

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 26, 11, & 31
97TH GENERAL ASSEMBLY

0363H.11C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 137.073, 143.011, 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605, 144.655, 144.700, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof eighty-four new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

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

Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578,
2 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799,
3 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971,
4 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 137.073, 143.011,
5 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043,
6 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285,
7 144.440, 144.517, 144.526, 144.605, 144.655, 144.700, 144.710, 144.1000, 144.1003, 144.1006,
8 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, and 644.032, RSMo, are repealed

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 and eighty-four new sections enacted in lieu thereof, to be known as sections 32.070, 32.086,
10 32.087, 32.383, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584,
11 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303,
12 67.1305, 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578,
13 94.605, 94.660, 94.705, 137.073, 143.011, 143.021, 143.022, 143.071, 143.151, 144.010,
14 144.014, 144.020, 144.021, 144.022, 144.030, 144.032, 144.040, 144.041, 144.042, 144.043,
15 144.049, 144.054, 144.070, 144.080, 144.082, 144.083, 144.084, 144.100, 144.105, 144.110,
16 144.123, 144.124, 144.125, 144.140, 144.210, 144.212, 144.285, 144.440, 144.522, 144.526,
17 144.605, 144.655, 144.700, 144.710, 221.407, 238.235, 238.410, 630.1100, and 644.032, to read
18 as follows:

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

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

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

**4. The department of revenue shall promulgate rules necessary to implement the
24 provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule,
25 as that term is defined in section 536.010, that is created under the authority delegated in
26**

27 **this section shall become effective only if it complies with and is subject to all of the**
28 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
29 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
30 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
32 **proposed or adopted after August 28, 2013, shall be invalid and void.**

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

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

6 2. Any local sales tax so adopted shall become effective on the first day of the second
7 calendar quarter after the director of revenue receives notice of adoption of the local sales tax,
8 except as provided in subsection [18] 17 of this section.

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

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

19 5.] The ordinance or order imposing a local sales tax under the local sales tax law shall
20 impose upon all sellers a tax for the privilege of engaging in the business of selling tangible
21 personal property or rendering taxable services at retail to the extent and in the manner provided
22 in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued

23 pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state
24 sales tax or state highway use tax and all local sales taxes imposed under the provisions of the
25 local sales tax law.

26 [6.] 5. On and after the effective date of any local sales tax imposed under the provisions
27 of the local sales tax law, the director of revenue shall perform all functions incident to the
28 administration, collection, enforcement, and operation of the tax, and the director of revenue
29 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes
30 authorized under the authority of the local sales tax law. All local sales taxes imposed under the
31 local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri
32 shall be collected together and reported upon such forms and under such administrative rules and
33 regulations as may be prescribed by the director of revenue.

34 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the
35 state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the
36 collection of any local sales tax imposed under the local sales tax law except as modified by the
37 local sales tax law.

38 [8.] 7. All exemptions granted to agencies of government, organizations, persons and
39 to the sale of certain articles and items of tangible personal property and taxable services under
40 the provisions of sections 144.010 to 144.525, as these sections now read and as they may
41 hereafter be amended, it being the intent of this general assembly to ensure that the same sales
42 tax exemptions granted from the state sales tax law also be granted under the local sales tax law,
43 are hereby made applicable to the imposition and collection of all local sales taxes imposed
44 under the local sales tax law.

45 [9.] 8. The same sales tax permit, exemption certificate and retail certificate required
46 by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
47 satisfy the requirements of the local sales tax law, and no additional permit or exemption
48 certificate or retail certificate shall be required; except that the director of revenue may prescribe
49 a form of exemption certificate for an exemption from any local sales tax imposed by the local
50 sales tax law.

51 [10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law
52 for the collection of and for payment of taxes under the provisions of the state sales tax law are
53 hereby allowed and made applicable to any local sales tax collected under the provisions of the
54 local sales tax law.

55 [11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for
56 a violation of the provisions of those sections are hereby made applicable to violations of the
57 provisions of the local sales tax law.

58 [12. (1)] **11.** For the purposes of any local sales tax imposed by an ordinance or order
59 under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and
60 outboard motors, shall be deemed to be consummated at the place of business of the retailer
61 unless the tangible personal property sold is delivered by the retailer or his agent to an
62 out-of-state destination. In the event a retailer has more than one place of business in this state
63 which participates in the sale, the sale shall be deemed to be consummated at the place of
64 business of the retailer where the initial order for the tangible personal property is taken, even
65 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or
66 billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place
67 of business from which he works.

68 (2) For the purposes of any local sales tax imposed by an ordinance or order under the
69 local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be
70 deemed to be consummated at the residence of the purchaser and not at the place of business of
71 the retailer, or the place of business from which the retailer's agent or employee works.

72 (3) For the purposes of any local tax imposed by an ordinance or under the local sales
73 tax law on charges for mobile telecommunications services, all taxes of mobile
74 telecommunications service shall be imposed as provided in the Mobile Telecommunications
75 Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided**
76 **by sections 144.040 to 144.043.**

77 [13.] **12.** Local sales taxes imposed pursuant to the local sales tax law on the purchase
78 and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and
79 remitted by the seller, but shall be collected by the director of revenue at the time application is
80 made for a certificate of title, if the address of the applicant is within a taxing entity imposing
81 a local sales tax under the local sales tax law.

82 [14.] **13.** The director of revenue and any of [his] **the director's** deputies, assistants and
83 employees who have any duties or responsibilities in connection with the collection, deposit,
84 transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come
85 into the hands of the director of revenue under the provisions of the local sales tax law shall enter
86 a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have
87 been collected under the local sales tax law in the amount of one hundred thousand dollars for
88 each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the**
89 **director** and all such deputies, assistants and employees. The cost of any premium for such
90 bonds shall be paid by the director of revenue from the share of the collections under the sales
91 tax law retained by the director of revenue for the benefit of the state.

92 [15.] **14.** The director of revenue shall annually report on [his] **the director's**
93 management of each trust fund which is created under the local sales tax law and administration

94 of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide
95 each taxing entity imposing one or more local sales taxes authorized by the local sales tax law
96 with a detailed accounting of the source of all funds received by [him] **the director** for the taxing
97 entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each
98 trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing
99 entity imposing one or more local sales taxes.

100 [16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes
101 have been imposed, if any person is delinquent in the payment of the amount required to be paid
102 by [him] **such person** under the local sales tax law or in the event a determination has been made
103 against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for
104 bringing suit for the collection of the delinquent tax and penalty shall be the same as that
105 provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit
106 must be filed against any person for the collection of delinquent taxes due the state under the
107 state sales tax law, and where such person is also delinquent in payment of taxes under the local
108 sales tax law, the director of revenue shall notify the taxing entity in the event any person fails
109 or refuses to pay the amount of any local sales tax due so that appropriate action may be taken
110 by the taxing entity.

111 [17.] **16.** Where property is seized by the director of revenue under the provisions of any
112 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax
113 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
114 tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to
115 join in any sale of property to pay the delinquent taxes and penalties due the state and to the
116 taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to
117 all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing
118 entity.

119 [18.] **17.** If a local sales tax has been in effect for at least one year under the provisions
120 of the local sales tax law and voters approve reimposition of the same local sales tax at the same
121 rate at an election as provided for in the local sales tax law prior to the date such tax is due to
122 expire, the tax so reimposed shall become effective the first day of the first calendar quarter after
123 the director receives a certified copy of the ordinance, order or resolution accompanied by a map
124 clearly showing the boundaries thereof and the results of such election, provided that such
125 ordinance, order or resolution and all necessary accompanying materials are received by the
126 director at least thirty days prior to the expiration of such tax. Any administrative cost or
127 expense incurred by the state as a result of the provisions of this subsection shall be paid by the
128 city or county reimposing such tax.

129 **18. If the boundaries of a city in which a sales tax or use tax has been imposed shall**
130 **thereafter be changed or altered, the city clerk shall forward to the director of revenue by**
131 **United States registered mail or certified mail a certified copy of the ordinance adding or**
132 **detaching territory from the city within ten days of adoption of the ordinance. The**
133 **ordinance shall reflect the effective date of the ordinance and shall be accompanied by a**
134 **map of the city clearly showing the territory added or detached from the city boundaries.**
135 **Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or**
136 **local use tax law shall be effective in the added territory or abolished in the detached**
137 **territory on the first day of a calendar quarter after one hundred twenty days' notice to**
138 **sellers.**

139 **19. Any change to any local sales tax or local use tax boundary or rate shall be**
140 **effective on the first day of a calendar quarter after one hundred twenty days' notice to**
141 **sellers.**

32.383. 1. Notwithstanding the provisions of any other law to the contrary, with
2 **respect to taxes administered by the department of revenue under this chapter and**
3 **chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties,**
4 **additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and**
5 **owing reported and paid in full from August 1, 2013, to October 31, 2013, regardless of**
6 **whether previously assessed, except for penalties, additions to tax, and interest paid before**
7 **August 1, 2013. The amnesty shall apply only to tax liabilities due or due but unpaid on**
8 **or before December 31, 2012, and shall not extend to any taxpayer who at the time of**
9 **payment is a party to any criminal investigations or to any civil or criminal litigation that**
10 **is pending in any court of the United States or this state for nonpayment, delinquency, or**
11 **fraud in relation to any state tax imposed by this state.**

12 **2. Upon written application by the taxpayer, on forms prescribed by the director**
13 **of revenue, and upon compliance with the provisions of this section, the department of**
14 **revenue shall not seek to collect any penalty, addition to tax, or interest that may be**
15 **applicable. The department of revenue shall not seek civil or criminal prosecution for any**
16 **taxpayer for the taxable period for which the amnesty has been granted unless subsequent**
17 **investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct**
18 **in applying for amnesty.**

19 **3. Amnesty shall be granted only to those taxpayers who have applied for amnesty**
20 **within the period stated in this section, who have filed a tax return for each taxable period**
21 **for which amnesty is requested, who have paid the entire balance by October 31, 2013, and**
22 **who agree to comply with state tax laws for the next eight years from the date of the**
23 **agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or**

24 interest under this section unless full payment of the tax due is made in accordance with
25 rules established by the director of revenue.

26 4. All taxpayers granted amnesty under this section shall in good faith comply with
27 this state's tax laws for the eight years following the date of the amnesty agreement. If any
28 such taxpayer fails to comply with all of this state's tax laws at any time during the eight
29 years following the date of the agreement, all penalties, additions to tax, and interest that
30 were waived under the amnesty agreement shall become due and owing immediately.

31 5. If a taxpayer is granted amnesty under this section, such taxpayer shall not be
32 eligible to participate in any future amnesty for the same tax.

33 6. If a taxpayer elects to participate in the amnesty program established in this
34 section as evidenced by full payment of the tax due as established by the director of
35 revenue, that election shall constitute an express and absolute relinquishment of all
36 administrative and judicial rights of appeal. No tax payment received under this section
37 shall be eligible for refund or credit.

38 7. Nothing in this section shall be interpreted to disallow the department of revenue
39 to adjust a taxpayer's tax return as a result of any state or federal audit.

40 8. All tax payments received as a result of the amnesty program established in this
41 section, other than revenues earmarked by the Constitution of Missouri or this state's
42 statutes, shall be deposited in the state general revenue fund.

43 9. The department may promulgate rules or issue administrative guidelines as are
44 necessary to implement the provisions of this section. Any rule or portion of a rule, as that
45 term is defined in section 536.010, that is created under the authority delegated in this
46 section shall become effective only if it complies with and is subject to all of the provisions
47 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
48 nonseverable and if any of the powers vested with the general assembly under chapter 536
49 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
50 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
51 adopted after July 1, 2013, shall be invalid and void.

52 10. This section shall become effective on July 1, 2013, and shall expire on
53 December 31, 2021.

54 11. If any provision of this section or its application to any person or circumstance
55 is held invalid, the invalidity does not affect other provisions or applications of this section
56 which can be given effect without the invalid provision or application, and to this end the
57 provisions of this section are severable.

66.620. 1. All county sales taxes collected by the director of revenue under sections
2 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be

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

16 2. In any county not adopting an additional sales tax and alternate distribution system
17 as provided in section 67.581, for the purposes of distributing the county sales tax, the county
18 shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities,
19 towns and villages which are located wholly or partly within the county which levied the tax and
20 which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day
21 prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980,
22 group A shall consist of all cities, towns and villages which are located wholly or partly within
23 the county which levied the tax and which had a city sales tax approved by the voters of such city
24 under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the
25 county sales tax. For the purposes of determining the location of consummation of sales for
26 distribution of funds to cities, towns and villages in group A, the boundaries of any such city,
27 town or village shall be the boundary of that city, town or village as it existed on March 19,
28 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly
29 within the county which levied the tax and which did not have a city sales tax in effect under the
30 provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax
31 ordinance, and shall also include all unincorporated areas of the county which levied the tax;
32 except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages
33 which are located wholly or partly within the county which levied the tax and which did not have
34 a city sales tax approved by the voters of such city under the provisions of sections 94.500 to
35 94.550 on the day prior to the effective date of the county sales tax and shall also include all
36 unincorporated areas of the county which levied the tax.

37 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and
38 villages in group A the taxes based on the location in which the sales were deemed consummated

39 under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by
40 section 66.630, after deducting the distribution to the cities, towns and villages in group A, the
41 director of revenue shall distribute the remaining funds in the county sales tax trust fund to the
42 cities, towns and villages and the county in group B as follows: To the county which levied the
43 tax, a percentage of the distributable revenue equal to the percentage ratio that the population of
44 the unincorporated areas of the county bears to the total population of group B; and to each city,
45 town or village in group B located wholly within the taxing county, a percentage of the
46 distributable revenue equal to the percentage ratio that the population of such city, town or
47 village bears to the total population of group B; and to each city, town or village located partly
48 within the taxing county, a percentage of the distributable revenue equal to the percentage ratio
49 that the population of that part of the city, town or village located within the taxing county bears
50 to the total population of group B.

51 4. From and after January 1, 1994, the director of revenue shall distribute to the cities,
52 towns and villages in group A a portion of the taxes based on the location in which the sales were
53 deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance
54 with the formula described in this subsection. After deducting the distribution to the cities,
55 towns and villages in group A, the director of revenue shall distribute funds in the county sales
56 tax trust fund to the cities, towns and villages and the county in group B as follows: To the
57 county which levied the tax, ten percent multiplied by the percentage of the population of
58 unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied
59 by the total of all sales tax revenues countywide, and a percentage of the remaining distributable
60 revenue equal to the percentage ratio that the population of unincorporated areas of the county
61 bears to the total population of group B; and to each city, town or village in group B located
62 wholly within the taxing county, a percentage of the remaining distributable revenue equal to the
63 percentage ratio that the population of such city, town or village bears to the total population of
64 group B; and to each city, town or village located partly within the taxing county, a percentage
65 of the remaining distributable revenue equal to the percentage ratio that the population of that
66 part of the city, town or village located within the taxing county bears to the total population of
67 group B.

68 5. (1) For purposes of administering the distribution formula of subsection 4 of this
69 section, the revenues arising each year from sales occurring within each group A city, town or
70 village shall be distributed as follows: Until such revenues reach the adjusted county average,
71 as hereinafter defined, there shall be distributed to the city, town or village all of such revenues
72 reduced by the percentage which is equal to ten percent multiplied by the percentage of the
73 population of unincorporated county which has been annexed or incorporated after April 1, 1993;

74 and once revenues exceed the adjusted county average, total revenues shall be shared in
75 accordance with the redistribution formula as defined in this subsection.

76 (2) For purposes of this subsection, the "adjusted county average" is the per capita
77 countywide average of all sales tax distributions during the prior calendar year reduced by the
78 percentage which is equal to ten percent multiplied by the percentage of the population of
79 unincorporated county which has been annexed or incorporated after April 1, 1993; the
80 "redistribution formula" is as follows: During 1994, each group A city, town and village shall
81 receive that portion of the revenues arising from sales occurring within the municipality that
82 remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising
83 from sales within the municipality multiplied by the percentage which is the sum of ten percent
84 multiplied by the percentage of the population of unincorporated county which has been annexed
85 or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product
86 of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
87 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
88 county average. During 1995, each group A city, town and village shall receive that portion of
89 the revenues arising from sales occurring within the municipality that remains after deducting
90 therefrom an amount equal to the cumulative sales tax revenues arising from sales within the
91 municipality multiplied by the percentage which is the sum of ten percent multiplied by the
92 percentage of the population of unincorporated county which has been annexed or incorporated
93 after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen
94 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
95 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
96 county average. From January 1, 1996, until January 1, 2000, each group A city, town and
97 village shall receive that portion of the revenues arising from sales occurring within the
98 municipality that remains after deducting therefrom an amount equal to the cumulative sales tax
99 revenues arising from sales within the municipality multiplied by the percentage which is the
100 sum of ten percent multiplied by the percentage of the population of unincorporated county
101 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than
102 zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035
103 multiplied by the total of cumulative per capita sales taxes arising from sales within the
104 municipality less the adjusted county average. From and after January 1, 2000, the distribution
105 formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply,
106 except that the percentage computed for sales arising within the municipalities shall be not less
107 than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county
108 average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the
109 adjusted county average by at least twenty-five percent.

110 (3) For purposes of applying the redistribution formula to a municipality which is partly
111 within the county levying the tax, the distribution shall be calculated alternately for the
112 municipality as a whole, except that the factor for annexed portion of the county shall not be
113 applied to the portion of the municipality which is not within the county levying the tax, and for
114 the portion of the municipality within the county levying the tax. Whichever calculation results
115 in the larger distribution to the municipality shall be used.

116 (4) Notwithstanding any other provision of this section, the fifty percent of additional
117 sales taxes as described in section 99.845 arising from economic activities within the area of a
118 redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865,
119 while tax increment financing remains in effect shall be deducted from all calculations of
120 countywide sales taxes, shall be distributed directly to the municipality involved, and shall be
121 disregarded in calculating the amounts distributed or distributable to the municipality. Further,
122 any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality
123 and any other political subdivision which provides for an appropriation of incremental sales tax
124 revenues to the special allocation fund of a tax increment financing project while tax increment
125 financing remains in effect shall continue to be in full force and effect and the sales taxes so
126 appropriated shall be deducted from all calculations of countywide sales taxes, shall be
127 distributed directly to the municipality involved, and shall be disregarded in calculating the
128 amounts distributed or distributable to the municipality. In addition, and notwithstanding any
129 other provision of this chapter to the contrary, economic development funds shall be distributed
130 in full to the municipality in which the sales producing them were deemed consummated.
131 Additionally, economic development funds shall be deducted from all calculations of countywide
132 sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the
133 municipality. As used in this subdivision, the term "economic development funds" means the
134 amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to
135 chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as
136 security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations
137 under any agreement authorized by chapter 100, entered into or adopted prior to September 1,
138 1993, between a municipality and another public body. The cumulative amount of economic
139 development funds allowed under this provision shall not exceed the total amount necessary to
140 amortize the obligations involved.

141 6. If the qualified voters of any city, town or village vote to change or alter its boundaries
142 by annexing any unincorporated territory included in group B or if the qualified voters of one or
143 more city, town or village in group A and the qualified voters of one or more city, town or village
144 in group B vote to consolidate, the area annexed or the area consolidated which had been a part
145 of group B shall remain a part of group B after annexation or consolidation. After the effective

146 date of the annexation or consolidation, the annexing or consolidated city, town or village shall
147 receive a percentage of the group B distributable revenue equal to the percentage ratio that the
148 population of the annexed or consolidated area bears to the total population of group B and such
149 annexed area shall not be classified as unincorporated area for determination of the percentage
150 allocable to the county. If the qualified voters of any two or more cities, towns or villages in
151 group A each vote to consolidate such cities, towns or villages, then such consolidated cities,
152 towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630,
153 population shall be as determined by the last federal decennial census or the latest census that
154 determines the total population of the county and all political subdivisions therein. For the
155 purpose of calculating the adjustment based on the percentage of unincorporated county
156 population which is annexed after April 1, 1993, the accumulated percentage immediately before
157 each census shall be used as the new percentage base after such census. After any annexation,
158 incorporation or other municipal boundary change affecting the unincorporated area of the
159 county, the chief elected official of the county shall certify the new population of the
160 unincorporated area of the county and the percentage of the population which has been annexed
161 or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county
162 sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its
163 governing body cease to be a part of group A and become a part of group B. Within ten days
164 after the adoption of the ordinance transferring the city, town or village from one group to the
165 other, the clerk of the transferring city, town or village shall forward to the director of revenue,
166 by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its
167 former group shall cease and as a part of its new group shall begin on the first day of January of
168 the year following notification to the director of revenue, provided such notification is received
169 by the director of revenue on or before the first day of July of the year in which the transferring
170 ordinance is adopted. If such notification is received by the director of revenue after the first day
171 of July of the year in which the transferring ordinance is adopted, then distribution to such city
172 as a part of its former group shall cease and as a part of its new group shall begin the first day
173 of July of the year following such notification to the director of revenue. Once a group A city,
174 town or village becomes a part of group B, such city may not transfer back to group A.

175 7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk
176 of the municipality shall forward to the director of revenue, by registered mail, a certified copy
177 of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect
178 the effective date thereof, and shall be accompanied by a map of the municipality clearly
179 showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and
180 map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in
181 accordance with the provisions of this section on the effective date of the change of the

182 municipal boundary so that the proper percentage of group B distributable revenue is allocated
183 to the municipality in proportion to any annexed territory. If any area of the unincorporated
184 county elects to incorporate subsequent to the effective date of the county sales tax as set forth
185 in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group
186 B. The city clerk of such newly incorporated municipality shall forward to the director of
187 revenue, by registered mail, a certified copy of the incorporation election returns and a map of
188 the municipality clearly showing the boundaries thereof. The certified copy of the incorporation
189 election returns shall reflect the effective date of the incorporation. Upon receipt of the
190 incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be
191 distributed and allocated in accordance with the provisions of this section on the effective date
192 of the incorporation.

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

205 9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and
206 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to
2 67.395 on behalf of any county, [less one percent for cost of collection which shall be deposited
3 in the state's general revenue fund after payment of premiums for surety bonds as provided in
4 section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby
5 created, to be known as the "County Anti-Drug Sales Tax Trust Fund". [The moneys in the
6 county anti-drug sales tax trust fund shall not be deemed to be state funds and shall not be
7 commingled with any funds of the state.] The director of revenue shall keep accurate records of
8 the amount of money in the trust fund which was collected in each county imposing a sales tax
9 under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the
10 county and the public. Not later than the tenth day of each month, the director of revenue shall
11 distribute all moneys deposited in the trust fund during the preceding month to the county which

12 levied the tax. Such funds shall be deposited with the county treasurer of each such county, and
13 all expenditures of funds arising from the county anti-drug sales tax trust fund shall be by an
14 appropriation act to be enacted by the governing body of each such county.

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

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

67.525. 1. All county sales taxes collected by the director of revenue under sections
2 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall
3 be deposited in the state's general revenue fund after payment of premiums for surety bonds as
4 provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust
5 fund, which fund shall be separate and apart from the county sales tax trust fund established by
6 section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state
7 funds and shall not be commingled with any funds of the state.] The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county imposing a county sales tax, and the records shall be open to the inspection of officers
10 of the county and to the public. Not later than the tenth day of each month the director of
11 revenue shall distribute all moneys deposited in the trust fund during the preceding month by
12 distributing to the county treasurer, or such other officer as may be designated by the county
13 ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the
14 sum due the county as certified by the director of revenue.

15 2. The director of revenue may authorize the state treasurer to make refunds from the
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
18 If any county abolishes the tax, the county shall notify the director of revenue of the action at
19 least ninety days prior to the effective date of the repeal, and the director of revenue may order

20 retention in the trust fund, for a period of one year, of two percent of the amount collected after
21 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
22 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
23 after the effective date of abolition of the tax in such county, the director of revenue shall
24 authorize the state treasurer to remit the balance in the account to the county and close the
25 account of that county. The director of revenue shall notify each county of each instance of any
26 amount refunded or any check redeemed from receipts due the county.

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

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

6 (1) Funding of museums operating in the county, which are registered with the United
7 States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the
8 board to be tourism attractions; and

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

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

13 Shall the county of (insert the name of the county) impose a sales tax of
14 (insert rate of percent) percent to be used to fund (museums, cultural heritage,
15 festivals) in certain areas of the county?

16 YES NO

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

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

31 5. The governing body of any county which imposes a sales tax pursuant to this section
32 may establish a museums and festivals board for the purpose of expending funds collected from
33 any sales tax submitted and approved by the county's voters pursuant to this section. The board
34 shall be comprised of six members who are appointed by the governing body of the county from
35 a list of candidates supplied by the chair of each of the two major political parties of the county.
36 The board shall be comprised of three members from each of the two political parties. Members
37 shall serve for three-year terms, but of the members first appointed, one shall be appointed for
38 a term of one year, two shall be appointed for a term of two years, and two shall be appointed
39 for a term of three years. Each member shall be a resident of the county from which he or she
40 is appointed. The members of the board shall not receive compensation for service on the board,
41 but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses
42 incurred in service on the board.

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

48 7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order
49 to permit sellers required to collect and report the sales tax to collect the amount required to be
50 reported and remitted, but not to change the requirements of reporting or remitting the tax, or to
51 serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may
52 authorize the use of a bracket system similar to that authorized by the provisions of section
53 144.285, and notwithstanding the provisions of that section, this new bracket system shall be
54 used where this tax is imposed and shall apply to all taxable transactions.

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

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

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

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

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

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

18 4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a
19 violation of those acts are hereby made applicable to violations of the provisions of sections
20 67.571 to 67.577.

21 5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to
22 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer]
23 **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087**
24 **shall apply to the tax imposed under sections 67.571 to 67.577.**

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

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

15 Shall the county of (insert the name of the county) impose a sales tax of
16 (insert rate of percent) percent for the funding of museums? "Museums" means museums
17 operating in the county, which are registered with the United States Internal Revenue Service as

18 a 501(c)(3) corporation and which are considered by the museum board to be a tourism
19 attraction.

20 YES NO

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

23

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

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

45 4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,
46 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax,
47 and all exemptions granted to agencies of government, organizations, and persons pursuant to
48 sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the
49 tax. The same sales tax permit, exemption certificate, and retail certificate required by sections
50 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the
51 requirements of this section, and no additional permit or exemption certificate or retail certificate
52 shall be required; except that, the director of revenue may prescribe a form of exemption
53 certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state

54 sales tax law for the collection of and for payment of taxes are hereby allowed and made
 55 applicable to the tax. The penalties for violations provided in section 32.057 and sections
 56 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is
 57 delinquent in the payment of the amount required to be paid pursuant to this section, or in the
 58 event a determination has been made against the person for taxes and penalty pursuant to this
 59 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
 60 be the same as that provided in sections 144.010 to 144.525.

61 5. The governing authority may authorize any museum board already existing in the
 62 county, or may establish a museum board, to expend revenue collected pursuant to this section.
 63 In the event that no museum board already exists, the board established pursuant to this section
 64 shall consist of six members who are appointed by the governing authority from a list of
 65 candidates supplied by the chair of each of the two major political parties of the county, with
 66 three members from each of the two parties. Members shall serve for three-year terms, but of
 67 the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be
 68 appointed for a term of two years, and two shall be appointed for a term of three years. Each
 69 member shall be a resident of the county. The members shall not receive compensation for
 70 service on the board, but shall be reimbursed from the revenues collected pursuant to this section
 71 for any reasonable and necessary expenses incurred in service on the board. The board shall
 72 determine in what manner the revenues will be expended, and disbursements of these moneys
 73 shall be made strictly in accordance with this section. Expenditures may be made for the
 74 employment of personnel selected by the board to assist in carrying out the duties of the board,
 75 and the board is expressly authorized to employ such personnel.

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

79 Shall the county of (insert name of county) repeal the sales tax of
 80 (insert rate of percent) percent for the funding of museums?

81 YES NO

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

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

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county
 2 of the first class having a charter form of government and having a population of nine hundred
 3 thousand or more may impose an additional countywide sales tax upon approval by a vote of the
 4 qualified voters of the county. The proposal may be submitted to the voters by the governing

5 body of the county and shall be submitted to the voters at the next general election upon petitions
 6 signed by a number of qualified voters residing in the county equal to at least eight percent of
 7 the votes cast in the county in the next preceding gubernatorial election filed with the governing
 8 body of the county. The submission shall include the levying of a sales tax at a rate of not to
 9 exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale
 10 at retail of all tangible personal property or taxable services within the county which are also
 11 taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution
 12 of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If
 13 either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this
 14 section is approved by the voters, then the alternative system of distribution may not be
 15 submitted to the voters for at least three years from the date of such voter approval.

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

17 Shall the County of levy an additional sales tax at the rate of (insert rate)
 18 and distribute the proceeds in the manner provided in (insert proper reference)
 19 (subsection 4)(subsection 5) of section 67.581, RSMo?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 22 of the proposal, the additional sales tax shall be levied and collected and the proceeds from the
 23 additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this
 24 section.

25
 26 If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal,
 27 then the governing body of the county shall have no power to impose the additional sales tax
 28 authorized by this section unless and until a proposal for the levy of such tax is submitted to and
 29 approved by the voters of the county.

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

34 4. In any county adopting an additional sales tax pursuant to the provisions of this
 35 section, and selecting the method of distribution provided in this subsection, the proceeds from
 36 the sales tax imposed pursuant to this section, less one percent collection cost, shall be
 37 distributed first to those municipalities that did not receive during the preceding calendar year
 38 ninety-five percent of the amount the municipality would have received by multiplying the
 39 population of the municipality by the average per capita sales tax receipt for such county in an
 40 amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent

41 of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections
 42 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant
 43 to this section shall be distributed to all municipalities on the ratio that the population of each
 44 municipality bears to the total population of the county. The average per capita sales tax
 45 distribution shall be calculated by dividing the sum of the total sales tax revenue derived from
 46 the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county.
 47 Population of each municipality, of the unincorporated area of the county, and the total
 48 population of the county shall be determined on the basis of the most recent federal decennial
 49 census. For the purposes of this subsection, any city, town, village or the unincorporated area
 50 of the county shall be considered a municipality.

51 5. In any county adopting an additional sales tax pursuant to the provisions of this
 52 section and selecting the method of distribution provided in this subsection, the proceeds from
 53 the sales tax imposed pursuant to this section, less one percent collection cost, shall be
 54 distributed to all cities, towns and villages, and the unincorporated areas of the county in group
 55 B and to such cities, towns and villages in group A as necessary so that no city, town, or village
 56 in group A receives from the combined proceeds of both the sales tax imposed pursuant to this
 57 section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita
 58 amount received by the cities, towns and villages and the unincorporated area of the county in
 59 group B receives from the total proceeds from both sales taxes.

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

68 Shall the proceeds from the county sales tax be distributed among the county of
 69 and the various cities, towns and villages therein in the manner provided in
 70 subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner
 71 of distribution?

72 YES NO

73 If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon
 74 are in favor of the proposal, the sales tax imposed by the county under the provisions of sections
 75 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the
 76 manner provided in subsection 2 of section 66.620.

