

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 153 & 97

101ST GENERAL ASSEMBLY

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ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal sections 32.087, 32.310, 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty-one new sections relating to taxation, with penalty provisions, an emergency clause for a certain section, and an effective date for certain sections.

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

Section A. Sections 32.087, 32.310, 143.011, 144.011,  
2 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140,  
3 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000,  
4 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, are  
5 repealed and twenty-one new sections enacted in lieu thereof,  
6 to be known as sections 32.087, 32.310, 33.575, 143.011,  
7 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080,  
8 144.140, 144.526, 144.605, 144.608, 144.637, 144.638, 144.710,  
9 144.752, 144.757, and 144.759, to read as follows:

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

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

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

15           3. **(1)** Every retailer within the jurisdiction of one  
16 or more taxing entities which has imposed one or more local  
17 sales taxes under the local sales tax law shall add all  
18 taxes so imposed along with the tax imposed by the sales tax  
19 law of the state of Missouri to the sale price and, when  
20 added, the combined tax shall constitute a part of the  
21 price, and shall be a debt of the purchaser to the retailer  
22 until paid, and shall be recoverable at law in the same  
23 manner as the purchase price. The combined rate of the  
24 state sales tax and all local sales taxes shall be the sum  
25 of the rates, multiplying the combined rate times the amount  
26 of the sale.

27           **(2) For all tax years beginning on or after January 1,**  
28 **2023, the rate of sales taxes imposed under the local sales**  
29 **tax law shall not exceed the following amounts:**

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

33           **(b) For local sales taxes imposed under the local**  
34 **sales tax law by a county, excluding cities not within a**  
35 **county, three and one-fourth percent;**

36           **(c) For local sales taxes imposed under the local**  
37 **sales tax law by all taxing jurisdictions other than those**  
38 **described in paragraphs (a) and (b) of this subdivision, the**  
39 **total combined rate of sales taxes in any given taxing**  
40 **jurisdiction shall not exceed three and one-fourth percent.**

41 For the purposes of this paragraph, local sales taxes  
42 imposed by taxing entities described in paragraphs (a) and  
43 (b) of this subdivision, in a given taxing jurisdiction  
44 shall not be included in the calculation of the total  
45 combined rate of sales taxes under this paragraph.

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

50 (4) In any election in which more than one sales tax  
51 levy is approved by the voters, and the passage of such  
52 levies results in a combined rate of sales tax in excess of  
53 the limits provided for under subdivision (2) of this  
54 subsection, only the sales tax levy receiving the most votes  
55 shall become effective, provided such levy does not result  
56 in a combined rate of sales tax in excess of the limits  
57 provided for under subdivision (2) of this subsection.

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

63 5.] (1) The ordinance or order imposing a local sales  
64 tax under the local sales tax law shall impose a tax upon  
65 all transactions upon which the Missouri state sales tax is  
66 imposed to the extent and in the manner provided in sections  
67 144.010 to [144.525] **144.527**, and the rules and regulations  
68 of the director of revenue issued pursuant thereto[; except  
69 that the rate of the tax shall be the sum of the combined  
70 rate of the state sales tax or state highway use tax and all  
71 local sales taxes imposed under the provisions of the local  
72 sales tax law].

73           (2) Notwithstanding any other provision of law to the  
74 contrary, local taxing jurisdictions, except those in which  
75 voters have approved a local use tax under section 144.757,  
76 shall have placed on the ballot on or after the general  
77 election in November 2014, but no later than the general  
78 election in November 2022, whether to repeal application of  
79 the local sales tax to the titling of motor vehicles,  
80 trailers, boats, and outboard motors that are subject to  
81 state sales tax under section 144.020 and purchased from a  
82 source other than a licensed Missouri dealer. The ballot  
83 question presented to the local voters shall contain  
84 substantially the following language:

85           Shall the \_\_\_\_\_ (local jurisdiction's name)  
86           discontinue applying and collecting the local  
87           sales tax on the titling of motor vehicles,  
88           trailers, boats, and outboard motors that were  
89           purchased from a source other than a licensed  
90           Missouri dealer?

91           Approval of this measure will result in a  
92           reduction of local revenue to provide for vital  
93           services for \_\_\_\_\_ (local jurisdiction's  
94           name) and it will place Missouri dealers of  
95           motor vehicles, outboard motors, boats, and  
96           trailers at a competitive disadvantage to non-  
97           Missouri dealers of motor vehicles, outboard  
98           motors, boats, and trailers.

99                            YES                            NO

100           If you are in favor of the question, place an  
101           "X" in the box opposite "YES". If you are

102           opposed to the question, place an "X" in the box  
103           opposite "NO".

104           (3) If the ballot question set forth in subdivision  
105 (2) of this subsection receives a majority of the votes cast  
106 in favor of the proposal, or if the local taxing  
107 jurisdiction fails to place the ballot question before the  
108 voters on or before the general election in November 2022,  
109 the local taxing jurisdiction shall cease applying the local  
110 sales tax to the titling of motor vehicles, trailers, boats,  
111 and outboard motors that were purchased from a source other  
112 than a licensed Missouri dealer.

113           (4) In addition to the requirement that the ballot  
114 question set forth in subdivision (2) of this subsection be  
115 placed before the voters, the governing body of any local  
116 taxing jurisdiction that had previously imposed a local use  
117 tax on the use of motor vehicles, trailers, boats, and  
118 outboard motors may, at any time, place a proposal on the  
119 ballot at any election to repeal application of the local  
120 sales tax to the titling of motor vehicles, trailers, boats,  
121 and outboard motors purchased from a source other than a  
122 licensed Missouri dealer. If a majority of the votes cast  
123 by the registered voters voting thereon are in favor of the  
124 proposal to repeal application of the local sales tax to  
125 such titling, then the local sales tax shall no longer be  
126 applied to the titling of motor vehicles, trailers, boats,  
127 and outboard motors purchased from a source other than a  
128 licensed Missouri dealer. If a majority of the votes cast  
129 by the registered voters voting thereon are opposed to the  
130 proposal to repeal application of the local sales tax to  
131 such titling, such application shall remain in effect.

132           (5) In addition to the requirement that the ballot  
133 question set forth in subdivision (2) of this subsection be

134 placed before the voters on or after the general election in  
135 November 2014, and on or before the general election in  
136 November 2022, whenever the governing body of any local  
137 taxing jurisdiction imposing a local sales tax on the sale  
138 of motor vehicles, trailers, boats, and outboard motors  
139 receives a petition, signed by fifteen percent of the  
140 registered voters of such jurisdiction voting in the last  
141 gubernatorial election, and calling for a proposal to be  
142 placed on the ballot at any election to repeal application  
143 of the local sales tax to the titling of motor vehicles,  
144 trailers, boats, and outboard motors purchased from a source  
145 other than a licensed Missouri dealer, the governing body  
146 shall submit to the voters of such jurisdiction a proposal  
147 to repeal application of the local sales tax to such  
148 titling. If a majority of the votes cast by the registered  
149 voters voting thereon are in favor of the proposal to repeal  
150 application of the local sales tax to such titling, then the  
151 local sales tax shall no longer be applied to the titling of  
152 motor vehicles, trailers, boats, and outboard motors  
153 purchased from a source other than a licensed Missouri  
154 dealer. If a majority of the votes cast by the registered  
155 voters voting thereon are opposed to the proposal to repeal  
156 application of the local sales tax to such titling, such  
157 application shall remain in effect.

