

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/House Bill No. 1700, Page 1, Section A, Line 13,

2 of said page, by inserting immediately after said line the  
3 following:

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

12 2. Any local sales tax so adopted shall become effective on  
13 the first day of the second calendar quarter after the director  
14 of revenue receives notice of adoption of the local sales tax,  
15 except as provided in subsection ~~[18]~~ 17 of this section, and  
16 shall be imposed on all transactions on which the Missouri state  
17 sales tax is imposed.

18 3. (1) Every retailer within the jurisdiction of one or  
19 more taxing entities which has imposed one or more local sales  
20 taxes under the local sales tax law shall add all taxes so  
21 imposed along with the tax imposed by the sales tax law of the

1 state of Missouri to the sale price and, when added, the combined  
2 tax shall constitute a part of the price, and shall be a debt of  
3 the purchaser to the retailer until paid, and shall be  
4 recoverable at law in the same manner as the purchase price. The  
5 combined rate of the state sales tax and all local sales taxes  
6 shall be the sum of the rates, multiplying the combined rate  
7 times the amount of the sale.

8 (2) For all tax years beginning on or after January 1,  
9 2022, the rate of sales taxes imposed under the local sales tax  
10 law shall not exceed the following amounts:

11 (a) For local sales taxes imposed under the local sales tax  
12 law by a taxing entity that is incorporated as a city, town, or  
13 village, four and one-half percent;

14 (b) For local sales taxes imposed under the local sales tax  
15 law by a county, excluding cities not within a county, three and  
16 one-fourth percent;

17 (c) For local sales taxes imposed under the local sales tax  
18 law by all taxing jurisdictions other than those described in  
19 paragraphs (a) and (b) of this subdivision, the total combined  
20 rate of sales taxes in any given taxing jurisdiction shall not  
21 exceed three and one-fourth percent. For the purposes of this  
22 paragraph, local sales taxes imposed by taxing entities described  
23 in paragraphs (a) and (b) of this subdivision, in a given taxing  
24 jurisdiction shall not be included in the calculation of the  
25 total combined rate of sales taxes under this paragraph.

26 (3) For the purposes of subdivision (2) of this subsection,  
27 no transient guest tax or convention and tourism tax, including  
28 sections 92.325 to 92.340, shall be considered a local sales tax  
29 under the local sales tax law.

1           (4) In any election in which more than one sales tax levy  
2 is approved by the voters, and the passage of such levies results  
3 in a combined rate of sales tax in excess of the limits provided  
4 for under subdivision (2) of this subsection, only the sales tax  
5 levy receiving the most votes shall become effective, provided  
6 such levy does not result in a combined rate of sales tax in  
7 excess of the limits provided for under subdivision (2) of this  
8 subsection.

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

14           5.] (1) The ordinance or order imposing a local sales tax  
15 under the local sales tax law shall impose a tax upon all  
16 transactions upon which the Missouri state sales tax is imposed  
17 to the extent and in the manner provided in sections 144.010 to  
18 [144.525] 144.527, and the rules and regulations of the director  
19 of revenue issued pursuant thereto[; except that the rate of the  
20 tax shall be the sum of the combined rate of the state sales tax  
21 or state highway use tax and all local sales taxes imposed under  
22 the provisions of the local sales tax law].

23           (2) Notwithstanding any other provision of law to the  
24 contrary, local taxing jurisdictions, except those in which  
25 voters have approved a local use tax under section 144.757, shall  
26 have placed on the ballot on or after the general election in  
27 November 2014, but no later than the general election in November  
28 2022, whether to repeal application of the local sales tax to the  
29 titling of motor vehicles, trailers, boats, and outboard motors

1 that are subject to state sales tax under section 144.020 and  
2 purchased from a source other than a licensed Missouri dealer.  
3 The ballot question presented to the local voters shall contain  
4 substantially the following language:

5           Shall the \_\_\_\_\_ (local jurisdiction's name)  
6           discontinue applying and collecting the local sales tax  
7           on the titling of motor vehicles, trailers, boats, and  
8           outboard motors that were purchased from a source other  
9           than a licensed Missouri dealer?

10           Approval of this measure will result in a  
11           reduction of local revenue to provide for vital  
12           services for \_\_\_\_\_ (local jurisdiction's name) and  
13           it will place Missouri dealers of motor vehicles,  
14           outboard motors, boats, and trailers at a competitive  
15           disadvantage to non-Missouri dealers of motor vehicles,  
16           outboard motors, boats, and trailers.

17                    YES                            NO

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

21           (3) If the ballot question set forth in subdivision (2) of  
22           this subsection receives a majority of the votes cast in favor of  
23           the proposal, or if the local taxing jurisdiction fails to place  
24           the ballot question before the voters on or before the general  
25           election in November 2022, the local taxing jurisdiction shall  
26           cease applying the local sales tax to the titling of motor  
27           vehicles, trailers, boats, and outboard motors that were  
28           purchased from a source other than a licensed Missouri dealer.

29           (4) In addition to the requirement that the ballot question

1 set forth in subdivision (2) of this subsection be placed before  
2 the voters, the governing body of any local taxing jurisdiction  
3 that had previously imposed a local use tax on the use of motor  
4 vehicles, trailers, boats, and outboard motors may, at any time,  
5 place a proposal on the ballot at any election to repeal  
6 application of the local sales tax to the titling of motor  
7 vehicles, trailers, boats, and outboard motors purchased from a  
8 source other than a licensed Missouri dealer. If a majority of  
9 the votes cast by the registered voters voting thereon are in  
10 favor of the proposal to repeal application of the local sales  
11 tax to such titling, then the local sales tax shall no longer be  
12 applied to the titling of motor vehicles, trailers, boats, and  
13 outboard motors purchased from a source other than a licensed  
14 Missouri dealer. If a majority of the votes cast by the  
15 registered voters voting thereon are opposed to the proposal to  
16 repeal application of the local sales tax to such titling, such  
17 application shall remain in effect.

18 (5) In addition to the requirement that the ballot question  
19 set forth in subdivision (2) of this subsection be placed before  
20 the voters on or after the general election in November 2014, and  
21 on or before the general election in November 2022, whenever the  
22 governing body of any local taxing jurisdiction imposing a local  
23 sales tax on the sale of motor vehicles, trailers, boats, and  
24 outboard motors receives a petition, signed by fifteen percent of  
25 the registered voters of such jurisdiction voting in the last  
26 gubernatorial election, and calling for a proposal to be placed  
27 on the ballot at any election to repeal application of the local  
28 sales tax to the titling of motor vehicles, trailers, boats, and  
29 outboard motors purchased from a source other than a licensed

1 Missouri dealer, the governing body shall submit to the voters of  
2 such jurisdiction a proposal to repeal application of the local  
3 sales tax to such titling. If a majority of the votes cast by  
4 the registered voters voting thereon are in favor of the proposal  
5 to repeal application of the local sales tax to such titling,  
6 then the local sales tax shall no longer be applied to the  
7 titling of motor vehicles, trailers, boats, and outboard motors  
8 purchased from a source other than a licensed Missouri dealer.  
9 If a majority of the votes cast by the registered voters voting  
10 thereon are opposed to the proposal to repeal application of the  
11 local sales tax to such titling, such application shall remain in  
12 effect.

13 (6) Nothing in this subsection shall be construed to  
14 authorize the voters of any jurisdiction to repeal application of  
15 any state sales or use tax.