77 If a majority of the votes cast by the qualified voters of the county voting thereon are opposed
78 to the proposal, then the governing body of the county shall have no power to order the proceeds
79 from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner
80 provided in this subsection in lieu of the method provided in subsection 2 of section 66.620,
81 unless and until a proposal authorizing such method of distribution is submitted to and approved
82 by the voters of the county. If the voters approve the change in the method of distribution of the
83 sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall
84 notify the director of revenue of the change in the method of distribution within ten days after
85 adoption of the proposal and shall inform the director of the effective date of the change in the
86 method of distribution, which shall be on the first day of the third calendar quarter after the
87 director of revenue receives notice. After the effective date of the change in the manner of
88 distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such
89 county under the provisions of sections 66.600 to 66.630 in the manner provided in this
90 subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The
91 proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any
92 county which elects to have the proceeds distributed in the manner provided in this subsection
93 shall be distributed in the following manner:

94 (1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages
95 in group A and to the cities, towns and villages, and the county in group B as defined in section
96 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the
97 total amount distributed under section 66.620 for the twelve-month period immediately
98 preceding the effective date of the tax levied pursuant to the provisions of this section has been
99 distributed;

100 (2) All moneys received in excess of the total amount distributed under section 66.620
101 for the twelve-month period immediately preceding the effective date of the tax levied pursuant
102 to the provisions of this section shall be distributed to all cities, towns and villages and to the
103 county on the basis that the population of each city, town or village, and in the case of the county
104 the basis that the population of the unincorporated area of the county, bears to the total
105 population of the county. The average per capita sales tax distribution shall be calculated by
106 dividing the sum of the remaining amount of the total sales tax revenues by the total population
107 of the county. Population of each city, town or village, of the unincorporated area of the county,
108 and the total population of the county shall be determined on the basis of the most recent federal
109 decennial census.

110 7. No municipality incorporated after the adoption of the tax authorized by this section
111 shall be included as other than part of the unincorporated area of the county nor receive any share
112 of either the proceeds from the tax levied pursuant to the provisions of this section or the tax

113 levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of
114 incorporation, such municipality had a population of ten thousand or more.

115 8. The county sales tax imposed pursuant to this section on the purchase and sale of
116 motor vehicles shall not be collected and remitted by the seller, but shall be collected by the
117 director of revenue at the time application is made for a certificate of title, if the address of the
118 applicant is within the county imposing the additional sales tax. [The amounts so collected, less
119 one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed
120 in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to
121 be consummated at the address of the applicant for a certificate of title.]

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

127 10. The director of revenue may authorize the state treasurer to make refunds from the
128 amounts in the trust fund and credited to any county for erroneous payments and overpayments
129 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
130 If any county abolishes the tax, the county shall notify the director of revenue of the action at
131 least ninety days prior to the effective date of the repeal and the director of revenue may order
132 retention in the trust fund, for a period of one year, of two percent of the amount collected after
133 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
134 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
135 after the effective date of abolition of the tax in such county, the director of revenue shall remit
136 the balance in the account to the county and close the account of that county. The director of
137 revenue shall notify each county of each instance of any amount refunded or any check redeemed
138 from receipts due the county.

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

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

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

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

17 YES NO

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

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

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

28 YES NO

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

31

32 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
33 of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or
34 order and any amendments thereto shall be in effect [on the first day of the second quarter
35 immediately following the election approving the proposal] **as provided by section 32.087**. If
36 the constitutionally required percentage of the voters voting thereon are in favor of the proposal
37 submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any
38 amendments thereto shall be in effect [on the first day of the second quarter immediately
39 following the election approving the proposal] **as provided by section 32.087**. If a proposal
40 receives less than the required majority, then the governing body of the county shall have no
41 power to impose the sales tax herein authorized unless and until the governing body of the
42 county shall again have submitted another proposal to authorize the governing body of the county
43 to impose the sales tax authorized by this section and such proposal is approved by the required
44 majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant
45 to this section be submitted to the voters sooner than twelve months from the date of the last
46 proposal pursuant to this section.

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

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

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

74 6. The director of revenue may authorize the state treasurer to make refunds from the
75 amounts in the trust fund and credited to any county for erroneous payments and overpayments
76 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
77 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
78 **section 32.087.** The county shall notify the director of revenue of the action at least ninety days
79 prior to the effective date of the repeal and the director of revenue may order retention in the trust
80 fund, for a period of one year, of two percent of the amount collected after receipt of such notice
81 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
82 deposited to the credit of such accounts. After one year has elapsed after the effective date of

83 abolition of the tax in such county, the director of revenue shall remit the balance in the account
84 to the county and close the account of that county. The director of revenue shall notify each
85 county of each instance of any amount refunded or any check redeemed from receipts due the
86 county.

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

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

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

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

16 YES NO

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

19

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

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

32 4. All sales taxes collected by the director of revenue under this section on behalf of any
33 county[, less one percent for cost of collection which shall be deposited in the state's general
34 revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall
35 be deposited in a special trust fund, which is hereby created, to be known as the "County
36 Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax
37 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
38 the state.] The director of revenue shall keep accurate records of the amount of money in the trust
39 and which was collected in each county imposing a sales tax under this section, and the records
40 shall be open to the inspection of officers of the county and the public. Not later than the tenth
41 day of each month, the director of revenue shall distribute all moneys deposited in the trust fund
42 during the preceding month to the county which levied the tax. Such funds shall be deposited
43 with the county treasurer of each such county, and all expenditures of funds arising from the
44 county employee benefit sales tax trust fund shall be for the provision of retirement benefits or
45 health care benefits for employees of the county and their dependents and for no other purpose.

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

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

67.584. 1. The governing body of any county of the first classification with more than
2 one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred
3 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of
4 up to one-half percent on all retail sales made in such county which are subject to taxation
5 pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services

6 for such county. The tax authorized by this section shall be in addition to any and all other sales
7 taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this
8 section shall be effective unless the governing body of the county submits to the voters of the
9 county, at a county or state general, primary, or special election, a proposal to authorize the
10 governing body of the county to impose a tax.

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

14 Shall the county of (county's name) impose a countywide sales tax of
15 (insert amount) for the purpose of providing law enforcement services for the county?

16 YES NO

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

19

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

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

40 4. Once the tax authorized by this section is abolished or is terminated by any means, all
41 funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting

42 attorney's office for the county. Any funds in such special trust fund which are not needed for
43 current expenditures may be invested by the governing body in accordance with applicable laws
44 relating to the investment of other county funds.

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

61 6. The director of revenue may authorize the state treasurer to make refunds from the
62 amounts in the trust funds and credited to any county for erroneous payments and overpayments
63 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
64 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
65 **section 32.087.** The county shall notify the director of revenue of the action at least ninety days
66 before the effective date of the repeal and the director of revenue may order retention in the
67 appropriate trust fund, for a period of one year, of two percent of the amount collected after
68 receipt of such notice to cover possible refunds or overpayments of the tax and to redeem
69 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
70 after the effective date of abolition of the tax in such county, the director of revenue shall remit
71 the balance in the account to the county and close the account of that county established pursuant
72 to this section. The director of revenue shall notify each county of each instance of any amount
73 refunded or any check redeemed from receipts due the county.

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

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to
2 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be

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

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

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

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any
2 other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales
3 taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf
4 of any county of the first class having a charter form of government and having a population of
5 nine hundred thousand or more[, less one percent for cost of collection, which shall be deposited
6 in the state's general revenue fund after payment of premiums for surety bonds as provided in
7 sections 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to
8 be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund".

9 [The moneys in the county-municipal storm water and public works sales tax trust fund shall not
10 be deemed to be state funds and shall not be commingled with any funds of the state.] The
11 director of revenue shall keep accurate records of the amount of money in the trust fund which
12 was collected in each county and the records shall be open to the inspection of officers of the
13 county and of the municipalities within the county and the public. Not later than the tenth day
14 of each month, the director of the department of revenue shall distribute all moneys deposited
15 in the county-municipal storm water and public works sales tax trust fund during the preceding
16 month to the county which levied the tax, and the municipalities which are located wholly or
17 partially within such county as follows:

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

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

24 (3) Each municipality located partially within the county which levied the tax shall
25 receive a percentage of the distributable revenue equal to the percentage ratio that the population
26 of that part of the municipality located within the county bears to the total population of the
27 county.

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

42 3. If the governing body of any municipality located wholly or partially within the county
43 so requests by resolution, no funds shall be expended from the proceeds of any tax imposed
44 under section 67.701 within the corporate boundaries of the requesting municipality for the

45 construction, reconstruction or widening of any road established or to be established pursuant
46 to section 137.558, the total cost of which exceeds one hundred thousand dollars unless:

47 (a) A public hearing is first held at a place near such proposed action; and

48 (b) Plans and specifications of such proposed action are prepared and a cost-benefit
49 analysis prepared in accordance with accepted accounting principles of such proposed action is
50 presented to such public hearing.

51

52 Such cost-benefit analysis and its work papers shall be a public document and subject to
53 inspection as provided in chapter 610. The provisions of this subsection shall not apply to
54 proposed projects in unincorporated areas of the county.

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

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

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

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

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

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

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

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

14 authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the
15 county.

16 2. The director of revenue may authorize the state treasurer to make refund from the
17 amounts in the trust fund and credited to any county for erroneous payments and overpayments
18 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
19 If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the
20 director of revenue of the action at least ninety days prior to the effective date of the repeal or
21 expiration and **the repeal shall be effective as provided by section 32.087**. The director of
22 revenue may order retention in the trust fund, for a period of one year, of two percent of the
23 amount collected after receipt of such notice to cover possible refunds or overpayment of such
24 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
25 one year has elapsed after the effective date of repeal or expiration of the tax authorized by
26 sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the
27 account to the county and close the account of that county. The director of revenue shall notify
28 each county of each instance of any amount refunded or any check redeemed from receipts due
29 the county.

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

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

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

11 YES NO

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

18 4. The sales tax may be imposed at a rate of up to one percent on the receipts from the
19 retail sale of all tangible personal property or taxable service within the county, if such property
20 and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

21 5. All revenue collected from the sales tax under this section by the director of revenue
22 on behalf of a county[, less one percent for the cost of collection which shall be deposited in the
23 state's general revenue fund after payment of premiums for surety bonds as provided in section
24 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby
25 created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall
26 not be deemed to be state funds and shall not be commingled with any funds of the state.] The
27 director of revenue shall keep accurate records of the amount of money in the trust fund collected
28 in each county imposing a sales tax under this section, and the records shall be open to the
29 inspection of officers of such county and the general public. Not later than the tenth day of each
30 calendar month, the director of revenue shall distribute all moneys deposited in the trust fund
31 during the preceding calendar month by distributing to the county treasurer, or such officer as
32 may be designated by county ordinance or order, of each county imposing the tax under this
33 section the sum due the county as certified by the director of revenue.

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

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

49 8. The sales tax imposed under this section shall expire twenty years from the effective
50 date thereof unless an extension of the tax is submitted to and approved by the qualified voters
51 in the county in the manner provided in this section. Each extension of the sales tax shall be for
52 a period of ten years.

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

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

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

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

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

15 YES NO

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

24 3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at
25 retail of all tangible personal property or taxable service at retail within the county adopting such
26 tax, if such property and services are subject to taxation by the state of Missouri under the
27 provisions of sections 144.010 to 144.525.

28 4. All sales taxes collected by the director of revenue under this section on behalf of any
29 county[, less one percent for the cost of collection, which shall be deposited in the state's general
30 revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall
31 be deposited with the state treasurer in a special trust fund, which is hereby created, to be known
32 as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales
33 tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds
34 of the state.] The director of revenue shall keep accurate records of the amount of money in the

35 trust fund which was collected in each county imposing a sales tax under this section, and the
36 records shall be open to the inspection of officers of each county and the general public. Not
37 later than the tenth day of each month, the director of revenue shall distribute all moneys
38 deposited in the trust fund during the preceding month by distributing to the county treasurer, or
39 such other officer as may be designated by the county ordinance or order, of each county
40 imposing the tax authorized by this section, the sum, as certified by the director of revenue, due
41 the county.

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

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

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

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

66 9. The governing body of each of the counties imposing a sales tax under the provisions
67 of this section may cooperate with the governing body of any county or other political
68 subdivision of this state in carrying out the provisions of this section, and may establish and
69 conduct jointly a system of public recreation. The respective governing bodies administering

70 programs jointly may provide by agreement among themselves for all matters connected with
71 the programs and determine what items of cost and expense shall be paid by each.

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

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

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

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

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

11 YES NO

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

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

20 4. (1) A regional recreational district may, by a majority vote of its board of directors,
21 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to
22 sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance
23 of public parks, recreational facilities and grounds within the boundaries of a regional
24 recreational district. The tax authorized by this subsection shall be in addition to all other sales
25 taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board
26 of directors submits to the voters of the district, at a county or state general, primary or special
27 election, a proposal to authorize the tax, and such tax shall become effective only after the
28 majority of the voters voting on such tax approve such tax.

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

31 Shall a cent sales tax be levied on all retail sales within the district for public parks
32 and recreational facilities?

33 YES NO

34 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
35 of the proposal, then the tax shall become effective. If a majority of the votes cast by the
36 qualified voters voting are opposed to the proposal, then the board of directors shall have no
37 power to impose the tax unless and until another proposal to authorize the tax is submitted to the
38 voters of the district and such proposal is approved by a majority of the qualified voters voting
39 thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved
40 pursuant to this subsection.

41 5. As used in this section, "qualified voters" or "voters" means any individuals residing
42 within the proposed district who are eligible to be registered voters and who have registered to
43 vote under chapter 115 or, if no individuals eligible and registered to vote reside within the
44 proposed district, all of the owners of real property located within the proposed district who have
45 unanimously petitioned for or consented to the adoption of an ordinance by the governing body
46 imposing a tax authorized in this section. If the owner of the property within the proposed
47 district is a political subdivision or corporation of the state, the governing body of such political
48 subdivision or corporation shall be considered the owner for purposes of this section.

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

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

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

23 YES NO

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

26
27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
28 of the question, then the tax shall become effective on the first day of the second calendar quarter
29 immediately following the approval of the tax or notification to the department of revenue if such
30 tax will be administered by the department of revenue. If a majority of the votes cast on the
31 question by the qualified voters voting thereon are opposed to the question, then the tax shall not
32 become effective unless and until the question is resubmitted under this section to the qualified
33 voters and such question is approved by a majority of the qualified voters voting on the question.

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

51 4. [In order to permit sellers required to collect and report the sales tax to collect the
 52 amount required to be reported and remitted, but not to change the requirements of reporting or
 53 remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the
 54 governing body of the county may authorize the use of a bracket system similar to that authorized
 55 in section 144.285 and notwithstanding the provisions of that section, this new bracket system
 56 shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning
 57 with the effective date of the tax, every retailer in the county shall add the sales tax to the sale
 58 price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be
 59 recoverable at law in the same manner as the purchase price. For purposes of this section, all
 60 retail sales shall be deemed to be consummated at the place of business of the retailer.

61 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,
 62 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[,
 63 and all exemptions granted to agencies of government, organizations, and persons under sections
 64 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The
 65 same sales tax permit, exemption certificate, and retail certificate required by sections 144.010
 66 to 144.525 for the administration and collection of the state sales tax shall satisfy the
 67 requirements of this section, and no additional permit or exemption certificate or retail certificate
 68 shall be required; except that, the director of revenue may prescribe a form of exemption
 69 certificate for an exemption from the tax. All discounts allowed the retailer under the state sales
 70 tax for the collection of and for payment of taxes are hereby allowed and made applicable to the
 71 tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are
 72 hereby made applicable to violations of this section. If any person is delinquent in the payment
 73 of the amount required to be paid under this section, or in the event a determination has been
 74 made against the person for taxes and penalty under this section, the limitation for bringing suit
 75 for the collection of the delinquent tax and penalty shall be the same as that provided in sections
 76 144.010 to 144.525].

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

80 Shall (insert the name of the county) repeal the sales tax imposed
 81 at a rate of (insert rate of percent) percent for the purpose of funding senior services and
 82 youth programs provided by the county?

83 YES NO

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

86

87 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
88 of repeal, that repeal shall become effective [on December thirty-first of the calendar year in
89 which such repeal was approved] **as provided by section 32.087.**

90 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed
91 to the repeal, then the sales tax authorized in this section shall remain effective until the question
92 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
93 of the qualified voters voting on the question.

94 7. Whenever the governing body of any county that has adopted the sales tax authorized
95 in this section receives a petition, signed by ten percent of the registered voters of the county
96 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed
97 under this section, the governing body shall submit to the voters of the county a proposal to
98 repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
99 thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of
100 the calendar year in which such repeal was approved] **as provided by section 32.087.** If a
101 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
102 the repeal, then the sales tax authorized in this section shall remain effective until the question
103 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
104 of the qualified voters voting on the question.

105 8. If the tax is repealed or terminated by any means, all funds remaining in the special
106 trust fund shall continue to be used solely for the designated purposes, and the county shall notify
107 the director of the department of revenue of the action at least thirty days before the effective
108 date of the repeal and the director may order retention in the trust fund, for a period of one year,
109 of two percent of the amount collected after receipt of such notice to cover possible refunds or
110 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
111 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
112 county, the director shall remit the balance in the account to the county and close the account of
113 that county. The director shall notify each county of each instance of any amount refunded or
114 any check redeemed from receipts due the county.

115 9. Each county imposing the tax authorized in this section shall establish a senior
116 services tax commission to administer the portion of the sales tax revenue dedicated to providing
117 senior services. Such commission shall consist of seven members appointed by the county
118 commission. The county commission shall determine the qualifications, terms of office,
119 compensation, powers, duties, restrictions, procedures, and all other necessary functions of the
120 commission.

67.1300. 1. The governing body of any of the contiguous counties of the third
2 classification without a township form of government enumerated in subdivisions (1) to (5) of

3 this subsection or in any county of the fourth classification acting as a county of the second
4 classification, having a population of at least forty thousand but less than forty-five thousand
5 with a state university, and adjoining a county of the first classification with part of a city with
6 a population of three hundred fifty thousand or more inhabitants or a county of the third
7 classification with a township form of government and with a population of at least eight
8 thousand but less than eight thousand four hundred inhabitants or a county of the third
9 classification with more than fifteen townships having a population of at least twenty-one
10 thousand inhabitants or a county of the third classification without a township form of
11 government and with a population of at least seven thousand four hundred but less than eight
12 thousand inhabitants or any county of the third classification with a population greater than three
13 thousand but less than four thousand or any county of the third classification with a population
14 greater than six thousand one hundred but less than six thousand four hundred or any county of
15 the third classification with a population greater than six thousand eight hundred but less than
16 seven thousand or any county of the third classification with a population greater than seven
17 thousand eight hundred but less than seven thousand nine hundred or any county of the third
18 classification with a population greater than eight thousand four hundred sixty but less than eight
19 thousand five hundred or any county of the third classification with a population greater than
20 nine thousand but less than nine thousand two hundred or any county of the third classification
21 with a population greater than ten thousand five hundred but less than ten thousand six hundred
22 or any county of the third classification with a population greater than twenty-three thousand five
23 hundred but less than twenty-three thousand seven hundred or a county of the third classification
24 with a population greater than thirty-three thousand but less than thirty-four thousand or a county
25 of the third classification with a population greater than twenty thousand eight hundred but less
26 than twenty-one thousand or a county of the third classification with a population greater than
27 fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the
28 third classification with a population greater than twenty thousand eight hundred fifty but less
29 than twenty-two thousand or a county of the third classification with a population greater than
30 thirty-nine thousand but less than forty thousand or a county of the third classification with a
31 township form of organization and a population greater than twenty-eight thousand but less than
32 twenty-nine thousand or a county of the third classification with a population greater than fifteen
33 thousand but less than fifteen thousand five hundred or a county of the third classification with
34 a population greater than eighteen thousand but less than nineteen thousand seventy or a county
35 of the third classification with a population greater than thirteen thousand nine hundred but less
36 than fourteen thousand four hundred or a county of the third classification with a population
37 greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county
38 of the first classification without a charter form of government and a population of at least eighty

39 thousand but not greater than eighty-three thousand or a county of the third classification with
 40 a population greater than fifteen thousand but less than fifteen thousand nine hundred without
 41 a township form of government which does not adjoin any county of the first, second or fourth
 42 classification or a county of the third classification with a population greater than twenty-three
 43 thousand but less than twenty-five thousand without a township form of government which does
 44 not adjoin any county of the second or fourth classification and does adjoin a county of the first
 45 classification with a population greater than one hundred twenty thousand but less than one
 46 hundred fifty thousand or in any county of the fourth classification acting as a county of the
 47 second classification, having a population of at least forty-eight thousand or any governing body
 48 of a municipality located in any of such counties may impose, by ordinance or order, a sales tax
 49 on all retail sales made in such county or municipality which are subject to taxation pursuant to
 50 the provisions of sections 144.010 to 144.525:

51 (1) A county with a population of at least four thousand two hundred inhabitants but not
 52 more than four thousand five hundred inhabitants;

53 (2) A county with a population of at least four thousand seven hundred inhabitants but
 54 not more than four thousand nine hundred inhabitants;

55 (3) A county with a population of at least seven thousand three hundred inhabitants but
 56 not more than seven thousand six hundred inhabitants;

57 (4) A county with a population of at least ten thousand one hundred inhabitants but not
 58 more than ten thousand three hundred inhabitants; and

59 (5) A county with a population of at least four thousand three hundred inhabitants but
 60 not more than four thousand five hundred inhabitants.

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

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

70 4. Such proposal shall be submitted in substantially the following form:

71 Shall the (city, town, village or county) of impose a sales tax of (insert
 72 amount) for the purpose of economic development in the (city, town, village or county)?

73 YES

NO

74 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
75 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the
76 first day of the second quarter after the director of revenue receives notice of adoption of the tax.
77 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
78 governing body of the county or municipality shall not impose the sales tax authorized in this
79 section until the governing body of the county or municipality resubmits another proposal to
80 authorize the governing body of the county or municipality to impose the sales tax authorized
81 by this section and such proposal is approved by a majority of the qualified voters voting
82 thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months
83 from the date of the submission of the last such proposal.

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

88 6. Once the tax authorized by this section is abolished or is terminated by any means, all
89 funds remaining in the special trust fund shall be used solely for economic development purposes
90 within the county or municipality. Any funds in such special trust fund which are not needed for
91 current expenditures may be invested by the governing body in accordance with applicable laws
92 relating to the investment of other county or municipal funds.

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

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

103 9. Not later than the tenth day of each month the director of revenue shall distribute all
104 moneys deposited in the trust fund during the preceding month to the county or municipality
105 which levied the tax. Such funds shall be deposited with the county treasurer of each such
106 county or the appropriate municipal officer in the case of a municipal tax, and all expenditures
107 of funds arising from the local economic development sales tax trust fund shall be by an
108 appropriation act to be enacted by the governing body of each such county or municipality.

109 Expenditures may be made from the fund for any economic development purposes authorized
110 in the ordinance or order adopted by the governing body submitting the tax to the voters.

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

115 11. If any county or municipality abolishes the tax, the county or municipality shall
116 notify the director of revenue of the action at least ninety days prior to the effective date of the
117 repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue
118 may order retention in the trust fund, for a period of one year, of two percent of the amount
119 collected after receipt of such notice to cover possible refunds or overpayment of the tax and to
120 redeem dishonored checks and drafts deposited to the credit of such accounts. After one year
121 has elapsed after the effective date of abolition of the tax in such county or municipality, the
122 director of revenue shall remit the balance in the account to the county or municipality and close
123 the account of that county or municipality. The director of revenue shall notify each county or
124 municipality of each instance of any amount refunded or any check redeemed from receipts due
125 the county or municipality.

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

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

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

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

133 (3) Provision of infrastructure and sites for industrial development or for public
134 infrastructure projects; and

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

67.1303. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any
5 county of the first classification with more than one hundred four thousand six hundred but less
6 than one hundred four thousand seven hundred inhabitants and the governing body of any county
7 of the third classification without a township form of government and with more than forty
8 thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within
9 such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or

10 county which are subject to sales tax under chapter 144. In addition, the governing body of any
 11 county of the first classification with more than eighty-five thousand nine hundred but less than
 12 eighty-six thousand inhabitants or the governing body of any home rule city with more than
 13 seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or
 14 ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax
 15 under chapter 144. The tax authorized in this section shall not be more than one-half of one
 16 percent. The order or ordinance imposing the tax shall not become effective unless the
 17 governing body of the city or county submits to the voters of the city or county at a state general
 18 or primary election a proposal to authorize the governing body to impose a tax under this section.
 19 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
 20 shall be stated separately from all other charges and taxes.

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

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

25 YES NO

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

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

- 38 (1) Acquisition of land;
- 39 (2) Installation of infrastructure for industrial or business parks;
- 40 (3) Improvement of water and wastewater treatment capacity;
- 41 (4) Extension of streets;
- 42 (5) Providing matching dollars for state or federal grants;
- 43 (6) Marketing;
- 44 (7) Construction and operation of job training and educational facilities; and

45 (8) Providing grants and low-interest loans to companies for job training, equipment
46 acquisition, site development, and infrastructure. Not more than twenty-five percent of the
47 revenue generated may be used annually for administrative purposes, including staff and facility
48 costs.

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

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

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

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

78 (2) One member shall be appointed, in any manner agreed upon by the affected districts,
79 to represent all other districts levying ad valorem taxes within the area selected for an economic

80 development project or area funded by the sales tax authorized in this section, excluding
81 representatives of the governing body of the city or county;

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

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

86 (5) In each city, two members shall be appointed by the governing body of the county
87 in which the city is located. In each county, two members shall be appointed by the governing
88 body of the county. At the option of the members appointed by a city or county the members
89 who are appointed by the school boards and other taxing districts may serve on the board for a
90 term to coincide with the length of time an economic development project, plan, or designation
91 of an economic development area is considered for approval by the board, or for the definite
92 terms as provided in this subsection. If the members representing school districts and other
93 taxing districts are appointed for a term coinciding with the length of time an economic
94 development project, plan, or area is approved, such term shall terminate upon final approval of
95 the project, plan, or designation of the area by the governing body of the city or county. If any
96 school district or other taxing jurisdiction fails to appoint members of the board within thirty
97 days of receipt of written notice of a proposed economic development plan, economic
98 development project, or designation of an economic development area, the remaining members
99 may proceed to exercise the power of the board. Of the members first appointed by the city or
100 county, three shall be designated to serve for terms of two years, three shall be designated to
101 serve for a term of three years, and the remaining members shall be designated to serve for a term
102 of four years from the date of such initial appointments. Thereafter, the members appointed by
103 the city or county shall serve for a term of four years, except that all vacancies shall be filled for
104 unexpired terms in the same manner as were the original appointments.

105 [6.] 7. The board, subject to approval of the governing body of the city or county, shall
106 develop economic development plans, economic development projects, or designations of an
107 economic development area, and shall hold public hearings and provide notice of any such
108 hearings. The board shall vote on all proposed economic development plans, economic
109 development projects, or designations of an economic development area, and amendments
110 thereto, within thirty days following completion of the hearing on any such plan, project, or
111 designation, and shall make recommendations to the governing body within ninety days of the
112 hearing concerning the adoption of or amendment to economic development plans, economic
113 development projects, or designations of an economic development area.

114 [7.] 8. The board shall report at least annually to the governing body of the city or
115 county on the use of the funds provided under this section and on the progress of any plan,
116 project, or designation adopted under this section.

117 [8.] 9. The governing body of any city or county that has adopted the sales tax
118 authorized in this section may submit the question of repeal of the tax to the voters on any date
119 available for elections for the city or county. The ballot of submission shall be in substantially
120 the following form:

121 Shall (insert the name of the city or county) repeal the sales tax
122 imposed at a rate of (insert rate of percent) percent for economic development purposes?

123 YES NO

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

130 [9.] 10. Whenever the governing body of any city or county that has adopted the sales
131 tax authorized in this section receives a petition, signed by ten percent of the registered voters
132 of the city or county voting in the last gubernatorial election, calling for an election to repeal the
133 sales tax imposed under this section, the governing body shall submit to the voters a proposal
134 to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
135 thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of
136 the calendar year in which such repeal was approved] **as provided by section 32.087.** If a
137 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
138 the repeal, then the tax shall remain effective until the question is resubmitted under this section
139 to the qualified voters and the repeal is approved by a majority of the qualified voters voting on
140 the question. **If the city or county abolishes the tax, the city or county shall notify the**
141 **director of revenue of the action at least one hundred twenty days prior to the effective**
142 **date of the repeal.**

143 **11. After the effective date of any tax imposed under the provisions of this section,**
144 **the director of revenue shall perform all functions incident to the administration,**
145 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
146 **the state of Missouri, the additional tax authorized under this section. The tax imposed**
147 **under this section and the tax imposed under the sales tax law of the state of Missouri shall**
148 **be collected together and reported upon such forms and under such administrative rules**
149 **and regulations as may be prescribed by the director of revenue.**

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

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

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

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

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

18 YES NO

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

27 4. All sales taxes collected by the director of revenue under this section on behalf of any
28 county or municipality[, less one percent for cost of collection which shall be deposited in the
29 state's general revenue fund after payment of premiums for surety bonds as provided in section
30 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the
31 "Local Option Economic Development Sales Tax Trust Fund".

32 5. [The moneys in the local option economic development sales tax trust fund shall not
33 be deemed to be state funds and shall not be commingled with any funds of the state.] The
34 director of revenue shall keep accurate records of the amount of money in the trust fund and

35 which was collected in each city or county imposing a sales tax pursuant to this section, and the
36 records shall be open to the inspection of officers of the city or county and the public.

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

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

47 8. If any county or municipality abolishes the tax, the city or county shall notify the
48 director of revenue of the action at least ninety days prior to the effective date of the repeal and
49 **the repeal shall be effective as provided by section 32.087**. The director of revenue may order
50 retention in the trust fund, for a period of one year, of two percent of the amount collected after
51 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
52 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
53 after the effective date of abolition of the tax in such city or county, the director of revenue shall
54 remit the balance in the account to the city or county and close the account of that city or county.
55 The director of revenue shall notify each city or county of each instance of any amount refunded
56 or any check redeemed from receipts due the city or county.

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

59 10. (1) No revenue generated by the tax authorized in this section shall be used for any
60 retail development project, except for the redevelopment of downtown areas and historic
61 districts. Not more than twenty-five percent of the revenue generated shall be used annually for
62 administrative purposes, including staff and facility costs.

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

- 66 (a) Acquisition of land;
- 67 (b) Installation of infrastructure for industrial or business parks;
- 68 (c) Improvement of water and wastewater treatment capacity;
- 69 (d) Extension of streets;
- 70 (e) Public facilities directly related to economic development and job creation; and

71 (f) Providing matching dollars for state or federal grants relating to such long-term
72 projects.

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

75 (a) Marketing;

76 (b) Providing grants and loans to companies for job training, equipment acquisition, site
77 development, and infrastructures;

78 (c) Training programs to prepare workers for advanced technologies and high skill jobs;

79 (d) Legal and accounting expenses directly associated with the economic development
80 planning and preparation process;

81 (e) Developing value-added and export opportunities for Missouri agricultural products.

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

88 12. (1) Any city or county imposing the tax authorized in this section shall establish an
89 economic development tax board. The volunteer board shall receive no compensation or
90 operating budget.

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

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

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

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

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

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

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

110 (c) Two members from the cities, towns, or villages within the county appointed in any
111 manner agreed upon by the chief elected officers of the cities or villages. Of the members
112 initially appointed, three shall be designated to serve for terms of two years, except that when
113 a nine-member board is designated, seven of the members initially appointed shall be designated
114 to serve for terms of two years, and the remaining members shall be designated to serve for a
115 term of four years from the date of such initial appointments. Thereafter, the members appointed
116 shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms
117 in the same manner as were the original appointments.

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

125 13. The board, subject to approval of the governing body of the city or county, shall
126 consider economic development plans, economic development projects, or designations of an
127 economic development area, and shall hold public hearings and provide notice of any such
128 hearings. The board shall vote on all proposed economic development plans, economic
129 development projects, or designations of an economic development area, and amendments
130 thereto, within thirty days following completion of the hearing on any such plan, project, or
131 designation, and shall make recommendations to the governing body within ninety days of the
132 hearing concerning the adoption of or amendment to economic development plans, economic
133 development projects, or designations of an economic development area. The governing body
134 of the city or county shall have the final determination on use and expenditure of any funds
135 received from the tax imposed under this section.