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

161 (7) If any local sales tax on the titling of motor  
162 vehicles, trailers, boats, and outboard motors purchased  
163 from a source other than a licensed Missouri dealer is  
164 repealed, such repeal shall take effect on the first day of  
165 the second calendar quarter after the election. If any

166 local sales tax on the titling of motor vehicles, trailers,  
167 boats, and outboard motors purchased from a source other  
168 than a licensed Missouri dealer is required to cease to be  
169 applied or collected due to failure of a local taxing  
170 jurisdiction to hold an election pursuant to subdivision (2)  
171 of this subsection, such cessation shall take effect on  
172 March 1, 2023.

173 (8) Notwithstanding any provision of law to the  
174 contrary, if any local sales tax on the titling of motor  
175 vehicles, trailers, boats, and outboard motors purchased  
176 from a source other than a licensed Missouri dealer is  
177 repealed after the general election in November 2014, or if  
178 the taxing jurisdiction failed to present the ballot to the  
179 voters at a general election on or before November 2022,  
180 then the governing body of such taxing jurisdiction may, at  
181 any election subsequent to the repeal or after the general  
182 election in November 2022, if the jurisdiction failed to  
183 present the ballot to the voters, place before the voters  
184 the issue of imposing a sales tax on the titling of motor  
185 vehicles, trailers, boats, and outboard motors that are  
186 subject to state sales tax under section 144.020 that were  
187 purchased from a source other than a licensed Missouri  
188 dealer. The ballot question presented to the local voters  
189 shall contain substantially the following language:

190 Shall the \_\_\_\_\_ (local jurisdiction's name)  
191 apply and collect the local sales tax on the  
192 titling of motor vehicles, trailers, boats, and  
193 outboard motors that are subject to state sales  
194 tax under section 144.020 and purchased from a  
195 source other than a licensed Missouri dealer?  
196 Approval of this measure will result in an  
197 increase of local revenue to provide for vital

198 services for \_\_\_\_\_ (local jurisdiction's  
199 name), and it will remove a competitive  
200 advantage that non-Missouri dealers of motor  
201 vehicles, outboard motors, boats, and trailers  
202 have over Missouri dealers of motor vehicles,  
203 outboard motors, boats, and trailers.

204  YES  NO

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

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

214 [6.] 5. On and after the effective date of any local  
215 sales tax imposed under the provisions of the local sales  
216 tax law, the director of revenue shall perform all functions  
217 incident to the administration, collection, enforcement, and  
218 operation of the tax, and the director of revenue shall  
219 collect in addition to the sales tax for the state of  
220 Missouri all additional local sales taxes authorized under  
221 the authority of the local sales tax law. All local sales  
222 taxes imposed under the local sales tax law together with  
223 all taxes imposed under the sales tax law of the state of  
224 Missouri shall be collected together and reported upon such  
225 forms and under such administrative rules and regulations as  
226 may be prescribed by the director of revenue.



227           [7.] 6. All applicable provisions contained in  
228 sections 144.010 to [144.525] **144.527** governing the state  
229 sales tax and section 32.057, the uniform confidentiality  
230 provision, shall apply to the collection of any local sales  
231 tax imposed under the local sales tax law except as modified  
232 by the local sales tax law.

233           [8.] 7. All exemptions granted to agencies of  
234 government, organizations, persons and to the sale of  
235 certain articles and items of tangible personal property and  
236 taxable services under the provisions of sections 144.010 to  
237 [144.525] **144.527**, as these sections now read and as they  
238 may hereafter be amended, it being the intent of this  
239 general assembly to ensure that the same sales tax  
240 exemptions granted from the state sales tax law also be  
241 granted under the local sales tax law, are hereby made  
242 applicable to the imposition and collection of all local  
243 sales taxes imposed under the local sales tax law.

244           [9.] 8. The same sales tax permit, exemption  
245 certificate and retail certificate required by sections  
246 144.010 to [144.525] **144.527** for the administration and  
247 collection of the state sales tax shall satisfy the  
248 requirements of the local sales tax law, and no additional  
249 permit or exemption certificate or retail certificate shall  
250 be required; except that the director of revenue may  
251 prescribe a form of exemption certificate for an exemption  
252 from any local sales tax imposed by the local sales tax law.

253           [10.] 9. All discounts allowed the retailer under the  
254 provisions of the state sales tax law for the collection of  
255 and for payment of taxes under the provisions of the state  
256 sales tax law are hereby allowed and made applicable to any  
257 local sales tax collected under the provisions of the local  
258 sales tax law.

259           [11.] **10.** The penalties provided in section 32.057 and  
260 sections 144.010 to [144.525] **144.527** for a violation of the  
261 provisions of those sections are hereby made applicable to  
262 violations of the provisions of the local sales tax law.

263           [12.] **11.** (1) For the purposes of any local sales tax  
264 imposed by an ordinance or order under the local sales tax  
265 law, all sales, except the sale of motor vehicles, trailers,  
266 boats, and outboard motors required to be titled under the  
267 laws of the state of Missouri, shall be deemed to be  
268 consummated at the place of business of the retailer unless  
269 the tangible personal property sold is delivered by the  
270 retailer or his agent to an out-of-state destination. In  
271 the event a retailer has more than one place of business in  
272 this state which participates in the sale, the sale shall be  
273 deemed to be consummated at the place of business of the  
274 retailer where the initial order for the tangible personal  
275 property is taken, even though the order must be forwarded  
276 elsewhere for acceptance, approval of credit, shipment or  
277 billing. A sale by a retailer's agent or employee shall be  
278 deemed to be consummated at the place of business from which  
279 he works.

280           (2) For the purposes of any local sales tax imposed by  
281 an ordinance or order under the local sales tax law, the  
282 sales tax upon the titling of all motor vehicles, trailers,  
283 boats, and outboard motors shall be imposed at the rate in  
284 effect at the location of the residence of the purchaser,  
285 and remitted to that local taxing entity, and not at the  
286 place of business of the retailer, or the place of business  
287 from which the retailer's agent or employee works.

288           (3) For the purposes of any local tax imposed by an  
289 ordinance or under the local sales tax law on charges for  
290 mobile telecommunications services, all taxes of mobile

291 telecommunications service shall be imposed as provided in  
292 the Mobile Telecommunications Sourcing Act, 4 U.S.C.  
293 Sections 116 through 124, as amended.

