

FIRST REGULAR SESSION

# SENATE BILL NO. 315

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Read 1st time February 5, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0117S.02I

## AN ACT

To repeal sections 137.010, 137.116, 137.340, and 137.495, RSMo, and to enact in lieu thereof four new sections relating to personal property lists.

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

Section A. Sections 137.010, 137.116, 137.340, and 137.495, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 137.010, 137.116, 137.340, and 137.495, to read as follows:

137.010. The following words, terms and phrases when used in laws  
2 governing taxation and revenue in the state of Missouri shall have the meanings  
3 ascribed to them in this section, except when the context clearly indicates a  
4 different meaning:

5 (1) "Grain and other agricultural crops in an unmanufactured condition"  
6 shall mean grains and feeds including, but not limited to, soybeans, cow peas,  
7 wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other  
8 products as are usually stored in grain and other elevators and on farms; but  
9 excluding such grains and other agricultural crops after being processed into  
10 products of such processing, when packaged or sacked. The term "processing"  
11 shall not include hulling, cleaning, drying, grating, or polishing;

12 (2) "Intangible personal property", for the purpose of taxation, shall  
13 include all property other than real property and tangible personal property, as  
14 defined by this section;

15 (3) "Real property" includes land itself, whether laid out in town lots or  
16 otherwise, and all growing crops, buildings, structures, improvements and  
17 fixtures of whatever kind thereon, the installed poles used in the transmission or  
18 reception of electrical energy, audio signals, video signals or similar purposes,  
19 provided the owner of such installed poles is also an owner of a fee simple

20 interest, possessor of an easement, holder of a license or franchise, or is the  
21 beneficiary of a right-of-way dedicated for public utility purposes for the  
22 underlying land; attached wires, transformers, amplifiers, substations, and other  
23 such devices and appurtenances used in the transmission or reception of electrical  
24 energy, audio signals, video signals or similar purposes when owned by the owner  
25 of the installed poles, otherwise such items are considered personal property; and  
26 stationary property used for transportation of liquid and gaseous products,  
27 including, but not limited to, petroleum products, natural gas, water, and sewage;

28 (4) **"Residence address", "residence", or "resident address" shall**  
29 **mean a taxpayer's domicile or permanent place of abode within this**  
30 **state as evidenced by the address provided on such taxpayer's Missouri**  
31 **state income tax return;**

32 (5) "Tangible personal property" includes every tangible thing being the  
33 subject of ownership or part ownership whether animate or inanimate, other than  
34 money, and not forming part or parcel of real property as herein defined, but does  
35 not include household goods, furniture, wearing apparel and articles of personal  
36 use and adornment, as defined by the state tax commission, owned and used by  
37 a person in his home or dwelling place.

137.116. 1. **Provisions of section 32.057, RSMo, to the contrary**  
2 **notwithstanding**, the department of revenue shall annually transmit as of  
3 January first of each year to the county assessor of each county and of the city of  
4 St. Louis, a list showing the **name of every taxpayer with a residence**  
5 **address within such county, and a** description of all motor vehicles, motor  
6 boats and trailers, registered with the department of revenue, the name and  
7 address of the owner or the name and address of the registered agent of a  
8 corporate owner, of all motor vehicles, motor boats and trailers having a personal  
9 property situs within the county or city, the list to be furnished to the assessor  
10 before April first of the taxable year. **For purposes of this section, the term**  
11 **"residence address" shall have the same meaning as provided in section**  
12 **137.010.**

13 2. Each assessor shall use the report issued by the director of revenue to  
14 assist him in preparing assessment lists of all tangible personal property in the  
15 county or township.

137.340. Every person, corporation, partnership or association, subject to  
2 taxation under the laws of this state, owning or controlling tangible personal  
3 property taxable by any such county, except merchants and manufacturers, and

4 except railroads, public utilities, pipeline companies or any other person or  
5 corporation subject to special statutory tax requirements, who shall return and  
6 file their assessments on locally assessed property no later than April first, shall  
7 file with the assessor of the county an itemized return listing all the tangible  
8 personal property so owned or controlled on January first of each year, together  
9 with such additional information as required by the assessor to permit a  
10 determination of its value. The returns shall be delivered to the office of the  
11 assessor of the county between the first day of January and the first day of March  
12 of each year and shall be signed and certified by the taxpayer as being a true and  
13 complete list or statement of all the taxable tangible personal property and the  
14 estimated true value thereof. The assessor shall have available at his office a  
15 supply of appropriate forms or blanks on which the return by the taxpayer shall  
16 be made. For the convenience of taxpayers the assessor shall mail to or leave at  
17 the residence or place of business of the taxpayer a form for making the  
18 return. **All tangible personal property of whatever nature and**  
19 **character, except tangible personal property owned by a corporation**  
20 **which shall be subject to the provisions of section 137.095, situated in**  
21 **a county other than the one in which the taxpayer resides shall be**  
22 **listed in the itemized return listing all tangible personal property to be**  
23 **provided to the assessor for the county of the owner or controller's**  
24 **residence address, except that house boats, cabin cruisers, floating boat**  
25 **docks, and manufactured homes, as defined in section 700.010, RSMo,**  
26 **used for lodging shall be listed in the itemized return provided to the**  
27 **county assessor for the county in which such property is located.**

137.495. Every person, corporation, partnership or association subject to  
2 taxation pursuant to the laws of this state and owning or controlling tangible  
3 personal property taxable by the cities shall file with the assessor of the cities a  
4 return listing all such tangible personal property so owned or controlled on  
5 January first of each year and estimating the true value thereof in money. The  
6 return shall be filed between the first day of January and the first day of April  
7 of each year, shall be signed by the taxpayer, and shall be certified by the  
8 taxpayer as being a true and complete list and statement of all the tangible  
9 personal property and the estimated value thereof. If the first day of April is a  
10 Saturday or Sunday, the last day for filing shall be the next business day. **All**  
11 **tangible personal property of whatever nature and character, except**  
12 **tangible personal property owned by a corporation which shall be**

13 subject to the provisions of section 137.095, situated in a county other  
14 than the one in which the taxpayer resides shall be listed in the  
15 itemized return listing all tangible personal property to be provided to  
16 the assessor for the county of the owner or controller's residence  
17 address, except that house boats, cabin cruisers, floating boat docks,  
18 and manufactured homes, as defined in section 700.010, RSMo, used for  
19 lodging shall be listed in the itemized return provided to the county  
20 assessor for the county in which such property is located.

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Bill

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