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

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

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

144 15. Notwithstanding any other provision of law to the contrary, the economic
145 development sales tax imposed under this section when imposed within a special taxing district,
146 including but not limited to a tax increment financing district, neighborhood improvement
147 district, or community improvement district, shall be excluded from the calculation of revenues
148 available to such districts, and no revenues from any sales tax imposed under this section shall
149 be used for the purposes of any such district unless recommended by the economic development
150 tax board established under this section and approved by the governing body imposing the tax.

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

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

158 (1) A statement of its primary economic development goals;

159 (2) A statement of the total economic development sales tax revenues received during
160 the immediately preceding calendar year;

161 (3) A statement of total expenditures during the preceding calendar year in each of the
162 following categories:

163 (a) Infrastructure improvements;

164 (b) Land and/or buildings;

165 (c) Machinery and equipment;

166 (d) Job training investments;

167 (e) Direct business incentives;

168 (f) Marketing;

169 (g) Administration and legal expenses; and

170 (h) Other expenditures.

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

175 Shall (insert the name of the city or county) repeal the sales tax imposed at a rate
176 of (insert rate of percent) percent for economic development purposes?

177

 YES NO

178 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become
 179 effective [on December thirty-first of the calendar year in which such repeal was approved] as
 180 provided by section 32.087. If a majority of the votes cast on the question by the qualified voters
 181 voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain
 182 effective until the question is resubmitted under this section to the qualified voters of the city or
 183 county, and the repeal is approved by a majority of the qualified voters voting on the question.

184 19. Whenever the governing body of any city or county that has adopted the sales tax
 185 authorized in this section receives a petition, signed by ten percent of the registered voters of the
 186 city or county voting in the last gubernatorial election, calling for an election to repeal the sales
 187 tax imposed under this section, the governing body shall submit to the voters a proposal to repeal
 188 the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are
 189 in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar
 190 year in which such repeal was approved. If a majority of the votes cast on the question by the
 191 qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until
 192 the question is resubmitted under this section to the qualified voters and the repeal is approved
 193 by a majority of the qualified voters voting on the question.

194 20. If any provision of this section or section 67.1303 or the application thereof to any
 195 person or circumstance is held invalid, the invalidity shall not affect other provisions or
 196 application of this section or section 67.1303 which can be given effect without the invalid
 197 provision or application, and to this end the provisions of this section and section 67.1303 are
 198 declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a
 2 district sales and use tax on all retail sales made in such district which are subject to taxation
 3 pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or
 4 outboard motors and sales to or by public utilities and providers of communications, cable, or
 5 video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft; sales**
 6 **of electricity, piped natural or artificial gas, or other fuels delivered by the seller; and the**
 7 **retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured**
 8 **homes, or mobile homes.** Any sales and use tax imposed pursuant to this section may be
 9 imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such
 10 district sales and use tax may be imposed for any district purpose designated by the district in
 11 its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this
 12 section shall become effective unless the board of directors of the district submits to the qualified
 13 voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this
 14 section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in

15 favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the
16 qualified voters are opposed to the sales tax, then the resolution is void.

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

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

23 YES NO

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

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

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

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

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

48 7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this
49 section.

50 [8.] 7. All revenue received by the district from a sales and use tax imposed pursuant
51 to this section which is designated for a specific purpose shall be deposited into a special trust
52 fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
53 pursuant to this section, all funds remaining in the special trust fund shall continue to be used
54 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any
55 funds in such special trust fund which are not needed for current expenditures may be invested
56 by the board of directors pursuant to applicable laws relating to the investment of other district
57 funds.

58 [9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this
59 section before the expiration date of such sales and use tax unless the repeal of such sales and
60 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
61 the district has borrowed or obligation the district has issued to finance any improvements or
62 services rendered for the district.

63 [10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales
64 and use tax under this section shall be conducted in accordance with the provisions of this
65 section.

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

67.1712. 1. The governing body of any county located within the proposed metropolitan
2 district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail
3 sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the
4 creation, operation and maintenance of a metropolitan park and recreation district.

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

13 3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other
14 sales taxes allowed by law. The governing body of any county within the metropolitan district
15 enacting such an ordinance shall submit to the voters of such county a proposal to approve its
16 ordinance imposing or increasing the tax. Such ordinance shall become effective only after the
17 majority of the voters voting on such ordinance approve such ordinance. The provisions of

18 sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to
19 this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state
2 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent
3 in the county or city, or city not within a county, for the purpose of providing services described
4 in section 210.861, including counseling, family support, and temporary residential services to
5 persons nineteen years of age or less. The question shall be submitted to the qualified voters of
6 the county or city, or city not within a county, at a county or city or state general, primary or
7 special election upon the motion of the governing body of the county or city, or city not within
8 a county or upon the petition of eight percent of the qualified voters of the county or city, or city
9 not within a county, determined on the basis of the number of votes cast for governor in such
10 county at the last gubernatorial election held prior to the filing of the petition. The election
11 officials of the county or city, or city not within a county, shall give legal notice as provided in
12 chapter 115. The question shall be submitted in substantially the following form:

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

17 YES NO

18 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
19 of the question, then the ordinance or order and any amendments thereto shall be in effect on the
20 first day of the second calendar quarter after the director receives notification of the local sales
21 tax. If a question receives less than the required majority, then the governing authority of the city
22 or county, or city not within a county, shall have no power to impose the sales tax unless and
23 until the governing authority of the city or county, or city not within a county, has submitted
24 another question to authorize the imposition of the sales tax authorized by this section and such
25 question is approved by the required majority of the qualified voters voting thereon. However,
26 in no event shall a question under this section be submitted to the voters sooner than twelve
27 months from the date of the last question under this section.

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

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

51 4. The director of revenue may authorize the state treasurer to make refunds from the
52 amounts in the fund and credited to any city or county, or city not within a county, for erroneous
53 payments and overpayments made, and may redeem dishonored checks and drafts deposited to
54 the credit of such counties. Each city or county, or city not within a county, shall notify the
55 director of revenue at least ninety days prior to the effective date of the expiration of the sales
56 tax authorized by this section and **the repeal shall be effective as provided by section 32.087.**
57 The director of revenue may order retention in the fund, for a period of one year, of two percent
58 of the amount collected after receipt of such notice to cover possible refunds or overpayment of
59 such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
60 After one year has elapsed after the date of expiration of the tax authorized by this section in
61 such city not within a county or such city or county, the director of revenue shall remit the
62 balance in the account to the city or county, or city not within a county, and close the account of
63 that city or county, or city not within a county. The director of revenue shall notify each city or
64 county, or city not within a county, of each instance of any amount refunded or any check
65 redeemed from receipts due the city or county.

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

68 6. All revenues generated by the tax prescribed in this section shall be deposited in the
69 county treasury or, in a city not within a county, to the board established by law to administer
70 such fund to the credit of a special community children's services fund to accomplish the

71 purposes set out herein and in section 210.861, and shall be used for no other purpose. Such
72 fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district
2 a tax of not more than one percent on all retail sales, except sales of [food as defined in section
3 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all
4 utilities, telephone and wireless services,] and sales of funeral services, made **on or after**
5 **January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of
6 sections 144.010 to 144.525. Upon the written request of the board to the election authority of
7 the county in which a majority of the area of the district is situated, such election authority shall
8 submit a proposition to the residents of such district at a municipal or statewide primary or
9 general election, or at a special election called for that purpose. Such election authority shall
10 give legal notice as provided in chapter 115.

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

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

15 YES NO

16 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
17 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 of the proposed district
19 voting thereon are in favor of the proposal, then the order shall become effective on the first day
20 of the second calendar quarter after the director of revenue receives notice of adoption of the tax.
21 If the proposal receives less than the required majority, then the board shall have no power to
22 impose the sales tax authorized pursuant to this section unless and until the board shall again
23 have submitted another proposal to authorize the board to impose the sales tax authorized by this
24 section and such proposal is approved by the required majority of the qualified voters of the
25 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) The name of the proposed district.

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

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

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

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

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

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

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

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

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

64 6. Following the hearing, if the governing body of each county located within the
65 proposed district decides to establish the proposed district, it shall adopt an order to that effect;
66 if the governing body of any county located within the proposed district decides to not establish
67 the proposed district, the boundaries of the proposed district shall not include that county. The
68 order shall contain the following:

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

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

72 (3) The name of the district;

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

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

76 7. A district established pursuant to this section may, at a general, primary, or special
77 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of
78 one percent, for a period not to exceed twenty-five years, on all retail sales within the district,
79 which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition,

80 construction, maintenance, operation, improvement, and promotion of an exhibition center and
81 recreational facilities. The ballot of submission shall be in substantially the following form:

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

86 YES NO

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

89 If a majority of the votes cast in the portion of any county that is part of the proposed district
90 favor the proposal, then the sales tax shall become effective in that portion of the county [that
91 is part of the proposed district on the first day of the first calendar quarter immediately following
92 the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a
93 county that is a part of the proposed district oppose the proposal, then that portion of such county
94 shall not impose the sales tax authorized in this section until after the county governing body has
95 submitted another such sales tax proposal and the proposal is approved by a majority of the
96 qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing
97 body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than
98 twelve months from the date of the last proposal submitted pursuant to this section. If the
99 qualified voters in two or more counties that have contiguous districts approve the sales tax
100 proposal, the districts shall combine to become one district.

101 8. There is hereby created a board of trustees to administer any district created and the
102 expenditure of revenue generated pursuant to this section consisting of four individuals to
103 represent each county approving the district, as provided in this subsection. The governing body
104 of each county located within the district, upon approval of that county's sales tax proposal, shall
105 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging
106 business located within the taxing district, or their designee, at least one shall be an owner of a
107 lodging facility located within the district, or their designee, and all members shall reside in the
108 district except that one nonlodging business owner, or their designee, and one lodging facility
109 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five
110 years of age and a resident of this state. Of the initial trustees appointed from each county, two
111 shall hold office for two years, and two shall hold office for four years. Trustees appointed after
112 expiration of the initial terms shall be appointed to a four-year term by the governing body of the
113 county the trustee represents, with the initially appointed trustee to remain in office until a
114 successor is appointed, and shall take office upon being appointed. Each trustee may be
115 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the

116 office was originally appointed. The trustees shall not receive compensation for their services,
117 but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and
118 other officers necessary for its membership. Trustees may be removed if:

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

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

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

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

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

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

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

151 at either public or private sale, at such interest rates, and at such price or prices as the district
152 shall determine;

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

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

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

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

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

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

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

171 10. There is hereby created the "Exhibition Center and Recreational Facility District
172 Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this
173 section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund
174 shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall
175 be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The
176 director of revenue shall invest moneys in the trust fund in the same manner as other funds are
177 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.
178 All sales taxes collected by the director of revenue pursuant to this section on behalf of the
179 district, less one percent for the cost of collection which shall be deposited in the state's general
180 revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall
181 be deposited in the trust fund. The director of revenue shall keep accurate records of the amount
182 of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to
183 this section, and the records shall be open to the inspection of the officers of each district and the
184 general public. Not later than the tenth day of each month, the director of revenue shall
185 distribute all moneys deposited in the trust fund during the preceding month to the district. The
186 director of revenue may authorize refunds from the amounts in the trust fund and credited to the

187 district for erroneous payments and overpayments made, and may redeem dishonored checks and
188 drafts deposited to the credit of the district.

189 11. The sales tax authorized by this section is in addition to all other sales taxes allowed
190 by law. **After the effective date of any tax imposed under the provisions of this section, the**
191 **director of revenue shall perform all functions incident to the administration, collection,**
192 **enforcement, and operation of the tax and collect, in addition to the sales tax for the state**
193 **of Missouri, the additional tax authorized under the authority of this section. The tax**
194 **imposed under this section and the tax imposed under the sales tax law of the state of**
195 **Missouri shall be collected together and reported upon such forms and under such**
196 **administrative rules and regulations as may be prescribed by the director of revenue.**

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

199 [12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial
200 term approved by the voters unless an extension of the sales tax is submitted to and approved by
201 the qualified voters in each county in the manner provided in this section. Each extension of the
202 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the
203 extension shall be in substantially the following form:

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

208 YES NO

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

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

216 [13.] 14. Once the sales tax authorized by this section is abolished or terminated by any
217 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
218 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
219 the district has any financing or other obligations outstanding; provided that any new financing,
220 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
221 incurred more than ten years after voter approval of the sales tax provided in this section or more
222 than ten years after any voter-approved extension thereof shall not cause the extension of the

223 sales tax provided in this section or cause the final maturity of any financing or other obligations
224 outstanding to be extended. Any funds in the trust fund which are not needed for current
225 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)
226 of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the
227 district abolishes the sales tax, the district shall notify the director of revenue of the action at
228 least ninety days before the effective date of the repeal, and the director of revenue may order
229 retention in the trust fund, for a period of one year, of two percent of the amount collected after
230 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem
231 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
232 after the effective date of abolition of the sales tax in the district, the director of revenue shall
233 remit the balance in the account to the district and close the account of the district. The director
234 of revenue shall notify the district of each instance of any amount refunded or any check
235 redeemed from receipts due the district.

236 [14.] **15.** In the event that the district is dissolved or terminated by any means, the
237 governing bodies of the counties in the district shall appoint a person to act as trustee for the
238 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall
239 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond
240 with sufficient security, approved by the governing bodies of the counties, to the use of the
241 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and
242 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
243 obligations of the district, shall pay over to the county treasurer of each county in the district and
244 take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears
245 to the total levy for the district in the previous three years or since the establishment of the
246 district, whichever time period is shorter. Upon payment to the county treasurers, the trustee
247 shall deliver to the clerk of the governing body of any county in the district all books, papers,
248 records, and deeds belonging to the dissolved district.

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

10 to the qualified voters of the city, at any municipal or state general, primary, or special election,
11 a proposal to authorize the governing authority of the city to impose a tax.

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

13 Shall the city of (city's name) impose a citywide sales tax of (insert
14 amount) for the purpose of promoting tourism in the city?

15 YES NO

16 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
17 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 thereon are in favor
19 of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on
20 the first day of the first calendar quarter immediately following notification to the director of the
21 department of revenue of the election approving the proposal] **as provided by section 32.087.**

22 If a proposal receives less than the required majority, then the governing authority of the city
23 shall have no power to impose the sales tax unless and until the governing authority of the city
24 has submitted another proposal to authorize the imposition of the sales tax authorized by this
25 section and such proposal is approved by the required majority of the qualified voters voting
26 thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters
27 sooner than twelve months from the date of the last proposal pursuant to this section.

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

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

32 (2) The city may enter into an agreement with the director of revenue of the state of
33 Missouri for the purpose of collecting the tax authorized in this section. In the event any city
34 enters into an agreement with the director of revenue of the state of Missouri for the collection
35 of the tax authorized in this section, the director of revenue shall perform all functions incident
36 to the administration, collection, enforcement, and operation of such tax, and the director of
37 revenue shall collect the additional tax authorized in this section. The tax authorized in this
38 section shall be collected and reported upon such forms and under such administrative rules and
39 regulations as may be prescribed by the director of revenue, and the director of revenue shall
40 retain an amount not to exceed one percent for cost of collection.

41 4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of
42 one percent and interest not to exceed two percent per month on unpaid taxes which shall be
43 considered delinquent thirty days after the last day of each quarter] **After the effective date of**
44 **any tax imposed under the provisions of this section, the director of revenue shall perform**
45 **all functions incident to the administration, collection, enforcement, and operation of the**

46 **tax and collect, in addition to the sales tax for the state of Missouri, the additional tax**
 47 **authorized under the authority of this section. The tax imposed under this section and the**
 48 **tax imposed under the sales tax law of the state of Missouri shall be collected together and**
 49 **reported upon such forms and under such administrative rules and regulations as may be**
 50 **prescribed by the director of revenue.**

51 [5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant
 52 to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at
 53 least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax
 54 to the qualified voters at any primary or general election. The ballot of submission shall be in
 55 substantially the following form:

56 Shall (insert name of city) repeal the sales tax of (insert rate of percent)
 57 percent for tourism purposes now in effect in (insert name of city)?

58 YES NO

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

61 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 62 effective on December thirty-first of the calendar year in which such repeal was approved. **If the**
 63 **city or county abolishes the tax, the city or county shall notify the director of revenue of the**
 64 **action at least one hundred twenty days prior to the effective date of the repeal.**

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

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

79 (4) In the event that the repeal of a sales tax pursuant to this section dissolves or
 80 terminates a taxing district, the governing authority of the city shall appoint a person to act as
 81 trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the

82 trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall
83 give bond with sufficient security, approved by the governing authority of the city, to the use of
84 the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have
85 and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
86 obligations of the district, shall pay over to the city treasurer or the equivalent official and take
87 receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver
88 to the clerk of the governing authority of the city all books, papers, records, and deeds belonging
89 to the dissolved district.

90 [6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to
91 32.087 shall apply to the tax imposed pursuant to this section.

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

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

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

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

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

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

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

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

46 7. Should a vacancy occur on the board of directors, the mayor or chairman of the city,
47 town, or village if there are registered voters within the subdistrict, or a majority of the owners
48 of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the
49 authority to appoint or elect, as set forth in this section, an interim director to complete any
50 unexpired term of a director caused by resignation or disqualification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91 (6) To collect taxes and other revenues;

92 (7) To borrow money and incur indebtedness and evidence the same by certificates,
93 notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or
94 any part of the cost of land, construction, development, or equipping of any facilities or
95 operations of the district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 The provisions of this subsection are applicable to the district notwithstanding the provisions of
130 section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any
2 time by the district by issuing refunding bonds in such amount as the district may deem
3 necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions

4 regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing,
5 refunding bonds may include amounts necessary to finance any premium, unpaid interest, and
6 costs of issuance in connection with the refunding bonds. Any such refunding may be effected
7 whether the bonds to be refunded then shall have matured or thereafter shall mature, either by
8 sale of the refunding bonds and the application of the proceeds thereof to the payment of the
9 obligations being refunded or the exchange of the refunding bonds for the obligations being
10 refunded with the consent of the holders of the obligations being refunded.

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

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

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

32 5. In order to permit sellers required to collect and report the sales tax authorized by this
33 section to collect the amount required to be reported and remitted, but not to change the
34 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
35 fractions of pennies, the district may establish appropriate brackets which shall be used in the
36 district imposing a tax pursuant to this section in lieu of those brackets provided in section
37 144.285.

38 6.] 4. All revenue received by a district from the sales tax authorized by this section
39 shall be deposited in a special trust fund and shall be used solely for the purposes of the district.

40 Any funds in such special trust fund which are not needed for the district's current expenditures
41 may be invested by the district board of directors in accordance with applicable laws relating to
42 the investment of other district funds.

43 [7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the
44 receipts from the sale at retail of all tangible personal property or taxable services at retail within
45 the district adopting such tax, if such property and services are subject to taxation by the state
46 of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax
47 imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the
48 subdistricts approving the sales tax.

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

55 9. (1) On and after the effective date of any sales tax imposed pursuant to this section,
56 the district shall perform all functions incident to the administration, collection, enforcement, and
57 operation of the tax. The sales tax imposed pursuant to this section shall be collected and
58 reported upon such forms and under such administrative rules and regulations as may be
59 prescribed by the district.

60 (2)] 6. **After the effective date of any tax imposed under the provisions of this**
61 **section, the director of revenue shall perform all functions incident to the administration,**
62 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
63 **the state of Missouri, the additional tax authorized under the authority of this section. The**
64 **tax imposed 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 revenue.**

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

71 [(3) The district may contract with the municipality that the district is within for the
72 municipality to collect any revenue received by the district and, after deducting the cost of such
73 collection, but not to exceed one percent of the total amount collected, deposit such revenue in
74 a special trust account. Such revenue and interest may be applied by the municipality to

75 expenses, costs, or debt service of the district at the direction of the district as set forth in a
76 contract between the municipality and the district.

77 10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing
78 the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality
79 provision, shall apply to the collection of the tax imposed by this section, except as modified in
80 this section.

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

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

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

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

95 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
96 retail sales shall be deemed to be consummated at the place of business of the retailer unless the
97 tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state
98 destination or to a common carrier for delivery to an out-of-state destination. In the event a
99 retailer has more than one place of business in this state which participates in the sale, the sale
100 shall be deemed to be consummated at the place of business of the retailer where the initial order
101 for the tangible personal property is taken, even though the order must be forwarded elsewhere
102 for acceptance, approval of credit, shipment, or billing.

103 A sale by a retailer's employee shall be deemed to be consummated at the place of business from
104 which the employee works.

105 (7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax
106 in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of
107 one percent on retail sales as provided in this subsection. The election shall be conducted in
108 accordance with section 67.2520; provided, however, that the district board of directors may
109 place the question of the increase of the sales tax before the voters of the district by resolution,
110 and the municipal clerk of the city, town, or village which originally conducted the incorporation

111 of the district, or the circuit clerk of the court which originally conducted the incorporation of
112 the district, shall conduct the subsequent election. In subsequent elections, the election judges
113 shall certify the election results to the district board of directors. The ballot of submission shall
114 be in substantially the following form:

115 Shall (name of district) increase the (insert amount) percent district
116 sales tax now in effect to (insert amount) in the (name of district)?

117 YES NO

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

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

123 [11.] **9.** (1) There shall not be any election as provided for in this section while the
124 district has any financing or other obligations outstanding.

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

130 Shall (name of district) dissolve and repeal the (insert amount) percent
131 district sales tax now in effect in the (name of district)?

132 YES NO

133 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
134 to the question, place an "X" in the box opposite "NO". Such subsequent elections for the repeal
135 of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that
136 the district board of directors may place the question of the repeal of the sales tax before the
137 voters of the district, and the municipal clerk of the city, town, or village which originally
138 conducted the incorporation of the district, or the circuit clerk of the court which originally
139 conducted the incorporation of the district, shall conduct the subsequent election. In subsequent
140 elections the election judges shall certify the election results to the district board of directors.

141 (3) If a majority of the votes cast on the proposal by the qualified voters of the district
142 voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of
143 the calendar year in which such repeal was approved or after the repayment of the district's
144 indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify**
145 **the director of revenue of the action at least one hundred twenty days prior to the effective**
146 **date of the repeal.**

147 [12.] 10. (1) At such time as the board of directors of the district determines that further
148 operation of the district is not in the best interests of the inhabitants of the district, and that the
149 district should dissolve, the board shall submit for a vote in an election held throughout the
150 district the question of whether the district should be abolished. The question shall be submitted
151 in substantially the following form:

152 Shall the theater, cultural arts, and entertainment district be abolished?

153 YES NO

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

156 (2) The district board shall not propose the question to abolish the district while there
157 are outstanding claims or causes of action pending against the district, while the district liabilities
158 exceed its assets, while indebtedness of the district is outstanding, or while the district is
159 insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting
160 the question to abolish the district to a vote of the entire district, the state auditor shall audit the
161 district to determine the financial status of the district, and whether the district may be abolished
162 pursuant to law. The vote on the abolition of the district shall be conducted by the municipal
163 clerk of the city, town, or village in which the district is located. The procedure shall be the same
164 as in section 67.2520, except that the question shall be determined by the qualified voters of the
165 entire district. No individual subdistrict may be abolished, except at such time as the district is
166 abolished.

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

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

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

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

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

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

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

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

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body
2 of any home rule city with more than one hundred fifty-one thousand five hundred but less than
3 one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order
4 or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax
5 under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth,
6 one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one
7 percent, shall not be imposed for longer than three years, and shall be imposed solely for the
8 purpose of funding the construction, operation, and maintenance of capital improvements in the
9 city's center city. The governing body may issue bonds for the funding of such capital
10 improvements, which will be retired by the revenues received from the sales tax authorized by
11 this section. The order or ordinance shall not become effective unless the governing body of the
12 city submits to the voters residing within the city at a state or municipal general, primary, or
13 special election a proposal to authorize the governing body of the city to impose a tax under this
14 section. The tax authorized in this section shall be in addition to all other sales taxes imposed
15 by law, and shall be stated separately from all other charges and taxes.

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

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

21 YES NO

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

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

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

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

51 Shall (insert the name of the city) repeal the sales tax imposed at a rate of
 52 (insert rate of percent) percent for capital improvements purposes in the city's center city?
 53 YES NO

54 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 55 effective on December thirty-first of the calendar year in which such repeal was approved. If a
 56 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 57 the repeal, then the sales tax authorized in this section shall remain effective until the question
 58 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
 59 of the qualified voters voting on the question. **If the city or county abolishes the tax, the city
 60 or county shall notify the director of revenue of the action at least one hundred twenty days
 61 prior to the effective date of the repeal.**

62 6. Whenever the governing body of any city that has adopted the sales tax authorized in
 63 this section receives a petition, signed by ten percent of the registered voters of the city voting
 64 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
 65 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If

66 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
67 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
68 which such repeal was approved. If a majority of the votes cast on the question by the qualified
69 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
70 question is resubmitted under this section to the qualified voters and the repeal is approved by
71 a majority of the qualified voters voting on the question.

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

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

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

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

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

94.660. 1. The governing body of any city not within a county and any county of the first
2 classification having a charter form of government with a population of over nine hundred
3 thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one

4 percent for submission to the voters of that city or county at an authorized election date selected
5 by the governing body.

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

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

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

15 YES NO

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

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

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

35 6. All sales taxes collected by the director of revenue under this section on behalf of any
36 city or county, less one percent for cost of collection which shall be deposited in the state's
37 general revenue fund after payment of premiums for surety bonds, shall be deposited with the
38 state treasurer in a special trust fund, which is hereby created, to be known as the "County Public
39 Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087.

40 The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled
41 with any funds of the state. The director of revenue shall keep accurate records of the amount
42 of money in the trust fund which was collected in each city or county approving a sales tax under
43 this section, and the records shall be open to inspection by officers of the city or county and the
44 public. Not later than the tenth day of each month the director of revenue shall distribute all
45 moneys deposited in the trust fund during the preceding month to the city or county which levied
46 the tax, and such funds shall be deposited with the treasurer of each such city or county and all
47 expenditures of funds arising from the county public transit sales tax trust fund shall be by an
48 appropriation act to be enacted by the governing body of each such county or city not within a
49 county.

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

53 8. The director of revenue may authorize the state treasurer to make refunds from the
54 amount in the trust fund and credited to any city or county for erroneous payments and
55 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
56 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
57 director of revenue of the action at least ninety days prior to the effective date of the repeal and
58 the director of revenue may order retention in the trust fund, for a period of one year, of two
59 percent of the amount collected after receipt of such notice to cover possible refunds or
60 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
61 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
62 city or county, the director of revenue shall authorize the state treasurer to remit the balance in
63 the account to the city or county and close the account of that city or county. The director of
64 revenue shall notify each city or county of each instance of any amount refunded or any check
65 redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for
2 transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for
3 transportation purposes which shall be retired by the revenues received from the sales tax
4 authorized by this section. The tax authorized by this section shall be in addition to any and all
5 other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions
6 of this section shall become effective unless the council or other governing body submits to the
7 voters of the city, at a city or state general, primary, or special election, a proposal to authorize
8 the council or other governing body of the city to impose such a sales tax and, if such tax is to
9 be used to retire bonds authorized pursuant to this section, to authorize such bonds and their
10 retirement by such tax; except that no vote shall be required in any city that imposed and

11 collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the
12 submission shall contain, but is not limited to, the following language:

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

15 Shall the city of (city's name) impose a sales tax of
16 (insert amount) for transportation purposes?

17 YES NO

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

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

22 Shall the city of (city's name) issue bonds in the amount of
23 (insert amount) for transportation purposes and impose a sales tax of
24 (insert amount) to repay such bonds?

25 YES NO

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

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

46 or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the
47 qualified voters voting thereon.

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

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

57 4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter
58 be changed or altered, the city clerk shall forward to the director of revenue by United States
59 registered mail or certified mail a certified copy of the ordinance adding or detaching territory
60 from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied
61 by a map of the city clearly showing the territory added thereto or detached therefrom. Upon
62 receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective
63 in the added territory or abolished in the detached territory on the effective date of the change
64 of the city boundary.

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

137.073. 1. As used in this section, the following terms mean:

2 (1) "General reassessment", changes in value, entered in the assessor's books, of a
3 substantial portion of the parcels of real property within a county resulting wholly or partly from
4 reappraisal of value or other actions of the assessor or county equalization body or ordered by
5 the state tax commission or any court;

6 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each
7 purpose of taxation of property a taxing authority is authorized to levy without a vote and any
8 tax rate authorized by election, including bond interest and sinking fund;

9 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the
10 provisions of this section or when a court has determined the tax rate; except that, other
11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021, less
13 all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such
14 tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is

15 the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters
16 of the political subdivision as provided in this section;

17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from
18 ad valorem levies on all classes of property, including state-assessed property, in the immediately
19 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not
20 collected in the fiscal year and plus an additional allowance for the revenue which would have
21 been collected from property which was annexed by such political subdivision but which was
22 not previously used in determining tax revenue pursuant to this section. The term "tax revenue"
23 shall not include any receipts from ad valorem levies on any property of a railroad corporation
24 or a public utility, as these terms are defined in section 386.020, which were assessed by the
25 assessor of a county or city in the previous year but are assessed by the state tax commission in
26 the current year. All school districts and those counties levying sales taxes pursuant to chapter
27 67 shall include in the calculation of tax revenue an amount equivalent to that by which they
28 reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013
29 or as excess home dock city or county fees as provided in subsection 4 of section 313.820 in the
30 immediately preceding fiscal year but not including any amount calculated to adjust for prior
31 years. For purposes of political subdivisions which were authorized to levy a tax in the prior
32 year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in
33 relation to the revision of tax levies mandated by law, shall mean the revenues equal to the
34 amount that would have been available if the voluntary rate reduction had not been made.

35 2. Whenever changes in assessed valuation are entered in the assessor's books for any
36 personal property, in the aggregate, or for any subclass of real property as such subclasses are
37 established in section 4(b) of article X of the Missouri Constitution and defined in section
38 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each
39 political subdivision wholly or partially within the county or St. Louis City of the change in
40 valuation of each subclass of real property, individually, and personal property, in the aggregate,
41 exclusive of new construction and improvements. All political subdivisions shall immediately
42 revise the applicable rates of levy for each purpose for each subclass of real property,
43 individually, and personal property, in the aggregate, for which taxes are levied to the extent
44 necessary to produce from all taxable property, exclusive of new construction and improvements,
45 substantially the same amount of tax revenue as was produced in the previous year for each
46 subclass of real property, individually, and personal property, in the aggregate, except that the
47 rate shall not exceed the greater of the most recent voter-approved rate or the most recent
48 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any
49 political subdivision that has received approval from voters for a tax increase after August 27,
50 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of

51 revenue that would have been derived by applying the voter-approved increased tax rate ceiling
52 to the total assessed valuation of the political subdivision as most recently certified by the city
53 or county clerk on or before the date of the election in which such increase is approved, increased
54 by the percentage increase in the consumer price index, as provided by law, except that the rate
55 shall not exceed the greater of the most recent voter-approved rate or the most recent
56 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax
57 revenue shall not include any receipts from ad valorem levies on any real property which was
58 assessed by the assessor of a county or city in such previous year but is assessed by the assessor
59 of a county or city in the current year in a different subclass of real property. Where the taxing
60 authority is a school district for the purposes of revising the applicable rates of levy for each
61 subclass of real property, the tax revenues from state-assessed railroad and utility property shall
62 be apportioned and attributed to each subclass of real property based on the percentage of the
63 total assessed valuation of the county that each subclass of real property represents in the current
64 taxable year. As provided in section 22 of article X of the constitution, a political subdivision
65 may also revise each levy to allow for inflationary assessment growth occurring within the
66 political subdivision. The inflationary growth factor for any such subclass of real property or
67 personal property shall be limited to the actual assessment growth in such subclass or class,
68 exclusive of new construction and improvements, and exclusive of the assessed value on any real
69 property which was assessed by the assessor of a county or city in the current year in a different
70 subclass of real property, but not to exceed the consumer price index or five percent, whichever
71 is lower. Should the tax revenue of a political subdivision from the various tax rates determined
72 in this subsection be different than the tax revenue that would have been determined from a
73 single tax rate as calculated pursuant to the method of calculation in this subsection prior to
74 January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real
75 property, individually, and/or personal property, in the aggregate, in which there is a tax rate
76 reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount
77 equal to such difference and shall be apportioned among such subclasses of real property,
78 individually, and/or personal property, in the aggregate, based on the relative assessed valuation
79 of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax
80 rates of each class or subclass shall be made by computing the percentage of current year
81 adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current
82 year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying
83 the resulting percentages by the revenue difference between the single rate calculation and the
84 calculations pursuant to this subsection and dividing by the respective adjusted current year
85 assessed valuation of each class or subclass to determine the adjustment to the rate to be levied
86 upon each class or subclass of property. The adjustment computed herein shall be multiplied by

87 one hundred, rounded to four decimals in the manner provided in this subsection, and added to
88 the initial rate computed for each class or subclass of property. For school districts that levy
89 separate tax rates on each subclass of real property and personal property in the aggregate, if
90 voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be
91 applied to the different subclasses of real property and personal property in the aggregate, or
92 increases the separate rates that may be levied on the different subclasses of real property and
93 personal property in the aggregate by different amounts, the tax rate that shall be used for the
94 single tax rate calculation shall be a blended rate, calculated in the manner provided under
95 subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection
96 to the contrary, no revision to the rate of levy for personal property shall cause such levy to
97 increase over the levy for personal property from the prior year.