294 [13.] 12. Local sales taxes shall not be imposed on  
295 the seller of motor vehicles, trailers, boats, and outboard  
296 motors required to be titled under the laws of the state of  
297 Missouri, but shall be collected from the purchaser by the  
298 director of revenue at the time application is made for a  
299 certificate of title, if the address of the applicant is  
300 within a taxing entity imposing a local sales tax under the  
301 local sales tax law.

302 [14.] 13. The director of revenue and any of his  
303 deputies, assistants and employees who have any duties or  
304 responsibilities in connection with the collection, deposit,  
305 transfer, transmittal, disbursement, safekeeping,  
306 accounting, or recording of funds which come into the hands  
307 of the director of revenue under the provisions of the local  
308 sales tax law shall enter a surety bond or bonds payable to  
309 any and all taxing entities in whose behalf such funds have  
310 been collected under the local sales tax law in the amount  
311 of one hundred thousand dollars for each such tax; but the  
312 director of revenue may enter into a blanket bond covering  
313 himself and all such deputies, assistants and employees.  
314 The cost of any premium for such bonds shall be paid by the  
315 director of revenue from the share of the collections under  
316 the sales tax law retained by the director of revenue for  
317 the benefit of the state.

318 [15.] 14. The director of revenue shall annually  
319 report on his management of each trust fund which is created  
320 under the local sales tax law and administration of each  
321 local sales tax imposed under the local sales tax law. He  
322 shall provide each taxing entity imposing one or more local

323 sales taxes authorized by the local sales tax law with a  
324 detailed accounting of the source of all funds received by  
325 him for the taxing entity. Notwithstanding any other  
326 provisions of law, the state auditor shall annually audit  
327 each trust fund. A copy of the director's report and annual  
328 audit shall be forwarded to each taxing entity imposing one  
329 or more local sales taxes.

330       **[16.] 15.** Within the boundaries of any taxing entity  
331 where one or more local sales taxes have been imposed, if  
332 any person is delinquent in the payment of the amount  
333 required to be paid by him under the local sales tax law or  
334 in the event a determination has been made against him for  
335 taxes and penalty under the local sales tax law, the  
336 limitation for bringing suit for the collection of the  
337 delinquent tax and penalty shall be the same as that  
338 provided in sections 144.010 to ~~[144.525]~~ **144.527**. Where  
339 the director of revenue has determined that suit must be  
340 filed against any person for the collection of delinquent  
341 taxes due the state under the state sales tax law, and where  
342 such person is also delinquent in payment of taxes under the  
343 local sales tax law, the director of revenue shall notify  
344 the taxing entity in the event any person fails or refuses  
345 to pay the amount of any local sales tax due so that  
346 appropriate action may be taken by the taxing entity.

347       **[17.] 16.** Where property is seized by the director of  
348 revenue under the provisions of any law authorizing seizure  
349 of the property of a taxpayer who is delinquent in payment  
350 of the tax imposed by the state sales tax law, and where  
351 such taxpayer is also delinquent in payment of any tax  
352 imposed by the local sales tax law, the director of revenue  
353 shall permit the taxing entity to join in any sale of  
354 property to pay the delinquent taxes and penalties due the

355 state and to the taxing entity under the local sales tax  
356 law. The proceeds from such sale shall first be applied to  
357 all sums due the state, and the remainder, if any, shall be  
358 applied to all sums due such taxing entity.

359 [18.] 17. If a local sales tax has been in effect for  
360 at least one year under the provisions of the local sales  
361 tax law and voters approve reimposition of the same local  
362 sales tax at the same rate at an election as provided for in  
363 the local sales tax law prior to the date such tax is due to  
364 expire, the tax so reimposed shall become effective the  
365 first day of the first calendar quarter after the director  
366 receives a certified copy of the ordinance, order or  
367 resolution accompanied by a map clearly showing the  
368 boundaries thereof and the results of such election,  
369 provided that such ordinance, order or resolution and all  
370 necessary accompanying materials are received by the  
371 director at least thirty days prior to the expiration of  
372 such tax. Any administrative cost or expense incurred by  
373 the state as a result of the provisions of this subsection  
374 shall be paid by the city or county reimposing such tax.

32.310. 1. The department of revenue shall create and  
2 maintain a mapping feature on its official public website  
3 that displays sales **and use** tax information of political  
4 subdivisions of this state that have taxing authority,  
5 including the current tax rate for each sales **and use** tax  
6 imposed and collected. Such display shall have the option  
7 to showcase the borders and jurisdiction of the following  
8 political subdivisions on a map of the state to the extent  
9 that such political subdivisions collect sales **and use** tax:

- 10 (1) Ambulance districts;
- 11 (2) Community improvement districts;
- 12 (3) Fire protection districts;

- 13 (4) Levee districts;  
14 (5) Library districts;  
15 (6) Neighborhood improvement districts;  
16 (7) Port authority districts;  
17 (8) Tax increment financing districts;  
18 (9) Transportation development districts;  
19 (10) School districts; or  
20 (11) Any other political subdivision that imposes a  
21 sales **or use** tax within its borders and jurisdiction.

22 2. The mapping feature shall also have the option to  
23 superimpose state house of representative districts and  
24 state senate districts over the political subdivisions.

25 3. A political subdivision collecting sales **or use** tax  
26 listed in subsection 1 of this section shall provide to the  
27 department of revenue mapping and geographic data pertaining  
28 to the political subdivision's borders and jurisdictions.  
29 The political subdivision shall certify the accuracy of the  
30 data by affidavit and shall provide the data in a format  
31 specified by the department of revenue. Such data **relating**  
32 **to sales taxes** shall be sent to the department of revenue by  
33 April 1, 2019, and shall be updated and sent to the  
34 department if a change in the political subdivision's  
35 borders or jurisdiction occurs thereafter. **Such data**  
36 **relating to use taxes shall be sent to the department of**  
37 **revenue by January 1, 2022. If a political subdivision**  
38 **fails to provide the information required under this**  
39 **subsection, the department of revenue shall use the last**  
40 **known sales or use tax rate for such political subdivision.**

41 4. The department of revenue may contract with another  
42 entity to build and maintain the mapping feature.

43 5. By July 1, 2019, the department shall implement the  
44 mapping feature using the **sales tax** data provided to it

45 under subsection 3 of this section. By August 28, 2022, the  
46 department shall implement the mapping feature using use tax  
47 data provided to it under subsection 3 of this section.

