trust fund, which is hereby created, to be known as the  
109 "County Transit Authority Sales Tax Trust Fund". The moneys in the county  
110 transit authority sales tax trust fund shall not be deemed to be state funds and  
111 shall not be commingled with any funds of the state. The director of revenue  
112 shall keep accurate records of the amount of money in the trust fund which was  
113 collected in each transit authority imposing a sales tax under this section, and  
114 the records shall be open to the inspection of officers of the county and the  
115 public. Not later than the tenth day of each month the director of revenue shall  
116 distribute all moneys deposited in the trust fund during the preceding month to  
117 the transit authority which levied the tax.

118       [10.] 9. The director of revenue may authorize the state treasurer to  
119 make refunds from the amounts in the trust fund and credited to any transit  
120 authority for erroneous payments and overpayments made, and may authorize the  
121 state treasurer to redeem dishonored checks and drafts deposited to the credit of  
122 such transit authorities. If any transit authority abolishes the tax, the transit  
123 authority shall notify the director of revenue of the action at least ninety days  
124 prior to the effective date of the repeal and the director of revenue may order  
125 retention in the trust fund, for a period of one year, of two percent of the amount  
126 collected after receipt of such notice to cover possible refunds or overpayment of  
127 the tax and to redeem dishonored checks and drafts deposited to the credit of  
128 such accounts. After one year has elapsed after the effective date of abolition of  
129 the tax in such transit authority, the director of revenue shall authorize the state  
130 treasurer to remit the balance in the account to the transit authority and close  
131 the account of that transit authority. The director of revenue shall notify each  
132 transit authority of each instance of any amount refunded or any check redeemed  
133 from receipts due the transit authority. The director of revenue shall annually  
134 report on his management of the trust fund and administration of the sales taxes  
135 authorized by this section. He shall provide each transit authority imposing the  
136 tax authorized by this section with a detailed accounting of the source of all funds  
137 received by him for the transit authority.

138       [11.] 10. The director of revenue and any of his deputies, assistants and  
139 employees who shall have any duties or responsibilities in connection with the  
140 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,  
141 or recording of funds which come into the hands of the director of revenue under  
142 the provisions of this section shall enter a surety bond or bonds payable to any  
143 and all transit authorities in whose behalf such funds have been collected under

144 this section in the amount of one hundred thousand dollars; but the director of  
145 revenue may enter into a blanket bond or bonds covering himself and all such  
146 deputies, assistants and employees. The cost of the premium or premiums for the  
147 surety bond or bonds shall be paid by the director of revenue from the share of  
148 the collection retained by the director of revenue for the benefit of the state.

149       **[12.] 11.** Sales taxes imposed pursuant to this section and use taxes on  
150 the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall  
151 not be collected and remitted by the seller, but shall be collected by the director  
152 of revenue at the time application is made for a certificate of title, if the address  
153 of the applicant is within a county where a sales tax is imposed under this  
154 section. The amounts so collected, less the one percent collection cost, shall be  
155 deposited in the county transit authority sales tax trust fund. The purchase or  
156 sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be  
157 consummated at the address of the applicant. As used in this subsection, the  
158 term "boat" shall only include motorboats and vessels as the terms "motorboat"  
159 and "vessel" are defined in section 306.010, RSMo.

160       **[13.] 12.** In any county where the transit authority sales tax has been  
161 imposed, if any person is delinquent in the payment of the amount required to be  
162 paid by him under this section or in the event a determination has been made  
163 against him for taxes and penalty under this section, the limitation for bringing  
164 suit for the collection of the delinquent tax and penalty shall be the same as that  
165 provided in sections 144.010 to 144.525, RSMo. Where the director of revenue  
166 has determined that suit must be filed against any person for the collection of  
167 delinquent taxes due the state under the state sales tax law, and where such  
168 person is also delinquent in payment of taxes under this section, the director of  
169 revenue shall notify the transit authority to which delinquent taxes are due  
170 under this section by United States registered mail or certified mail at least ten  
171 days before turning the case over to the attorney general. The transit authority,  
172 acting through its attorney, may join in such suit as a party plaintiff to seek a  
173 judgment for the delinquent taxes and penalty due such transit authority. In the  
174 event any person fails or refuses to pay the amount of any sales tax due under  
175 this section, the director of revenue shall promptly notify the transit authority to  
176 which the tax would be due so that appropriate action may be taken by the  
177 transit authority.