16 (7) If any local sales tax on the titling of motor  
17 vehicles, trailers, boats, and outboard motors purchased from a  
18 source other than a licensed Missouri dealer is repealed, such  
19 repeal shall take effect on the first day of the second calendar  
20 quarter after the election. If any local sales tax on the  
21 titling of motor vehicles, trailers, boats, and outboard motors  
22 purchased from a source other than a licensed Missouri dealer is  
23 required to cease to be applied or collected due to failure of a  
24 local taxing jurisdiction to hold an election pursuant to  
25 subdivision (2) of this subsection, such cessation shall take  
26 effect on March 1, 2023.

27 (8) Notwithstanding any provision of law to the contrary,  
28 if any local sales tax on the titling of motor vehicles,  
29 trailers, boats, and outboard motors purchased from a source

1 other than a licensed Missouri dealer is repealed after the  
2 general election in November 2014, or if the taxing jurisdiction  
3 failed to present the ballot to the voters at a general election  
4 on or before November 2022, then the governing body of such  
5 taxing jurisdiction may, at any election subsequent to the repeal  
6 or after the general election in November 2022, if the  
7 jurisdiction failed to present the ballot to the voters, place  
8 before the voters the issue of imposing a sales tax on the  
9 titling of motor vehicles, trailers, boats, and outboard motors  
10 that are subject to state sales tax under section 144.020 that  
11 were purchased from a source other than a licensed Missouri  
12 dealer. The ballot question presented to the local voters shall  
13 contain substantially the following language:

14           Shall the \_\_\_\_\_ (local jurisdiction's name)  
15           apply and collect the local sales tax on the titling of  
16           motor vehicles, trailers, boats, and outboard motors  
17           that are subject to state sales tax under section  
18           144.020 and purchased from a source other than a  
19           licensed Missouri dealer?

20           Approval of this measure will result in an  
21           increase of local revenue to provide for vital services  
22           for \_\_\_\_\_ (local jurisdiction's name), and it will  
23           remove a competitive advantage that non-Missouri  
24           dealers of motor vehicles, outboard motors, boats, and  
25           trailers have over Missouri dealers of motor vehicles,  
26           outboard motors, boats, and trailers.

27                            YES                            NO

28           If you are in favor of the question, place an "X"  
29           in the box opposite "YES". If you are opposed to the

1 question, place an "X" in the box opposite "NO".

2 (9) If any local sales tax on the titling of motor  
3 vehicles, trailers, boats, and outboard motors purchased from a  
4 source other than a licensed Missouri dealer is adopted, such tax  
5 shall take effect and be imposed on the first day of the second  
6 calendar quarter after the election.

7 [6.] 5. On and after the effective date of any local sales  
8 tax imposed under the provisions of the local sales tax law, the  
9 director of revenue shall perform all functions incident to the  
10 administration, collection, enforcement, and operation of the  
11 tax, and the director of revenue shall collect in addition to the  
12 sales tax for the state of Missouri all additional local sales  
13 taxes authorized under the authority of the local sales tax law.  
14 All local sales taxes imposed under the local sales tax law  
15 together with all taxes imposed under the sales tax law of the  
16 state of Missouri shall be collected together and reported upon  
17 such forms and under such administrative rules and regulations as  
18 may be prescribed by the director of revenue.

19 [7.] 6. All applicable provisions contained in sections  
20 144.010 to [144.525] 144.527 governing the state sales tax and  
21 section 32.057, the uniform confidentiality provision, shall  
22 apply to the collection of any local sales tax imposed under the  
23 local sales tax law except as modified by the local sales tax  
24 law.

25 [8.] 7. All exemptions granted to agencies of government,  
26 organizations, persons and to the sale of certain articles and  
27 items of tangible personal property and taxable services under  
28 the provisions of sections 144.010 to [144.525] 144.527, as these  
29 sections now read and as they may hereafter be amended, it being

1 the intent of this general assembly to ensure that the same sales  
2 tax exemptions granted from the state sales tax law also be  
3 granted under the local sales tax law, are hereby made applicable  
4 to the imposition and collection of all local sales taxes imposed  
5 under the local sales tax law.

6 [9.] 8. The same sales tax permit, exemption certificate  
7 and retail certificate required by sections 144.010 to [144.525]  
8 144.527 for the administration and collection of the state sales  
9 tax shall satisfy the requirements of the local sales tax law,  
10 and no additional permit or exemption certificate or retail  
11 certificate shall be required; except that the director of  
12 revenue may prescribe a form of exemption certificate for an  
13 exemption from any local sales tax imposed by the local sales tax  
14 law.

15 [10.] 9. All discounts allowed the retailer under the  
16 provisions of the state sales tax law for the collection of and  
17 for payment of taxes under the provisions of the state sales tax  
18 law are hereby allowed and made applicable to any local sales tax  
19 collected under the provisions of the local sales tax law.

20 [11.] 10. The penalties provided in section 32.057 and  
21 sections 144.010 to [144.525] 144.527 for a violation of the  
22 provisions of those sections are hereby made applicable to  
23 violations of the provisions of the local sales tax law.

24 [12.] 11. (1) For the purposes of any local sales tax  
25 imposed by an ordinance or order under the local sales tax law,  
26 all sales, except the sale of motor vehicles, trailers, boats,  
27 and outboard motors required to be titled under the laws of the  
28 state of Missouri, shall be deemed to be consummated at the place  
29 of business of the retailer unless the tangible personal property

1 sold is delivered by the retailer or his agent to an out-of-state  
2 destination. In the event a retailer has more than one place of  
3 business in this state which participates in the sale, the sale  
4 shall be deemed to be consummated at the place of business of the  
5 retailer where the initial order for the tangible personal  
6 property is taken, even though the order must be forwarded  
7 elsewhere for acceptance, approval of credit, shipment or  
8 billing. A sale by a retailer's agent or employee shall be  
9 deemed to be consummated at the place of business from which he  
10 works.

11 (2) For the purposes of any local sales tax imposed by an  
12 ordinance or order under the local sales tax law, the sales tax  
13 upon the titling of all motor vehicles, trailers, boats, and  
14 outboard motors shall be imposed at the rate in effect at the  
15 location of the residence of the purchaser, and remitted to that  
16 local taxing entity, and not at the place of business of the  
17 retailer, or the place of business from which the retailer's  
18 agent or employee works.

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

25 [13.] 12. Local sales taxes shall not be imposed on the  
26 seller of motor vehicles, trailers, boats, and outboard motors  
27 required to be titled under the laws of the state of Missouri,  
28 but shall be collected from the purchaser by the director of  
29 revenue at the time application is made for a certificate of

1 title, if the address of the applicant is within a taxing entity  
2 imposing a local sales tax under the local sales tax law.

3 [14.] 13. The director of revenue and any of his deputies,  
4 assistants and employees who have any duties or responsibilities  
5 in connection with the collection, deposit, transfer,  
6 transmittal, disbursement, safekeeping, accounting, or recording  
7 of funds which come into the hands of the director of revenue  
8 under the provisions of the local sales tax law shall enter a  
9 surety bond or bonds payable to any and all taxing entities in  
10 whose behalf such funds have been collected under the local sales  
11 tax law in the amount of one hundred thousand dollars for each  
12 such tax; but the director of revenue may enter into a blanket  
13 bond covering himself and all such deputies, assistants and  
14 employees. The cost of any premium for such bonds shall be paid  
15 by the director of revenue from the share of the collections  
16 under the sales tax law retained by the director of revenue for  
17 the benefit of the state.

18 [15.] 14. The director of revenue shall annually report on  
19 his management of each trust fund which is created under the  
20 local sales tax law and administration of each local sales tax  
21 imposed under the local sales tax law. He shall provide each  
22 taxing entity imposing one or more local sales taxes authorized  
23 by the local sales tax law with a detailed accounting of the  
24 source of all funds received by him for the taxing entity.  
25 Notwithstanding any other provisions of law, the state auditor  
26 shall annually audit each trust fund. A copy of the director's  
27 report and annual audit shall be forwarded to each taxing entity  
28 imposing one or more local sales taxes.