98 3. (1) Where the taxing authority is a school district, it shall be required to revise the
99 rates of levy to the extent necessary to produce from all taxable property, including state-assessed
100 railroad and utility property, which shall be separately estimated in addition to other data
101 required in complying with section 164.011, substantially the amount of tax revenue permitted
102 in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to
103 offset such district's reduction in the apportionment of state school moneys due to its reduced tax
104 rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this
105 section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss
106 of state aid, discovers that the estimates used result in receipt of excess revenues, which would
107 have required a lower rate if the actual information had been known, the school district shall
108 reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the
109 recalculated rate shall become the tax rate ceiling for purposes of this section.

110 (2) For any political subdivision which experiences a reduction in the amount of assessed
111 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant
112 to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or
113 recordation of any assessed valuation:

114 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies
115 taxes to compensate for the reduction in assessed value occurring after the political subdivision
116 calculated the tax rate ceiling for the particular subclass of real property or for personal property,
117 in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the
118 time of the next calculation of the tax rate for the particular subclass of real property or for
119 personal property, in the aggregate, after the reduction in assessed valuation has been determined
120 and shall be calculated in a manner that results in the revised tax rate ceiling being the same as
121 it would have been had the corrected or finalized assessment been available at the time of the
122 prior calculation;

123 (b) In addition, for up to three years following the determination of the reduction in
124 assessed valuation as a result of circumstances defined in this subdivision, such political
125 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling
126 provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had
127 the corrected or finalized assessment been available at the time of the prior calculation.

128 4. (1) In order to implement the provisions of this section and section 22 of article X of
129 the Constitution of Missouri, the term improvements shall apply to both real and personal
130 property. In order to determine the value of new construction and improvements, each county
131 assessor shall maintain a record of real property valuations in such a manner as to identify each
132 year the increase in valuation for each political subdivision in the county as a result of new
133 construction and improvements. The value of new construction and improvements shall include
134 the additional assessed value of all improvements or additions to real property which were begun
135 after and were not part of the prior year's assessment, except that the additional assessed value
136 of all improvements or additions to real property which had been totally or partially exempt from
137 ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section
138 353.110 shall be included in the value of new construction and improvements when the property
139 becomes totally or partially subject to assessment and payment of all ad valorem taxes. The
140 aggregate increase in valuation of personal property for the current year over that of the previous
141 year is the equivalent of the new construction and improvements factor for personal property.
142 Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the
143 assessor shall certify the amount of new construction and improvements and the amount of
144 assessed value on any real property which was assessed by the assessor of a county or city in
145 such previous year but is assessed by the assessor of a county or city in the current year in a
146 different subclass of real property separately for each of the three subclasses of real property for
147 each political subdivision to the county clerk in order that political subdivisions shall have this
148 information for the purpose of calculating tax rates pursuant to this section and section 22, article
149 X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each
150 county clerk the increase in the general price level as measured by the Consumer Price Index for
151 All Urban Consumers for the United States, or its successor publications, as defined and
152 officially reported by the United States Department of Labor, or its successor agency. The state
153 tax commission shall certify the increase in such index on the latest twelve-month basis available
154 on February first of each year over the immediately preceding prior twelve-month period in order
155 that political subdivisions shall have this information available in setting their tax rates according
156 to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing
157 the provisions of this section and section 22 of article X of the Missouri Constitution, the term
158 "property" means all taxable property, including state-assessed property.

159 (2) Each political subdivision required to revise rates of levy pursuant to this section or
160 section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized
161 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision
162 provided in this section and section 22 of article X of the Constitution of Missouri, separately
163 and without regard to annual tax rate reductions provided in section 67.505 and section 164.013.
164 Each political subdivision shall set each tax rate it is authorized to levy using the calculation that
165 produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to
166 the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of
167 such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of
168 the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years,
169 enforcement provisions, and other provisions not in conflict with section 22 of article X of the
170 Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section
171 164.013 shall be applied to the tax rate as established pursuant to this section and section 22 of
172 article X of the Constitution of Missouri, unless otherwise provided by law.

173 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section
174 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate
175 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval
176 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate
177 increase must receive approval by at least the majority required.

178 (2) When voters approve an increase in the tax rate, the amount of the increase shall be
179 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does
180 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate
181 for approval rather than describing the amount of increase in the question, the stated tax rate
182 approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax
183 rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied
184 to the current total assessed valuation of the political subdivision, excluding new construction
185 and improvements since the date of the election approving such increase, the revenue derived
186 from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would
187 have been derived by applying the voter-approved increased tax rate ceiling to total assessed
188 valuation of the political subdivision, as most recently certified by the city or county clerk on or
189 before the date of the election in which such increase is approved, increased by the percentage
190 increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be
191 applied to the total assessed valuation of the political subdivision at the setting of the next tax
192 rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate
193 increase shall be adjusted in the manner prescribed in this section to yield the sum of: the
194 amount of revenue that would be derived by applying such voter-approved increased rate to the

195 total assessed valuation, as most recently certified by the city or county clerk on or before the
196 date of the election in which such increase was approved, increased by the percentage increase
197 in the consumer price index, as provided by law, from the date of the election to the time of such
198 increase and, so adjusted, shall be the current tax rate ceiling.

199 (3) The governing body of any political subdivision may levy a tax rate lower than its
200 tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not
201 exceeding the tax rate ceiling without voter approval in the manner provided under subdivision
202 (4) of this subsection. Nothing in this section shall be construed as prohibiting a political
203 subdivision from voluntarily levying a tax rate lower than that which is required under the
204 provisions of this section or from seeking voter approval of a reduction to such political
205 subdivision's tax rate ceiling.

206 (4) In a year of general reassessment, a governing body whose tax rate is lower than its
207 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section
208 as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such
209 governing body intends to increase its tax rate, the governing body shall conduct a public
210 hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement
211 justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision
212 shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling
213 solely due to a reduction required by law resulting from sales tax collections. The provisions of
214 this subdivision shall not apply to any political subdivision which has received voter approval
215 for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

216 6. (1) For the purposes of calculating state aid for public schools pursuant to section
217 163.031, each taxing authority which is a school district shall determine its proposed tax rate as
218 a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by
219 first determining the total tax revenue of the property within the jurisdiction of the taxing
220 authority, which amount shall be equal to the sum of the products of multiplying the assessed
221 valuation of each class and subclass of property by the corresponding tax rate for such class or
222 subclass, then dividing the total tax revenue by the total assessed valuation of the same
223 jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the
224 taxing authority is a school district, such blended rate shall also be used by such school district
225 for calculating revenue from state-assessed railroad and utility property as defined in chapter 151
226 and for apportioning the tax rate by purpose.

227 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk
228 of the county commission in the county or counties where the tax rate applies of its tax rate
229 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a
230 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one

231 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth
232 of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to
233 the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a
234 cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next
235 higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data,
236 in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate
237 complies with Missouri law. All forms for the calculation of rates pursuant to this section shall
238 be promulgated as a rule and shall not be incorporated by reference. The state auditor shall
239 promulgate rules for any and all forms for the calculation of rates pursuant to this section which
240 do not currently exist in rule form or that have been incorporated by reference. In addition, each
241 taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as
242 shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service
243 complies with Missouri law. A tax rate proposed for annual debt service requirements will be
244 prima facie valid if, after making the payment for which the tax was levied, bonds remain
245 outstanding and the debt fund reserves do not exceed the following year's payments. The county
246 clerk shall keep on file and available for public inspection all such information for a period of
247 three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing
248 authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor.
249 The state auditor shall, within fifteen days of the date of receipt, examine such information and
250 return to the county clerk his or her findings as to compliance of the tax rate ceiling with this
251 section and as to compliance of any proposed tax rate for debt service with Missouri law. If the
252 state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri
253 law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor
254 may request a taxing authority to submit documentation supporting such taxing authority's
255 proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings
256 to the taxing authority and shall file a copy of the findings with the information received from
257 the taxing authority. The taxing authority shall have fifteen days from the date of receipt from
258 the county clerk of the state auditor's findings and any request for supporting documentation to
259 accept or reject in writing the rate change certified by the state auditor and to submit all requested
260 information to the state auditor. A copy of the taxing authority's acceptance or rejection and any
261 information submitted to the state auditor shall also be mailed to the county clerk. If a taxing
262 authority rejects a rate change certified by the state auditor and the state auditor does not receive
263 supporting information which justifies the taxing authority's original or any subsequent proposed
264 tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the
265 attorney general's office and the attorney general is authorized to obtain injunctive relief to
266 prevent the taxing authority from levying a violative tax rate.

267 **(3) In the event that the taxing authority incorrectly completes the forms created**
268 **and promulgated under subdivision (2) of this subsection, or makes a clerical error, the**
269 **taxing authority may submit amended forms with an explanation for the needed changes.**
270 **If such amended forms are filed under regulations prescribed by the state auditor, the state**
271 **auditor shall take into consideration such amended forms for the purposes of this**
272 **subsection.**

273 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political
274 subdivision has complied with the foregoing provisions of this section.

275 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied
276 with the provisions of this section, the taxpayer may make a formal complaint with the
277 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within
278 ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this
279 section and institute an action as representative of a class of all taxpayers within a taxing
280 authority if the class is so numerous that joinder of all members is impracticable, if there are
281 questions of law or fact common to the class, if the claims or defenses of the representative
282 parties are typical of the claims or defenses of the class, and if the representative parties will
283 fairly and adequately protect the interests of the class. In any class action maintained pursuant
284 to this section, the court may direct to the members of the class a notice to be published at least
285 once each week for four consecutive weeks in a newspaper of general circulation published in
286 the county where the civil action is commenced and in other counties within the jurisdiction of
287 a taxing authority. The notice shall advise each member that the court will exclude him or her
288 from the class if he or she so requests by a specified date, that the judgment, whether favorable
289 or not, will include all members who do not request exclusion, and that any member who does
290 not request exclusion may, if he or she desires, enter an appearance. In any class action brought
291 pursuant to this section, the court, in addition to the relief requested, shall assess against the
292 taxing authority found to be in violation of this section the reasonable costs of bringing the
293 action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any
294 attorney or association of attorneys who receive public funds from any source for their services.
295 Any action brought pursuant to this section shall be set for hearing as soon as practicable after
296 the cause is at issue.

297 9. If in any action, including a class action, the court issues an order requiring a taxing
298 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the
299 collection of a tax because of its failure to revise the rate of levy as provided in this section, any
300 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her
301 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or
302 otherwise contested. The part of the taxes paid erroneously is the difference in the amount

303 produced by the original levy and the amount produced by the revised levy. The township or
 304 county collector of taxes or the collector of taxes in any city shall refund the amount of the tax
 305 erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this
 306 section shall make available to the collector all funds necessary to make refunds pursuant to this
 307 subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her
 308 pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be
 309 construed to require a taxing authority to refund any tax erroneously paid prior to or during the
 310 third tax year preceding the current tax year.

311 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 312 created under the authority delegated in this section shall become effective only if it complies
 313 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 314 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 315 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
 316 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 317 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable
 2 income of every resident.

3 **(1) For tax years ending on or before December 31, 2013,** the tax shall be determined
 4 by applying the tax table or the rate provided in section 143.021, which is based upon the
 5 following rates:

6 If the Missouri taxable income is:	The tax is:
7 Not over \$1,000.00	1 1/2% of the Missouri taxable income
9 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
11 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
13 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
15 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
17 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
19 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
21 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000

22	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
23		
24	Over \$9,000	\$315 plus 6% of excess over \$9,000

25

26 **(2) For all tax years beginning on or after January 1, 2014, but ending on or before**
 27 **December 31, 2014, the tax shall be determined by applying the tax table or the rate**
 28 **provided in section 143.021, which is based upon the following rates:**

29	If the Missouri taxable income is:	The tax is:
30	Not over \$1,000.00	1 1/2% of the Missouri taxable income

31

32	Over \$1,000 but not over \$2,000 . . .	\$15 plus 2% of excess over \$1,000
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33

34	Over \$2,000 but not over \$3,000 . . .	\$35 plus 2 1/2% of excess over \$2,000
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35

36	Over \$3,000 but not over \$4,000 . . .	\$60 plus 3% of excess over \$3,000
----	--	--

37

38	Over \$4,000 but not over \$5,000 . . .	\$90 plus 3 1/2% of excess over \$4,000
----	--	--

39

40	Over \$5,000 but not over \$6,000 . . .	\$125 plus 4% of excess over \$5,000
----	--	---

41

42	Over \$6,000 but not over \$7,000 . . .	\$165 plus 4 1/2% of excess over \$6,000
----	--	---

43

44	Over \$7,000 but not over \$8,000 . . .	\$210 plus 5% of excess over \$7,000
----	--	---

45

46	Over \$8,000 but not over \$8,800 . . .	\$260 plus 5 1/2% of excess over \$8,000
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47

48	Over \$8,800	\$304 plus 5 22/25% of excess over \$8,800
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49

50 **(3) For all tax years beginning on or after January 1, 2015, but ending on or before**
 51 **December 31, 2015, the tax shall be determined by applying the tax table or the rate**
 52 **provided in section 143.021, which is based upon the following rates:**

53	If the Missouri taxable income is:	The tax is:
54	Not over \$1,000.00	1 1/2% of the Missouri taxable income

55

56	Over \$1,000 but not over \$2,000 . .	\$15 plus 2% of excess over \$1,000
----	--	--

57

58	Over \$2,000 but not over \$3,000 . . .	\$35 plus 2 1/2% of excess over \$2,000
59		
60	Over \$3,000 but not over \$4,000 . . .	\$60 plus 3% of excess over \$3,000
61		
62	Over \$4,000 but not over \$5,000 . . .	\$90 plus 3 1/2% of excess over \$4,000
63		
64	Over \$5,000 but not over \$6,000 . . .	\$125 plus 4% of excess over \$5,000
65		
66	Over \$6,000 but not over \$7,000 . . .	\$165 plus 4 1/2% of excess over \$6,000
67		
68	Over \$7,000 but not over \$8,000 . . .	\$210 plus 5% of excess over \$7,000
69		
70	Over \$8,000 but not over \$8,600 . . .	\$260 plus 5 1/2% of excess over \$8,000
71		
72	Over \$8,600	\$293 plus 5 18/25% of excess over \$8,600

73

74 **(4) For all tax years beginning on or after January 1, 2016, but ending on or before**
75 **December 31, 2016, the tax shall be determined by applying the tax table or the rate**
76 **provided in section 143.021, which is based upon the following rates:**

77	If the Missouri taxable income is:	The tax is:
78	Not over \$1,000.00	1 1/2% of the Missouri taxable income
79		
80	Over \$1,000 but not over \$2,000 . . .	\$15 plus 2% of excess over \$1,000
81		
82	Over \$2,000 but not over \$3,000 . . .	\$35 plus 2 1/2% of excess over \$2,000
83		
84	Over \$3,000 but not over \$4,000 . . .	\$60 plus 3% of excess over \$3,000
85		
86	Over \$4,000 but not over \$5,000 . . .	\$90 plus 3 1/2% of excess over \$4,000
87		
88	Over \$5,000 but not over \$6,000 . . .	\$125 plus 4% of excess over \$5,000
89		
90	Over \$6,000 but not over \$7,000 . . .	\$165 plus 4 1/2% of excess over \$6,000
91		
92	Over \$7,000 but not over \$8,000 . . .	\$210 plus 5% of excess over \$7,000

94 **Over \$8,000 but not over \$8,400 . . . \$260 plus 5 1/2% of excess over \$8,000**

95

96 **Over \$8,400 \$282 plus 5 3/5% of excess over \$8,400**

97

98 **(5) For all tax years beginning on or after January 1, 2017, but ending on or before**
99 **December 31, 2017, the tax shall be determined by applying the tax table or the rate**
100 **provided in section 143.021, which is based upon the following rates:**

101 **If the Missouri taxable income is: The tax is:**
102 **Not over \$1,000.00 1 1/2% of the Missouri taxable income**

103

104 **Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess over \$1,000**

105

106 **Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess over \$2,000**

107

108 **Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess over \$3,000**

109

110 **Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess over \$4,000**

111

112 **Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess over \$5,000**

113

114 **Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess over \$6,000**

115

116 **Over \$7,000 but not over \$8,200 . . . \$210 plus 5% of excess over \$7,000**

117

118 **Over \$8,200 \$270 plus 5 11/25% of excess over \$8,200**

119

120 **(6) For all tax years beginning on or after January 1, 2018, the tax shall be**
121 **determined by applying the tax table or the rate provided in section 143.021, which is**
122 **based upon the following rates:**

123 **If the Missouri taxable income is: The tax is:**
124 **Not over \$1,000.00 1 1/2% of the Missouri taxable income**

125

126 **Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess over \$1,000**

127

128 **Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess over \$2,000**

129

130	Over \$3,000 but not over \$4,000 . . .	\$60 plus 3% of excess over \$3,000
131		
132	Over \$4,000 but not over \$5,000 . . .	\$90 plus 3 1/2% of excess over \$4,000
133		
134	Over \$5,000 but not over \$6,000 . . .	\$125 plus 4% of excess over \$5,000
135		
136	Over \$6,000 but not over \$7,000 . . .	\$165 plus 4 1/2% of excess over \$6,000
137		
138	Over \$7,000 but not over \$8,000 . .	\$210 plus 5% of excess over \$7,000
139		
140	Over \$8,000	\$260 plus 5 1/3% of excess over \$8,000

142 **2. If the federal Marketplace Fairness Act of 2013 or similar legislation providing**
143 **for a uniform method of collection of sales and use tax on purchases shipped into this state**
144 **becomes federal law, the director of the department of revenue shall, by rule, adjust the**
145 **tax tables of subsection 1 of this section to decrease the maximum rate of tax by one-third**
146 **of one percent provided that the tax revenues collected in the current year exceed those**
147 **collected in the year prior to the federal Marketplace Fairness Act of 2013 or similar**
148 **legislation becoming federal law.**

143.021. 1. For all tax years ending on or before December 31, 2013, every resident
2 having a taxable income of less than nine thousand dollars shall determine his tax from a tax
3 table prescribed by the director of revenue and based upon the rates provided in section 143.011.
4 The tax table shall be on the basis of one hundred dollar increments of taxable income below
5 nine thousand dollars. The tax provided in the table shall be the amount rounded to the nearest
6 whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint of
7 each increment, except there shall be no tax on a taxable income of less than one hundred
8 dollars. Every resident having a taxable income of nine thousand dollars or more shall determine
9 his tax from the rate provided in section 143.011.

10 **2. For all tax years beginning on or after January 1, 2014, but ending on or before**
11 **December 31, 2014, every resident having a taxable income of less than eight thousand**
12 **eight hundred dollars shall determine his tax from a tax table prescribed by the director**
13 **of revenue and based upon the rates provided in section 143.011. The tax table shall be on**
14 **the basis of one hundred dollar increments of taxable income below eight thousand eight**
15 **hundred dollars. The tax provided in the table shall be the amount rounded to the nearest**
16 **whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint**
17 **of each increment, except there shall be no tax on a taxable income of less than one**

18 **hundred dollars. Every resident having a taxable income of eight thousand eight hundred**
19 **dollars or more shall determine his tax from the rate provided in section 143.011.**

20 **3. For all tax years beginning on or after January 1, 2015, but ending on or before**
21 **December 31, 2015, every resident having a taxable income of less than eight thousand six**
22 **hundred dollars shall determine his tax from a tax table prescribed by the director of**
23 **revenue and based upon the rates provided in section 143.011. The tax table shall be on**
24 **the basis of one hundred dollar increments of taxable income below eight thousand six**
25 **hundred dollars. The tax provided in the table shall be the amount rounded to the nearest**
26 **whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint**
27 **of each increment, except there shall be no tax on a taxable income of less than one**
28 **hundred dollars. Every resident having a taxable income of eight thousand six hundred**
29 **dollars or more shall determine his tax from the rate provided in section 143.011.**

30 **4. For all tax years beginning on or after January 1, 2016, but ending on or before**
31 **December 31, 2016, every resident having a taxable income of less than eight thousand four**
32 **hundred dollars shall determine his tax from a tax table prescribed by the director of**
33 **revenue and based upon the rates provided in section 143.011. The tax table shall be on**
34 **the basis of one hundred dollar increments of taxable income below eight thousand four**
35 **hundred dollars. The tax provided in the table shall be the amount rounded to the nearest**
36 **whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint**
37 **of each increment, except there shall be no tax on a taxable income of less than one**
38 **hundred dollars. Every resident having a taxable income of eight thousand four hundred**
39 **dollars or more shall determine his tax from the rate provided in section 143.011.**

40 **5. For all tax years beginning on or after January 1, 2017, but ending on or before**
41 **December 31, 2017, every resident having a taxable income of less than eight thousand two**
42 **hundred dollars shall determine his tax from a tax table prescribed by the director of**
43 **revenue and based upon the rates provided in section 143.011. The tax table shall be on**
44 **the basis of one hundred dollar increments of taxable income below eight thousand two**
45 **hundred dollars. The tax provided in the table shall be the amount rounded to the nearest**
46 **whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint**
47 **of each increment, except there shall be no tax on a taxable income of less than one**
48 **hundred dollars. Every resident having a taxable income of eight thousand two hundred**
49 **dollars or more shall determine his tax from the rate provided in section 143.011.**

50 **6. For all tax years beginning on or after January 1, 2018, every resident having a**
51 **taxable income of less than eight thousand dollars shall determine his tax from a tax table**
52 **prescribed by the director of revenue and based upon the rates provided in section 143.011.**
53 **The tax table shall be on the basis of one hundred dollar increments of taxable income**

54 below eight thousand dollars. The tax provided in the table shall be the amount rounded
55 to the nearest whole dollar by applying the rates in section 143.011 to the taxable income
56 at the midpoint of each increment, except there shall be no tax on a taxable income of less
57 than one hundred dollars. Every resident having a taxable income of eight thousand
58 dollars or more shall determine his tax from the rate provided in section 143.011.

59 7. The department of revenue may, by rule, make adjustments to the dollar
60 amounts in this section based on the provisions in subsection 2 of section 143.011.

143.022. 1. As used in this section, "business income" means the Missouri source
2 net profit from business determined under the provisions of the Internal Revenue Code
3 and partnership income as determined by sections 143.401 and 143.471. Business income
4 shall not include "compensation" as such term is defined under subsection 1 of Article IV
5 of section 32.200 or "guaranteed payments" as defined by the Internal Revenue Code.

6 2. In addition to all other modifications allowed by law, there shall be subtracted
7 from the federal adjusted gross income of an individual taxpayer, the following amounts
8 to the extent included in federal adjusted gross income when determining the taxpayer's
9 Missouri adjusted gross income:

10 (1) For the tax year beginning on or after January 1, 2014, but ending on or before
11 January 1, 2015, ten percent of the amount of business income;

12 (2) For the tax year beginning on or after January 1, 2015, but ending on or before
13 January 1, 2016, twenty percent of the amount of business income;

14 (3) For the tax year beginning on or after January 1, 2016, but ending on or before
15 January 1, 2017, thirty percent of the amount of business income;

16 (4) For the tax year beginning on or after January 1, 2017, but ending on or before
17 January 1, 2018, forty percent of the amount of business income;

18 (5) For tax years beginning on or after January 1, 2018, fifty percent of the amount
19 of business income.

20 3. In the case of a small corporation described in section 143.471 or a partnership,
21 computing the deduction allowed under subsection 2 of this section, taxpayers described
22 in subdivisions (1) or (2) of this subsection shall be allowed such deduction apportioned in
23 proportion to their share of ownership of the business on the last day of the taxpayer's tax
24 period for which such deduction is being claimed when determining the Missouri adjusted
25 gross income of:

26 (1) The shareholders of a small corporation as described in section 143.471;

27 (2) The partners in a partnership.

143.071. 1. For all tax years beginning before September 1, 1993, a tax is hereby
2 imposed upon the Missouri taxable income of corporations in an amount equal to five percent
3 of Missouri taxable income.

4 2. For all tax years beginning on or after September 1, 1993, **and ending on or before**
5 **December 31, 2013**, a tax is hereby imposed upon the Missouri taxable income of corporations
6 in an amount equal to six and one-fourth percent of Missouri taxable income.

7 3. (1) **For all tax years beginning on or after January 1, 2014, but ending on or**
8 **before December 31, 2014, a tax is hereby imposed upon the Missouri taxable income of**
9 **corporations in an amount equal to six and one-tenth percent of Missouri taxable income.**

10 (2) **For all tax years beginning on or after January 1, 2015, but ending on or before**
11 **December 31, 2015, a tax is hereby imposed upon the Missouri taxable income of**
12 **corporations in an amount equal to five and nineteen-twentieths percent of Missouri**
13 **taxable income.**

14 (3) **For all tax years beginning on or after January 1, 2016, but ending on or before**
15 **December 31, 2016, a tax is hereby imposed upon the Missouri taxable income of**
16 **corporations in an amount equal to five and four-fifths percent of Missouri taxable income.**

17 (4) **For all tax years beginning on or after January 1, 2017, but ending on or before**
18 **December 31, 2017, a tax is hereby imposed upon the Missouri taxable income of**
19 **corporations in an amount equal to five and thirteen-twentieths percent of Missouri**
20 **taxable income.**

21 (5) **For all tax years beginning on or after January 1, 2018, a tax is hereby imposed**
22 **upon the Missouri taxable income of corporations in an amount equal to five and one-half**
23 **percent of Missouri taxable income.**

24 4. **Notwithstanding the provisions of this section to the contrary, the first twenty-**
25 **five thousand dollars of corporate income shall be exempt from taxation.**

143.151. For all taxable years beginning before January 1, 1999, a resident shall be
2 allowed a deduction of one thousand two hundred dollars for himself or herself and one thousand
3 two hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal
4 exemptions for federal income tax purposes. For all taxable years beginning on or after January
5 1, 1999, a resident shall be allowed a deduction of two thousand one hundred dollars for himself
6 or herself and two thousand one hundred dollars for his or her spouse if he or she is entitled to
7 a deduction for such personal exemptions for federal income tax purposes. **For all tax years**
8 **beginning on or after January 1, 2014, a resident with a Missouri adjusted gross income**
9 **of less than twenty thousand dollars shall be allowed an additional deduction of two**
10 **thousand dollars for himself or herself and an additional two thousand dollars for his or**
11 **her spouse if he or she is entitled to a deduction for such personal exemptions for federal**

12 **income tax purposes and his or her spouse's Missouri adjusted gross income is less than**
13 **twenty thousand dollars.**

14 144.010. 1. The following words, terms, and phrases when used in [sections 144.010
15 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when
16 the context indicates a different meaning:

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

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

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

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

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

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

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

41 (8) "Bottled water", water that is placed in a safety sealed container or package for
42 **human consumption. Bottled water is calorie free and does not contain sweeteners or other**
43 **additives except that it may contain:**

44 (a) **Antimicrobial agents;**

(b) **Fluoride;**

(c) **Carbonation;**

(d) **Vitamins, minerals, and electrolytes;**

35 (e) Oxygen;

36 (f) Preservatives; and

37 (g) Only those flavors, extracts, or essences derived from a spice or fruit.

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

40 (9) "Bundled transaction":

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

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

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

51 b. A product provided free of charge with the required purchase of another
52 product. A product is provided free of charge if the sales price of the product purchased
53 does not vary depending on the inclusion of the product provided free of charge;

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

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

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

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

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

68 (iii) A transaction that includes taxable products and nontaxable products and the
69 sales price of the taxable products is de minimis.