178       **[14.] 13.** Where property is seized by the director of revenue under the  
179 provisions of any law authorizing seizure of the property of a taxpayer who is

180 delinquent in payment of the tax imposed by the state sales tax law, and where  
181 such taxpayer is also delinquent in payment of any tax imposed by this section,  
182 the director of revenue shall permit the transit authority to join in any sale of  
183 property to pay the delinquent taxes and penalties due the state and to the  
184 transit authority under this section. The proceeds from such sale shall first be  
185 applied to all sums due the state, and the remainder, if any, shall be applied to  
186 all sums due such transit authority under this section.

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

190 16.] 14. In the event that any transit authority in any county with a  
191 charter form of government and with more than two hundred fifty thousand but  
192 fewer than three hundred fifty thousand inhabitants submits a proposal in any  
193 election to increase the sales tax under this section, and such proposal is  
194 approved by the voters, the county shall be reimbursed for the costs of submitting  
195 such proposal from the funds derived from the tax levied under this section.

196 15. Except as provided in sections 238.400 to 238.412, all  
197 provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax  
198 imposed 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,  
5 RSMo. The tax authorized by this section and section 644.033 shall be in  
6 addition to any and all other sales taxes allowed by law, except that no ordinance  
7 or order imposing a sales tax under the provisions of this section and section  
8 644.033 shall be effective unless the governing body of the municipality or county  
9 submits to the voters of the municipality or county, at a municipal, county or  
10 state general, primary or special election, a proposal to authorize the governing  
11 body of the municipality or county to impose a tax[, provided, that the tax  
12 authorized by this section shall not be imposed on the sales of food, as defined in  
13 section 144.014, RSMo, when imposed by any county with a charter form of  
14 government and with more 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

18 a sales tax of ..... (insert amount) for the purpose of providing funding for  
19 ..... (insert either storm water control, or local parks,  
20 or storm 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. If a majority of the  
26 votes cast by the qualified voters voting are opposed to the proposal, then the  
27 governing body of the municipality or county shall not impose the sales tax  
28 authorized in this section and section 644.033 until the governing body of the  
29 municipality or county resubmits another proposal to authorize the governing  
30 body of the municipality or county to impose the sales tax authorized by this  
31 section and section 644.033 and such proposal is approved by a majority of the  
32 qualified voters voting thereon; however, in no event shall a proposal pursuant  
33 to this section and section 644.033 be submitted to the voters sooner than twelve  
34 months from the date of the last proposal pursuant to this section and section  
35 644.033.

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, RSMo.

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.

2 [144.046. In addition to the exemptions granted under the  
3 provisions of section 144.030, there is hereby specifically exempted  
4 from the provisions of sections 144.010 to 144.525 and sections  
5 144.600 to 144.748 and from the computation of the tax levied,  
6 assessed or payable under sections 144.010 to 144.525 and sections  
7 144.600 to 144.748, the sale at retail of separately measured  
8 electrical current to manufacturers of batteries in this state for  
conversion to stored chemical energy in new lead-acid storage

9 batteries solely for the purpose of providing an initial charge in  
10 such batteries during the manufacturing process but not for the  
11 purpose of recharging any previously manufactured batteries. The  
12 sale at retail of such separately measured electrical current  
13 described in this section shall not be exempted from any local sales  
14 tax imposed under a local sales tax law, as defined in section  
15 32.085, RSMo.]

[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 RSMo, when such textbook is purchased by a student who  
5 possesses proof of current enrollment at any Missouri public or  
6 private university, college or other postsecondary institution of  
7 higher learning offering a course of study leading to a degree in the  
8 liberal arts, humanities or sciences or in a professional, vocational  
9 or technical field, provided that the books which are exempt from  
10 state sales tax are those required or recommended for a  
11 class. Upon request the institution or department must provide at  
12 least one list of textbooks to the bookstore each  
13 semester. Alternately, the student may provide to the bookstore a  
14 list from the instructor, department or institution of his or her  
15 required or recommended textbooks. This exemption shall not  
16 apply to any locally imposed sales or use tax.]

✓

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