48 6. If the boundaries of a political subdivision listed  
49 in subsection 1 of this section in which a sales or use tax  
50 has been imposed shall thereafter be changed or altered, the  
51 political subdivision shall forward to the director of  
52 revenue by United States registered mail or certified mail a  
53 certified copy of the ordinance adding or detaching  
54 territory from the political subdivision within ten days of  
55 adoption of the ordinance. The ordinance shall reflect the  
56 effective date of the ordinance and shall be accompanied by  
57 a map in a form to be determined by the director of  
58 revenue. Upon receipt of the ordinance and map, the tax  
59 imposed under the local sales tax law shall be effective in  
60 the added territory or abolished in the detached territory  
61 on the first day of a calendar quarter after one hundred  
62 twenty days' notice to sellers.

33.575. 1. There is hereby created in the state  
2 treasury the "Cash Operating Expense Fund", which shall  
3 consist of money as provided under this section. The state  
4 treasurer shall be custodian of the fund. In accordance  
5 with sections 30.170 and 30.180, the state treasurer may  
6 approve disbursements. Notwithstanding the provisions of  
7 section 33.080 to the contrary, any moneys remaining in the  
8 fund at the end of the biennium shall not revert to the  
9 credit of the general revenue fund. The state treasurer  
10 shall invest moneys in the fund in the same manner as other  
11 funds are invested. Any interest and moneys earned on such  
12 investments shall be credited to the fund.

13 2. (1) The state general revenue portion from  
14 remittances made pursuant to section 144.752 and paragraph

15 (e) of subdivision (3) of section 144.605, with the  
16 exception of revenues collected pursuant to section 144.701  
17 and Article IV, Sections 43(a) and 47(a) of the Missouri  
18 Constitution, shall be deposited into the fund.

19 (2) Subject to appropriation, the following moneys may  
20 be transferred into the fund:

21 (a) Any funds appropriated to the office of the  
22 governor for expenses related to emergency duties performed  
23 by the national guard when ordered out by the governor, for  
24 matching funds for federal grants and for emergency  
25 assistance as provided in section 44.032, and for expenses  
26 of any state agency responding during a declared emergency  
27 at the direction of the governor, provided the services  
28 furnish immediate aid and relief, that were unexpended at  
29 the end of the fiscal year; and

30 (b) Any funds appropriated to the fund by the general  
31 assembly or otherwise credited to the fund.

32 3. In any fiscal year in which actual revenues are  
33 less than the revenue estimates upon which appropriations  
34 were based or in which there is a budget need due to a  
35 natural disaster, as proclaimed by the governor to be an  
36 emergency, the governor may, subject to appropriation,  
37 transfer from the fund to the general revenue fund such  
38 moneys as are necessary to make up all or part of the  
39 deficit between the actual revenues and the revenue  
40 estimates or to meet the needs of the emergency caused by  
41 the natural disaster, as the case may be.

42 4. When the balance in the fund at the close of any  
43 fiscal year exceeds two and one-half percent of net general  
44 revenue collections for the previous fiscal year, the excess  
45 balance shall be transferred to the general revenue fund.



46           5. For the purposes of this section, "net general  
 47 revenue collections" means all revenue deposited into the  
 48 general revenue fund less refunds and revenues originally  
 49 deposited into the general revenue fund but designated by  
 50 law for a specific distribution or transfer to another state  
 51 fund.

143.011. 1. A tax is hereby imposed for every taxable  
 2 year on the Missouri taxable income of every resident. The  
 3 tax shall be determined by applying the tax table or the  
 4 rate provided in section 143.021, which is based upon the  
 5 following rates:

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

24	Over \$8,000 but not	\$260 plus 5 1/2% of excess
25	over \$9,000	over \$8,000
26	Over \$9,000	\$315 plus 6% of excess over
27		\$9,000

28           2. (1) Beginning with the 2017 calendar year, the top  
 29 rate of tax under subsection 1 of this section may be  
 30 reduced over a period of years. Each reduction in the top  
 31 rate of tax shall be by one-tenth of a percent and no more  
 32 than one reduction shall occur in a calendar year. No more  
 33 than five reductions shall be made under this subsection.  
 34 Reductions in the rate of tax shall take effect on January  
 35 first of a calendar year and such reduced rates shall  
 36 continue in effect until the next reduction occurs.

37           (2) A reduction in the rate of tax shall only occur if  
 38 the amount of net general revenue collected in the previous  
 39 fiscal year exceeds the highest amount of net general  
 40 revenue collected in any of the three fiscal years prior to  
 41 such fiscal year by at least one hundred fifty million  
 42 dollars.

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

46           (4) The director of the department of revenue shall,  
 47 by rule, adjust the tax tables under subsection 1 of this  
 48 section to effectuate the provisions of this subsection.  
 49 The bracket for income subject to the top rate of tax shall  
 50 be eliminated once the top rate of tax has been reduced to  
 51 five and one-half percent, and the top remaining rate of tax  
 52 shall apply to all income in excess of the income in the  
 53 second highest remaining income bracket.

54           3. (1) In addition to the rate reductions under  
55 subsection 2 of this section, beginning with the 2019  
56 calendar year, the top rate of tax under subsection 1 of  
57 this section shall be reduced by four-tenths of one  
58 percent. Such reduction in the rate of tax shall take  
59 effect on January first of the 2019 calendar year.

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

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

66           4. (1) **In addition to the rate reductions under**  
67 **subsections 2 and 3 of this section, beginning with the 2023**  
68 **calendar year, the top rate of tax under subsection 1 of**  
69 **this section shall be reduced by five-hundredths of one**  
70 **percent. Such reduction in the rate of tax shall take**  
71 **effect on January first of the 2023 calendar year.**

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

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

78           5. (1) **In addition to the rate reductions under**  
79 **subsections 2 to 4 of this section, beginning with the**  
80 **calendar year following the calendar year in which the final**  
81 **reduction in the top rate of tax is made under subsection 2**  
82 **of this section, the top rate of tax under subsection 1 of**  
83 **this section shall be reduced by one-tenth of one percent.**  
84 **Such reduction in the rate of tax shall take effect on**  
85 **January first of a calendar year.**

86           (2) The reduction in the rate of tax pursuant to this  
87 subsection shall only occur if the amount of net general  
88 revenue collected in the previous fiscal year exceeds the  
89 highest amount of net general revenue collected in any of  
90 the three fiscal years prior to such fiscal year by at least  
91 one hundred fifty million dollars.

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

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

98           6. Beginning with the 2017 calendar year, the brackets  
99 of Missouri taxable income identified in subsection 1 of  
100 this section shall be adjusted annually by the percent  
101 increase in inflation. The director shall publish such  
102 brackets annually beginning on or after October 1, 2016.  
103 Modifications to the brackets shall take effect on January  
104 first of each calendar year and shall apply to tax years  
105 beginning on or after the effective date of the new brackets.

