

FIRST EXTRAORDINARY SESSION OF THE
FIRST REGULAR SESSION

SENATE BILL NO. 1

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time September 9, 2019, and ordered printed.

2555S.011

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 144.025, RSMo, and to enact in lieu thereof one new section relating to sales tax allowances.

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

Section A. Section 144.025, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 144.025, to read as follows:

144.025. 1. Notwithstanding any other provisions of law to the contrary,
2 in any retail sale other than retail sales governed by subsections 4 and 5 of this
3 section, where any article on which sales or use tax has been paid, credited, or
4 otherwise satisfied or which was exempted or excluded from sales or use tax is
5 taken in trade as a credit or part payment on the purchase price of the article
6 being sold, the tax imposed by sections 144.020 and 144.440 shall be computed
7 only on that portion of the purchase price which exceeds the actual allowance
8 made for the article **or articles** traded in or exchanged, if there is a bill of sale
9 or other record showing the actual allowance made for the article **or articles**
10 traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or
11 outboard motor receives a rebate from the seller or manufacturer, the tax imposed
12 by sections 144.020 and 144.440 shall be computed only on that portion of the
13 purchase price which exceeds the amount of the rebate, if there is a bill of sale
14 or other record showing the actual rebate given by the seller or
15 manufacturer. Where the trade-in or exchange allowance plus any applicable
16 rebate exceeds the purchase price of the purchased article there shall be no sales
17 or use tax owed. This section shall also apply to motor vehicles, trailers, boats,
18 and outboard motors sold by the owner or holder of the properly assigned

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

19 certificate of ownership if the seller purchases or contracts to purchase a
20 subsequent motor vehicle, trailer, boat, or outboard motor within one hundred
21 eighty days before or after the date of the sale of [the original article] **one or**
22 **more previously owned motor vehicles, trailers, boats, or outboard**
23 **motors, or any combination thereof,** and [a bill] **all related bills** of sale
24 showing the paid sale price [is] **are** presented to the department of revenue at
25 the time of licensing. A copy of [the bill] **all such bills** of sale shall be left with
26 the licensing office. Where the subsequent motor vehicle, trailer, boat, or
27 outboard motor is titled more than one hundred eighty days after the sale of [the
28 original motor vehicle, trailer, boat, or outboard motor] **one or more previously**
29 **owned motor vehicles, trailers, boats, or outboard motors, or any**
30 **combination thereof,** the allowance pursuant to this section shall be made if
31 the person titling such article establishes that the purchase or contract to
32 purchase was finalized prior to the expiration of the one hundred eighty-day
33 period **and presents to the department of revenue at the time of**
34 **licensing a copy of all such bills of sale.**

35 2. As used in this section, the term "boat" includes all motorboats and
36 vessels, as the terms "motorboat" and "vessel" are defined in section 306.010.

37 3. As used in this section, the term "motor vehicle" includes motor
38 vehicles as defined in section 301.010, recreational vehicles as defined in section
39 700.010, or a combination of a truck as defined in section 301.010, and a trailer
40 as defined in section 301.010.

41 4. The provisions of subsection 1 of this section shall not apply to retail
42 sales of manufactured homes in which the purchaser receives a document known
43 as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to
44 the manufactured home from the department of revenue of this state or from the
45 appropriate agency or officer of any other state.

46 5. Any purchaser of a motor vehicle or trailer used for agricultural use by
47 the purchaser shall be allowed to use as an allowance to offset the sales and use
48 tax liability towards the purchase of the motor vehicle or trailer any grain or
49 livestock produced or raised by the purchaser. The director of revenue may
50 prescribe forms for compliance with this subsection.

✓