29 [16.] 15. Within the boundaries of any taxing entity where

1 one or more local sales taxes have been imposed, if any person is  
2 delinquent in the payment of the amount required to be paid by  
3 him under the local sales tax law or in the event a determination  
4 has been made against him for taxes and penalty under the local  
5 sales tax law, the limitation for bringing suit for the  
6 collection of the delinquent tax and penalty shall be the same as  
7 that provided in sections 144.010 to ~~[144.525]~~ 144.527. Where  
8 the director of revenue has determined that suit must be filed  
9 against any person for the collection of delinquent taxes due the  
10 state under the state sales tax law, and where such person is  
11 also delinquent in payment of taxes under the local sales tax  
12 law, the director of revenue shall notify the taxing entity in  
13 the event any person fails or refuses to pay the amount of any  
14 local sales tax due so that appropriate action may be taken by  
15 the taxing entity.

16 [17.] 16. Where property is seized by the director of  
17 revenue under the provisions of any law authorizing seizure of  
18 the property of a taxpayer who is delinquent in payment of the  
19 tax imposed by the state sales tax law, and where such taxpayer  
20 is also delinquent in payment of any tax imposed by the local  
21 sales tax law, the director of revenue shall permit the taxing  
22 entity to join in any sale of property to pay the delinquent  
23 taxes and penalties due the state and to the taxing entity under  
24 the local sales tax law. The proceeds from such sale shall first  
25 be applied to all sums due the state, and the remainder, if any,  
26 shall be applied to all sums due such taxing entity.

27 [18.] 17. If a local sales tax has been in effect for at  
28 least one year under the provisions of the local sales tax law  
29 and voters approve reimposition of the same local sales tax at

1 the same rate at an election as provided for in the local sales  
2 tax law prior to the date such tax is due to expire, the tax so  
3 reimposed shall become effective the first day of the first  
4 calendar quarter after the director receives a certified copy of  
5 the ordinance, order or resolution accompanied by a map clearly  
6 showing the boundaries thereof and the results of such election,  
7 provided that such ordinance, order or resolution and all  
8 necessary accompanying materials are received by the director at  
9 least thirty days prior to the expiration of such tax. Any  
10 administrative cost or expense incurred by the state as a result  
11 of the provisions of this subsection shall be paid by the city or  
12 county reimposing such tax."; and

13 Further amend said bill, page 5, section 33.575, lines 18-28  
14 of said page, by striking all of said lines and inserting in lieu  
15 thereof the following: "shall be transferred to the general  
16 revenue fund."; and

17 Further amend said bill and section, page 6, lines 1-19 of  
18 said page, by striking all of said lines; and

19 Further amend said bill, page 65, section 138.434, line 4 of  
20 said page, by inserting immediately after said line the  
21 following:

22 "143.011. 1. A tax is hereby imposed for every taxable  
23 year on the Missouri taxable income of every resident. The tax  
24 shall be determined by applying the tax table or the rate  
25 provided in section 143.021, which is based upon the following  
26 rates:

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

1	Over \$1,000 but not over \$2,000	\$15 plus 2% of excess
2		over \$1,000
3	Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess
4		over \$2,000
5	Over \$3,000 but not over \$4,000	\$60 plus 3% of excess
6		over \$3,000
7	Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess
8		over \$4,000
9	Over \$5,000 but not over \$6,000	\$125 plus 4% of excess
10		over \$5,000
11	Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of
12		excess over \$6,000
13	Over \$7,000 but not over \$8,000	\$210 plus 5% of excess
14		over \$7,000
15	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of
16		excess over \$8,000
17	Over \$9,000	\$315 plus 6% of excess
18		over \$9,000

19           2. (1) Beginning with the 2017 calendar year, the top rate  
20 of tax under subsection 1 of this section may be reduced over a  
21 period of years. Each reduction in the top rate of tax shall be  
22 by one-tenth of a percent and no more than one reduction shall  
23 occur in a calendar year. No more than five reductions shall be  
24 made under this subsection. Reductions in the rate of tax shall  
25 take effect on January first of a calendar year and such reduced  
26 rates shall continue in effect until the next reduction occurs.

27           (2) A reduction in the rate of tax shall only occur if the  
28 amount of net general revenue collected in the previous fiscal  
29 year exceeds the highest amount of net general revenue collected

1 in any of the three fiscal years prior to such fiscal year by at  
2 least one hundred fifty million dollars.

3 (3) Any modification of tax rates under this subsection  
4 shall only apply to tax years that begin on or after a  
5 modification takes effect.

6 (4) The director of the department of revenue shall, by  
7 rule, adjust the tax tables under subsection 1 of this section to  
8 effectuate the provisions of this subsection. The bracket for  
9 income subject to the top rate of tax shall be eliminated once  
10 the top rate of tax has been reduced to five and one-half  
11 percent, and the top remaining rate of tax shall apply to all  
12 income in excess of the income in the second highest remaining  
13 income bracket.

14 3. (1) In addition to the rate reductions under subsection  
15 2 of this section, beginning with the 2019 calendar year, the top  
16 rate of tax under subsection 1 of this section shall be reduced  
17 by four-tenths of one percent. Such reduction in the rate of tax  
18 shall take effect on January first of the 2019 calendar year.

19 (2) The modification of tax rates under this subsection  
20 shall only apply to tax years that begin on or after the date the  
21 modification takes effect.

22 (3) The director of the department of revenue shall, by  
23 rule, adjust the tax tables under subsection 1 of this section to  
24 effectuate the provisions of this subsection.

25 4. (1) In addition to the rate reductions under  
26 subsections 2 and 3 of this section, beginning with the calendar  
27 year following the calendar year in which the final reduction in  
28 the top rate of tax is made under subsection 2 of this section,  
29 the top rate of tax under subsection 1 of this section shall be

1 reduced by eleven-hundredths of one percent. Such reduction in  
2 the rate of tax shall take effect on January first of a calendar  
3 year.

4 (2) The reduction in the rate of tax pursuant to this  
5 subsection shall only occur if the amount of net general revenue  
6 collected in the previous fiscal year exceeds the highest amount  
7 of net general revenue collected in any of the three fiscal years  
8 prior to such fiscal year by at least one hundred fifty million  
9 dollars.

10 (3) The modification of tax rates under this subsection  
11 shall only apply to tax years that begin on or after the date the  
12 modification takes effect.

13 (4) The director of the department of revenue shall, by  
14 rule, adjust the tax tables under subsection 1 of this section to  
15 effectuate the provisions of this subsection.

16 5. Beginning with the 2017 calendar year, the brackets of  
17 Missouri taxable income identified in subsection 1 of this  
18 section shall be adjusted annually by the percent increase in  
19 inflation. The director shall publish such brackets annually  
20 beginning on or after October 1, 2016. Modifications to the  
21 brackets shall take effect on January first of each calendar year  
22 and shall apply to tax years beginning on or after the effective  
23 date of the new brackets.