106           [5.] 7. As used in this section, the following terms  
107 mean:

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

111           (2) "CPI for the preceding calendar year", the average  
112 of the CPI as of the close of the twelve month period ending  
113 on August thirty-first of such calendar year;

114           (3) "Net general revenue collected", all revenue  
115 deposited into the general revenue fund, less refunds and  
116 revenues originally deposited into the general revenue fund

117 but designated by law for a specific distribution or  
118 transfer to another state fund;

119 (4) "Percent increase in inflation", the percentage,  
120 if any, by which the CPI for the preceding calendar year  
121 exceeds the CPI for the year beginning September 1, 2014,  
122 and ending August 31, 2015.

144.011. 1. For purposes of [sections 144.010 to  
2 144.525 and 144.600 to 144.748] **this chapter**, and the taxes  
3 imposed thereby, the definition of "retail sale" or "sale at  
4 retail" shall not be construed to include any of the  
5 following:

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

10 (2) The transfer of tangible personal property  
11 incident to the liquidation or cessation of a taxpayer's  
12 trade or business, conducted in proprietorship, partnership  
13 or corporate form, except to the extent any transfer is made  
14 in the ordinary course of the taxpayer's trade or business;

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

17 (4) The transfer of tangible personal property to a  
18 corporation by a shareholder as a contribution to the  
19 capital of the transferee corporation;

20 (5) The transfer of tangible personal property to a  
21 partnership solely in exchange for a partnership interest  
22 therein;

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

26           (7) The transfer of tangible personal property by a  
27 corporation to one or more of its shareholders as a  
28 dividend, return of capital, distribution in the partial or  
29 complete liquidation of the corporation or distribution in  
30 redemption of the shareholder's interest therein;

31           (8) The transfer of tangible personal property by a  
32 partnership to one or more of its partners as a current  
33 distribution, return of capital or distribution in the  
34 partial or complete liquidation of the partnership or of the  
35 partner's interest therein;

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

40           (10) The purchase by persons operating eating or food  
41 service establishments, of items of a nonreusable nature  
42 which are furnished to the customers of such establishments  
43 with or in conjunction with the retail sales of their food  
44 or beverage. Such items shall include, but not be limited  
45 to, wrapping or packaging materials and nonreusable paper,  
46 wood, plastic and aluminum articles such as containers,  
47 trays, napkins, dishes, silverware, cups, bags, boxes,  
48 straws, sticks and toothpicks;

49           (11) The purchase by persons operating hotels, motels  
50 or other transient accommodation establishments, of items of  
51 a nonreusable nature which are furnished to the guests in  
52 the guests' rooms of such establishments and such items are  
53 included in the charge made for such accommodations. Such  
54 items shall include, but not be limited to, soap, shampoo,  
55 tissue and other toiletries and food or confectionery items  
56 offered to the guests without charge;

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

58 (a) A transfer which involves the delivery of the  
59 document known as the "Manufacturer's Statement of Origin"  
60 to a person other than a manufactured home dealer, as  
61 defined in section 700.010, for purposes of allowing such  
62 person to obtain a title to the manufactured home from the  
63 department of revenue of this state or the appropriate  
64 agency or officer of any other state;

65 (b) A transfer which involves the delivery of a  
66 "Repossessed Title" to a resident of this state if the tax  
67 imposed by [sections 144.010 to 144.525] **this chapter** was  
68 not paid on the transfer of the manufactured home described  
69 in paragraph (a) of this subdivision;

70 (c) The first transfer which occurs after December 31,  
71 1985, if the tax imposed by [sections 144.010 to 144.525]  
72 **this chapter** was not paid on any transfer of the same  
73 manufactured home which occurred before December 31, 1985; or

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

75 (a) Fraternal beneficiaries societies, or domestic  
76 fraternal societies, orders or associations operating under  
77 the lodge system a substantial part of the activities of  
78 which are devoted to religious, charitable, scientific,  
79 literary, educational or fraternal purposes;

80 (b) Posts or organizations of past or present members  
81 of the Armed Forces of the United States or an auxiliary  
82 unit or society of, or a trust or foundation for, any such  
83 post or organization substantially all of the members of  
84 which are past or present members of the Armed Forces of the  
85 United States or who are cadets, spouses, widows, or  
86 widowers of past or present members of the Armed Forces of  
87 the United States, no part of the net earnings of which  
88 inures to the benefit of any private shareholder or  
89 individual; or

90 (c) Nonprofit organizations exempt from taxation under  
91 Section 501(c)(7) of the Internal Revenue Code of 1986, as  
92 amended.

93 2. The assumption of liabilities of the transferor by  
94 the transferee incident to any of the transactions  
95 enumerated in the above subdivisions (1) to (8) of  
96 subsection 1 of this section shall not disqualify the  
97 transfer from the exclusion described in this section, where  
98 such liability assumption is related to the property  
99 transferred and where the assumption does not have as its  
100 principal purpose the avoidance of Missouri sales or use tax.

144.014. 1. Notwithstanding other provisions of law  
2 to the contrary, beginning October 1, 1997, the tax levied  
3 and imposed [pursuant to sections 144.010 to 144.525 and  
4 sections 144.600 to 144.746] **under this chapter** on all  
5 retail sales of food shall be at the rate of one percent.  
6 The revenue derived from the one percent rate pursuant to  
7 this section shall be deposited by the state treasurer in  
8 the school district trust fund and shall be distributed as  
9 provided in section 144.701.

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



22 percent of the total gross receipts of that establishment,  
23 regardless of whether such prepared food is consumed on the  
24 premises of that establishment, including, but not limited  
25 to, sales of food by any restaurant, fast food restaurant,  
26 delicatessen, eating house, or café.

144.020. 1. A tax is hereby levied and imposed for  
2 the privilege of titling new and used motor vehicles,  
3 trailers, boats, and outboard motors purchased or acquired  
4 for use on the highways or waters of this state which are  
5 required to be titled under the laws of the state of  
6 Missouri and, except as provided in subdivision (9) of this  
7 subsection, upon all sellers for the privilege of engaging  
8 in the business of selling tangible personal property or  
9 rendering taxable service at retail in this state. The rate  
10 of tax shall be as follows:

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

22 (2) A tax equivalent to four percent of the amount  
23 paid for admission and seating accommodations, or fees paid  
24 to, or in any place of amusement, entertainment or  
25 recreation, games and athletic events, except amounts paid  
26 for any instructional class;

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

31           (4) (a) A tax equivalent to four percent on the basic  
32 rate paid or charged on all sales of local and long distance  
33 telecommunications service to telecommunications subscribers  
34 and to others through equipment of telecommunications  
35 subscribers for the transmission of messages and  
36 conversations and upon the sale, rental or leasing of all  
37 equipment or services pertaining or incidental thereto;  
38 except that, the payment made by telecommunications  
39 subscribers or others, pursuant to section 144.060, and any  
40 amounts paid for access to the internet or interactive  
41 computer services shall not be considered as amounts paid  
42 for telecommunications services;