70 **b. "De minimis" means the sales price of the taxable product is ten percent or less**
71 **of the total sales price of the bundled products.**

72 **c. Sellers shall use the sales price of the products to determine if the taxable**
73 **products are de minimis.**

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

76 **(ii) A retail sale of exempt tangible personal property and taxable tangible personal**
77 **property where:**

78 **i. The transaction included food and food ingredients, drugs, durable medical**
79 **equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or**
80 **medical supplies; and**

81 **ii. The seller's purchase price or sales price of the taxable tangible personal**
82 **property is fifty percent or less of the total sales price of the bundled tangible personal**
83 **property. Sellers shall not use a combination of the purchase price and sales price of the**
84 **tangible personal property when making the fifty percent determination for a transaction;**

85 **(10) "Business" includes any activity engaged in by any person, or caused to be engaged**
86 **in by him, with the object of gain, benefit or advantage, either direct or indirect, and the**
87 **classification of which business is of such character as to be subject to the terms of sections**
88 **144.010 to 144.525. The isolated or occasional sale of tangible personal property, service,**
89 **substance, or thing, by a person not engaged in such business, does not constitute engaging in**
90 **business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross**
91 **receipts from such sales, exclusive of receipts from the sale of tangible personal property by**
92 **persons which property is sold in the course of the partial or complete liquidation of a household,**
93 **farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The**
94 **provisions of this subdivision shall not be construed to make any sale of property which is**
95 **exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;**

96 **[(3)] (11) "Calendar quarter", the period of three consecutive calendar months**
97 **ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;**

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

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

104 **(14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,**
105 **northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer,**

106 captive elk, and captive furbearers held under permit issued by the Missouri department of
107 conservation for hunting purposes. The provisions of this subdivision shall not apply to sales
108 tax on a harvested animal;

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

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

116 **(17) "Clothing":**

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

118 **(b) Clothing shall include:**

119 **a. Aprons, household and shop;**

120 **b. Athletic supporters;**

121 **c. Baby receiving blankets;**

122 **d. Bathing suits and caps;**

123 **e. Beach capes and coats;**

124 **f. Belts and suspenders;**

125 **g. Boots;**

126 **h. Coats and jackets;**

127 **i. Costumes;**

128 **j. Diapers, children and adult, including disposable diapers;**

129 **k. Ear muffs;**

130 **l. Footlets;**

131 **m. Formal wear;**

132 **n. Garters and garter belts;**

133 **o. Girdles;**

134 **p. Gloves and mittens for general use;**

135 **q. Hats and caps;**

136 **r. Hosiery;**

137 **s. Insoles for shoes;**

138 **t. Lab coats;**

139 **u. Neckties;**

140 **v. Overshoes;**

141 **w. Pantyhose;**

- 142 **x. Rainwear;**
143 **y. Rubber pants;**
144 **z. Sandals;**
145 **aa. Scarves;**
146 **bb. Shoes and shoe laces;**
147 **cc. Slippers;**
148 **dd. Sneakers;**
149 **ee. Socks and stockings;**
150 **ff. Steel toed shoes;**
151 **gg. Underwear;**
152 **hh. Uniforms, athletic and nonathletic; and**
153 **ii. Wedding apparel;**
154 **(c) Clothing shall not include:**
155 **a. Belt buckles sold separately;**
156 **b. Costume masks sold separately;**
157 **c. Patches and emblems sold separately;**
158 **d. Sewing equipment and supplies, including but not limited to, knitting needles,**
159 **patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**
160 **e. Sewing materials that become part of clothing, including but not limited to**
161 **buttons, fabric, lace, thread, yarn, and zippers;**
162 **(18) "Clothing accessories and equipment", incidental items worn on the person**
163 **or in conjunction with clothing. Clothing accessories or equipment are mutually exclusive**
164 **of clothing, sport or recreational equipment, and protective equipment;**
165 **(19) "Coin-operated telephone service", a telecommunications service paid for by**
166 **inserting money into a telephone accepting direct deposits of money to operate;**
167 **(20) "Communications channel", a physical or virtual path of communications over**
168 **which signals are transmitted between or among customer channel termination points;**
169 **(21) "Computer", an electronic device that accepts information in digital or similar**
170 **form and manipulates it for a result based on a sequence of instructions;**
171 **(22) "Computer software", a set of coded instructions designed to cause a computer**
172 **or automatic data processing equipment to perform a task. Computer software shall not**
173 **include specified digital products, digital audio-visual works, digital audio works, or digital**
174 **books;**
175 **(23) "Conference bridging service", an ancillary service that links two or more**
176 **participants of an audio or video conference call and may include the provision of a**

177 **telephone number. Conference bridging service does not include the telecommunications**
178 **services used to reach the conference bridge;**

179 **(24) "Customer channel termination point", the location where the**
180 **telecommunications customer either inputs or receives the communication;**

181 **(25) "Delivered electronically", delivered to the purchaser by means other than**
182 **tangible storage media;**

183 **(26) "Delivery charges", charges by the seller of personal property or services for**
184 **preparation and delivery to a location designated by the purchaser of personal property**
185 **or services, including but not limited to transportation, shipping, postage, handling,**
186 **crating, and packing;**

187 **(27) "Detailed telecommunications billing service", an ancillary service of**
188 **separately stating information pertaining to individual calls on a telecommunications**
189 **customer's billing statement;**

190 **(28) "Dietary supplement", any product, other than tobacco, intended to**
191 **supplement the diet that contains one or more of the following dietary ingredients: a**
192 **vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use**
193 **by humans to supplement the diet by increasing the total dietary intake; or a concentrate,**
194 **metabolite, constituent, extract, or combination of any ingredient described above; and**
195 **that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or**
196 **if not intended for ingestion in such a form, is not represented as a conventional food and**
197 **is not represented for use as a sole item of a meal or of the diet; and that is required to be**
198 **labeled as a dietary supplement, identifiable by the supplemental facts box found on the**
199 **label and as required under 21 CFR Section 101.36;**

200 **(29) "Digital audio works", works that result from the fixation of a series of**
201 **musical, spoken, or other sounds, including ringtones;**

202 **(30) "Digital audio-visual works", a series of related images which, when shown**
203 **in succession, impart an impression of motion, together with accompanying sounds, if any;**

204 **(31) "Digital books", works that are generally recognized in the ordinary and usual**
205 **sense as books;**

206 **(32) "Direct mail", printed material delivered or distributed by United States mail**
207 **or other delivery service to a mass audience or to addressees on a mailing list provided by**
208 **the purchaser or at the direction of the purchaser when the cost of the items are not billed**
209 **directly to the recipients. Direct mail shall include tangible personal property supplied**
210 **directly or indirectly by the purchaser to the direct mail seller for inclusion in the package**
211 **containing the printed material. Direct mail shall not include multiple items of printed**
212 **material delivered to a single address;**

- 213 **(33) "Directory assistance", an ancillary service of providing telephone number**
214 **information, or address information;**
- 215 **(34) "Drug":**
- 216 **(a) A compound, substance, or preparation, and any component of a compound,**
217 **substance, or preparation, other than food and food ingredients, dietary supplements,**
218 **alcoholic beverages, or grooming and hygiene products:**
- 219 **a. Recognized in the official United States Pharmacopoeia, official Homeopathic**
220 **Pharmacopoeia of the United States, or official National Formulary, and supplement to any**
221 **of them;**
- 222 **b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of**
223 **disease; or**
- 224 **c. Intended to affect the structure or any function of the body;**
- 225 **(b) Drug shall include insulin and medical oxygen;**
- 226 **(35) "Durable medical equipment", equipment including repair and replacement**
227 **parts for same, excluding mobility enhancing equipment. Durable medical equipment:**
- 228 **(a) Can withstand repeated use;**
- 229 **(b) Is primarily and customarily used to serve a medical purpose;**
- 230 **(c) Generally is not useful to a person in the absence of illness or injury;**
- 231 **(d) Is not worn in or on the body;**
- 232 **(e) Is for home use;**
- 233 **(f) Is within the classification of devices eligible for MO HealthNet and Medicare**
234 **reimbursement;**
- 235 **(g) Shall not include:**
- 236 **a. Kidney dialysis equipment not worn in or on the body, including repair and**
237 **replacement parts; and**
- 238 **b. Enteral feeding systems not worn in or on the body, including repair and**
239 **replacement parts.**
- 240 **As used in this subdivision, repair and replacement parts shall include all components or**
241 **attachments used in conjunction with the durable medical equipment;**
- 242 **(36) "Electronic", relating to technology having electrical, digital, magnetic,**
243 **wireless, optical, electromagnetic, or similar capabilities;**
- 244 **(37) "End user", the person who utilizes the telecommunication service. In case of**
245 **an entity, "end user" means the individual who utilizes the service on behalf of the entity;**
- 246 **(38) "Energy star qualified product", a product that meets the energy efficient**
247 **guidelines set by the United States Environmental Protection Agency and the United States**

248 **Department of Energy that are authorized to carry the Energy Star label. Covered**
249 **products are those listed at www.energystar.gov or successor address;**

250 **(39) "Engages in business activities within this state", includes:**

251 **(a) Maintaining or having a franchisee or licensee operating under the seller's trade**
252 **name in this state if the franchisee or licensee is required to collect sales tax under sections**
253 **144.010 to 144.525;**

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

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

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

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

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

265 **d. Facilitates the vendor's delivery of property to customers in the state by allowing**
266 **the vendor's customers to pick up property sold by the vendor at an office, distribution**
267 **facility, warehouse, storage place, or similar place of business maintained by the person in**
268 **the state; or**

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

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

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

282 **(f) The presumption in paragraph (e) may be rebutted by submitting proof that the**
283 **residents with whom the vendor has an agreement did not engage in any activity within the**

284 **state that was significantly associated with the vendor's ability to establish or maintain the**
285 **vendor's market in the state during the preceding twelve months. Such proof may consist**
286 **of sworn written statements from all of the residents with whom the vendor has an**
287 **agreement stating that they did not engage in any solicitation in the state on behalf of the**
288 **vendor during the preceding year provided that such statements were provided and**
289 **obtained in good faith;**

290 **(40) "Food and food ingredients", substances, whether in liquid, concentrated,**
291 **solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans**
292 **and are consumed for their taste or nutritional value. Food and food ingredients shall not**
293 **include alcoholic beverages, tobacco, or dietary supplements;**

294 **(41) "Food sold through vending machines", food dispensed from a machine or**
295 **other mechanical device that accepts payment;**

296 **(42) "Grooming and hygiene products", soaps and cleaning solutions, shampoo,**
297 **toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of**
298 **whether the items meet the definition of over-the-counter-drugs;**

299 **[(4)] (43) "Gross receipts"[,] or "sales price":**

300 **(a) Except as provided in section 144.012, [means the total amount of the sale price of**
301 **the sales at retail including any services other than charges incident to the extension of credit that**
302 **are a part of such sales made by the businesses herein referred to, capable of being valued in**
303 **money, whether received in money or otherwise; except that, the term "gross receipts" shall not**
304 **include the sale price of property returned by customers when the full sale price thereof is**
305 **refunded either in cash or by credit. In determining any tax due under sections 144.010 to**
306 **144.525 on the gross receipts, charges incident to the extension of credit shall be specifically**
307 **exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price**
308 **above mentioned shall be deemed to be the amount received. It shall also include the lease or**
309 **rental consideration where the right to continuous possession or use of any article of tangible**
310 **personal property is granted under a lease or contract and such transfer of possession would be**
311 **taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale**
312 **were made and considered as a sale of such article, and the tax shall be computed and paid by**
313 **the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the****
314 **total amount of consideration, including cash, credit, property, and services, for which**
315 **personal property or services are sold, leased, or rented, valued in money, whether received**
316 **in money or otherwise, without any deduction for the following:**

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

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

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

323 **d. Delivery charges; and**

324 **e. Credit for any trade-in;**

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

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

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

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

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

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

336 **b. The seller has an obligation to pass the price reduction or discount through to**
337 **the purchaser;**

338 **c. The amount of the consideration attributable to the sale is fixed and**
339 **determinable by the seller at the time of the sale of the item to the purchaser; and**

340 **d. One of the following criteria is met:**

341 **(i) The purchaser presents a coupon, certificate or other documentation to the seller**
342 **to claim a price reduction or discount where the coupon, certificate or documentation is**
343 **authorized, distributed, or granted by a third party with the understanding that the third**
344 **party will reimburse any seller to whom the coupon, certificate or documentation is**
345 **presented;**

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

349 **(iii) The price reduction or discount is identified as a third-party price reduction**
350 **or discount on the invoice received by the purchaser or on a coupon, certificate or other**
351 **documentation presented by the purchaser;**

352 **(44) "Home service provider", the same as such term is defined in Section 124(5)**
353 **of Public Law 106-252, Mobile Telecommunications Sourcing Act;**

354 **(45) "Lease or rental":**

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

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

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

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

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

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

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

377 **(47) "Light aircraft kit", factory manufactured light aircraft parts and**
378 **components, including engine, propeller, instruments, wheels, brakes, and air frame parts**
379 **which make up a complete aircraft kit or partial kit designed to be assembled into a light**
380 **aircraft and then operated by a qualified light aircraft purchaser for recreational and**
381 **educational purposes;**

382 **(48) "Light aircraft parts and components", manufactured light aircraft parts,**
383 **including air frame and engine parts, that are required by the qualified light aircraft**
384 **purchaser to complete a light aircraft kit, or spare or replacement parts for an already**
385 **completed light aircraft;**

386 **[(5)] (49) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited**
387 **to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk**
388 **documented as obtained from a legal source and not from the wild, goats, horses, other equine,**
389 **or rabbits raised in confinement for human consumption;**

- 390 **[(6)] (50) "Load and leave", delivery to the purchaser by use of a tangible storage**
391 **media where the tangible storage media is not physically transferred to the purchaser;**
- 392 **(51) "Maintains a place of business in this state", includes maintaining, occupying,**
393 **or using, permanently or temporarily, directly or indirectly, by whatever name called, an**
394 **office, place of distribution, sales or sample room or place, warehouse or storage place, or**
395 **other place of business in this state, whether owned or operated by the vendor or by any**
396 **other person other than a common carrier acting in its capacity as such;**
- 397 **(52) "Mobile telecommunications service", the same as such term is defined in**
398 **Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;**
- 399 **(53) "Mobility enhancing equipment", equipment, including repair and**
400 **replacement parts to same, which:**
- 401 **(a) Is primarily and customarily used to provide or increase the ability to move**
402 **from one place to another and which is appropriate for use either in a home or a motor**
403 **vehicle; and**
- 404 **(b) Is not generally used by persons with normal mobility; and**
- 405 **(c) Is within the classification of devices eligible for Mo HealthNet and Medicare**
406 **reimbursement.**
- 407 **Mobility enhancement equipment shall not include durable medical equipment or any**
408 **motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle**
409 **manufacturer;**
- 410 **(54) "Model 1 seller", a seller registered under the agreement that has selected a**
411 **certified service provider as its agent to perform all the seller's sales and use tax functions,**
412 **other than the seller's obligation to remit tax on its own purchases;**
- 413 **(55) "Model 2 seller", a seller that has selected a certified automated system (CAS)**
414 **to perform part of its sales and use tax functions, but retains responsibility for remitting**
415 **the tax;**
- 416 **(56) "Model 3 seller", a seller registered under the agreement that has sales in at**
417 **least five member states, has total annual sales revenue of at least five hundred million**
418 **dollars, has a proprietary system that calculates the amount of tax due each jurisdiction,**
419 **and has entered into a performance agreement with the member states that establishes a**
420 **tax performance standard for the seller. As used in this subdivision, a seller shall include**
421 **an affiliated group of sellers using the same proprietary system;**
- 422 **(57) "Model 4 seller", a seller that is registered under the agreement and is not a**
423 **Model 1 Seller, a Model 2 Seller or a Model 3 Seller;**
- 424 **(58) "Motor vehicle leasing company" [shall be] , a company obtaining a permit from**
425 **the director of revenue to operate as a motor vehicle leasing company. Not all persons renting**

426 or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to
427 obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section
428 144.070, as hereinafter provided;

429 **[(7)] (59) "Other direct mail", any direct mail that is not advertising and**
430 **promotional direct mail regardless of whether advertising and promotional direct mail is**
431 **included in the same mailing. Other direct mail includes, but is not limited to:**

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

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

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

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

442 **(60) "Over-the-counter drug", a drug, excluding grooming and hygiene products,**
443 **that contains a label that identifies the product as a drug as required by 21 CFR Section**
444 **201.66 and includes:**

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

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

448 **(61) "Person" includes any individual, firm, copartnership, joint adventure, association,**
449 **corporation, municipal or private, and whether organized for profit or not, state, county, political**
450 **subdivision, state department, commission, board, bureau or agency, [except the state**
451 **transportation department,] estate, trust, business trust, receiver or trustee appointed by the state**
452 **or federal court, syndicate, or any other group or combination acting as a unit, and the plural as**
453 **well as the singular number, or any other legal entity;**

454 **[(8)] (62) "Place of primary use", the street address representative of where the**
455 **telecommunications customer's use of the telecommunications service primarily occurs,**
456 **which shall be the residential street address or the primary business street address of the**
457 **telecommunications customer. In the case of mobile telecommunications services, place of**
458 **primary use shall be within the licensed service area of the home service provider;**

459 **(63) "Post-paid calling service", the telecommunications service obtained by**
460 **making a payment on a call-by-call basis either through the use of a credit card or payment**
461 **mechanism such as a bank card, travel card, credit card, or debit card, or by charge made**

462 to a telephone number which is not associated with the origination or termination of the
463 telecommunications service. A post-paid calling service includes a telecommunications
464 service, except a prepaid wireless calling service, that would be a prepaid calling service
465 except it is not exclusively a telecommunications service;

466 (64) "Prepaid calling service", the right to access exclusively telecommunications
467 services, which must be paid for in advance and which enables the origination of calls using
468 an access number or authorization code, whether manually or electronically dialed, and
469 that is sold in predetermined units or dollars of which the number declines with use in a
470 known amount;

471 (65) "Prepaid wireless calling service", a telecommunications service that provides
472 the right to utilize mobile wireless services as well as other nontelecommunications services,
473 including the download of digital products delivered electronically, content and ancillary
474 services, which must be paid for in advance and that is sold in predetermined units or
475 dollars of which the number declines with use in a known amount;

476 (66) "Prepared food", food sold in a heated state or heated by the seller; two or
477 more food ingredients mixed or combined by the seller for sale as a single item; or food
478 sold with eating utensils provided by the seller, including plates, knives, forks, spoons,
479 glasses, cups, napkins, or straws. A plate shall not include a container or packaging used
480 to transport the food. Prepared food shall not include food that is only cut, repackaged,
481 or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw
482 animal foods requiring cooking by the consumer as recommended by the Food and Drug
483 Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne
484 illnesses;

485 (67) "Prescription", an order, formula, or recipe issued in any form of oral,
486 written, electronic, or other means of transmission by a duly licensed practitioner
487 authorized by the laws of the state;

488 (68) "Prewritten computer software", computer software, including prewritten
489 upgrades, which is not designed and developed by the author or other creator to the
490 specifications of a specific purchaser. The combining of two or more prewritten computer
491 software programs or prewritten portions thereof shall not cause the combination to be
492 other than prewritten computer software. Prewritten computer software shall include
493 software designed and developed by the author or other creator to the specifications of a
494 specific purchaser when it is sold to a person other than the specific purchaser. Where a
495 person modifies or enhances computer software of which the person is not the author or
496 creator, the person shall be deemed to be the author or creator only of such person's
497 modifications or enhancements. Prewritten computer software or a prewritten portion

498 thereof that is modified or enhanced to any degree, where such modification or
499 enhancement is designed and developed to the specifications of a specific purchaser,
500 remains prewritten computer software; provided, however, that where there is a
501 reasonable, separately stated charge or an invoice or other statement of the price given to
502 the purchaser for such modification or enhancement, such modification or enhancement
503 shall not constitute prewritten computer software;

504 (69) "Private communication service", a telecommunications service that entitles
505 the customer to exclusive or priority use of a communications channel or group of channels
506 between or among termination points, regardless of the manner in which such channel or
507 channels are connected, and includes switching capacity, extension lines, stations, and any
508 other associated services that are provided in connection with the use of such channel or
509 channels;

510 (70) "Product-based exemption", an exemption based on the description of the
511 product and not based on who purchases the product or how the purchaser intends to use
512 the product;

513 (71) "Product which is intended to be sold ultimately for final use or consumption",
514 tangible personal property, or any service that is subject to state or local sales or use taxes,
515 or any tax that is substantially equivalent to these taxes, in this state or any other state;

516 (72) "Prosthetic device", a replacement, corrective, or supportive device including
517 repair and replacement parts for same worn on or in the body to artificially replace a
518 missing portion of the body, prevent or correct physical deformity or malfunction, or
519 support a weak or deformed portion of the body. The term "prosthetic device" shall not
520 include corrective eyeglasses or contact lenses and shall be limited to the classification of
521 devices eligible for MO HealthNet and Medicare reimbursement;

522 (73) "Protective equipment", items for human wear and designed as protection of
523 the wearer against injury or disease or as protections against damage or injury of other
524 persons or property but not suitable for general use. Protective equipment are mutually
525 exclusive of clothing, clothing accessories or equipment, and sport or recreational
526 equipment;

527 (74) "Purchase", the acquisition of the ownership of, or title to, tangible personal
528 property, through a sale, as defined herein, for the purpose of storage, use or consumption
529 in this state;

530 (75) "Purchase price", applies to the measure subject to use tax and has the same
531 meaning as sales price;

532 **(76)** "Purchaser" [means] , a person [who purchases tangible] **to whom a sale of**
533 **personal property is made** or to whom [are rendered services, receipts from which are taxable
534 **under sections 144.010 to 144.525] a service is furnished;**

535 **[(9)] (77) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light**
536 **aircraft kit, light aircraft parts or components who is a nonresident of this state, who will**
537 **transport the light aircraft, light aircraft kit, light aircraft parts or components outside this**
538 **state within ten days after the date of purchase, and who will register any light aircraft so**
539 **purchased in another state or country. Such purchaser shall not base such aircraft in this**
540 **state and such purchaser shall not be a resident of the state unless such purchaser has paid**
541 **sales or use tax on such aircraft in another state;**

542 **(78) "Receive" or "receipt", taking possession of tangible personal property;**
543 **making first use of services; or taking possession or making first use of digital goods,**
544 **whichever comes first. Receive and receipt shall not include possession by a shipping**
545 **company on behalf of the purchaser;**

546 **(79) "Registered under the agreement", registration by a seller with the member**
547 **states under the central registration system provided in Article IV of the agreement;**

548 **(80) "Research or experimentation activities" are the development of an experimental**
549 **or pilot model, plant process, formula, invention or similar property, and the improvement of**
550 **existing property of such type. Research or experimentation activities do not include activities**
551 **such as ordinary testing or inspection of materials or products for quality control, efficiency**
552 **surveys, advertising promotions or research in connection with literary, historical or similar**
553 **projects;**

554 **[(10)] "Sale" or "sales" includes installment and credit sales, and the exchange of**
555 **properties as well as the sale thereof for money, every closed transaction constituting a sale, and**
556 **means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means**
557 **whatsoever, of tangible personal property for valuable consideration and the rendering,**
558 **furnishing or selling for a valuable consideration any of the substances, things and services**
559 **herein designated and defined as taxable under the terms of sections 144.010 to 144.525;**

560 **[(11)] (81) "Sale at retail" [means any transfer made by any person engaged in business**
561 **as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for**
562 **use or consumption and not for resale in any form as tangible personal property, for a valuable**
563 **consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed**
564 **thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,**
565 **optometrists and veterinarians and used in the practice of their professions shall be deemed to**
566 **be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,**
567 **computer output or microfilm or microfiche and computer-assisted photo compositions to a**

568 purchaser to enable the purchaser to obtain for his or her own use the desired information
569 contained in such computer printouts, computer output on microfilm or microfiche and
570 computer-assisted photo compositions shall be considered as the sale of a service and not as the
571 sale of tangible personal property] or **"retail sale", any sale, lease, or rental for any purpose**
572 **other than for resale, sublease, or subrent. Purchases of tangible personal property made**
573 **by duly licensed physicians, dentists, optometrists, and veterinarians and used in the**
574 **practice of their professions shall be deemed to be purchases for use or consumption and**
575 **not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and
576 the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

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

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

581 (c) Sales of local and long distance telecommunications service to telecommunications
582 subscribers and to others through equipment of telecommunications subscribers for the
583 transmission of messages and conversations, and the sale, rental or leasing of all equipment or
584 services pertaining or incidental thereto;

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

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

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

593 **(82) "School art supply":**

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

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

598 **a. Clay and glazes;**

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

600 **c. Paintbrushes for artwork;**

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

602 **e. Watercolors;**

603 **(83) "School computer supply":**

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

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

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

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

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

611 **d. Computer printers and printer supplies for computers, printer paper, and**
612 **printer ink;**

613 **(84) "School instructional material":**

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

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

618 **a. Reference books;**

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

620 **c. Textbooks; and**

621 **d. Workbooks;**

622 **(85) "School supply":**

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

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

627 **a. Binders;**

628 **b. Book bags;**

629 **c. Calculators;**

630 **d. Cellophane tape;**

631 **e. Blackboard chalk;**

632 **f. Compasses;**

633 **g. Composition books;**

634 **h. Crayons;**

635 **i. Erasers;**

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

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

638 **l. Highlighters;**

639 **m. Index cards;**

- 640 **n. Index card boxes;**
641 **o. Legal pads;**
642 **p. Lunch boxes;**
643 **q. Markers;**
644 **r. Notebooks;**
645 **s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila**
646 **paper, colored paper, poster board, and construction paper;**
647 **t. Pencil boxes and other school supply boxes;**
648 **u. Pencil sharpeners;**
649 **v. Pencils;**
650 **w. Pens;**
651 **x. Protractors;**
652 **y. Rulers;**
653 **z. Scissors; and**
654 **aa. Writing tablets;**
655 **[(12)] (86) "Seller" means a person [selling or furnishing tangible] making sales, leases,**
656 **or rentals of personal property or [rendering services, on the receipts from which a tax is**
657 **imposed pursuant to section 144.020] service;**
658 **(87) "Selling agent", every person acting as a representative of a principal, when**
659 **such principal is not registered with the director of revenue of the state of Missouri for the**
660 **collection of the taxes imposed under this chapter and who receives compensation by**
661 **reason of the sale of tangible personal property of the principal, if such property is to be**
662 **stored, used, or consumed in this state;**
663 **(88) "Service address":**
664 **(a) The location of the telecommunications equipment to which a customer's call**
665 **is charged and from which the call originates or terminates, regardless of where the call**
666 **is billed or paid;**
667 **(b) If the location in paragraph (a) of this subdivision is not known, "service**
668 **address" means the origination point of the signal of the telecommunications services first**
669 **identified by either the seller's telecommunications system or in information received by**
670 **the seller from its service provider, where the system used to transport such signals is not**
671 **that of the seller;**
672 **(c) If the location in paragraphs (a) and (b) of this subdivision are not known, the**
673 **service address shall be the location of the customer's place of primary use;**
674 **(89) "Specified digital products", electronically transferred digital audio-visual**
675 **works, digital audio works, and digital books;**

676 **(90) "Sport or recreational equipment", items designed for human use and worn**
677 **in conjunction with an athletic or recreational activity that are not suitable for general use.**
678 **Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or**
679 **equipment, and protective equipment;**

680 **(91) "State", any state of the United States, the District of Columbia, and the**
681 **Commonwealth of Puerto Rico;**

682 **(92) "Storage", any keeping or retention in this state of tangible personal property**
683 **purchased from a vendor, except property for sale or property that is temporarily kept or**
684 **retained in this state for subsequent use outside the state;**

685 **(93) "Tangible personal property", personal property that can be seen, weighed,**
686 **measured, felt, or touched, or that is in any other manner perceptible to the senses.**
687 **Tangible personal property shall include electricity, water, gas, steam, and prewritten**
688 **computer software. Tangible personal property shall not include specified digital**
689 **products, digital audio-visual works, digital audio works, or digital books;**

690 [(13) The noun] **(94) "Tax" [means] , either the tax payable by the purchaser of a**
691 **commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of**
692 **such commodities or services during the period for which he or she is required to report his or**
693 **her collections, as the context may require;**

694 **(95) "Taxpayer", any person remitting the tax or who should remit the tax levied**
695 **by this chapter;**

696 **(96) "Telecommunications customer", the person or entity that contracts with the**
697 **seller of telecommunications services. If the end user of telecommunications services is not**
698 **the contracting party, the end user of the telecommunications service is the**
699 **telecommunications customer of the telecommunication service, but this definition only**
700 **applies to the purpose of sourcing sales of telecommunications services under section**
701 **144.043. Telecommunications customer shall not include a reseller of telecommunications**
702 **service or for mobile telecommunications service of a serving carrier under an agreement**
703 **to serve the telecommunications customer outside the home service provider's licensed**
704 **service area;**

705 **(97) "Telecommunications nonrecurring charges", an amount billed for the**
706 **installation, connection, change or initiation of telecommunications service received by the**
707 **customer;**

708 [(14)] **(98) "Telecommunications service"[, for the purpose of this chapter, the**
709 **transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or**
710 **other similar means. As used in this definition, "information" means knowledge or intelligence**
711 **represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.**

712 Telecommunications service does not include the following if such services are separately stated
713 on the customer's bill or on records of the seller maintained in the ordinary course of business:

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

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

717 (c) Private mobile radio services which are not two-way commercial mobile radio
718 services such as wireless telephone, personal communications services or enhanced specialized
719 mobile radio services as defined pursuant to federal law; or

720 (d) Cable or satellite television or music services; and

721 (15) "Product which is intended to be sold ultimately for final use or consumption"
722 means tangible personal property, or any service that is subject to state or local sales or use taxes,
723 or any tax that is substantially equivalent thereto, in this state or any other state.] :

724 (a) **The electronic transmission, conveyance, or routing of voice, data, audio, video,**
725 **or any other information or signals to a point, or between or among points;**

726 (b) **Telecommunications service shall include such transmission, conveyance, or**
727 **routing in which computer processing applications are used to act on the form, code, or**
728 **protocol of the content for purposes of transmission, conveyance, or routing without regard**
729 **to whether such service is referred to as voice over internet protocol services or is classified**
730 **by the Federal Communications Commission as enhanced or value added;**

731 (c) **Telecommunications service shall include air-to-ground radiotelephone service,**
732 **mobile telecommunications service, post-paid calling service, prepaid calling service,**
733 **prepaid wireless calling service, and private communication service;**

734 (d) **Telecommunications service shall not include:**

735 a. **Data processing and information services that allow data to be generated,**
736 **acquired, stored, processed, or retrieved and delivered by an electronic transmission to a**
737 **purchaser where such purchaser's primary purpose for the underlying transaction is the**
738 **processed data or information;**

739 b. **Installation or maintenance of wiring or equipment on a customer's premises;**

740 c. **Tangible personal property;**

741 d. **Advertising, including but not limited to directory advertising;**

742 e. **Billing and collection services provided to third parties;**

743 f. **Internet access service;**

744 g. **Radio and television audio and video programming services, regardless of the**
745 **medium, including the furnishing of transmission, conveyance, and routing of such services**
746 **by the programming service provider. Radio and television audio and video programming**
747 **services shall include but not be limited to cable service, as defined in 47 U.S.C. Section**

748 **522(6), as amended, and audio and video programming services delivered by commercial**
749 **mobile radio service providers, as defined in 47 CFR 20.3;**
750 **h. Ancillary services; or**
751 **i. Digital products delivered electronically, including, but not limited to, software,**
752 **music, video, reading materials, or ring tones;**
753 **(99) "Transportation equipment", any of the following:**
754 **(a) Locomotives and railcars that are utilized for the carriage of persons or**
755 **property in interstate commerce;**
756 **(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten**
757 **thousand one pounds or greater, trailers, semi-trailers, or passenger buses that are:**
758 **a. Registered through the International Registration Plan; and**
759 **b. Operated under authority of a carrier authorized and certificated by the United**
760 **States Department of Transportation or another federal authority to engage in the carriage**
761 **of persons or property in interstate commerce;**
762 **(c) Aircraft that are operated by air carriers authorized and certificated by the**
763 **United States Department of Transportation or another federal or a foreign authority to**
764 **engage in the carriage of persons or property in interstate or foreign commerce;**
765 **(d) Containers designed for use on and component parts attached or secured on the**
766 **items set forth in paragraphs (a) to (c) of this subdivision;**
767 **(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that**
768 **contains tobacco;**
769 **(101) "Use", the exercise of any right or power over tangible personal property**
770 **incident to the ownership or control of that property, except that it does not include the**
771 **temporary storage of property in this state for subsequent use outside the state, or the sale**
772 **of the property in the regular course of business;**
773 **(102) "Use-based exemption", an exemption based on a specified use of the product**
774 **by the purchaser;**
775 **(103) "Vendor", every person engaged in making sales of tangible personal**
776 **property by mail order, by advertising, by agent or peddling tangible personal property,**
777 **soliciting or taking orders for sales of tangible personal property, for storage, use or**
778 **consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees,**
779 **peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors,**
780 **principals or employers under whom they operate or from whom they obtain the tangible**
781 **personal property sold by them, and every person who maintains a place of business in this**
782 **state, maintains a stock of goods in this state, or engages in business activities within this**
783 **state and every person who engages in this state in the business of acting as a selling agent**

784 **for persons not otherwise vendors as defined in this subdivision. Irrespective of whether**
785 **they are making sales on their own behalf or on behalf of the dealers, distributors,**
786 **consignors, supervisors, principals or employers, they shall be regarded as vendors and the**
787 **dealers, distributors, consignors, supervisors, principals or employers shall be regarded**
788 **as vendors for the purposes of sections 144.600 to 144.745.**

789 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
790 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections
791 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning
792 given it in section 700.010.

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

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October
2 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections
3 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one
4 percent. The revenue derived from the one percent rate pursuant to this section shall be
5 deposited by the state treasurer in the school district trust fund and shall be distributed as
6 provided in section 144.701.