24 **[5.]** 6. As used in this section, the following terms mean:

25 (1) "CPI", the Consumer Price Index for All Urban Consumers  
26 for the United States as reported by the Bureau of Labor  
27 Statistics, or its successor index;

28 (2) "CPI for the preceding calendar year", the average of  
29 the CPI as of the close of the twelve month period ending on

1 August thirty-first of such calendar year;

2 (3) "Net general revenue collected", all revenue deposited  
3 into the general revenue fund, less refunds and revenues  
4 originally deposited into the general revenue fund but designated  
5 by law for a specific distribution or transfer to another state  
6 fund;

7 (4) "Percent increase in inflation", the percentage, if  
8 any, by which the CPI for the preceding calendar year exceeds the  
9 CPI for the year beginning September 1, 2014, and ending August  
10 31, 2015."; and

11 Further amend said bill, page 95, section 143.1160, line 11  
12 of said page, by inserting immediately after said line the  
13 following:

14 "144.011. 1. For purposes of [sections 144.010 to 144.525  
15 and 144.600 to 144.748] this chapter, and the taxes imposed  
16 thereby, the definition of "retail sale" or "sale at retail"  
17 shall not be construed to include any of the following:

18 (1) The transfer by one corporation of substantially all of  
19 its tangible personal property to another corporation pursuant to  
20 a merger or consolidation effected under the laws of the state of  
21 Missouri or any other jurisdiction;

22 (2) The transfer of tangible personal property incident to  
23 the liquidation or cessation of a taxpayer's trade or business,  
24 conducted in proprietorship, partnership or corporate form,  
25 except to the extent any transfer is made in the ordinary course  
26 of the taxpayer's trade or business;

27 (3) The transfer of tangible personal property to a  
28 corporation solely in exchange for its stock or securities;

29 (4) The transfer of tangible personal property to a

1 corporation by a shareholder as a contribution to the capital of  
2 the transferee corporation;

3 (5) The transfer of tangible personal property to a  
4 partnership solely in exchange for a partnership interest  
5 therein;

6 (6) The transfer of tangible personal property by a partner  
7 as a contribution to the capital of the transferee partnership;

8 (7) The transfer of tangible personal property by a  
9 corporation to one or more of its shareholders as a dividend,  
10 return of capital, distribution in the partial or complete  
11 liquidation of the corporation or distribution in redemption of  
12 the shareholder's interest therein;

13 (8) The transfer of tangible personal property by a  
14 partnership to one or more of its partners as a current  
15 distribution, return of capital or distribution in the partial or  
16 complete liquidation of the partnership or of the partner's  
17 interest therein;

18 (9) The transfer of reusable containers used in connection  
19 with the sale of tangible personal property contained therein for  
20 which a deposit is required and refunded on return;

21 (10) The purchase by persons operating eating or food  
22 service establishments, of items of a nonreusable nature which  
23 are furnished to the customers of such establishments with or in  
24 conjunction with the retail sales of their food or beverage.  
25 Such items shall include, but not be limited to, wrapping or  
26 packaging materials and nonreusable paper, wood, plastic and  
27 aluminum articles such as containers, trays, napkins, dishes,  
28 silverware, cups, bags, boxes, straws, sticks and toothpicks;

29 (11) The purchase by persons operating hotels, motels or

1 other transient accommodation establishments, of items of a  
2 nonreusable nature which are furnished to the guests in the  
3 guests' rooms of such establishments and such items are included  
4 in the charge made for such accommodations. Such items shall  
5 include, but not be limited to, soap, shampoo, tissue and other  
6 toiletries and food or confectionery items offered to the guests  
7 without charge;

8 (12) The transfer of a manufactured home other than:

9 (a) A transfer which involves the delivery of the document  
10 known as the "Manufacturer's Statement of Origin" to a person  
11 other than a manufactured home dealer, as defined in section  
12 700.010, for purposes of allowing such person to obtain a title  
13 to the manufactured home from the department of revenue of this  
14 state or the appropriate agency or officer of any other state;

15 (b) A transfer which involves the delivery of a  
16 "Repossessed Title" to a resident of this state if the tax  
17 imposed by [sections 144.010 to 144.525] this chapter was not  
18 paid on the transfer of the manufactured home described in  
19 paragraph (a) of this subdivision;

20 (c) The first transfer which occurs after December 31,  
21 1985, if the tax imposed by [sections 144.010 to 144.525] this  
22 chapter was not paid on any transfer of the same manufactured  
23 home which occurred before December 31, 1985; or

24 (13) Charges for initiation fees or dues to:

25 (a) Fraternal beneficiaries societies, or domestic  
26 fraternal societies, orders or associations operating under the  
27 lodge system a substantial part of the activities of which are  
28 devoted to religious, charitable, scientific, literary,  
29 educational or fraternal purposes;

1 (b) Posts or organizations of past or present members of  
2 the Armed Forces of the United States or an auxiliary unit or  
3 society of, or a trust or foundation for, any such post or  
4 organization substantially all of the members of which are past  
5 or present members of the Armed Forces of the United States or  
6 who are cadets, spouses, widows, or widowers of past or present  
7 members of the Armed Forces of the United States, no part of the  
8 net earnings of which inures to the benefit of any private  
9 shareholder or individual; or

10 (c) Nonprofit organizations exempt from taxation under  
11 Section 501(c)(7) of the Internal Revenue Code of 1986, as  
12 amended.

13 2. The assumption of liabilities of the transferor by the  
14 transferee incident to any of the transactions enumerated in the  
15 above subdivisions (1) to (8) of subsection 1 of this section  
16 shall not disqualify the transfer from the exclusion described in  
17 this section, where such liability assumption is related to the  
18 property transferred and where the assumption does not have as  
19 its principal purpose the avoidance of Missouri sales or use tax.

20 144.014. 1. (1) Notwithstanding other provisions of law  
21 to the contrary, beginning October 1, 1997, and ending December  
22 31, 2021, the tax levied and imposed [pursuant to sections  
23 144.010 to 144.525 and sections 144.600 to 144.746] under this  
24 chapter on all retail sales of food shall be at the rate of one  
25 percent. The revenue derived from the one percent rate pursuant  
26 to this section shall be deposited by the state treasurer in the  
27 school district trust fund and shall be distributed as provided  
28 in section 144.701.

29 (2) Notwithstanding other provisions of law to the

1 contrary, beginning January 1, 2022, the tax levied and imposed  
2 under this chapter on all retail sales of food shall be at the  
3 rate of three-quarters of one percent. The revenue derived from  
4 the three-quarters of one percent pursuant to this section shall  
5 be deposited by the state treasurer in the school district trust  
6 fund and shall be distributed as provided in section 144.701.

7 2. For the purposes of this section, the term "food" shall  
8 include only those products and types of food for which food  
9 stamps may be redeemed pursuant to the provisions of the Federal  
10 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that  
11 section now reads or as it may be amended hereafter, and shall  
12 include food dispensed by or through vending machines. For the  
13 purpose of this section, except for vending machine sales, the  
14 term "food" shall not include food or drink sold by any  
15 establishment where the gross receipts derived from the sale of  
16 food prepared by such establishment for immediate consumption on  
17 or off the premises of the establishment constitutes more than  
18 eighty percent of the total gross receipts of that establishment,  
19 regardless of whether such prepared food is consumed on the  
20 premises of that establishment, including, but not limited to,  
21 sales of food by any restaurant, fast food restaurant,  
22 delicatessen, eating house, or café.