43           (b) If local and long distance telecommunications  
44 services subject to tax under this subdivision are  
45 aggregated with and not separately stated from charges for  
46 telecommunications service or other services not subject to  
47 tax under this subdivision, including, but not limited to,  
48 interstate or international telecommunications services,  
49 then the charges for nontaxable services may be subject to  
50 taxation unless the telecommunications provider can identify  
51 by reasonable and verifiable standards such portion of the  
52 charges not subject to such tax from its books and records  
53 that are kept in the regular course of business, including,  
54 but not limited to, financial statement, general ledgers,  
55 invoice and billing systems and reports, and reports for  
56 regulatory tariffs and other regulatory matters;

57           (c) A telecommunications provider shall notify the  
58 director of revenue of its intention to utilize the

59 standards described in paragraph (b) of this subdivision to  
60 determine the charges that are subject to sales tax under  
61 this subdivision. Such notification shall be in writing and  
62 shall meet standardized criteria established by the  
63 department regarding the form and format of such notice;

64 (d) The director of revenue may promulgate and enforce  
65 reasonable rules and regulations for the administration and  
66 enforcement of the provisions of this subdivision. Any rule  
67 or portion of a rule, as that term is defined in section  
68 536.010, that is created under the authority delegated in  
69 this section shall become effective only if it complies with  
70 and is subject to all of the provisions of chapter 536 and,  
71 if applicable, section 536.028. This section and chapter  
72 536 are nonseverable and if any of the powers vested with  
73 the general assembly pursuant to chapter 536 to review, to  
74 delay the effective date, or to disapprove and annul a rule  
75 are subsequently held unconstitutional, then the grant of  
76 rulemaking authority and any rule proposed or adopted after  
77 August 28, 2019, shall be invalid and void;

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

81 (6) A tax equivalent to four percent on the amount of  
82 sales or charges for all rooms, meals and drinks furnished  
83 at any hotel, motel, tavern, inn, restaurant, eating house,  
84 drugstore, dining car, tourist cabin, tourist camp or other  
85 place in which rooms, meals or drinks are regularly served  
86 to the public. The tax imposed under this subdivision shall  
87 not apply to any automatic mandatory gratuity for a large  
88 group imposed by a restaurant when such gratuity is reported  
89 as employee tip income and the restaurant withholds income  
90 tax under section 143.191 on such gratuity;

91           (7) A tax equivalent to four percent of the amount  
92 paid or charged for intrastate tickets by every person  
93 operating a railroad, sleeping car, dining car, express car,  
94 boat, airplane and such buses and trucks as are licensed by  
95 the division of motor carrier and railroad safety of the  
96 department of economic development of Missouri, engaged in  
97 the transportation of persons for hire;

98           (8) A tax equivalent to four percent of the amount  
99 paid or charged for rental or lease of tangible personal  
100 property, provided that if the lessor or renter of any  
101 tangible personal property had previously purchased the  
102 property under the conditions of sale at retail or leased or  
103 rented the property and the tax was paid at the time of  
104 purchase, lease or rental, the lessor, sublessor, renter or  
105 subrenter shall not apply or collect the tax on the  
106 subsequent lease, sublease, rental or subrental receipts  
107 from that property. The purchase, rental or lease of motor  
108 vehicles, trailers, motorcycles, mopeds, motortricycles,  
109 boats, and outboard motors shall be taxed and the tax paid  
110 as provided in this section and section 144.070. In no  
111 event shall the rental or lease of boats and outboard motors  
112 be considered a sale, charge, or fee to, for or in places of  
113 amusement, entertainment or recreation nor shall any such  
114 rental or lease be subject to any tax imposed to, for, or in  
115 such places of amusement, entertainment or recreation.  
116 Rental and leased boats or outboard motors shall be taxed  
117 under the provisions of the sales tax laws as provided under  
118 such laws for motor vehicles and trailers. Tangible  
119 personal property which is exempt from the sales or use tax  
120 under section 144.030 upon a sale thereof is likewise exempt  
121 from the sales or use tax upon the lease or rental thereof;

122           (9) A tax equivalent to four percent of the purchase  
123 price, as defined in section 144.070, of new and used motor  
124 vehicles, trailers, boats, and outboard motors purchased or  
125 acquired for use on the highways or waters of this state  
126 which are required to be registered under the laws of the  
127 state of Missouri. This tax is imposed on the person  
128 titling such property, and shall be paid according to the  
129 procedures in section 144.440.

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

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

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

13           (2) "Personal computers", a laptop, desktop, or tower  
14 computer system which consists of a central processing unit,  
15 random access memory, a storage drive, a display monitor,  
16 and a keyboard and devices designed for use in conjunction  
17 with a personal computer, such as a disk drive, memory  
18 module, compact disk drive, daughterboard, digitizer,  
19 microphone, modem, motherboard, mouse, multimedia speaker,

20 printer, scanner, single-user hardware, single-user  
21 operating system, soundcard, or video card;

22 (3) "School supplies", any item normally used by  
23 students in a standard classroom for educational purposes,  
24 including but not limited to textbooks, notebooks, paper,  
25 writing instruments, crayons, art supplies, rulers, book  
26 bags, backpacks, handheld calculators, chalk, maps, and  
27 globes. The term shall not include watches, radios, CD  
28 players, headphones, sporting equipment, portable or desktop  
29 telephones, copiers or other office equipment, furniture, or  
30 fixtures. School supplies shall also include computer  
31 software having a taxable value of three hundred fifty  
32 dollars or less and any graphing calculator having a taxable  
33 value of one hundred fifty dollars or less.

34 2. In each year beginning on or after January 1, 2005,  
35 there is hereby specifically exempted from state **and local**  
36 sales tax law all retail sales of any article of clothing  
37 having a taxable value of one hundred dollars or less, all  
38 retail sales of school supplies not to exceed fifty dollars  
39 per purchase, all computer software with a taxable value of  
40 three hundred fifty dollars or less, all graphing  
41 calculators having a taxable value of one hundred fifty  
42 dollars or less, and all retail sales of personal computers  
43 or computer peripheral devices not to exceed one thousand  
44 five hundred dollars, during a three-day period beginning at  
45 12:01 a.m. on the first Friday in August and ending at  
46 midnight on the Sunday following. **Where a purchaser and**  
47 **seller are located in two different time zones, the time**  
48 **zone of the seller's location shall determine the authorized**  
49 **exemption period.**

50 3. [If the governing body of any political subdivision  
51 adopted an ordinance that applied to the 2004 sales tax

52 holiday to prohibit the provisions of this section from  
53 allowing the sales tax holiday to apply to such political  
54 subdivision's local sales tax, then, notwithstanding any  
55 provision of a local ordinance to the contrary, the 2005  
56 sales tax holiday shall not apply to such political  
57 subdivision's local sales tax. However, any such political  
58 subdivision may enact an ordinance to allow the 2005 sales  
59 tax holiday to apply to its local sales taxes. A political  
60 subdivision must notify the department of revenue not less  
61 than forty-five calendar days prior to the beginning date of  
62 the sales tax holiday occurring in that year of any  
63 ordinance or order rescinding an ordinance or order to opt  
64 out.