7 2. [For the purposes of this section, the term "food" shall include only those products and
8 types of food for which food stamps may be redeemed pursuant to the provisions of the Federal
9 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it
10 may be amended hereafter, and shall include food dispensed by or through vending machines.
11 For the purpose of this section,] Except for **food sold through** vending [machine sales, the term
12 "food"] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold
13 by any establishment where the gross receipts derived from the sale of food prepared by such
14 establishment for immediate consumption on or off the premises of the establishment constitutes
15 more than eighty percent of the total gross receipts of that establishment, regardless of whether
16 such prepared food is consumed on the premises of that establishment, including, but not limited
17 to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of
2 engaging in the business of selling tangible personal property or rendering taxable service at
3 retail in this state. The rate of tax shall be as follows:

4 (1) Upon every retail sale in this state of tangible personal property, including but not
5 limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard
6 motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale
7 involves the exchange of property, a tax equivalent to four percent of the consideration paid or
8 charged, including the fair market value of the property exchanged at the time and place of the
9 exchange, except as otherwise provided in section 144.025;

10 (2) A tax equivalent to four percent of the amount paid for admission and seating
11 accommodations[, or fees paid to, or] in any place of amusement, entertainment [or recreation],
12 games and athletic events;

13 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of
14 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or
15 industrial consumers;

16 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local
17 and long distance telecommunications service to telecommunications subscribers and to others
18 through equipment of telecommunications subscribers for the transmission of messages and
19 conversations and upon the sale, rental or leasing of all equipment or services pertaining or
20 incidental thereto; except that, the payment made by telecommunications subscribers or others,
21 pursuant to section 144.060, and any amounts paid for access to the internet or interactive
22 computer services shall not be considered as amounts paid for telecommunications services;

23 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of
24 services for transmission of messages of telegraph companies;

25 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,
26 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore,
27 dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are
28 regularly served to the public;

29 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets
30 by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such
31 buses and trucks as are licensed by the division of motor carrier and railroad safety of the
32 department of economic development of Missouri, engaged in the transportation of persons for
33 hire;

34 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
35 tangible personal property, provided that if the lessor or renter of any tangible personal property
36 had previously purchased the property under the conditions of "sale at retail" or leased or rented
37 the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor,
38 renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or
39 subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers,
40 motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid
41 as provided in this section and section 144.070. In no event shall the rental or lease of boats and
42 outboard motors be considered a sale, charge, or fee to, for or in places of amusement,
43 entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to,
44 for, or in such places of amusement, entertainment or recreation. Rental and leased boats or
45 outboard motors shall be taxed under the provisions of the sales tax laws as provided under such

46 laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales
47 or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax
48 upon the lease or rental thereof.

49 2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525
50 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the
51 words "This ticket is subject to a sales tax."

52 **3. The provisions of subsections 1 and 2 of this section notwithstanding, the rate of**
53 **tax imposed under this section shall be as follows:**

54 (1) For the 2014 calendar year, four and one-fifth percent;

55 (2) For the 2015 calendar year, four and three-tenths percent;

56 (3) For the 2016 calendar year, four and two-fifths percent;

57 (4) For the 2017 calendar year, four and one-half percent; and

58 (5) For all calendar years beginning on or after January 1, 2018, four and three-
59 fifths percent.

144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to impose a tax
2 upon the privilege of engaging in the business, in this state, of selling tangible personal property
3 and those services listed in section 144.020. The primary tax burden is placed upon the seller
4 making the taxable sales of property or service and is levied at the rate provided for in section
5 144.020. Excluding sections 144.070, 144.440 and 144.450, the extent to which a seller is
6 required to collect the tax from the purchaser of the taxable property or service is governed by
7 section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers
8 to report to the director of revenue their "gross receipts", defined herein to mean the aggregate
9 amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

10 **2. The provisions of subsection 1 of this section notwithstanding, the rate of tax**
11 **imposed under this section shall be as follows:**

12 (1) For the 2014 calendar year, four and one-fifth percent;

13 (2) For the 2015 calendar year, four and three-tenths percent;

14 (3) For the 2016 calendar year, four and two-fifths percent;

15 (4) For the 2017 calendar year, four and one-half percent; and

16 (5) For all calendar years beginning on or after January 1, 2018, four and three-
17 fifths percent.

144.022. 1. In the case of a bundled transaction that includes any of the following:
2 telecommunication service, ancillary service, internet access, or audio or video
3 programming service:

4 (1) If the price is attributable to products that are taxable and products that are
5 nontaxable, the portion of the price attributable to the nontaxable products may be subject

6 to tax unless the provider can identify by reasonable and verifiable standards such portion
7 from its books and records that are kept in the regular course of business for other
8 purposes, including, but not limited to, nontax purposes;

9 (2) If the price is attributable to products that are subject to tax at different tax
10 rates, the total price shall be treated as attributable to the products subject to tax at the
11 highest tax rate unless the provider can identify by reasonable and verifiable standards the
12 portion of the price attributable to the products subject to tax at the lower rate from its
13 books and records that are kept in the regular course of business for other purposes,
14 including, but not limited to, nontax purposes;

15 2. In the case of a transaction that includes an optional computer software
16 maintenance contract for prewritten computer software, the following provisions apply:

17 (1) If an optional computer software maintenance contract obligates the vendor to
18 provide only upgrades and updates, it shall be characterized as a sale of prewritten
19 computer software;

20 (2) If an optional computer software maintenance contract obligates the vendor to
21 provide only support services, it shall be characterized as a sale of services and not a sale
22 of tangible personal property;

23 (3) If an optional computer software maintenance contract is a bundled transaction
24 including both taxable and nontaxable or exempt products that are not separately itemized
25 on the invoice or similar billing document, the purchase price under the contract shall be
26 taxable.

27

28 **The provisions of this section shall apply unless otherwise provided by federal law.**

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

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

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

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
49 the materials and supplies required solely for the operation, installation or construction of such

50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a useable product or a different form which is used in producing a new product and
54 shall include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

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

66 (7) Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
71 other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 (10) The rentals of films, records or any type of sound or picture transcriptions for public
74 commercial display;

75 (11) Pumping machinery and equipment used to propel products delivered by pipelines
76 engaged as common carriers;

77 (12) Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
80 persons or property;

81 (13) Electrical energy used in the actual primary manufacture, processing, compounding,
82 mining or producing of a product, or electrical energy used in the actual secondary processing
83 or fabricating of the product, or a material recovery processing plant as defined in subdivision
84 (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
85 energy so used exceeds ten percent of the total cost of production, either primary or secondary,

86 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
87 contain at least twenty-five percent recovered materials as defined in section 260.200. There
88 shall be a rebuttable presumption that the raw materials used in the primary manufacture of
89 automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

93 (14) Anodes which are used or consumed in manufacturing, processing, compounding,
94 mining, producing or fabricating and which have a useful life of less than one year;

95 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
96 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
97 solely required for the installation, construction or reconstruction of such machinery, equipment,
98 appliances and devices;

99 (16) Machinery, equipment, appliances and devices purchased or leased and used solely
100 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
101 solely required for the installation, construction or reconstruction of such machinery, equipment,
102 appliances and devices;

103 (17) Tangible personal property purchased by a rural water district;

104 (18) All amounts paid or charged for admission or participation or other fees paid by or
105 other charges to individuals in or for any place of amusement, entertainment or recreation, games
106 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
107 municipality or other political subdivision where all the proceeds derived therefrom benefit the
108 municipality or other political subdivision and do not inure to any private person, firm, or
109 corporation;

110 (19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1,
111 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
112 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
113 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
114 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
115 administer those items, including samples and materials used to manufacture samples which may
116 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
117 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
118 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
119 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
120 one or more physical or mental disabilities to enable them to function more independently, all
121 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic

122 alternative and augmentative communication devices, and items used solely to modify motor
123 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of]
124 over-the-counter [or nonprescription] drugs to individuals with disabilities **all sales of kidney**
125 **dialysis equipment and enteral feeding systems, all sales of durable medical equipment,**
126 **prosthetic devices, and mobility enhancing equipment,** and [drugs required by the Food and
127 Drug Administration to meet the] **all sales of** over-the-counter [drug product labeling
128 requirements in 21 CFR 201.66, or its successor,] **drugs** as prescribed by a health care
129 practitioner licensed to prescribe;

130 (20) All sales made by or to religious and charitable organizations and institutions in
131 their religious, charitable or educational functions and activities and all sales made by or to all
132 elementary and secondary schools operated at public expense in their educational functions and
133 activities;

134 (21) All sales of aircraft to common carriers for storage or for use in interstate commerce
135 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
136 including fraternal organizations which have been declared tax-exempt organizations pursuant
137 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
138 charitable functions and activities and all sales made to eleemosynary and penal institutions and
139 industries of the state, and all sales made to any private not-for-profit institution of higher
140 education not otherwise excluded pursuant to subdivision (20) of this subsection or any
141 institution of higher education supported by public funds, and all sales made to a state relief
142 agency in the exercise of relief functions and activities;

143 (22) All ticket sales made by benevolent, scientific and educational associations which
144 are formed to foster, encourage, and promote progress and improvement in the science of
145 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
146 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
147 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
148 fair conducted by a county agricultural and mechanical society organized and operated pursuant
149 to sections 262.290 to 262.530;

150 (23) All sales made to any private not-for-profit elementary or secondary school, all sales
151 of feed additives, medications or vaccines administered to livestock or poultry in the production
152 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
153 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
154 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
155 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
156 defined in section 142.028, natural gas, propane, and electricity used by an eligible new
157 generation cooperative or an eligible new generation processing entity as defined in section

158 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
159 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
160 additives" means tangible personal property which, when mixed with feed for livestock or
161 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
162 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
163 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
164 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
165 used in this subdivision, the term "farm machinery and equipment" means new or used farm
166 tractors and such other new or used farm machinery and equipment and repair or replacement
167 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
168 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
169 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
170 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
171 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 172 (a) Used exclusively for agricultural purposes;
173 (b) Used on land owned or leased for the purpose of producing farm products; and
174 (c) Used directly in producing farm products to be sold ultimately in processed form or
175 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
176 ultimately in processed form at retail;

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

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

189 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
190 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
191 with and approved by the Missouri public service commission. Sales and purchases made
192 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
193 of the occupants of residential apartments or condominiums through a single or master meter,

194 including service for common areas and facilities and vacant units, shall be considered as sales
195 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
196 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
197 service rate classification and the provision of service thereunder shall be conclusive as to
198 whether or not the utility must charge sales tax;

199 (c) Each person making domestic use purchases of [services or property] **electricity,**
200 **piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion
201 of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the
202 fourth month following the year of purchase, and without assessment, notice or demand, file a
203 return and pay sales tax on that portion of nondomestic purchases. Each person making
204 nondomestic purchases of [services or property] **electricity, piped natural or artificial gas, or**
205 **other fuels delivered by the seller** and who uses any portion of the [services or property]
206 **electricity, piped natural or artificial gas, or other fuels delivered by the seller** so purchased
207 for domestic use, and each person making domestic purchases on behalf of occupants of
208 residential apartments or condominiums through a single or master meter, including service for
209 common areas and facilities and vacant units, under a nonresidential utility service rate
210 classification may, between the first day of the first month and the fifteenth day of the fourth
211 month following the year of purchase, apply for credit or refund to the director of revenue and
212 the director shall give credit or make refund for taxes paid on the domestic use portion of the
213 purchase. The person making such purchases on behalf of occupants of residential apartments
214 or condominiums shall have standing to apply to the director of revenue for such credit or refund;

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

218 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071,
219 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director
220 of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales
221 taxes on such excise taxes;

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

227 (28) All sales made to an interstate compact agency created pursuant to sections 70.370
228 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such
229 agency as provided pursuant to the compact;

230 (29) Computers, computer software and computer security systems purchased for use
231 by architectural or engineering firms headquartered in this state. For the purposes of this
232 subdivision, "headquartered in this state" means the office for the administrative management
233 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;
234 (30) All livestock sales when either the seller is engaged in the growing, producing or
235 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
236 or leasing of such livestock;
237 (31) All sales of barges which are to be used primarily in the transportation of property
238 or cargo on interstate waterways;
239 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other
240 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
241 products or in any material recovery processing plant as defined in subdivision (5) of this
242 subsection;
243 (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
244 herbicides used in the production of crops, aquaculture, livestock or poultry;
245 (34) Tangible personal property and utilities purchased for use or consumption directly
246 or exclusively in the research and development of agricultural/biotechnology and plant genomics
247 products and prescription pharmaceuticals consumed by humans or animals;
248 (35) All sales of grain bins for storage of grain for resale;
249 (36) All sales of feed which are developed for and used in the feeding of pets owned by
250 a commercial breeder when such sales are made to a commercial breeder, as defined in section
251 273.325, and licensed pursuant to sections 273.325 to 273.357;
252 (37) All purchases by a contractor on behalf of an entity located in another state,
253 provided that the entity is authorized to issue a certificate of exemption for purchases to a
254 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
255 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
256 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
257 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
258 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
259 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
260 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
261 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
262 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
263 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
264 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
265 or remodeling facilities for the following:

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

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

271 (38) All sales or other transfers of tangible personal property to a lessor who leases the
272 property under a lease of one year or longer executed or in effect at the time of the sale or other
273 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
274 238.010 to 238.100;

275 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility
276 owned or operated by a governmental authority or commission, a quasi-governmental agency,
277 a state university or college or by the state or any political subdivision thereof, including a
278 municipality, and that is played on a neutral site and may reasonably be played at a site located
279 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
280 is not located on the campus of a conference member institution participating in the event;

281 (40) All purchases by a sports complex authority created under section 64.920, and all
282 sales of utilities by such authority at the authority's cost that are consumed in connection with
283 the operation of a sports complex leased to a professional sports team;

284 (41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
285 parts, and equipment purchased for use directly upon, and for the modification, replacement,
286 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

287 (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or
288 similar places of business for use in the normal course of business and money received by a
289 shooting range or similar places of business from patrons and held by a shooting range or similar
290 place of business for redistribution to patrons at the conclusion of a shooting event;

291 **(43) All sales of new light aircraft, light aircraft kits, or light aircraft parts or**
292 **components manufactured or substantially completed within this state, when such new**
293 **light aircraft, light aircraft kits, or light aircraft parts or components are sold by the**
294 **manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner**
295 **in which to determine whether a purchaser of a light aircraft, light aircraft kit, or light**
296 **aircraft parts or components is a qualified purchaser and is eligible for the exemption**
297 **established in this section;**

298 **(44) All sales of computer printouts, computer output on microfilm or microfiche,**
299 **and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain**
300 **for his or her own use the desired information contained in such computer printouts,**
301 **computer output on microfilm or microfiche, and computer-assisted photo compositions.**

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **pipel natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is inside this state as determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the recordkeeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

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

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the

25 purchaser that are maintained in the ordinary course of the purchaser's business to
26 determine the rate applicable to the location where the order was received.

27 (5) The location where the order is received by or on behalf of the seller means the
28 physical location of a seller or third party such as an established outlet, office location or
29 automated order receipt system operated by or on behalf of the seller where an order is
30 initially received by or on behalf of the seller and not where the order may be subsequently
31 accepted, completed or fulfilled. An order is received when all of the information from the
32 purchaser necessary to the determination of whether the order can be accepted has been
33 received by or on behalf of the seller. The location from which a product is shipped shall
34 not be used in determining the location where the order is received by the seller.

35 (6) When taxable services are sold with tangible personal property or digital
36 products pursuant to a single contract or in the same transaction, are billed on the same
37 billing statement or statements, and, because of the application of this section, would be
38 sourced to different jurisdictions, this subsection shall apply to determine the source for
39 tax.

40 2. Except as provided in section 144.041, when the location where the order is
41 received by the seller and the location where the receipt of the product by the purchaser
42 (or the purchaser's donee, designated as such by the purchaser) occurs are in different
43 states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

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

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

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

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

58 (5) When the previous rules of subdivisions (1), (2), (3), and (4) of this subsection
59 do not apply, including the circumstances in which the seller is without sufficient
60 information to apply the previous rules, then the location will be determined by the address

61 from which tangible personal property was shipped, from which the digital good or
62 computer software delivered electronically was first available for transmission from the
63 seller, or from which the service was provided (disregarding for these purposes any
64 location that merely provided the digital transfer of the product sold).

65 **3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles,**
66 **trailers, semi-trailers, watercraft and aircraft that do not qualify as transportation**
67 **equipment shall be sourced to the address of the owner thereof.**

68 **4. The lease or rental of tangible personal property, other than property identified**
69 **in subsection 2 or 3 of this section, or transactions regulated pursuant to sections 407.660**
70 **to 407.665 shall be sourced as follows:**

71 **(1) For a lease or rental that requires recurring periodic payments, the first**
72 **periodic payment is sourced the same as a retail sale in accordance with the provisions of**
73 **subsection 1 of this section. Periodic payments made subsequent to the first payment are**
74 **sourced to the primary property location for each period covered by the payment. The**
75 **primary property location shall be as indicated by an address for the property provided**
76 **by the lessee that is available to the lessor from its records maintained in the ordinary**
77 **course of business, when use of this address does not constitute bad faith. The property**
78 **location shall not be altered by intermittent use at different locations, such as use of**
79 **business property that accompanies employees on business trips and service calls;**

80 **(2) For a lease or rental that does not require recurring periodic payments, the**
81 **payment is sourced the same as a retail sale in accordance with the provisions of subsection**
82 **1 of this section;**

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

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

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

95 **(2) For a lease or rental that does not require recurring periodic payments, the**
96 **payment is sourced the same as a retail sale in accordance with the provisions of subsection**
97 **1 of this section;**

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

101 **6. The retail sale, including lease or rental, of transportation equipment shall be**
102 **sourced the same as a retail sale in accordance with the provisions of subsection 1 of this**
103 **section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.**

144.041. 1. The retail sale of a product shall be sourced in accordance with section
2 **144.040. The provisions of section 144.040 shall apply regardless of the characterization**
3 **of a product as tangible personal property, a digital good, or a service. The provisions of**
4 **section 144.040 shall apply only to determine a seller's obligation to pay or collect and**
5 **remit sales or use tax with respect to the seller's retail sale of a product. The provisions of**
6 **this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the**
7 **use of the product to the taxing jurisdictions of that use.**

8 **2. Section 144.040 shall not apply to sales or use taxes levied on the following:**

9 **(1) Retail sales or transfers of watercraft, modular homes, manufactured homes,**
10 **or mobile homes; and**

11 **(2) Telecommunications services and ancillary services.**

144.042. 1. (1) A purchaser of advertising and promotional direct mail may
2 **provide the seller with either:**

3 **(a) A direct pay permit;**

4 **(b) An agreement certificate of exemption claiming direct mail (or other written**
5 **statement approved, authorized or accepted by the state); or**

6 **(c) Information showing the jurisdictions to which the advertising and promotional**
7 **direct mail is to be delivered to recipients.**

8 **(2) If the purchaser provides the permit, certificate or statement referred to in**
9 **paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the**
10 **absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any**
11 **transaction involving advertising and promotional direct mail to which the permit,**
12 **certificate or statement applies. The purchaser shall source the sale to the jurisdictions to**
13 **which the advertising and promotional direct mail is to be delivered to the recipients and**
14 **shall report and pay any applicable tax due.**

15 **(3) If the purchaser provides the seller information showing the jurisdictions to**
16 **which the advertising and promotional direct mail is to be delivered to recipients, the seller**

17 shall source the sale to the jurisdictions to which the advertising and promotional direct
18 mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad
19 faith, the seller is relieved of any further obligation to collect any additional tax on the sale
20 of advertising and promotional direct mail if the seller has sourced the sale according to
21 the delivery information provided by the purchaser.

22 (4) If the purchaser does not provide the seller with any of the items listed in
23 paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be
24 sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which
25 the advertising and promotional direct mail is delivered may disallow credit for tax paid
26 on sales sourced under this subdivision.

27 (5) Notwithstanding section 144.040, this subsection shall apply to sales of
28 advertising and promotional direct mail.

29 2. (1) Except as otherwise provided in this subsection, sales of other direct mail are
30 sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

31 (2) A purchaser of other direct mail may provide the seller with either:

32 (a) A direct pay permit; or

33 (b) An agreement certificate of exemption claiming direct mail (or other written
34 statement approved, authorized or accepted by the state).

35 (3) If the purchaser provides the permit, certificate or statement referred to in
36 paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad
37 faith, is relieved of all obligations to collect, pay or remit any tax on any transaction
38 involving other direct mail to which the permit, certificate or statement applies.
39 Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the
40 jurisdictions to which the other direct mail is to be delivered to the recipients and the
41 purchaser shall report and pay applicable tax due.

42 (4) Notwithstanding section 144.040, this subsection shall apply to sales of other
43 direct mail.

44 3. (1) (a) This section applies to a transaction characterized under state law as the
45 sale of services only if the service is an integral part of the production and distribution of
46 printed material that meets the definition of direct mail.

47 (b) This section does not apply to any transaction that includes the development of
48 billing information or the provision of any data processing service that is more than
49 incidental regardless of whether advertising and promotional direct mail is included in the
50 same mailing.

51 (2) If a transaction is a bundled transaction that includes advertising and
52 promotion direct mail, this section applies only if the primary purpose of the transaction

53 **is the sale of products or services that meet the definition of advertising and promotional**
54 **direct mail.**

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

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

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

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

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

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

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

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

9 (3) "Parts and components", manufactured light aircraft parts, including air frame and
10 engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare
11 or replacement parts for an already completed light aircraft;

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

18 2. In addition to the exemptions granted under the provisions of section 144.030, there
19 shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections
20 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as
21 defined in section 32.085, and from the computation of the tax levied, assessed or payable under
22 sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local
23 sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts
24 or components manufactured or substantially completed within this state, when such new light
25 aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified
26 purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft,

27 light aircraft kit, parts or components to establish that such person is a qualified purchaser and
28 is eligible for the exemption established in this section.] **Except for the defined**
29 **telecommunication services in subsection 3 of this section, the sale of telecommunication**
30 **service sold on a call-by-call basis shall be sourced to:**

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

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

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

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

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

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

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

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

48 **(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service**
49 **is sourced in accordance with section 144.040, provided however, in the case of a sale of**
50 **prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of**
51 **section 144.040 shall include as an option the location associated with the mobile telephone**
52 **number;**

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

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

57 **(b) Service where all customer termination points are located entirely within one**
58 **jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer**
59 **channel termination points are located;**

60 **(c) Service for segments of a channel between two customer channel termination**
61 **points located in different jurisdictions and which segments of channels are separately**

62 **charged is sourced fifty percent in each level of jurisdiction in which the customer channel**
63 **termination points are located; and**

64 **(d) Service for segments of a channel located in more than one jurisdiction or levels**
65 **of jurisdiction and which segments are not separately billed is sourced in each jurisdiction**
66 **based on the percentage determined by dividing the number of customer channel**
67 **termination points in such jurisdiction by the total number of customer channel**
68 **termination points.**

69 **4. The sale of internet access service is sourced to the customer's place of primary**
70 **use.**

71 **5. The sale of an ancillary service is sourced to the customer's place of primary use.**

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

2 (1) "Clothing", any article of wearing apparel, including footwear, intended to be worn
3 on or about the human body. The term shall include but not be limited to cloth and other
4 material used to make school uniforms or other school clothing. Items normally sold in pairs
5 shall not be separated to qualify for the exemption. The term shall not include watches,
6 watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt
7 buckles; and

8 (2) "Personal computers", a laptop, desktop, or tower computer system which consists
9 of a central processing unit, random access memory, a storage drive, a display monitor, and a
10 keyboard and devices designed for use in conjunction with a personal computer, such as a disk
11 drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem,
12 motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user
13 operating system, soundcard, or video card;

14 (3) "School supplies", any item normally used by students in a standard classroom for
15 educational purposes, including but not limited to textbooks, notebooks, paper, writing
16 instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk,
17 maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting
18 equipment, portable or desktop telephones, copiers or other office equipment, furniture, or
19 fixtures. School supplies shall also include computer software having a taxable value of three
20 hundred fifty dollars or less.

21 2.] In each year beginning on or after January 1, 2005, there is hereby specifically
22 exempted from state sales tax law all retail sales of any article of clothing having a taxable value
23 of one hundred dollars or less[,] ; all retail sales of school supplies, **school art supplies, and**
24 **school instructional materials** not to exceed fifty dollars per purchase[,] ; all **prewritten**
25 computer software with a taxable value of three hundred fifty dollars or less[,] ; and all retail
26 sales of [personal] computers [or computer peripheral devices] **and school computer-supplies**

27 not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01
28 a.m. on the first Friday in August and ending at midnight on the Sunday following.

29 [3. If the governing body of any political subdivision adopted an ordinance that applied
30 to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax
31 holiday to apply to such political subdivision's local sales tax, then, notwithstanding any
32 provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such
33 political subdivision's local sales tax. However, any such political subdivision may enact an
34 ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political
35 subdivision must notify the department of revenue not less than forty-five calendar days prior
36 to the beginning date of the sales tax holiday occurring in that year of any ordinance or order
37 rescinding an ordinance or order to opt out.

38 4.] 2. This section shall not apply to any sales which take place within the Missouri state
39 fairgrounds.

40 [5.] 3. This section applies to sales of items bought for personal use only.

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

47 7.] 4. This section may not apply to any retailer when less than two percent of the
48 retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer
49 a sales tax refund in lieu of the sales tax holiday.

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
10 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, and from
11 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and
12 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section**
13 **32.085**, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy

14 sources, chemicals, machinery, equipment, and materials used or consumed in the
15 manufacturing, processing, compounding, mining, or producing of any product, or used or
16 consumed in the processing of recovered materials, or used in research and development related
17 to manufacturing, processing, compounding, mining, or producing any product. The exemptions
18 granted in this subsection shall not apply to local sales **or use** taxes as defined in section 32.085
19 **and levied on electricity, piped natural or artificial gas, or other fuels delivered by the**
20 **seller**, and the provisions of this subsection shall be in addition to any state and local sales tax
21 exemption provided in section 144.030.

22 3. In addition to all other exemptions granted under this chapter, there is hereby
23 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
24 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from
25 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and
26 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085,
27 all utilities, machinery, and equipment used or consumed directly in television or radio
28 broadcasting and all sales and purchases of tangible personal property, utilities, services, or any
29 other transaction that would otherwise be subject to the state or local sales or use tax when such
30 sales are made to or purchases are made by a contractor for use in fulfillment of any obligation
31 under a defense contract with the United States government, and all sales and leases of tangible
32 personal property by any county, city, incorporated town, or village, provided such sale or lease
33 is authorized under chapter 100, and such transaction is certified for sales tax exemption by the
34 department of economic development, and tangible personal property used for railroad
35 infrastructure brought into this state for processing, fabrication, or other modification for use
36 outside the state in the regular course of business.

37 4. In addition to all other exemptions granted under this chapter, there is hereby
38 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
39 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from
40 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and
41 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085,
42 all sales and purchases of tangible personal property, utilities, services, or any other transaction
43 that would otherwise be subject to the state or local sales or use tax when such sales are made
44 to or purchases are made by a private partner for use in completing a project under sections
45 227.600 to 227.669.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or
2 outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales
3 tax law makes application to the director of revenue for an official certificate of title and the
4 registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law,

5 the owner shall present to the director of revenue evidence satisfactory to the director of revenue
6 showing the purchase price exclusive of any charge incident to the extension of credit paid by
7 or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard
8 motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its
9 acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax
10 provided by the Missouri sales tax law in addition to the registration fees now or hereafter
11 required according to law, and the director of revenue shall not issue a certificate of title for any
12 new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the
13 Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to
14 144.510 has been paid as provided in this section or is registered under the provisions of
15 subsection [5] 4 of this section.

16 2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total
17 amount of the contract price agreed upon between the seller and the applicant in the acquisition
18 of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment
19 therefor.

20 3.] In the event that the purchase price is unknown or undisclosed, or that the evidence
21 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by
22 the director.

23 [4.] 3. The director of the department of revenue shall endorse upon the official
24 certificate of title issued by the director upon such application an entry showing that such sales
25 tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such
26 certificate is exempt from sales tax and state the ground for such exemption.

27 [5.] 4. Any person, company, or corporation engaged in the business of renting or leasing
28 motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental
29 or lease purposes, and not for resale, may apply to the director of revenue for authority to operate
30 as a leasing company. Any company approved by the director of revenue may pay the tax due
31 on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time
32 of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010,
33 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company
34 which does not exercise the option of paying in accordance with section 144.020, on the amount
35 charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard
36 motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is
37 leased as the result of a contract executed in this state shall be presumed to be domiciled in this
38 state.

39 [6.] 5. Any corporation may have one or more of its divisions separately apply to the
40 director of revenue for authorization to operate as a leasing company, provided that the
41 corporation:

42 (1) Has filed a written consent with the director authorizing any of its divisions to apply
43 for such authority;

44 (2) Is authorized to do business in Missouri;

45 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from
46 one of its divisions to another of its divisions as a sale at retail;

47 (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230
48 each of its divisions doing business in Missouri as a leasing company; and

49 (5) Operates each of its divisions on a basis separate from each of its other divisions.
50 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a
51 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to
52 sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

53 [7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to
54 charge and collect sales tax as provided in this section, the owner shall make application to the
55 director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor
56 leasing company. The director of revenue shall promulgate rules and regulations determining the
57 qualifications of such a company, and the method of collection and reporting of sales tax charged
58 and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or
59 outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing
60 companies under the provisions of subsection [5] 4 of this section, and no motor vehicle renting
61 or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can
62 come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers,
63 boats, and outboard motors held for renting and leasing are included.

64 [8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560
65 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue
66 for authority to collect and remit the sales tax required under this section on all motor vehicles
67 sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit
68 the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer
69 authorized to collect and remit sales taxes on motor vehicles under this subsection shall be
70 entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax
71 pursuant to section 144.140. Any amount of the tax collected under this subsection that is
72 retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue.
73 In no event shall revenues from the general revenue fund or any other state fund be utilized to
74 compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor

75 vehicles. In the event this subsection or any portion thereof is held to violate article IV, section
76 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and
77 remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek
78 compensation from the state of Missouri or its agencies if a court of competent jurisdiction
79 declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and
80 orders the return of such revenues.

144.080. 1. Every person receiving any payment or consideration upon the sale of
2 property or rendering of service, subject to the tax imposed by the provisions of sections 144.010
3 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at
4 retail and is subject to the tax levied in section 144.020. The person shall be responsible not only
5 for the collection of the amount of the tax imposed on the sale or service to the extent possible
6 under the provisions of section 144.285, but shall, on or before the last day of the month
7 following each calendar quarterly period of three months, file a return with the director of
8 revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for
9 the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied
10 in section 144.020, except as provided in subsections 2 and 3 of this section. The director of
11 revenue may promulgate rules or regulations changing the filing and payment requirements of
12 sellers, but shall not require any seller to file and pay more frequently than required in this
13 section.

14 2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is
15 in excess of two hundred and fifty dollars for either the first or second month of a calendar
16 quarter, the seller shall file a return and pay such aggregate amount for such months to the
17 director of revenue by the twentieth day of the succeeding month.

18 3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is
19 less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit
20 the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or
21 before January thirty-first of the succeeding year.

22 [4.] 3. The seller of any property or person rendering any service, subject to the tax
23 imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property
24 or the recipient of the service to the extent possible under the provisions of section 144.285, but
25 the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation
26 to pay to the state the tax imposed by section 144.020; except that the collection of the tax
27 imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided
28 in sections 144.070 and 144.440.

29 [5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public
30 or to any customer directly or indirectly that the tax or any part thereof imposed by sections

31 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by
32 the person, or that it will not be separately stated and added to the selling price of the property
33 sold or service rendered, or if added, that it or any part thereof will be refunded. Any person
34 violating any of the provisions of this section shall be guilty of a misdemeanor.