23 144.020. 1. A tax is hereby levied and imposed for the  
24 privilege of titling new and used motor vehicles, trailers,  
25 boats, and outboard motors purchased or acquired for use on the  
26 highways or waters of this state which are required to be titled  
27 under the laws of the state of Missouri and, except as provided  
28 in subdivision (9) of this subsection, upon all sellers for the  
29 privilege of engaging in the business of selling tangible

1 personal property or rendering taxable service at retail in this  
2 state. The rate of tax shall be as follows:

3 (1) Upon every retail sale in this state of tangible  
4 personal property, excluding motor vehicles, trailers,  
5 motorcycles, mopeds, motortricycles, boats and outboard motors  
6 required to be titled under the laws of the state of Missouri and  
7 subject to tax under subdivision (9) of this subsection, a tax  
8 equivalent to four percent of the purchase price paid or charged,  
9 or in case such sale involves the exchange of property, a tax  
10 equivalent to four percent of the consideration paid or charged,  
11 including the fair market value of the property exchanged at the  
12 time and place of the exchange, except as otherwise provided in  
13 section 144.025;

14 (2) A tax equivalent to four percent of the amount paid for  
15 admission and seating accommodations, or fees paid to, or in any  
16 place of amusement, entertainment or recreation, games and  
17 athletic events, except amounts paid for any instructional class;

18 (3) A tax equivalent to four percent of the basic rate paid  
19 or charged on all sales of electricity or electrical current,  
20 water and gas, natural or artificial, to domestic, commercial or  
21 industrial consumers;

22 (4) (a) A tax equivalent to four percent on the basic rate  
23 paid or charged on all sales of local and long distance  
24 telecommunications service to telecommunications subscribers and  
25 to others through equipment of telecommunications subscribers for  
26 the transmission of messages and conversations and upon the sale,  
27 rental or leasing of all equipment or services pertaining or  
28 incidental thereto; except that, the payment made by  
29 telecommunications subscribers or others, pursuant to section

1 144.060, and any amounts paid for access to the internet or  
2 interactive computer services shall not be considered as amounts  
3 paid for telecommunications services;

4 (b) If local and long distance telecommunications services  
5 subject to tax under this subdivision are aggregated with and not  
6 separately stated from charges for telecommunications service or  
7 other services not subject to tax under this subdivision,  
8 including, but not limited to, interstate or international  
9 telecommunications services, then the charges for nontaxable  
10 services may be subject to taxation unless the telecommunications  
11 provider can identify by reasonable and verifiable standards such  
12 portion of the charges not subject to such tax from its books and  
13 records that are kept in the regular course of business,  
14 including, but not limited to, financial statement, general  
15 ledgers, invoice and billing systems and reports, and reports for  
16 regulatory tariffs and other regulatory matters;

17 (c) A telecommunications provider shall notify the director  
18 of revenue of its intention to utilize the standards described in  
19 paragraph (b) of this subdivision to determine the charges that  
20 are subject to sales tax under this subdivision. Such  
21 notification shall be in writing and shall meet standardized  
22 criteria established by the department regarding the form and  
23 format of such notice;

24 (d) The director of revenue may promulgate and enforce  
25 reasonable rules and regulations for the administration and  
26 enforcement of the provisions of this subdivision. Any rule or  
27 portion of a rule, as that term is defined in section 536.010,  
28 that is created under the authority delegated in this section  
29 shall become effective only if it complies with and is subject to

1 all of the provisions of chapter 536 and, if applicable, section  
2 536.028. This section and chapter 536 are nonseverable and if  
3 any of the powers vested with the general assembly pursuant to  
4 chapter 536 to review, to delay the effective date, or to  
5 disapprove and annul a rule are subsequently held  
6 unconstitutional, then the grant of rulemaking authority and any  
7 rule proposed or adopted after August 28, 2019, shall be invalid  
8 and void;

9 (5) A tax equivalent to four percent of the basic rate paid  
10 or charged for all sales of services for transmission of messages  
11 of telegraph companies;

12 (6) A tax equivalent to four percent on the amount of sales  
13 or charges for all rooms, meals and drinks furnished at any  
14 hotel, motel, tavern, inn, restaurant, eating house, drugstore,  
15 dining car, tourist cabin, tourist camp or other place in which  
16 rooms, meals or drinks are regularly served to the public. The  
17 tax imposed under this subdivision shall not apply to any  
18 automatic mandatory gratuity for a large group imposed by a  
19 restaurant when such gratuity is reported as employee tip income  
20 and the restaurant withholds income tax under section 143.191 on  
21 such gratuity;

22 (7) A tax equivalent to four percent of the amount paid or  
23 charged for intrastate tickets by every person operating a  
24 railroad, sleeping car, dining car, express car, boat, airplane  
25 and such buses and trucks as are licensed by the division of  
26 motor carrier and railroad safety of the department of economic  
27 development of Missouri, engaged in the transportation of persons  
28 for hire;

29 (8) A tax equivalent to four percent of the amount paid or

1 charged for rental or lease of tangible personal property,  
2 provided that if the lessor or renter of any tangible personal  
3 property had previously purchased the property under the  
4 conditions of sale at retail or leased or rented the property and  
5 the tax was paid at the time of purchase, lease or rental, the  
6 lessor, sublessor, renter or subrenter shall not apply or collect  
7 the tax on the subsequent lease, sublease, rental or subrental  
8 receipts from that property. The purchase, rental or lease of  
9 motor vehicles, trailers, motorcycles, mopeds, motortricycles,  
10 boats, and outboard motors shall be taxed and the tax paid as  
11 provided in this section and section 144.070. In no event shall  
12 the rental or lease of boats and outboard motors be considered a  
13 sale, charge, or fee to, for or in places of amusement,  
14 entertainment or recreation nor shall any such rental or lease be  
15 subject to any tax imposed to, for, or in such places of  
16 amusement, entertainment or recreation. Rental and leased boats  
17 or outboard motors shall be taxed under the provisions of the  
18 sales tax laws as provided under such laws for motor vehicles and  
19 trailers. Tangible personal property which is exempt from the  
20 sales or use tax under section 144.030 upon a sale thereof is  
21 likewise exempt from the sales or use tax upon the lease or  
22 rental thereof;

23 (9) A tax equivalent to four percent of the purchase price,  
24 as defined in section 144.070, of new and used motor vehicles,  
25 trailers, boats, and outboard motors purchased or acquired for  
26 use on the highways or waters of this state which are required to  
27 be registered under the laws of the state of Missouri. This tax  
28 is imposed on the person titling such property, and shall be paid  
29 according to the procedures in section 144.440.

1           2. All tickets sold which are sold under the provisions of  
2     [sections 144.010 to 144.525] this chapter which are subject to  
3     the sales tax shall have printed, stamped or otherwise endorsed  
4     thereon, the words "This ticket is subject to a sales tax."

5           144.049. 1. For purposes of this section, the following  
6     terms mean:

7           (1) "Clothing", any article of wearing apparel intended to  
8     be worn on or about the human body including, but not limited to,  
9     disposable diapers for infants or adults and footwear. The term  
10    shall include, but not be limited to, cloth and other material  
11    used to make school uniforms or other school clothing. Items  
12    normally sold in pairs shall not be separated to qualify for the  
13    exemption. The term shall not include watches, watchbands,  
14    jewelry, handbags, handkerchiefs, umbrellas, scarves, ties,  
15    headbands, or belt buckles; and

16          (2) "Personal computers", a laptop, desktop, or tower  
17    computer system which consists of a central processing unit,  
18    random access memory, a storage drive, a display monitor, and a  
19    keyboard and devices designed for use in conjunction with a  
20    personal computer, such as a disk drive, memory module, compact  
21    disk drive, daughterboard, digitizer, microphone, modem,  
22    motherboard, mouse, multimedia speaker, printer, scanner,  
23    single-user hardware, single-user operating system, soundcard, or  
24    video card;

25          (3) "School supplies", any item normally used by students  
26    in a standard classroom for educational purposes, including but  
27    not limited to textbooks, notebooks, paper, writing instruments,  
28    crayons, art supplies, rulers, book bags, backpacks, handheld  
29    calculators, chalk, maps, and globes. The term shall not include

1 watches, radios, CD players, headphones, sporting equipment,  
2 portable or desktop telephones, copiers or other office  
3 equipment, furniture, or fixtures. School supplies shall also  
4 include computer software having a taxable value of three hundred  
5 fifty dollars or less and any graphing calculator having a  
6 taxable value of one hundred fifty dollars or less.