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

67       [5.] 4. This section applies to sales of items bought  
68 for personal use only.

69       [6. After the 2005 sales tax holiday, any political  
70 subdivision may, by adopting an ordinance or order, choose  
71 to prohibit future annual sales tax holidays from applying  
72 to its local sales tax. After opting out, the political  
73 subdivision may rescind the ordinance or order. The  
74 political subdivision must notify the department of revenue  
75 not less than forty-five calendar days prior to the  
76 beginning date of the sales tax holiday occurring in that  
77 year of any ordinance or order rescinding an ordinance or  
78 order to opt out.

79       7.] 5. This section may not apply to any retailer when  
80 less than two percent of the retailer's merchandise offered  
81 for sale qualifies for the sales tax holiday. The retailer  
82 [shall] **may** offer a sales tax refund in lieu of the sales  
83 tax holiday.

84           6. A sale of property which is eligible for an  
85 exemption under subsection 1 of this section but is  
86 purchased under a layaway sale shall only qualify for an  
87 exemption if:

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

91           (2) The purchaser selects the property and the seller  
92 accepts the order for the property during the exemption  
93 period, for immediate delivery upon full payment, even if  
94 delivery is made after the exemption period.

95           7. The exemption of a bundled transaction shall be  
96 calculated as provided by law for all other bundled  
97 transactions.

98           8. (1) For any discount offered by a seller that is a  
99 reduction of the sales price of the product, the discounted  
100 sales price shall determine whether the sales price falls  
101 below the price threshold provided in subsection 1 of this  
102 section. A coupon that reduces the sales price shall be  
103 treated as a discount only if the seller is not reimbursed  
104 for the coupon amount by a third party.

105           (2) If a discount applies to the total amount paid by  
106 a purchaser rather than to the sales price of a particular  
107 product and the purchaser has purchased both exempt property  
108 and taxable property, the seller shall allocate the discount  
109 based on the total sales prices of the taxable property  
110 compared to the total sales prices of all property sold in  
111 the same transaction.

112           9. Items that are normally sold as a single unit shall  
113 continue to be sold in that manner and shall not be priced  
114 separately and sold as individual items.



115           10. Items that are purchased during an exemption  
116 period but that are not delivered to the purchaser until  
117 after the exemption period due to the item not being in  
118 stock shall qualify for an exemption. The provisions of  
119 this subsection shall not apply to an item that was  
120 delivered during an exemption period but was purchased prior  
121 to or after the exemption period.

122           11. (1) If a purchaser purchases an item of eligible  
123 property during an exemption period, but later exchanges the  
124 item for a similar eligible item after the exemption period,  
125 no additional tax shall be due on the new item.

126           (2) If a purchaser purchases an item of eligible  
127 property during an exemption period, but later returns the  
128 item after the exemption period and receives credit on the  
129 purchase of a different nonexempt item, the appropriate  
130 sales tax shall be due on the sale of the newly purchased  
131 item.

132           (3) If a purchaser purchases an item of eligible  
133 property before an exemption period, but during the  
134 exemption period returns the item and receives credit on the  
135 purchase of a different item of eligible property, no sales  
136 tax shall be due on the sale of the new item if the new item  
137 is purchased during the exemption period.

138           (4) For a sixty-day period immediately following the  
139 end of the exemption period, if a purchaser returns an  
140 exempt item, no credit for or refund of sales tax shall be  
141 given unless the purchaser provides a receipt or invoice  
142 that shows tax was paid, or the seller has sufficient  
143 documentation to show that tax was paid on the item being  
144 returned.

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

3           (1) "Processing", any mode of treatment, act, or  
4 series of acts performed upon materials to transform or  
5 reduce them to a different state or thing, including  
6 treatment necessary to maintain or preserve such processing  
7 by the producer at the production facility;

8           (2) "Producing" includes, but is not limited to, the  
9 production of, including the production and transmission of,  
10 telecommunication services;

11           (3) "Product" includes, but is not limited to,  
12 telecommunications services;

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

17           2. In addition to all other exemptions granted under  
18 this chapter, there is hereby specifically exempted from the  
19 provisions of [sections 144.010 to 144.525 and 144.600 to  
20 144.761, and from the computation of the tax levied,  
21 assessed, or payable under sections 144.010 to 144.525 and  
22 144.600 to 144.761] **this chapter and the local sales tax law  
23 as defined in section 32.085 and from the computation of the  
24 tax levied, assessed, or payable under this chapter and the  
25 local sales tax law as defined in section 32.085,** electrical  
26 energy and gas, whether natural, artificial, or propane,  
27 water, coal, and energy sources, chemicals, machinery,  
28 equipment, and materials used or consumed in the  
29 manufacturing, processing, compounding, mining, or producing  
30 of any product, or used or consumed in the processing of  
31 recovered materials, or used in research and development  
32 related to manufacturing, processing, compounding, mining,  
33 or producing any product. [The exemptions granted in this  
34 subsection shall not apply to local sales taxes as defined

35 in section 32.085 and the provisions of this subsection  
36 shall be in addition to any state and local sales tax  
37 exemption provided in section 144.030.] The construction  
38 and application of this subsection as expressed by the  
39 Missouri supreme court in *DST Systems, Inc. v. Director of*  
40 *Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell*  
41 *Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc  
42 2002); and *Southwestern Bell Tel. Co. v. Director of*  
43 *Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.

44 3. In addition to all other exemptions granted under  
45 this chapter, there is hereby specifically exempted from the  
46 provisions of [sections 144.010 to 144.525 and 144.600 to  
47 144.761, and section 238.235,] **this chapter** and the local  
48 sales tax law as defined in section 32.085, and from the  
49 computation of the tax levied, assessed, or payable under  
50 [sections 144.010 to 144.525 and 144.600 to 144.761, and  
51 section 238.235,] **this chapter** and the local sales tax law  
52 as defined in section 32.085, all utilities, machinery, and  
53 equipment used or consumed directly in television or radio  
54 broadcasting and all sales and purchases of tangible  
55 personal property, utilities, services, or any other  
56 transaction that would otherwise be subject to the state or  
57 local sales or use tax when such sales are made to or  
58 purchases are made by a contractor for use in fulfillment of  
59 any obligation under a defense contract with the United  
60 States government, and all sales and leases of tangible  
61 personal property by any county, city, incorporated town, or  
62 village, provided such sale or lease is authorized under  
63 chapter 100, and such transaction is certified for sales tax  
64 exemption by the department of economic development, and  
65 tangible personal property used for railroad infrastructure  
66 brought into this state for processing, fabrication, or

67 other modification for use outside the state in the regular  
68 course of business.