**144.082. 1. The director shall participate in an online registration system that will
2 allow sellers to register in this state and other member states.**

**3 2. By registering, the seller agrees to collect and remit sales and use taxes for all
4 taxable sales into this state as well as the other member states, including member states
5 joining after the seller's registration. Withdrawal or revocation of this state from the
6 agreement shall not relieve a seller of its responsibility to remit taxes previously or
7 subsequently collected on behalf of this state.**

**8 3. If the seller has a requirement to register prior to registering under the
9 agreement, such seller shall obtain a retail sales license under section 144.083 and register
10 under section 144.650.**

**11 4. Registration with the central registration system and the collection of sales and
12 use taxes in this state shall not be used as a factor in determining whether the seller has
13 nexus with this state for any tax at any time.**

144.083. 1. The director of revenue shall require all persons who are responsible for the
2 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no
3 cost to the licensee which shall be prominently displayed at the licensee's place of business, and
4 the license is valid until revoked by the director or surrendered by the person to whom issued
5 when sales are discontinued. The director shall issue the retail sales license within ten working
6 days following the receipt of a properly completed application. Any person applying for a retail
7 sales license or reinstatement of a revoked sales tax license who owes any tax under sections
8 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and
9 penalties before the department may issue the applicant a license or reinstate the revoked license.
10 All persons beginning business subsequent to August 13, 1986, and who are required to collect
11 the sales tax shall secure a retail sales license prior to making sales at retail. Such license may,
12 after ten days' notice, be revoked by the director of revenue only in the event the licensee shall
13 be in default for a period of sixty days in the payment of any taxes levied under section 144.020
14 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event
15 of revocation, the director of revenue may publish the status of the business account including
16 the date of revocation in a manner as determined by the director.

**17 2. The possession of a retail sales license and a statement from the department of revenue
18 that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to
19 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation**

20 license or any state license which is required for conducting any business where goods are sold
21 at retail. The date of issuance on the statement that the licensee owes no tax due shall be no
22 more than ninety days before the date of submission for application or renewal of the local
23 license. The revocation of a retailer's license by the director shall render the occupational license
24 or the state license null and void.

25 3. No person responsible for the collection of taxes under section 144.080 shall make
26 sales at retail unless such person is the holder of a valid retail sales license. After all appeals
27 have been exhausted, the director of revenue may notify the county or city law enforcement
28 agency representing the area in which the former licensee's business is located that the retail sales
29 license of such person has been revoked, and that any county or city occupation license of such
30 person is also revoked. The county or city may enforce the provisions of this section, and may
31 prohibit further sales at retail by such person.

32 4. In addition to the provisions of subsection 2 of this section, beginning January 1,
33 2009, the possession of a statement from the department of revenue stating no tax is due under
34 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the
35 issuance or renewal of any city or county occupation license or any state license required for
36 conducting any business where goods are sold at retail. The statement of no tax due shall be
37 dated no longer than ninety days before the date of submission for application or renewal of the
38 city or county license.

39 [5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale
40 price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts
41 or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

**144.084. 1. The director shall promulgate rules and regulations for remittance of
2 returns. Such rules shall:**

3 **(1) Allow for electronic payments by all remitters by both ACH credit and ACH
4 debit;**

5 **(2) Provide an alternative method for making "same day" payments if an electronic
6 funds transfer fails;**

7 **(3) Provide that if a due date falls on a legal banking holiday in the state, the taxes
8 shall be due on the next succeeding business day; and**

9 **(4) Require that any data that accompanies a remittance be formatted using
10 uniform tax type and payment type codes approved by the streamlined sales and use tax
11 governing board.**

12 **2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any
13 model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified
14 format approved by the director at such times as may be prescribed by the director.**

144.100. 1. Every person making any taxable sales of property or service, except
2 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized
3 officer or agent, shall make and file a written return with the director of revenue in such manner
4 as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by the director of the
6 department of revenue and shall be filed at the times provided in sections 144.080 and 144.090.
7 The returns shall [show the amount of gross receipts from sales of taxable property and services
8 by the person and the amount of tax due thereon by that person during and for the period covered
9 by the return] **state:**

10 **(1) The name and address of the retailer;**

11 **(2) The total amount of gross sales of all tangible personal property and taxable**
12 **services rendered by the retailer during the period for which the return is made;**

13 **(3) The total amount received during the period for which the return is made on**
14 **charge and time sales of tangible personal property made and taxable services rendered**
15 **prior to the period for which the return is made;**

16 **(4) Deductions allowed by law from such total amount of gross sales and from total**
17 **amount received during the period for which the return is made on such charge and time**
18 **sales;**

19 **(5) Receipts during the period for which the return is made from the total amount**
20 **of sales of tangible personal property and taxable services rendered during such period in**
21 **the course of such business, after deductions allowed by law have been made;**

22 **(6) Receipts during the period for which the return is made from charge and time**
23 **sales of tangible personal property made and taxable services rendered prior to such**
24 **period in the course of such business, after deductions allowed by law have been made;**

25 **(7) Gross receipts during the period for which the return is made from sales of**
26 **tangible personal property and taxable services rendered in the course of such business**
27 **upon the basis of which the tax is imposed; and**

28 **(8) Such other pertinent information as the director may require.**

29 **3. In making such return, the retailer shall determine the market value of any**
30 **consideration, other than money, received in connection with the sale of any tangible**
31 **personal property in the course of the business and shall include such value in the return.**
32 **Such value shall be subject to review and revision by the director as hereinafter provided.**
33 **Refunds made by a retailer during the period for which the return is made on account of**
34 **tangible personal property returned to the retailer shall be allowed as a deduction under**
35 **subdivision (4) of subsection 2 of this section in case the retailer has included the receipts**
36 **from such sale in a return made by such retailer and paid taxes on such sale. The retailer**

37 shall, at the time of making such return, pay to the director the amount of tax owed, except
38 as otherwise provided in this section. The director may extend the time for making returns
39 and paying the tax required by this section for any period not to exceed sixty days under
40 such rules and regulations as the director of revenue may prescribe.

41 **4. The director shall only require a single tax return for each taxing period and**
42 **such return shall include only the taxing jurisdictions in which the seller makes sales**
43 **within the state.** With each return, the person shall remit to the director of revenue the full
44 amount of the tax due.

45 [3.] **5.** In case of charge and time sales the gross receipts thereof shall be included as
46 sales in the returns as and when payments are received by the person, without any deduction
47 therefrom whatsoever.

48 [4.] **6.** If an error or omission is discovered in a return or a change be necessary to show
49 the true facts, the error may be corrected, the omission supplied, or the change made in the return
50 next filed with the director for the filing period immediately following the filing period in which
51 the error was made or the omission occurred, as prescribed by law, except that no refund under
52 this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges
53 incident to credit card discounts. Any other omission or error must be corrected by filing an
54 amended return for the erroneously reported period if the amount of tax is less than that
55 originally reported, or an additional return if the amount of tax is greater than that originally
56 reported. An additional return shall be deemed filed on the date the envelope in which it is
57 mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment
58 of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope
59 containing the payment is postmarked or the date the payment is received by the director,
60 whichever is earlier. If a refund or credit results from the filing of an amended return, no refund
61 or credit shall be allowed unless an application for refund or credit is properly completed and
62 submitted to the director pursuant to section 144.190.

63 [5.] **7.** The amount of gross receipts from sales and the amount of tax due returned by
64 the person, as well as all matters contained in the return, is subject to review and revision in the
65 manner herein provided for the correction of the returns.

144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts
2 **attributable to taxable sales of such seller that have become uncollectable. Any deduction**
3 **taken that is attributed to bad debts shall not include interest.**

4 **2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C.**
5 **Section 166(b), as amended, except that such amount shall be adjusted to exclude financing**
6 **charges or interest, sales, or use taxes charged on the purchase price, uncollectable**

7 amounts on property that remain in the possession of the seller until the full purchase price
8 is paid, and expenses incurred in attempting to collect any debt or repossessed property.

9 **3. Bad debts may be deducted on the return for the period during which the bad**
10 **debt is written off as uncollectable in the seller's books and records and is eligible to be**
11 **deducted for federal income tax purposes. For purposes of this subsection, a seller who is**
12 **not required to file federal income tax returns may deduct bad debt on a return filed for**
13 **the period in which the bad debt is written off as uncollectable in the seller's books and**
14 **records and would be eligible for a bad debt deduction for federal income tax purposes if**
15 **the seller was required to file a federal income tax return.**

16 **4. If a deduction is taken for a bad debt and the debt is subsequently collected in**
17 **whole or in part, the tax on the amount so collected shall be paid and reported on the**
18 **return filed for the period in which the collection is made.**

19 **5. When the amount of bad debt exceeds the amount of taxable sales for the period**
20 **during which the bad debt is written off, a refund claim may be filed by the seller within**
21 **the applicable statute of limitations for refund claim; however, the statute of limitations**
22 **shall be measured from the due date of the return on which the bad debt could first be**
23 **claimed.**

24 **6. Where filing responsibilities have been assumed by a certified service provider,**
25 **such service provider may claim, on behalf of the seller, any bad debt allowance provided**
26 **by this section. The certified service provider shall credit or refund the full amount of any**
27 **bad debt allowance or refund received to the seller.**

28 **7. For the purposes of reporting a payment received on a previously claimed bad**
29 **debt, any payments made on a debt or account shall first be applied proportionally to the**
30 **taxable price of the property or service and the sales tax thereon, and secondly to interest,**
31 **service charges, and any other charges.**

32 **8. In situations where the books and records of the seller, or certified service**
33 **provider on behalf of the seller, claiming the bad debt allowance support an allocation of**
34 **the bad debts among the member states, such an allocation shall be permitted.**

144.110. 1. The state shall review software submitted to the streamlined sales and
2 use tax governing board for certification as a certified automated system (CAS) under
3 Section 501 of the streamlined sales and use tax agreement. Such review shall include a
4 determination whether the program adequately classifies the state's product-based
5 exemptions. Upon completion of the review, the state shall certify to the governing board
6 its acceptance of the classifications made by the system. The state shall relieve a certified
7 service provider (CSP) or model 2 seller from liability to this state and its local

8 jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2
9 seller's reliance on the certification provided by the state.

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

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

144.123. 1. The director shall provide and maintain a database that describes
2 boundary changes for all taxing jurisdictions and the effective dates of such changes for
3 sales and use tax purposes.

4 2. The director shall provide and maintain a database of all sales and use tax rates
5 for all taxing jurisdictions. For the identification of counties and cities, codes
6 corresponding to the rates shall be provided according to Federal Information Processing
7 Standards (FIPS) as developed by the National Institute of Standards and Technology. For
8 the identification of all other jurisdictions, codes corresponding to the rates shall be in a
9 format determined by the director.

10 3. The director shall provide and maintain a database that assigns each five- and
11 nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax
12 rate imposed in the zip code area shall apply if the area includes more than one tax rate in
13 any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a
14 street address, or if a seller or a certified service provider (CSP) is unable to determine the
15 nine-digit zip code designation applicable to a purchase after exercising due diligence to
16 determine the designation, the seller or CSP may apply the rate for the five-digit zip code
17 area. For purposes of this section, there shall be a rebuttable presumption that a seller or
18 CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip
19 code designation by utilizing software approved by the secretary that makes this
20 designation from the street address and the five-digit zip code applicable to a purchase.

21 **4. The director may provide address-based boundary database records for**
22 **assigning taxing jurisdictions and associated rates which shall be in addition to the**
23 **requirements of subsection 3 of this section. The database records shall be in the same**
24 **approved format as the database records required under subsection 3 of this section and**
25 **shall meet the requirements developed pursuant to the federal Mobile Telecommunications**
26 **Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based**
27 **assignment database records pursuant to the agreement, sellers that register under the**
28 **agreement shall be required to use such database. A seller or CSP shall use such database**
29 **records in place of the five- and nine-digit zip code database records provided for in**
30 **subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate**
31 **and jurisdiction using an address-based database record after exercising due diligence, the**
32 **seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a**
33 **nine-digit zip code designation is not available for a street address or if a seller or CSP is**
34 **unable to determine the nine-digit zip code designation applicable to a purchase after**
35 **exercising due diligence to determine the designation, the seller or CSP may apply the rate**
36 **for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable**
37 **presumption that a seller or CSP has exercised due diligence if the seller or CSP has**
38 **attempted to determine the tax rate and jurisdiction by utilizing software approved by the**
39 **director and makes the assignment from the address and zip code information applicable**
40 **to the purchase. If the director has met the requirements of subsection 3 of this section, the**
41 **director may also elect to certify vendor provided address-based databases for assigning**
42 **tax rates and jurisdictions. The databases shall be in the same approved format as the**
43 **database records under this section and meet the requirements developed pursuant to the**
44 **federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If**
45 **the director certifies a vendor address-based database, a seller or CSP may use such**
46 **database in place of the database provided for in this subsection.**

47 **5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section**
48 **shall be in a downloadable format as determined by the director. The databases may be**
49 **directly provided by the director or provided by a vendor as designated by the director.**
50 **A database provided by a vendor as designated by the director shall be applicable and**
51 **subject to the provisions of section 144.1031 and this section. The databases shall be**
52 **provided at no cost to the user of the database. The provisions of subsections 3 and 4 of**
53 **this section shall not apply when the purchased product is received by the purchaser at the**
54 **business location of the seller.**

55 **6. No seller or CSP shall be liable for reliance upon erroneous data provided by the**
56 **director on tax rates, boundaries, or taxing jurisdiction assignments.**

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

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

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

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

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

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

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. 1. From every remittance to the director of revenue made on or before the date
2 when the same becomes due, the person required to remit the same shall be entitled to deduct and
3 retain an amount equal to two percent thereof.

4 **2. If the director of the department of revenue enters into the streamlined sales and**
5 **use tax agreement under section 32.070, the director shall provide a monetary allowance**
6 **from the taxes collected to each of the following:**

7 **(1) A certified service provider, in accordance with the agreement and under the**
8 **terms of the contract signed with the provider, provided that such allowance shall not**
9 **exceed two percent of the amount collected;**

10 **(2) Any vendor registered under the agreement that selects a certified automated**
11 **system to perform part of its sales or use tax functions;**

12 **(3) Any vendor registered under the agreement that uses a proprietary system to**
13 **calculate taxes due and has entered into a performance agreement with states that are**
14 **members of the streamlined sales and use tax agreement.**

15 **3. The monetary allowance provided for vendors in subdivision (2) or (3) of**
16 **subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.**

17 **4. Any vendor receiving an allowance under subsection 2 of this section shall not**
18 **be entitled simultaneously to deduct the allowance provided for in subsection 1 of this**
19 **section.**

144.210. 1. The burden of proving that a sale of tangible personal property, services,
2 substances or things was not a sale at retail shall be upon the person who made the sale, except
3 that with respect to sales, services, or transactions provided for in section 144.070. [The seller
4 shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence
5 for any exempt sales claimed; provided, however, that before any administrative tribunal of this
6 state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof
7 admissible under the applicable rules of evidence; except that when a purchaser has purchased
8 tangible personal property or services sales tax free under a claim of exemption which is found
9 to be improper, the director of revenue may collect the proper amount of tax, interest, additions
10 to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty
11 collected by the director from the purchaser shall be credited against the amount otherwise due
12 from the seller on the purchases or sales where the exemption was claimed.]

13 **2. If the director of revenue is not satisfied with the return and payment of the tax made**
14 **by any person, he is hereby authorized and empowered to make an additional assessment of tax**
15 **due from such person, based upon the facts contained in the return or upon any information**
16 **within his possession or that shall come into his possession.**

17 3. The director of revenue shall give to the person written notice of such additional or
18 revised assessment by certified or registered mail to the person at his or its last known address.

**144.212. 1. In addition to all other provisions of law provided for exemptions, when
2 an exemption is claimed by a purchaser:**

3 **(1) The seller shall obtain identifying information of the purchaser and the reason
4 for claiming a tax exemption at the time of the purchase;**

5 **(2) A purchaser shall not be required to provide a signature to claim an exemption
6 from tax unless a paper exemption certificate is used;**

7 **(3) The seller shall use the standard form for claiming an exemption electronically
8 prescribed by the director of the department of revenue and acceptable to the streamlined
9 sales and use tax governing board;**

10 **(4) The seller shall obtain the same information for proof of a claimed exemption
11 regardless of the medium in which the transaction occurred;**

12 **(5) The seller shall maintain proper records of exempt transactions and provide
13 such records to the director of the department of revenue or the director's designee upon
14 request;**

15 **(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper,
16 may claim a resale exemption based on an exemption certificate provided by its customer
17 or any other acceptable information available to the third-party vendor evidencing
18 qualification for a resale exemption, regardless of whether the customer is registered to
19 collect and remit sales and use tax in the state where the sale is sourced.**

20 **2. (1) Sellers that comply with the requirements of this section shall be relieved
21 from collecting and remitting tax otherwise applicable if it is determined that the
22 purchaser improperly claimed an exemption and such purchaser shall be liable for the
23 nonpayment of tax. Relief from liability provided under this section shall not apply to a
24 seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate
25 in the unlawful claim of an exemption; to a seller who accepts an exemption certificate
26 when the purchaser claims an entity-based exemption when the subject of the transaction
27 sought to be covered by the exemption certificate is actually received by the purchaser at
28 a location operated by the seller and the state in which that location resides provides an
29 exemption certificate that clearly and affirmatively indicates that the claimed exemption
30 is not available in such state; or to a seller who accepts an exemption certificate claiming
31 multiple points of use for tangible personal property other than computer software for
32 which an exemption claiming multiple points of use not available in such state.**

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

36 **(3) If a seller fails to obtain an exemption certificate or all relevant data elements**
37 **as provided in this section, the seller may, within one hundred twenty days subsequent to**
38 **a request for substantiation by the director of the department of revenue or the director's**
39 **designee, either prove that the transaction was not subject to tax by other means or obtain**
40 **a fully completed exemption certificate from the purchaser, taken in good faith.**

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

44 **4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the**
45 **director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket**
46 **exemption certificate for a purchaser with which the seller has a recurring business**
47 **relationship. The director shall not request from the seller renewal of blanket certificates**
48 **or updates of exemption certificate information or data elements when there is a recurring**
49 **business relationship between the buyer and seller. For purposes of this section, a**
50 **recurring business relationship exists when a period of no more than twelve months elapses**
51 **between sales transactions.**

144.285. 1. [In order to permit sellers required to collect and report the sales tax to
2 collect the amount required to be reported and remitted, but not to change the requirements of
3 reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of
4 pennies, the director of revenue shall establish brackets, showing the amounts of tax to be
5 collected on sales of specified amounts, which shall be applicable to all taxable transactions]
6 **When the seller is computing the amount of tax owed by the purchaser and remitted to the**
7 **state:**

8 **(1) Tax computation shall be carried to the third decimal place; and**

9 **(2) The tax shall be rounded to a whole cent using a method that rounds up to the**
10 **next cent whenever the third decimal place is greater than four.**

11 **2. [In all instances where statements covering taxable purchases are rendered to the**
12 **taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying**
13 **the applicable tax rate to the taxable purchases represented on the statement, rounded to the**
14 **nearest whole cent, or by application of the brackets established by the director of revenue, at the**
15 **option of the retail vendor] Sellers may elect to compute the tax due on a transaction on an**
16 **item or an invoice basis. The provision of this subsection may be applied to the aggregated**
17 **state and local taxes.**

18 3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax
19 any sum in excess of the sums provided for in this section.

20 4. [A vendor may, at his option, determine the amount charged to and received from each
21 purchaser by use of a formula which applies the applicable tax rate to each taxable purchase,
22 rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to
23 all purchases similarly situated.

24 5.] Amounts which a vendor charges to and receives from the purchaser in accordance
25 with this section shall not be includable in his gross receipts if the amounts are separately
26 charged or stated.

27 [6.] 5. If sales tax for one or more local political subdivisions is owed by a taxpayer
28 pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a
29 filing period specified in section 144.080, the director of revenue shall deposit the tax remitted
30 proportionately to each taxing jurisdiction in accordance with the percentage that each such
31 jurisdiction's share of the tax due for the filing period bears to the total tax due from such
32 taxpayer for such period. The unpaid balance due along with penalties and interest shall be
33 similarly prorated among the state and all local jurisdictions for which tax was due during the
34 filing period for which an underpayment occurs. The provisions of this subsection shall apply
35 to all returns or remittances relating to sales made on or after January 1, 1984.

144.440. 1. In addition to all other taxes now or hereafter levied and imposed upon
2 every person for the privilege of using the highways or waterways of this state, there is hereby
3 levied and imposed a tax equivalent to four percent of the purchase price, as defined in section
4 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard
5 motors purchased or acquired for use on the highways or waters of this state which are required
6 to be registered under the laws of the state of Missouri.

7 2. At the time the owner of any such motor vehicle, trailer, boat, or outboard motor
8 makes application to the director of revenue for an official certificate of title and the registration
9 of the same as otherwise provided by law, he shall present to the director of revenue evidence
10 satisfactory to the director showing the purchase price paid by or charged to the applicant in the
11 acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle,
12 trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle,
13 trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or
14 cause to be paid to the director of revenue the tax provided herein.

15 3. In the event that the purchase price is unknown or undisclosed, or that the evidence
16 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by
17 the director.

18 4. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard
19 motor unless the tax for the privilege of using the highways or waters of this state has been paid
20 or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection
21 5 of this section.

22 5. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used
23 exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020
24 at the time of registration or in lieu thereof may pay a use tax as provided in sections 144.010,
25 144.020, 144.070 and 144.440. A use tax shall be charged and paid on the amount charged for
26 each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is
27 domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an
28 affidavit to that effect in such form as the director of revenue shall require and shall remit the tax
29 due at such times as the director of revenue shall require.

30 6. In the event that any leasing company which rents or leases motor vehicles, trailers,
31 boats, or outboard motors elects to collect a use tax, all of its lease receipt would be subject to
32 the use tax, regardless of whether or not the leasing company previously paid a sales tax when
33 the vehicle, trailer, boat, or outboard motor was originally purchased.

34 7. The provisions of this section, and the tax imposed by this section, shall not apply to
35 manufactured homes.

36 **8. The provisions of subsections 1 of this section notwithstanding, the rate of tax**
37 **imposed under this section shall be as follows:**

38 **(1) For the 2014 calendar year, four and one-fifth percent;**

39 **(2) For the 2015 calendar year, four and three-tenths percent;**

40 **(3) For the 2016 calendar year, four and two-fifths percent;**

41 **(4) For the 2017 calendar year, four and one-half percent; and**

42 **(5) For all calendar years beginning on or after January 1, 2018, four and three-**
43 **fifths percent.**

144.522. Any ruling, agreement, or contract, whether written or oral, express or
2 **implied, between a person and this state's executive branch or any other state agency or**
3 **department stating, agreeing, or ruling that such person is not required to collect sales and**
4 **use tax in this state despite the presence of a warehouse, distribution center, or fulfillment**
5 **center in this state that is owned or operated by the person or an affiliated person shall be**
6 **null and void unless it is specifically approved by a majority vote of each of the houses of**
7 **the general assembly. For purposes of this subsection, an "affiliated person" means any**
8 **person that is a member of the same "controlled group of corporations" as defined in**
9 **Section 1563(a) of the Internal Revenue Code as the vendor or any other entity that,**
10 **notwithstanding its form of organization, bears the same ownership relationship to the**

11 **vendor as a corporation that is a member of the same "controlled group of corporations"**
12 **as defined in Section 1563(a) of the Internal Revenue Code.**

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales
2 Tax Holiday".

3 2. [For purposes of this section, the following terms mean:

4 (1) "Appliance", clothes washers and dryers, water heaters, trash compactors,
5 dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and
6 freezers; and

7 (2) "Energy star certified", any appliance approved by both the United States
8 Environmental Protection Agency and the United States Department of Energy as eligible to
9 display the energy star label, as amended from time to time.

10 3.] In each year beginning on or after January 1, 2009, there is hereby specifically
11 exempted from state sales tax law all retail sales of any [energy star certified] new appliance
12 **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance,
13 during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight
14 on April twenty-fifth.

15 [4. A political subdivision may allow the sales tax holiday under this section to apply to
16 its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall
17 notify the department of revenue not less than forty-five calendar days prior to the beginning date
18 of the sales tax holiday occurring in that year of any such ordinance or order.

19 5. This section may not apply to any retailer when less than two percent of the retailer's
20 merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales
21 tax refund in lieu of the sales tax holiday.]

144.605. 1. The following words and phrases as used in sections 144.600 to 144.745
2 mean and include:

3 (1) "Calendar quarter", the period of three consecutive calendar months ending on March
4 thirty-first, June thirtieth, September thirtieth or December thirty-first;

5 (2) "Engages in business activities within this state" includes:

6 (a) [Purposefully or systematically exploiting the market provided by this state by any
7 media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct
8 mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television,
9 radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

10 (b) Being owned or controlled by the same interests which own or control any seller
11 engaged in the same or similar line of business in this state; or

12 (c)] Maintaining or having a franchisee or licensee operating under the seller's trade
13 name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections
14 144.010 to 144.525; [or]

15 [(d)] (b) Soliciting sales or taking orders by sales agents or traveling representatives;

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

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

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

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

26 d. **Facilitates the vendor's delivery of property to customers in the state by allowing**
27 **the vendor's customers to pick up property sold by the vendor at an office, distribution**
28 **facility, warehouse, storage place, or similar place of business maintained by the person in**
29 **the state; or**

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

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

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

43 (f) **The presumption in paragraph (e) may be rebutted by submitting proof that the**
44 **residents with whom the vendor has an agreement did not engage in any activity within the**
45 **state that was significantly associated with the vendor's ability to establish or maintain the**
46 **vendor's market in the state during the preceding twelve months. Such proof may consist**
47 **of sworn written statements from all of the residents with whom the vendor has an**

48 **agreement stating that they did not engage in any solicitation in the state on behalf of the**
49 **vendor during the preceding year provided that such statements were provided and**
50 **obtained in good faith;**

51 (3) "Maintains a place of business in this state" includes maintaining, occupying, or
52 using, permanently or temporarily, directly or indirectly, [or through a subsidiary, or agent,] by
53 whatever name called, an office, place of distribution, sales or sample room or place, warehouse
54 or storage place, or other place of business **in this state, whether owned or operated by the**
55 **vendor or by any other person other than a common carrier acting in its capacity as such;**

56 (4) "Person", any individual, firm, copartnership, joint venture, association, corporation,
57 municipal or private, and whether organized for profit or not, state, county, political subdivision,
58 state department, commission, board, bureau or agency, except the state transportation
59 department, estate, trust, business trust, receiver or trustee appointed by the state or federal court,
60 syndicate, or any other group or combination acting as a unit, and the plural as well as the
61 singular number;

62 (5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property,
63 through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

64 (6) "Purchaser", any person who is the recipient for a valuable consideration of any sale
65 of tangible personal property acquired for use, storage or consumption in this state;

66 (7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal
67 property, or the right to use, store or consume the same, for a consideration paid or to be paid,
68 and any transaction whether called leases, rentals, bailments, loans, conditional sales or
69 otherwise, and notwithstanding that the title or possession of the property or both is retained for
70 security. For the purpose of this law the place of delivery of the property to the purchaser, user,
71 storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or
72 by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers,
73 representatives, consignors, peddlers, canvassers or otherwise;

74 (8) "Sales price", the consideration including the charges for services, except charges
75 incident to the extension of credit, paid or given, or contracted to be paid or given, by the
76 purchaser to the vendor for the tangible personal property, including any services that are a part
77 of the sale, valued in money, whether paid in money or otherwise, and any amount for which
78 credit is given to the purchaser by the vendor, without any deduction therefrom on account of the
79 cost of the property sold, the cost of materials used, labor or service cost, losses or any other
80 expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included
81 and "sales price" shall not include the amount charged for property returned by customers upon
82 rescission of the contract of sales when the entire amount charged therefor is refunded either in
83 cash or credit or the amount charged for labor or services rendered in installing or applying the

84 property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600
85 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any
86 charge incident to the extension of credit shall be specifically exempted;

87 (9) "Selling agent", every person acting as a representative of a principal, when such
88 principal is not registered with the director of revenue of the state of Missouri for the collection
89 of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and
90 who receives compensation by reason of the sale of tangible personal property of the principal,
91 if such property is to be stored, used, or consumed in this state;

92 (10) "Storage", any keeping or retention in this state of tangible personal property
93 purchased from a vendor, except property for sale or property that is temporarily kept or retained
94 in this state for subsequent use outside the state;

95 (11) "Tangible personal property", all items subject to the Missouri sales tax as provided
96 in subdivisions (1) and (3) of section 144.020;

97 (12) "Taxpayer", any person remitting the tax or who should remit the tax levied by
98 sections 144.600 to 144.745;

99 (13) "Use", the exercise of any right or power over tangible personal property incident
100 to the ownership or control of that property, except that it does not include the temporary storage
101 of property in this state for subsequent use outside the state, or the sale of the property in the
102 regular course of business;

103 (14) "Vendor", every person engaged in making sales of tangible personal property by
104 mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking
105 orders for sales of tangible personal property, for storage, use or consumption in this state, all
106 salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of
107 the dealers, distributors, consignors, supervisors, principals or employers under whom they
108 operate or from whom they obtain the tangible personal property sold by them, and every person
109 who maintains a place of business in this state, maintains a stock of goods in this state, or
110 engages in business activities within this state and every person who engages in this state in the
111 business of acting as a selling agent for persons not otherwise vendors as defined in this
112 subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of
113 the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded
114 as vendors and the dealers, distributors, consignors, supervisors, principals or employers must
115 be regarded as vendors for the purposes of sections 144.600 to 144.745. [A person shall not be
116 considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

117 (a) The person's total gross receipts did not exceed five hundred thousand dollars in this
118 state, or twelve and one-half million dollars in the entire United States, in the immediately
119 preceding calendar year;

120 (b) The person maintains no place of business in this state; and

121 (c) The person has no selling agents in this state.]

122 **2. This section shall terminate on January 1, 2015.**

144.655. 1. Every vendor, on or before the last day of the month following each calendar
2 quarterly period of three months, shall file with the director of revenue a return of all taxes
3 collected for the preceding quarter in the form prescribed by the director of revenue, showing the
4 total sales price of the tangible personal property sold by the vendor, the storage, use or
5 consumption of which is subject to the tax levied by this law, and other information the director
6 of revenue deems necessary. The return shall be accompanied by a remittance of the amount of
7 the tax required to be collected by the vendor during the period covered by the return. Returns
8 shall be signed by the vendor or the vendor's authorized agent. The director of revenue may
9 promulgate rules or regulations changing the filing and payment requirements of vendors, but
10 shall not require any vendor to file and pay more frequently than required in this section.

11 2. Where the aggregate amount of tax required to be collected by a vendor is in excess
12 of two hundred and fifty dollars for either the first or second month of a calendar quarter, the
13 vendor shall pay such aggregate amount for such months to the director of revenue by the
14 twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against
15 the liability shown on the vendor's quarterly return required by this section.

16 3. Where the aggregate amount of tax required to be collected by a vendor is less than
17 forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the
18 vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or
19 before January thirty-first of the succeeding year.

20 4. Except as provided in subsection 5 of this section, every person purchasing tangible
21 personal property, the storage, use or consumption of which is subject to the tax levied by
22 sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance
23 with the provisions of section 144.650, shall file with the director of revenue a return for the
24 preceding reporting period in the form and manner that the director of revenue prescribes,
25 showing the total sales price of the tangible property purchased during the preceding reporting
26 period and any other information that the director of revenue deems necessary for the proper
27 administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance
28 of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person.
29 Returns shall be signed by the person liable for the tax or such person's duly authorized agent.
30 For purposes of this subsection, the reporting period shall be determined by the director of
31 revenue and may be a calendar quarter or a calendar year. Annual returns and payments required
32 by the director pursuant to this subsection shall be due on or before April fifteenth of the year
33 for the preceding calendar year and quarterly returns and payments shall be due on or before the

34 last day of the month following each calendar period of three months. Upon the taxpayer's
35 request, the director may allow the filing of such returns and payments on a monthly basis. If
36 a taxpayer elects to file a monthly return and payment, such return and payment shall be due on
37 or before the twentieth day of the succeeding month.