7 2. In each year beginning on or after January 1, 2005,  
8 there is hereby specifically exempted from state and local sales  
9 tax law all retail sales of any article of clothing having a  
10 taxable value of one hundred dollars or less, all retail sales of  
11 school supplies not to exceed fifty dollars per purchase, all  
12 computer software with a taxable value of three hundred fifty  
13 dollars or less, all graphing calculators having a taxable value  
14 of one hundred fifty dollars or less, and all retail sales of  
15 personal computers or computer peripheral devices not to exceed  
16 one thousand five hundred dollars, during a three-day period  
17 beginning at 12:01 a.m. on the first Friday in August and ending  
18 at midnight on the Sunday following. Where a purchaser and  
19 seller are located in two different time zones, the time zone of  
20 the seller's location shall determine the authorized exemption  
21 period.

22 3. [If the governing body of any political subdivision  
23 adopted an ordinance that applied to the 2004 sales tax holiday  
24 to prohibit the provisions of this section from allowing the  
25 sales tax holiday to apply to such political subdivision's local  
26 sales tax, then, notwithstanding any provision of a local  
27 ordinance to the contrary, the 2005 sales tax holiday shall not  
28 apply to such political subdivision's local sales tax. However,  
29 any such political subdivision may enact an ordinance to allow

1 the 2005 sales tax holiday to apply to its local sales taxes. A  
2 political subdivision must notify the department of revenue not  
3 less than forty-five calendar days prior to the beginning date of  
4 the sales tax holiday occurring in that year of any ordinance or  
5 order rescinding an ordinance or order to opt out.

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

8 [5.] 4. This section applies to sales of items bought for  
9 personal use only.

10 [6. After the 2005 sales tax holiday, any political  
11 subdivision may, by adopting an ordinance or order, choose to  
12 prohibit future annual sales tax holidays from applying to its  
13 local sales tax. After opting out, the political subdivision may  
14 rescind the ordinance or order. The political subdivision must  
15 notify the department of revenue not less than forty-five  
16 calendar days prior to the beginning date of the sales tax  
17 holiday occurring in that year of any ordinance or order  
18 rescinding an ordinance or order to opt out.

19 7.] 5. This section may not apply to any retailer when less  
20 than two percent of the retailer's merchandise offered for sale  
21 qualifies for the sales tax holiday. The retailer [shall] may  
22 offer a sales tax refund in lieu of the sales tax holiday.

23 6. A sale of property which is eligible for an exemption  
24 under subsection 1 of this section but is purchased under a  
25 layaway sale shall only qualify for an exemption if:

26 (1) Final payment on a layaway order is made by, and the  
27 property is given to, the purchaser during the exemption period;  
28 or

29 (2) The purchaser selects the property and the seller

1 accepts the order for the property during the exemption period,  
2 for immediate delivery upon full payment, even if delivery is  
3 made after the exemption period.

4 7. The exemption of a bundled transaction shall be  
5 calculated as provided by law for all other bundled transactions.

6 8. (1) For any discount offered by a seller that is a  
7 reduction of the sales price of the product, the discounted sales  
8 price shall determine whether the sales price falls below the  
9 price threshold provided in subsection 1 of this section. A  
10 coupon that reduces the sales price shall be treated as a  
11 discount only if the seller is not reimbursed for the coupon  
12 amount by a third party.

13 (2) If a discount applies to the total amount paid by a  
14 purchaser rather than to the sales price of a particular product  
15 and the purchaser has purchased both exempt property and taxable  
16 property, the seller shall allocate the discount based on the  
17 total sales prices of the taxable property compared to the total  
18 sales prices of all property sold in the same transaction.

19 9. Items that are normally sold as a single unit shall  
20 continue to be sold in that manner and shall not be priced  
21 separately and sold as individual items.

22 10. Items that are purchased during an exemption period but  
23 that are not delivered to the purchaser until after the exemption  
24 period due to the item not being in stock shall qualify for an  
25 exemption. The provisions of this subsection shall not apply to  
26 an item that was delivered during an exemption period but was  
27 purchased prior to or after the exemption period.

28 11. (1) If a purchaser purchases an item of eligible  
29 property during an exemption period, but later exchanges the item

1 for a similar eligible item after the exemption period, no  
2 additional tax shall be due on the new item.

3 (2) If a purchaser purchases an item of eligible property  
4 during an exemption period, but later returns the item after the  
5 exemption period and receives credit on the purchase of a  
6 different nonexempt item, the appropriate sales tax shall be due  
7 on the sale of the newly purchased item.

8 (3) If a purchaser purchases an item of eligible property  
9 before an exemption period, but during the exemption period  
10 returns the item and receives credit on the purchase of a  
11 different item of eligible property, no sales tax shall be due on  
12 the sale of the new item if the new item is purchased during the  
13 exemption period.

14 (4) For a sixty-day period immediately following the end of  
15 the exemption period, if a purchaser returns an exempt item, no  
16 credit for or refund of sales tax shall be given unless the  
17 purchaser provides a receipt or invoice that shows tax was paid,  
18 or the seller has sufficient documentation to show that tax was  
19 paid on the item being returned.

20 144.054. 1. As used in this section, the following terms  
21 mean:

22 (1) "Processing", any mode of treatment, act, or series of  
23 acts performed upon materials to transform or reduce them to a  
24 different state or thing, including treatment necessary to  
25 maintain or preserve such processing by the producer at the  
26 production facility;

27 (2) "Producing" includes, but is not limited to, the  
28 production of, including the production and transmission of,  
29 telecommunication services;

1           (3) "Product" includes, but is not limited to,  
2 telecommunications services;

3           (4) "Recovered materials", those materials which have been  
4 diverted or removed from the solid waste stream for sale, use,  
5 reuse, or recycling, whether or not they require subsequent  
6 separation and processing.

7           2. In addition to all other exemptions granted under this  
8 chapter, there is hereby specifically exempted from the  
9 provisions of [sections 144.010 to 144.525 and 144.600 to  
10 144.761, and from the computation of the tax levied, assessed, or  
11 payable under sections 144.010 to 144.525 and 144.600 to 144.761]  
12 this chapter and the local sales tax law as defined in section  
13 32.085 and from the computation of the tax levied, assessed, or  
14 payable under this chapter and the local sales tax law as defined  
15 in section 32.085, electrical energy and gas, whether natural,  
16 artificial, or propane, water, coal, and energy sources,  
17 chemicals, machinery, equipment, and materials used or consumed  
18 in the manufacturing, processing, compounding, mining, or  
19 producing of any product, or used or consumed in the processing  
20 of recovered materials, or used in research and development  
21 related to manufacturing, processing, compounding, mining, or  
22 producing any product. [The exemptions granted in this  
23 subsection shall not apply to local sales taxes as defined in  
24 section 32.085 and the provisions of this subsection shall be in  
25 addition to any state and local sales tax exemption provided in  
26 section 144.030.] The construction and application of this  
27 subsection as expressed by the Missouri supreme court in DST  
28 Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc  
29 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78

1 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v.  
2 Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby  
3 affirmed.

4 3. In addition to all other exemptions granted under this  
5 chapter, there is hereby specifically exempted from the  
6 provisions of [sections 144.010 to 144.525 and 144.600 to  
7 144.761, and section 238.235,] this chapter and the local sales  
8 tax law as defined in section 32.085, and from the computation of  
9 the tax levied, assessed, or payable under [sections 144.010 to  
10 144.525 and 144.600 to 144.761, and section 238.235,] this  
11 chapter and the local sales tax law as defined in section 32.085,  
12 all utilities, machinery, and equipment used or consumed directly  
13 in television or radio broadcasting and all sales and purchases  
14 of tangible personal property, utilities, services, or any other  
15 transaction that would otherwise be subject to the state or local  
16 sales or use tax when such sales are made to or purchases are  
17 made by a contractor for use in fulfillment of any obligation  
18 under a defense contract with the United States government, and  
19 all sales and leases of tangible personal property by any county,  
20 city, incorporated town, or village, provided such sale or lease  
21 is authorized under chapter 100, and such transaction is  
22 certified for sales tax exemption by the department of economic  
23 development, and tangible personal property used for railroad  
24 infrastructure brought into this state for processing,  
25 fabrication, or other modification for use outside the state in  
26 the regular course of business.

27 4. In addition to all other exemptions granted under this  
28 chapter, there is hereby specifically exempted from the  
29 provisions of [sections 144.010 to 144.525 and 144.600 to

1 144.761, and section 238.235,] this chapter and the local sales  
2 tax law as defined in section 32.085, and from the computation of  
3 the tax levied, assessed, or payable under [sections 144.010 to  
4 144.525 and 144.600 to 144.761, and section 238.235,] this  
5 chapter and the local sales tax law as defined in section 32.085,  
6 all sales and purchases of tangible personal property, utilities,  
7 services, or any other transaction that would otherwise be  
8 subject to the state or local sales or use tax when such sales  
9 are made to or purchases are made by a private partner for use in  
10 completing a project under sections 227.600 to 227.669.

11 5. In addition to all other exemptions granted under this  
12 chapter, there is hereby specifically exempted from the  
13 provisions of [sections 144.010 to 144.525 and 144.600 to  
14 144.761, and section 238.235,] this chapter and the local sales  
15 tax law as defined in section 32.085, and from the computation of  
16 the tax levied, assessed, or payable under [sections 144.010 to  
17 144.525 and 144.600 to 144.761, and section 238.235,] this  
18 chapter and the local sales tax law as defined in section 32.085,  
19 all materials, manufactured goods, machinery and parts,  
20 electrical energy and gas, whether natural, artificial or  
21 propane, water, coal and other energy sources, chemicals, soaps,  
22 detergents, cleaning and sanitizing agents, and other ingredients  
23 and materials inserted by commercial or industrial laundries to  
24 treat, clean, and sanitize textiles in facilities which process  
25 at least five hundred pounds of textiles per hour and at least  
26 sixty thousand pounds per week.

27 144.060. 1. It shall be the duty of every person making  
28 any purchase or receiving any service upon which a tax is imposed  
29 by sections 144.010 to 144.510 to pay, to the extent possible

1 under the provisions of section 144.285, the amount of such tax  
2 to the person making such sale or rendering such service. Any  
3 person who shall willfully and intentionally refuse to pay such  
4 tax shall be guilty of a misdemeanor. The provisions of this  
5 section shall not apply to any person making any purchase or sale  
6 of a motor vehicle subject to sales tax as provided by the  
7 Missouri sales tax law, unless such person making the sale is a  
8 motor vehicle dealer authorized to collect and remit sales tax  
9 pursuant to subsection 10 of section 144.070.

10 2. A purchaser shall be relieved from any additional tax,  
11 interest, additions, or penalties for failure to collect and  
12 remit the proper amount of tax owed on a purchase subject to  
13 sales tax under this chapter if:

14 (1) A purchaser's seller or a certified service provider  
15 relied on erroneous data provided by the director on tax rates,  
16 boundaries, taxing jurisdiction assignments, or in the taxability  
17 matrix created pursuant to section 144.124;

18 (2) A purchaser using a database created pursuant to  
19 section 144.123 received erroneous data provided by the director  
20 on tax rates, boundaries, or taxing jurisdiction assignments; or

21 (3) A purchaser relied on erroneous data provided by the  
22 director in the taxability matrix created pursuant to section  
23 144.124.

24 144.080. 1. Every person receiving any payment or  
25 consideration upon the sale of property or rendering of service,  
26 subject to the tax imposed by the provisions of sections 144.010  
27 to ~~[144.525]~~ 144.527, is exercising the taxable privilege of  
28 selling the property or rendering the service at retail and is  
29 subject to the tax levied in section 144.020. The person shall

1 be responsible not only for the collection of the amount of the  
2 tax imposed on the sale or service to the extent possible under  
3 the provisions of section 144.285, but shall, on or before the  
4 last day of the month following each calendar quarterly period of  
5 three months, file a return with the director of revenue showing  
6 the person's gross receipts and the amount of tax levied in  
7 section 144.020 for the preceding quarter, and shall remit to the  
8 director of revenue, with the return, the taxes levied in section  
9 144.020, except as provided in subsections 2 and 3 of this  
10 section. The director of revenue may promulgate rules or  
11 regulations changing the filing and payment requirements of  
12 sellers, but shall not require any seller to file and pay more  
13 frequently than required in this section.

14 2. (1) Where the aggregate amount levied and imposed upon  
15 a seller by section 144.020 is in excess of two hundred fifty  
16 dollars for either the first or second month of a calendar  
17 quarter, the seller shall file a return and pay such aggregate  
18 amount for such months to the director of revenue by the  
19 twentieth day of the succeeding month.

20 (2) Beginning January 1, 2021, where the aggregate amount  
21 levied and imposed upon a seller by section 144.020 is in excess  
22 of two hundred fifty dollars for either the first or second month  
23 of a calendar quarter, the seller shall file a return and pay  
24 such aggregate amount for such months to the director of revenue  
25 on or before the last day of the succeeding month.

26 3. Where the aggregate amount levied and imposed upon a  
27 seller by section 144.020 is less than forty-five dollars in a  
28 calendar quarter, the director of revenue shall by regulation  
29 permit the seller to file a return for a calendar year. The

1 return shall be filed and the taxes paid on or before January  
2 thirty-first of the succeeding year.

3 4. The seller of any property or person rendering any  
4 service, subject to the tax imposed by sections 144.010 to  
5 ~~[144.525]~~ 144.527, shall collect the tax from the purchaser of  
6 such property or the recipient of the service to the extent  
7 possible under the provisions of section 144.285, but the  
8 seller's inability to collect any part or all of the tax does not  
9 relieve the seller of the obligation to pay to the state the tax  
10 imposed by section 144.020; except that the collection of the tax  
11 imposed by sections 144.010 to ~~[144.525]~~ 144.527 on motor  
12 vehicles and trailers shall be made as provided in sections  
13 144.070 and 144.440.

14 5. Any person may advertise or hold out or state to the  
15 public or to any customer directly that the tax or any part  
16 thereof imposed by sections 144.010 to ~~[144.525]~~ 144.527, and  
17 required to be collected by the person, will be assumed or  
18 absorbed by the person, provided that the amount of tax assumed  
19 or absorbed shall be stated on any invoice or receipt for the  
20 property sold or service rendered. Any person violating any of  
21 the provisions of this section shall be guilty of a misdemeanor.  
22 This subsection shall not apply to any retailer prohibited from  
23 collecting and remitting sales tax under section 66.630."; and

24 Further amend said bill, page 96, section 144.140, line 1 of  
25 said page, by inserting immediately after said line the  
26 following:

27 "144.526. 1. This section shall be known and may be cited  
28 as the "Show Me Green Sales Tax Holiday".