38 5. Any person purchasing tangible personal property subject to the taxes imposed by
39 sections 144.600 to 144.748 shall not be required to file a use tax return with the director of
40 revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two
41 thousand dollars in any calendar year.

42 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the
43 tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of
44 tangible personal property used, stored or consumed in this state and to remit all taxes collected
45 to the director of revenue in accordance with the provisions of this section nor shall it relieve a
46 purchaser from paying such taxes to a vendor registered in accordance with the provisions of
47 section 144.650.

48 **7. Any out-of-state seller which is not legally required to register for use tax in this**
49 **state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a**
50 **return for the calendar year. The return shall be filed and the taxes paid on or before**
51 **January thirty-first of the succeeding year. In the event that any out-of-state seller which**
52 **is not legally required to register for use tax in this state but chooses to collect and remit**
53 **use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in**
54 **an amount equal to one thousand dollars or more, such vendor shall file a return and remit**
55 **the amount due for the month in which the accumulated state and local use tax funds equal**
56 **or exceed one thousand dollars.**

144.700. 1. All revenue received by the director of revenue from the tax imposed by
2 sections 144.010 to 144.430 and 144.600 to 144.745, **including any payments of taxes made**
3 **under protest, shall be deposited in the state general revenue fund, except [that] for:**

4 **(1) The revenue derived from the rate of one cent on the dollar of the tax which shall be**
5 **held and distributed in the manner provided in sections 144.701 and 163.031], shall be deposited**
6 **in the state general revenue fund, including any payments of the taxes made under protest] ;**

7 **(2) The revenue derived from the rate of one-fifth percent imposed for all calendar**
8 **years beginning on or after January 1, 2014. The first two hundred million dollars of such**
9 **revenue collected shall be deposited into the mental health facilities capital improvement**
10 **fund, created in section 630.1100. After two hundred million dollars have been deposited**
11 **into such fund, the revenue derived from the rate specified in this subdivision shall be**
12 **deposited in the state road fund created in section 30(b) of article IV of the Constitution**
13 **of Missouri. If an additional tax rate is imposed under sections 144.010 to 144.430 and**

14 **144.600 to 144.745 with the revenue derived from the increase in the rate deposited in the**
15 **state road fund, then the revenue derived from this subdivision shall be deposited in the**
16 **state general revenue fund.**

17 2. The director of revenue shall keep accurate records of any payment of the tax made
18 under protest. In the event any payment shall be made under protest:

19 (1) A protest affidavit shall be submitted to the director of revenue within thirty days
20 after the payment is made; and

21 (2) An appeal shall be taken in the manner provided in section 144.261 from any
22 decision of the director of revenue disallowing the making of the payment under protest or an
23 application shall be filed by a protesting taxpayer with the director of revenue for a stay of the
24 period for appeal on the ground that a case is presently pending in the courts involving the same
25 question, with an agreement by the taxpayer to be bound by the final decision in the pending
26 case.

27 3. Nothing in this section shall be construed to apply to any refund to which the taxpayer
28 would be entitled under any applicable provision of law.

29 4. All payments deposited in the state general revenue fund that are made under protest
30 shall be retained in the state treasury if the taxpayer does not prevail. If the taxpayer prevails,
31 then taxes paid under protest shall be refunded to the taxpayer, with all interest income derived
32 therefrom, from funds appropriated by the general assembly for such purpose.

144.710. [From every remittance made by a vendor as required by sections 144.600 to
2 144.745 to the director of revenue on or before the date when the remittance becomes due, the
3 vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and**
4 **144.212, pertaining to the allowance for timely remittance of payment, are applicable to**
5 **the tax levied by this law.**

221.407. 1. The commission of any regional jail district may impose, by order, a sales
2 tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one
3 percent, or one-half of one percent on all retail sales made in such region which are subject to
4 taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing
5 jail services and court facilities and equipment for such region. The tax authorized by this
6 section shall be in addition to any and all other sales taxes allowed by law, except that no order
7 imposing a sales tax pursuant to this section shall be effective unless the commission submits
8 to the voters of the district, on any election date authorized in chapter 115, a proposal to
9 authorize the commission to impose a tax.

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

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

15 YES NO

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

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

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

37 5. All sales taxes collected by the director of revenue pursuant to this section on behalf
38 of any district, less one percent for cost of collection which shall be deposited in the state's
39 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,
40 shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional
41 Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund
42 shall not be deemed to be state funds and shall not be commingled with any funds of the state.
43 The director of revenue shall keep accurate records of the amount of money in the trust fund
44 which was collected in each district imposing a sales tax pursuant to this section, and the records
45 shall be open to the inspection of officers of each member county and the public. Not later than
46 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
47 trust fund during the preceding month to the district which levied the tax. Such funds shall be

48 deposited with the treasurer of each such district, and all expenditures of funds arising from the
49 regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the
50 commission and shall be approved by the commission. Expenditures may be made from the fund
51 for any function authorized in the order adopted by the commission submitting the regional jail
52 district tax to the voters.

53 6. The director of revenue may authorize the state treasurer to make refunds from the
54 amounts in the trust fund and credited to any district for erroneous payments and overpayments
55 made, and may redeem dishonored checks and drafts deposited to the credit of such districts.
56 If any district abolishes the tax, the commission shall notify the director of revenue of the action
57 at least ninety days prior to the effective date of the repeal, and the director of revenue may order
58 retention in the trust fund, for a period of one year, of two percent of the amount collected after
59 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
60 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
61 after the effective date of abolition of the tax in such district, the director of revenue shall remit
62 the balance in the account to the district and close the account of that district. The director of
63 revenue shall notify each district in each instance of any amount refunded or any check redeemed
64 from receipts due the district.

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

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

238.235. 1. (1) Any transportation development district may by resolution impose a
2 transportation development district sales tax on all retail sales made in such transportation
3 development district which are subject to taxation pursuant to the provisions of sections 144.010
4 to 144.525, except such transportation development district sales tax shall not apply to the sale
5 or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or
6 electrical current, water and gas, natural or artificial, nor to sales of service to telephone
7 subscribers, either local or long distance] **fuels used to power motor vehicles, aircraft,**
8 **locomotives, or watercraft; electricity, piped natural or artificial gas, or other fuels**
9 **delivered by the seller; and the retail sales or transfer of motor vehicles, aircraft,**
10 **watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation
11 development district sales tax may be imposed for any transportation development purpose
12 designated by the transportation development district in its ballot of submission to its qualified
13 voters, except that no resolution enacted pursuant to the authority granted by this section shall
14 be effective unless:

15 (a) The board of directors of the transportation development district submits to the
16 qualified voters of the transportation development district a proposal to authorize the board of

17 directors of the transportation development district to impose or increase the levy of an existing
18 tax pursuant to the provisions of this section; or

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

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

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

30 YES NO

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

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

41 (3) [The sales tax authorized by this section shall become effective on the first day of the
42 second calendar quarter after the department of revenue receives notification of the tax.

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

48 (5) In order to permit sellers required to collect and report the sales tax authorized by this
49 section to collect the amount required to be reported and remitted, but not to change the
50 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
51 fractions of pennies, the transportation development district may establish appropriate brackets

52 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets
53 provided in section 144.285.

54 (6) All revenue received by a transportation development district from the tax
55 authorized by this section which has been designated for a certain transportation development
56 purpose shall be deposited in a special trust fund and shall be used solely for such designated
57 purpose. Upon the expiration of the period of years approved by the qualified voters pursuant
58 to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant
59 to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be
60 used solely for such designated transportation development purpose. Any funds in such special
61 trust fund which are not needed for current expenditures may be invested by the board of
62 directors in accordance with applicable laws relating to the investment of other transportation
63 development district funds.

64 [(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up
65 to a maximum of one percent on the receipts from the sale at retail of all tangible personal
66 property or taxable services at retail within the transportation development district adopting such
67 tax, if such property and services are subject to taxation by the state of Missouri pursuant to the
68 provisions of sections 144.010 to 144.525, except such transportation development district sales
69 tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to
70 public utilities. Any transportation development district sales tax imposed pursuant to this
71 section shall be imposed at a rate that shall be uniform throughout the district.

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

78 3. [On and after the effective date of any tax imposed pursuant to this section, the
79 director of revenue shall perform all functions incident to the administration, collection,
80 enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all
81 other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax
82 imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of
83 Missouri shall be collected together and reported upon such forms and pursuant to such
84 administrative rules and regulations as may be prescribed by the director of revenue.

85 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the
86 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality

87 provision, shall apply to the collection of the tax imposed by this section, except as modified in
88 this section.

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

93 (3) The same sales tax permit, exemption certificate and retail certificate required by
94 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
95 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
96 certificate shall be required; except that the transportation development district may prescribe
97 a form of exemption certificate for an exemption from the tax imposed by this section.

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

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

103 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
104 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place
105 of business of the retailer unless the tangible personal property sold is delivered by the retailer
106 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an
107 out-of-state destination. In the event a retailer has more than one place of business in this state
108 which participates in the sale, the sale shall be deemed to be consummated at the place of
109 business of the retailer where the initial order for the tangible personal property is taken, even
110 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or
111 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of
112 business from which the employee works.

113 5.] All sales taxes received by the transportation development district shall be deposited
114 by the director of revenue in a special fund to be expended for the purposes authorized in this
115 section. The director of revenue shall keep accurate records of the amount of money which was
116 collected pursuant to this section, and the records shall be open to the inspection of officers of
117 each transportation development district and the general public.

118 [6.] 4. (1) No transportation development district imposing a sales tax pursuant to this
119 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
120 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
121 revenue bonds, notes or other obligations which it has issued or which have been issued by the
122 commission or any local transportation authority to finance any project or projects.

123 (2) Whenever the board of directors of any transportation development district in which
124 a transportation development sales tax has been imposed in the manner provided by this section
125 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal
126 such transportation development sales tax, the board of directors shall, if such repeal will not
127 impair the district's ability to repay any liabilities which it has incurred, money which it has
128 borrowed or revenue bonds, notes or other obligations which it has issued or which have been
129 issued by the commission or any local transportation authority to finance any project or projects,
130 submit to the qualified voters of such transportation development district a proposal to repeal the
131 transportation development sales tax imposed pursuant to the provisions of this section. If a
132 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
133 the proposal to repeal the transportation development sales tax, then the resolution imposing the
134 transportation development sales tax, along with any amendments thereto, is repealed. If a
135 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to
136 repeal the transportation development sales tax, then the ordinance or resolution imposing the
137 transportation development sales tax, along with any amendments thereto, shall remain in effect.

138 [7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to
139 the contrary, the sales tax imposed by a district whose project is a public mass transportation
140 system shall not be considered economic activity taxes as such term is defined under sections
141 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of
142 section 99.845, or subsection 4 of section 99.957.

143 **6. After the effective date of any tax imposed under the provisions of this section,**
144 **the director of revenue shall perform all functions incident to the administration,**
145 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
146 **the state of Missouri, the additional tax authorized under the authority of this section. The**
147 **tax imposed under this section and the tax imposed under the sales tax law of the state of**
148 **Missouri shall be collected together and reported upon such forms and under such**
149 **administrative rules and regulations as may be prescribed by the director of revenue.**

150 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall**
151 **apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established pursuant to section 238.400 may
2 impose a sales tax of up to one percent on all retail sales made in such county which are subject
3 to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this
4 section shall be in addition to any and all other sales taxes allowed by law, except that no sales
5 tax imposed under the provisions of this section shall be effective unless the governing body of
6 the county, on behalf of the transit authority, submits to the voters of the county, at a county or

7 state general, primary or special election, a proposal to authorize the transit authority to impose
8 a tax.

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

11 Shall the Transit Authority impose a countywide sales tax of (insert
12 amount) in order to provide revenues for the operation of transportation facilities operated by the
13 transit authority?

14 YES NO

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

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

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

31 4. No transit authority imposing a sales tax pursuant to this section may repeal or amend
32 such sales tax unless such repeal or amendment is submitted to and approved by the voters of
33 the county in the same manner as provided in subsection 1 of this section for approval of such
34 tax. Whenever the governing body of any county in which a sales tax has been imposed in the
35 manner provided by this section receives a petition, signed by ten percent of the registered voters
36 of such county voting in the last gubernatorial election, calling for an election to repeal such sales
37 tax, the governing body shall submit to the voters of such county a proposal to repeal the sales
38 tax imposed under the provisions of this section. If a majority of the votes cast on the proposal
39 by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then
40 such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon
41 are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

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

50 6. After the effective date of any tax imposed under the provisions of this section, the
51 director of revenue shall perform all functions incident to the administration, collection,
52 enforcement, and operation of the tax, and the director of revenue shall collect in addition to the
53 sales tax for the state of Missouri the additional tax authorized under the authority of this section.
54 The tax imposed under this section and the tax imposed under the sales tax law of the state of
55 Missouri shall be collected together and reported upon such forms and under such administrative
56 rules and regulations as may be prescribed by the director of revenue. In order to permit sellers
57 required to collect and report the sales tax to collect the amount required to be reported and
58 remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy
59 of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285
60 shall apply to all taxable transactions.

61 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state
62 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection
63 of the tax imposed by this section, except as modified in this section. All exemptions granted
64 to agencies of government, organizations, persons and to the sale of certain articles and items of
65 tangible personal property and taxable services under the provisions of sections 144.010 to
66 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this
67 section. The same sales tax permit, exemption certificate and retail certificate required by
68 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
69 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
70 certificate shall be required; except that the director of revenue may prescribe a form of
71 exemption certificate for an exemption from the tax imposed by this section. All discounts
72 allowed the retailer under the provisions of the state sales tax law for the collection of and for
73 payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes
74 collected under the provisions of this section. The penalties provided in section 32.057 and
75 sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to
76 violations of this section.

77 8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall
78 be deemed to be consummated at the place of business of the retailer, except for tangible
79 personal property sold which is delivered by the retailer or his agent to an out-of-state destination
80 or to a common carrier for delivery to an out-of-state destination and except for the sale of motor
81 vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this
82 section. In the event a retailer has more than one place of business in this state which
83 participates in the sale, the sale shall be deemed to be consummated at the place of business of
84 the retailer where the initial order for the tangible personal property is taken, even though the
85 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
86 sale by a retailer's employee shall be deemed to be consummated at the place of business from
87 which he works.

88 9.] All sales taxes collected by the director of revenue under this section on behalf of any
89 transit authority, less one percent for cost of collection which shall be deposited in the state's
90 general revenue fund after payment of premiums for surety bonds as provided in this section,
91 shall be deposited in the state treasury in a special trust fund, which is hereby created, to be
92 known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county
93 transit authority sales tax trust fund shall not be deemed to be state funds and shall not be
94 commingled with any funds of the state. The director of revenue shall keep accurate records of
95 the amount of money in the trust fund which was collected in each transit authority imposing a
96 sales tax under this section, and the records shall be open to the inspection of officers of the
97 county and the public. Not later than the tenth day of each month the director of revenue shall
98 distribute all moneys deposited in the trust fund during the preceding month to the transit
99 authority which levied the tax.

100 [10.] 9. The director of revenue may authorize the state treasurer to make refunds from
101 the amounts in the trust fund and credited to any transit authority for erroneous payments and
102 overpayments made, and may authorize the state treasurer to redeem dishonored checks and
103 drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax,
104 the transit authority shall notify the director of revenue of the action at least ninety days prior to
105 the effective date of the repeal and the director of revenue may order retention in the trust fund,
106 for a period of one year, of two percent of the amount collected after receipt of such notice to
107 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
108 deposited to the credit of such accounts. After one year has elapsed after the effective date of
109 abolition of the tax in such transit authority, the director of revenue shall authorize the state
110 treasurer to remit the balance in the account to the transit authority and close the account of that
111 transit authority. The director of revenue shall notify each transit authority of each instance of
112 any amount refunded or any check redeemed from receipts due the transit authority. The director

113 of revenue shall annually report on his management of the trust fund and administration of the
114 sales taxes authorized by this section. He shall provide each transit authority imposing the tax
115 authorized by this section with a detailed accounting of the source of all funds received by him
116 for the transit authority.

117 [11.] **10.** The director of revenue and any of his deputies, assistants and employees who
118 shall have any duties or responsibilities in connection with the collection, deposit, transfer,
119 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the
120 hands of the director of revenue under the provisions of this section shall enter a surety bond or
121 bonds payable to any and all transit authorities in whose behalf such funds have been collected
122 under this section in the amount of one hundred thousand dollars; but the director of revenue
123 may enter into a blanket bond or bonds covering himself and all such deputies, assistants and
124 employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by
125 the director of revenue from the share of the collection retained by the director of revenue for the
126 benefit of the state.

127 [12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and
128 sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted
129 by the seller, but shall be collected by the director of revenue at the time application is made for
130 a certificate of title, if the address of the applicant is within a county where a sales tax is imposed
131 under this section. The amounts so collected, less the one percent collection cost, shall be
132 deposited in the county transit authority sales tax trust fund. The purchase or sale of motor
133 vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address
134 of the applicant. As used in this subsection, the term "boat" shall only include motorboats and
135 vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

136 [13.] **12.** In any county where the transit authority sales tax has been imposed, if any
137 person is delinquent in the payment of the amount required to be paid by him under this section
138 or in the event a determination has been made against him for taxes and penalty under this
139 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
140 be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has
141 determined that suit must be filed against any person for the collection of delinquent taxes due
142 the state under the state sales tax law, and where such person is also delinquent in payment of
143 taxes under this section, the director of revenue shall notify the transit authority to which
144 delinquent taxes are due under this section by United States registered mail or certified mail at
145 least ten days before turning the case over to the attorney general. The transit authority, acting
146 through its attorney, may join in such suit as a party plaintiff to seek a judgment for the
147 delinquent taxes and penalty due such transit authority. In the event any person fails or refuses
148 to pay the amount of any sales tax due under this section, the director of revenue shall promptly

149 notify the transit authority to which the tax would be due so that appropriate action may be taken
150 by the transit authority.

151 [14.] 13. Where property is seized by the director of revenue under the provisions of any
152 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax
153 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
154 tax imposed by this section, the director of revenue shall permit the transit authority to join in
155 any sale of property to pay the delinquent taxes and penalties due the state and to the transit
156 authority under this section. The proceeds from such sale shall first be applied to all sums due
157 the state, and the remainder, if any, shall be applied to all sums due such transit authority under
158 this section.

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

162 [16.] 14. In the event that any transit authority in any county with a charter form of
163 government and with more than two hundred fifty thousand but fewer than three hundred fifty
164 thousand inhabitants submits a proposal in any election to increase the sales tax under this
165 section, and such proposal is approved by the voters, the county shall be reimbursed for the costs
166 of submitting such proposal from the funds derived from the tax levied under this section.

167 15. Except as provided in sections 238.400 to 238.412, all provisions of sections
168 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.

630.1100. 1. For the purposes of constructing a new mental health facility in a
2 county of the first classification with more than forty thousand but fewer than fifty
3 thousand inhabitants and with a home rule city with more than twelve thousand one
4 hundred but fewer than twelve thousand two hundred inhabitants as the county seat, there
5 is hereby created in the state treasury a dedicated fund known as the "Mental Health
6 Facilities Capital Improvement Fund". The state treasurer shall be custodian of the fund.
7 The first two hundred million dollars of revenue derived from the rates of tax specified in
8 subdivision 2 of subsection 1 of section 144.700 shall be deposited in the mental health
9 facilities capital improvement fund. The fund also shall receive all moneys which may be
10 appropriated or otherwise credited to it by the general assembly and also shall receive any
11 gifts, contributions, grants, or bequests received from federal, private, or other sources.
12 Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall
13 not revert to the general revenue fund until construction of the mental health facility
14 described in this section has been completed. The state treasurer shall invest moneys in the
15 fund in the same manner as other funds are invested. Any interest and moneys earned on
16 such investments shall be credited to the fund.

17 **2. Moneys in the mental health facilities capital improvement fund shall, upon**
 18 **appropriation, be used by the department of mental health for the construction of a new**
 19 **mental health facility in a county of the first classification with more than forty thousand**
 20 **but fewer than fifty thousand inhabitants and with a home rule city with more than twelve**
 21 **thousand one hundred but fewer than twelve thousand two hundred inhabitants as the**
 22 **county seat.**

644.032. 1. The governing body of any municipality or county may impose, by
 2 ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail
 3 sales made in such municipality or county which are subject to taxation under the provisions of
 4 sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in
 5 addition to any and all other sales taxes allowed by law, except that no ordinance or order
 6 imposing a sales tax under the provisions of this section and section 644.033 shall be effective
 7 unless the governing body of the municipality or county submits to the voters of the municipality
 8 or county, at a municipal, county or state general, primary or special election, a proposal to
 9 authorize the governing body of the municipality or county to impose a tax[, provided, that the
 10 tax authorized by this section shall not be imposed on the sales of food, as defined in section
 11 144.014, when imposed by any county with a charter form of government and with more than
 12 one million inhabitants].

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

15 Shall the municipality (county) of impose a sales tax of (insert amount)
 16 for the purpose of providing funding for (insert either storm water control, or local
 17 parks, or storm water control and local parks) for the municipality (county)?

18 YES NO

19 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 20 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the
 21 first day of the second quarter after the director of revenue receives notice of adoption of the tax.
 22 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
 23 governing body of the municipality or county shall not impose the sales tax authorized in this
 24 section and section 644.033 until the governing body of the municipality or county resubmits
 25 another proposal to authorize the governing body of the municipality or county to impose the
 26 sales tax authorized by this section and section 644.033 and such proposal is approved by a
 27 majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant
 28 to this section and section 644.033 be submitted to the voters sooner than twelve months from
 29 the date of the last proposal pursuant to this section and section 644.033.

30 3. All revenue received by a municipality or county from the tax authorized under the
31 provisions of this section and section 644.033 shall be deposited in a special trust fund and shall
32 be used to provide funding for storm water control or for local parks, or both, within such
33 municipality or county, provided that such revenue may be used for local parks outside such
34 municipality or county if the municipality or county is engaged in a cooperative agreement
35 pursuant to section 70.220.

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

39 **5. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall**
40 **apply to the tax imposed under this section.**

 [66.601. The duties of the director of revenue with respect to the
2 allocation, division and distribution of sales and use tax proceeds determined to
3 be due any county of the first classification having a charter form of government
4 and having a population of nine hundred thousand or more inhabitants and all
5 municipalities within such county, resulting from taxes levied or imposed under
6 the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850
7 to 94.857, may be delegated to the county levying the county sales tax under
8 sections 66.600 to 66.630, at the discretion of the director of revenue and with the
9 consent of the county. Notwithstanding the provisions of section 32.057 to the
10 contrary, if such duties are so assigned, the director of revenue shall furnish the
11 county with sufficient information to perform such duties in such form as may be
12 agreed upon by the director and the county at no cost to the county. The county
13 shall be bound by the provisions of section 32.057, and shall use any information
14 provided by the director of revenue under the provisions of this section solely for
15 the purpose of allocating, dividing and distributing such sales and use tax
16 revenues. The county shall exercise all of the director's powers and duties with
17 respect to such allocation, division and distribution, and shall receive no fee for
18 carrying out such powers and duties.]

19

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

4

 [67.1971. All entities remitting the sales tax authorized pursuant to
2 section 67.1959 shall have their liability reduced by an amount equal to
3 twenty-five percent of any taxes collected and remitted pursuant to sections
4 94.802 to 94.805.]

5

 [144.069. All sales of motor vehicles, trailers, boats and outboard motors
2 shall be deemed to be consummated at the address of the owner thereof, and all

3 leases of over sixty-day duration of motor vehicles, trailers, boats and outboard
4 motors subject to sales taxes under this chapter shall be deemed to be
5 consummated unless the vehicle, trailer, boat or motor has been registered and
6 sales taxes have been paid prior to the consummation of the lease agreement at
7 the address of the lessee thereof on the date the lease is consummated, and all
8 applicable sales taxes levied by any political subdivision shall be collected on
9 such sales by the state department of revenue on that basis.]
10

2 [144.517. In addition to the exemptions granted pursuant to section
3 144.030, there shall also be exempted from state sales and use taxes all sales of
4 textbooks, as defined by section 170.051, when such textbook is purchased by a
5 student who possesses proof of current enrollment at any Missouri public or
6 private university, college or other postsecondary institution of higher learning
7 offering a course of study leading to a degree in the liberal arts, humanities or
8 sciences or in a professional, vocational or technical field, provided that the
9 books which are exempt from state sales tax are those required or recommended
10 for a class. Upon request the institution or department must provide at least one
11 list of textbooks to the bookstore each semester. Alternately, the student may
12 provide to the bookstore a list from the instructor, department or institution of his
13 or her required or recommended textbooks. This exemption shall not apply to
14 any locally imposed sales or use tax.]

2 [144.1000. Sections 144.1000 to 144.1015 shall be known as and referred
3 to as the "Simplified Sales and Use Tax Administration Act".]

2 [144.1003. As used in sections 144.1000 to 144.1015, the following
3 terms shall mean:

- 3 (1) "Agreement", the streamlined sales and use tax agreement;
- 4 (2) "Certified automated system", software certified jointly by the states
5 that are signatories to the agreement to calculate the tax imposed by each
6 jurisdiction on a transaction, determine the amount of tax to remit to the
7 appropriate state and maintain a record of the transaction;
- 8 (3) "Certified service provider", an agent certified jointly by the states
9 that are signatories to the agreement to perform all of the seller's sales tax
10 functions;
- 11 (4) "Person", an individual, trust, estate, fiduciary, partnership, limited
12 liability company, limited liability partnership, corporation or any other legal
13 entity;
- 14 (5) "Sales tax", any sales tax levied pursuant to this chapter, section
15 32.085, or any other sales tax authorized by statute and levied by this state or its
16 political subdivisions;
- 17 (6) "Seller", any person making sales, leases or rentals of personal
18 property or services;

- 19 (7) "State", any state of the United States and the District of Columbia;
20 (8) "Use tax", the use tax levied pursuant to this chapter.]
21

2 [144.1006. For the purposes of reviewing and, if necessary, amending the
3 agreement embodying the simplification recommendations contained in section
4 144.1015, the state may enter into multistate discussions. For purposes of such
5 discussions, the state shall be represented by seven delegates, one of whom shall
6 be appointed by the governor, two members appointed by the speaker of the
7 house of representatives, one member appointed by the minority leader of the
8 house of representatives, two members appointed by the president pro tempore
9 of the senate and one member appointed by the minority leader of the senate.
10 The delegates need not be members of the general assembly and at least one of
11 the delegates appointed by the speaker of the house of representatives and one
12 member appointed by the president pro tempore of the senate shall be from the
13 private sector and represent the interests of Missouri businesses. The delegates
14 shall recommend to the committees responsible for reviewing tax issues in the
15 senate and the house of representatives each year any amendment of state statutes
16 required to be substantially in compliance with the agreement. Such delegates
17 shall make a written report by the fifteenth day of January each year regarding the
18 status of the multistate discussions and upon final adoption of the terms of the
19 sales and use tax agreement by the multistate body.]

2 [144.1009. No provision of the agreement authorized by sections
3 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of
4 the law of this state. Implementation of any condition of this agreement in this
5 state, whether adopted before, at, or after membership of this state in the
6 agreement, must be by action of the general assembly. Such report shall be
7 delivered to the governor, the secretary of state, the president pro tempore of the
8 senate and the speaker of the house of representatives and shall simultaneously
9 be made publicly available by the secretary of state to any person requesting a
10 copy.]

2 [144.1012. Unless five of the seven delegates agree, the delegates shall
3 not enter into or vote for any streamlined sales and use tax agreement that:

- 4 (1) Requires adoption of a definition of any term that would cause any
5 item or transaction that is now excluded or exempted from sales or use tax to
6 become subject to sales or use tax;
7 (2) Requires the state of Missouri to fully exempt or fully apply sales
8 taxes to the sale of food or any other item;
9 (3) Restricts the ability of local governments under statutes in effect on
10 August 28, 2002, to enact one or more local taxes on one or more items without
application of the tax to all sales within the taxing jurisdiction, however,

11 restriction of any such taxes allowed by statutes effective after August 28, 2002,
12 may be supported;

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

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

16 (6) Prohibits limitations or thresholds on the application of sales and use
17 tax rates or prohibits any current sales or use tax exemption in the state of
18 Missouri, including exemptions that are based on the value of the transaction or
19 item.]
20

2 [144.1015. In addition to the requirements of section 144.1012, the
3 delegates should consider the following features when deciding whether or not
4 to enter into any streamlined sales and use tax agreement:

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

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

10 (3) The agreement should require the state to provide a central, electronic
11 registration system that allows a seller to register to collect and remit sales and
12 use taxes for all signatory states;

13 (4) The agreement should provide that registration with the central
14 registration system and the collection of sales and use taxes in the signatory states
15 will not be used as a factor in determining whether the seller has nexus with a
16 state for any tax;

17 (5) The agreement should provide for reduction of the burdens of
18 complying with local sales and use taxes through the following so long as they
19 do not conflict with the provisions of section 144.1012:

20 (a) Restricting variances between the state and local tax bases;

21 (b) Requiring states to administer any sales and use taxes levied by local
22 jurisdictions within the state so that sellers collecting and remitting these taxes
23 will not have to register or file returns with, remit funds to, or be subject to
24 independent audits from local taxing jurisdictions;

25 (c) Restricting the frequency of changes in the local sales and use tax
26 rates and setting effective dates for the application of local jurisdictional
27 boundary changes to local sales and use taxes; and

28 (d) Providing notice of changes in local sales and use tax rates and of
29 changes in the boundaries of local taxing jurisdictions;

30 (6) The agreement should outline any monetary allowances that are to be
31 provided by the states to sellers or certified service providers. The agreement
32 must allow for a joint public and private sector study of the compliance cost on
sellers and certified service providers to collect sales and use taxes for state and

33 local governments under various levels of complexity to be completed by July 1,
34 2003;

35 (7) The agreement should require each state to certify compliance with
36 the terms of the agreement prior to joining and to maintain compliance, under the
37 laws of the member state, with all provisions of the agreement while a member,
38 only if the agreement and any amendment thereto complies with the provisions
39 of section 144.1012;

40 (8) The agreement should require each state to adopt a uniform policy for
41 certified service providers that protects the privacy of consumers and maintains
42 the confidentiality of tax information; and

43 (9) The agreement should provide for the appointment of an advisory
44 council of private sector representatives and an advisory council of nonmember
45 state representatives to consult with in the administration of the agreement.]
46

Section B. The repeal of sections 66.601, 67.1713, 67.1971, 144.069, 144.517, 144.1000,
2 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, the repeal and reenactment of sections
3 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,
4 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,
5 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605,
6 94.660, 94.705, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.070,
7 144.080, 144.082, 144.083, 144.084, 144.100, 144.140, 144.210, 144.212, 144.285, 144.522,
8 144.526, 144.655, 144.710, 221.407, 238.235, 238.410, and 644.032, and the enactment of
9 sections 32.070, 32.086, 144.022, 144.040, 144.041, 144.042, 144.105, 144.110, 144.123,
10 144.124, 144.125, 144.212, and 144.522 shall become effective on January 1, 2015. However,
11 the changes to the sales and use tax rates in sections 144.020 and 144.021 and the changes in the
12 income tax rates in sections 143.011, 143.021, 143.022, and 143.071 shall not become effective
13 until the tax revenues collected in the current year exceed those collected in the prior year by at
14 least one hundred million dollars.

Section C. Because immediate action is necessary to secure adequate state revenue, the
2 enactment of section 32.383 is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and the enactment of section 32.383 is hereby declared to be
4 an emergency act within the meaning of the constitution, and the enactment of section 32.383
5 shall be in full force and effect upon its passage and approval.

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