29 2. For purposes of this section, the following terms mean:

1 (1) "Appliance", clothes washers and dryers, water heaters,  
2 trash compactors, dishwashers, conventional ovens, ranges,  
3 stoves, air conditioners, furnaces, refrigerators and freezers;  
4 and

5 (2) "Energy star certified", any appliance approved by both  
6 the United States Environmental Protection Agency and the United  
7 States Department of Energy as eligible to display the energy  
8 star label, as amended from time to time.

9 3. In each year beginning on or after January 1, 2009,  
10 there is hereby specifically exempted from state sales tax law  
11 and all local sales and use taxes all retail sales of any energy  
12 star certified new appliance, up to one thousand five hundred  
13 dollars per appliance[, ] during a seven-day period beginning at  
14 12:01 a.m. on April nineteenth and ending at midnight on April  
15 twenty-fifth. Where a purchaser and seller are located in two  
16 different time zones, the time zone of the seller's location  
17 shall determine the authorized exemption period.

18 4. [A political subdivision may allow the sales tax holiday  
19 under this section to apply to its local sales taxes by enacting  
20 an ordinance to that effect. Any such political subdivision  
21 shall notify the department of revenue not less than forty-five  
22 calendar days prior to the beginning date of the sales tax  
23 holiday occurring in that year of any such ordinance or order.

24 5. This section may not apply to any retailer when less  
25 than two percent of the retailer's merchandise offered for sale  
26 qualifies for the sales tax holiday. The retailer shall offer a  
27 sales tax refund in lieu of the sales tax holiday.] A sale of  
28 property which is eligible for an exemption under subsection 1 of  
29 this section but is purchased under a layaway sale shall only

1 qualify for an exemption if:

2 (1) Final payment on a layaway order is made by, and the  
3 property is given to, the purchaser during the exemption period;  
4 or

5 (2) The purchaser selects the property and the seller  
6 accepts the order for the property during the exemption period,  
7 for immediate delivery upon full payment, even if delivery is  
8 made after the exemption period.

9 5. (1) For any discount offered by a seller that is a  
10 reduction of the sales price of the product, the discounted sales  
11 price shall determine whether the sales price falls below the  
12 price threshold provided in subsection 1 of this section. A  
13 coupon that reduces the sales price shall be treated as a  
14 discount only if the seller is not reimbursed for the coupon  
15 amount by a third party.

16 (2) If a discount applies to the total amount paid by a  
17 purchaser rather than to the sales price of a particular product  
18 and the purchaser has purchased both exempt property and taxable  
19 property, the seller shall allocate the discount based on the  
20 total sales prices of the taxable property compared to the total  
21 sales prices of all property sold in the same transaction.

22 6. Items that are normally sold as a single unit shall  
23 continue to be sold in that manner and shall not be priced  
24 separately and sold as individual items.

25 7. Items that are purchased during an exemption period but  
26 that are not delivered to the purchaser until after the exemption  
27 period due to the item not being in stock shall qualify for an  
28 exemption. The provisions of this subsection shall not apply to  
29 an item that was delivered during an exemption period but was

1 purchased prior to or after the exemption period.

2 8. (1) If a purchaser purchases an item of eligible  
3 property during an exemption period, but later exchanges the item  
4 for a similar eligible item after the exemption period, no  
5 additional tax shall be due on the new item.

6 (2) If a purchaser purchases an item of eligible property  
7 during an exemption period, but later returns the item after the  
8 exemption period and receives credit on the purchase of a  
9 different nonexempt item, the appropriate sales tax shall be due  
10 on the sale of the newly purchased item.

11 (3) If a purchaser purchases an item of eligible property  
12 before an exemption period, but during the exemption period  
13 returns the item and receives credit on the purchase of a  
14 different item of eligible property, no sales tax shall be due on  
15 the sale of the new item if the new item is purchased during the  
16 exemption period.

17 (4) For a sixty day period immediately following the end of  
18 the exemption period, if a purchaser returns an exempt item no  
19 credit for or refund of sales tax shall be given unless the  
20 purchaser provides a receipt or invoice that shows tax was paid,  
21 or the seller has sufficient documentation to show that tax was  
22 paid on the item being returned."; and

23 Further amend said bill, page 105, section 144.637, line 2  
24 of said page, by striking "databases" and inserting in lieu  
25 thereof the following: database provided by the director"; and

26 Further amend said bill, page 109, section 144.752, lines  
27 10-12 of said page, by striking all of said lines and inserting  
28 in lieu thereof the following:

29 "5. A marketplace facilitator shall separately state on an

1 invoice provided to a purchaser the use tax collected and  
2 remitted on behalf of a marketplace seller."; and

3 Further amend said bill and section, page 110, line 5 of  
4 said page, by inserting immediately after "9." the following:  
5 "(1)"; and further amend line 7 of said page, by striking "sales  
6 or"; and further amend line 8 of said page, by striking all of  
7 said line and inserting in lieu thereof the following:  
8 "facilitated for marketplace sellers under the following  
9 circumstances:

10 (a) To the extent that the"; and further amend line 15 of  
11 said page, by inserting immediately after said line the  
12 following:

13 "(b) To the extent that the marketplace facilitator  
14 demonstrates to the satisfaction of the department that:

15 a. The marketplace facilitator is not the seller and that  
16 the marketplace facilitator and marketplace seller are not  
17 affiliated;

18 b. The retail sale was facilitated for a marketplace seller  
19 through a marketplace operated by the marketplace facilitator;  
20 and

21 c. The failure to collect and remit the correct amount of  
22 use tax was due to an error other than an error in sourcing the  
23 sale under the provisions of this chapter.

24 (2) The relief from liability provided under subdivision  
25 (1) of this subsection shall not exceed the following percentage  
26 of the total use tax due on retail sales facilitated by a  
27 marketplace facilitator for marketplace sellers and sourced to  
28 this state during a calendar year, which such retail sales shall  
29 not include retail sales made directly by the marketplace

1 facilitator or affiliates of the marketplace facilitator:

2 (a) For retail sales made or facilitated during the 2022  
3 calendar year, four percent;

4 (b) For retail sales made or facilitated during the 2023  
5 calendar year, two percent;

6 (c) For retail sales made or facilitated during the 2024  
7 calendar year, one percent; and

8 (d) For retail sales made or facilitated for all years  
9 beginning January 1, 2025, zero percent.

10 (3) To the extent that a marketplace facilitator is  
11 relieved of liability for the collection of use tax under this  
12 subsection, the marketplace seller for whom the marketplace  
13 facilitator has made or facilitated the sale shall also be  
14 relieved of liability under this subsection.

15 (4) The department shall determine the manner in which a  
16 marketplace facilitator or marketplace seller shall apply for and  
17 claim the relief from liability provided for under this  
18 subsection."; and

19 Further amend said bill, page 119, section 144.759, line 6  
20 of said page, by inserting immediately after the second use of  
21 the word "county" the following: "; provided, however, the  
22 county treasurer or other officer shall distribute that portion  
23 of the use tax imposed by the county equal to the rate of sales  
24 tax imposed by the county pursuant to section 67.547 for the  
25 purpose of funding zoological activities and zoological  
26 facilities of the zoological park subdistrict of the metropolitan  
27 zoological park and museum district as created pursuant to  
28 section 184.350"; and

29 Further amend said bill, page 161, section C, line 10 of

1       said page, by striking "144.140" and inserting in lieu thereof  
2       the following: "32.087, 143.011, 144.011, 144.014, 144.020,  
3       144.049, 144.054, 144.060, 144.080, 144.140, 144.526,"; and  
4       further amend line 11 of said page, by striking "section" and  
5       inserting in lieu thereof the following: "sections 144.608,  
6       144.637, 144.638, and"; and

7               Further amend the title and enacting clause accordingly.