69 4. In addition to all other exemptions granted under  
70 this chapter, there is hereby specifically exempted from the  
71 provisions of [sections 144.010 to 144.525 and 144.600 to  
72 144.761, and section 238.235,] **this chapter** and the local  
73 sales tax law as defined in section 32.085, and from the  
74 computation of the tax levied, assessed, or payable under  
75 [sections 144.010 to 144.525 and 144.600 to 144.761, and  
76 section 238.235,] **this chapter** and the local sales tax law  
77 as defined in section 32.085, all sales and purchases of  
78 tangible personal property, utilities, services, or any  
79 other transaction that would otherwise be subject to the  
80 state or local sales or use tax when such sales are made to  
81 or purchases are made by a private partner for use in  
82 completing a project under sections 227.600 to 227.669.

83 5. In addition to all other exemptions granted under  
84 this chapter, there is hereby specifically exempted from the  
85 provisions of [sections 144.010 to 144.525 and 144.600 to  
86 144.761, and section 238.235,] **this chapter** and the local  
87 sales tax law as defined in section 32.085, and from the  
88 computation of the tax levied, assessed, or payable under  
89 [sections 144.010 to 144.525 and 144.600 to 144.761, and  
90 section 238.235,] **this chapter** and the local sales tax law  
91 as defined in section 32.085, all materials, manufactured  
92 goods, machinery and parts, electrical energy and gas,  
93 whether natural, artificial or propane, water, coal and  
94 other energy sources, chemicals, soaps, detergents, cleaning  
95 and sanitizing agents, and other ingredients and materials  
96 inserted by commercial or industrial laundries to treat,  
97 clean, and sanitize textiles in facilities which process at

98 least five hundred pounds of textiles per hour and at least  
99 sixty thousand pounds per week.

144.060. **1.** It shall be the duty of every person  
2 making any purchase or receiving any service upon which a  
3 tax is imposed by sections 144.010 to 144.510 to pay, to the  
4 extent possible under the provisions of section 144.285, the  
5 amount of such tax to the person making such sale or  
6 rendering such service. Any person who shall willfully and  
7 intentionally refuse to pay such tax shall be guilty of a  
8 misdemeanor. The provisions of this section shall not apply  
9 to any person making any purchase or sale of a motor vehicle  
10 subject to sales tax as provided by the Missouri sales tax  
11 law, unless such person making the sale is a motor vehicle  
12 dealer authorized to collect and remit sales tax pursuant to  
13 subsection 10 of section 144.070.

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

**(1) A purchaser's seller or a certified service  
19 provider relied on erroneous data provided by the director  
20 on tax rates, boundaries, taxing jurisdiction assignments,  
21 or in the taxability matrix created pursuant to section  
22 144.638;**

**(2) A purchaser using a database created pursuant to  
24 section 144.637 received erroneous data provided by the  
25 director on tax rates, boundaries, or taxing jurisdiction  
26 assignments; or**

**(3) A purchaser relied on erroneous data provided by  
28 the director in the taxability matrix created pursuant to  
29 section 144.638.**

144.080. 1. Every person receiving any payment or  
2 consideration upon the sale of property or rendering of  
3 service, subject to the tax imposed by the provisions of  
4 sections 144.010 to [144.525] **144.527**, is exercising the  
5 taxable privilege of selling the property or rendering the  
6 service at retail and is subject to the tax levied in  
7 section 144.020. The person shall be responsible not only  
8 for the collection of the amount of the tax imposed on the  
9 sale or service to the extent possible under the provisions  
10 of section 144.285, but shall, on or before the last day of  
11 the month following each calendar quarterly period of three  
12 months, file a return with the director of revenue showing  
13 the person's gross receipts and the amount of tax levied in  
14 section 144.020 for the preceding quarter, and shall remit  
15 to the director of revenue, with the return, the taxes  
16 levied in section 144.020, except as provided in subsections  
17 2 and 3 of this section. The director of revenue may  
18 promulgate rules or regulations changing the filing and  
19 payment requirements of sellers, but shall not require any  
20 seller to file and pay more frequently than required in this  
21 section.

22 2. **(1)** Where the aggregate amount levied and imposed  
23 upon a seller by section 144.020 is in excess of two  
24 hundred fifty dollars for either the first or second month  
25 of a calendar quarter, the seller shall file a return and  
26 pay such aggregate amount for such months to the director of  
27 revenue by the twentieth day of the succeeding month.

28 **(2) Beginning January 1, 2022, where the aggregate**  
29 **amount levied and imposed upon a seller by section 144.020**  
30 **is in excess of two hundred fifty dollars for either the**  
31 **first or second month of a calendar quarter, the seller**  
32 **shall file a return and pay such aggregate amount for such**

33 **months to the director of revenue on or before the last day**  
34 **of the succeeding month.**

35         3. Where the aggregate amount levied and imposed upon  
36 a seller by section 144.020 is less than forty-five dollars  
37 in a calendar quarter, the director of revenue shall by  
38 regulation permit the seller to file a return for a calendar  
39 year. The return shall be filed and the taxes paid on or  
40 before January thirty-first of the succeeding year.

41         4. The seller of any property or person rendering any  
42 service, subject to the tax imposed by sections 144.010 to  
43 **[144.525] 144.527**, shall collect the tax from the purchaser  
44 of such property or the recipient of the service to the  
45 extent possible under the provisions of section 144.285, but  
46 the seller's inability to collect any part or all of the tax  
47 does not relieve the seller of the obligation to pay to the  
48 state the tax imposed by section 144.020; except that the  
49 collection of the tax imposed by sections 144.010 to  
50 **[144.525] 144.527** on motor vehicles and trailers shall be  
51 made as provided in sections 144.070 and 144.440.

52         5. Any person may advertise or hold out or state to  
53 the public or to any customer directly that the tax or any  
54 part thereof imposed by sections 144.010 to **[144.525]**  
55 **144.527**, and required to be collected by the person, will be  
56 assumed or absorbed by the person, provided that the amount  
57 of tax assumed or absorbed shall be stated on any invoice or  
58 receipt for the property sold or service rendered. Any  
59 person violating any of the provisions of this section shall  
60 be guilty of a misdemeanor. This subsection shall not apply  
61 to any retailer prohibited from collecting and remitting  
62 sales tax under section 66.630.

144.140. **1.** From every remittance to the director of  
2 revenue made on or before the date when the same becomes

3 due, the person required to remit the same shall be entitled  
4 to deduct and retain an amount equal to two percent thereof.

5       **2. The director shall provide a monetary allowance**  
6 **from the taxes collected to a certified service provider**  
7 **under the terms of the certified service contract signed**  
8 **with the provider, provided that such allowance shall be**  
9 **funded entirely from money collected by the certified**  
10 **service provider.**

11       **3. Any certified service provider receiving an**  
12 **allowance under subsection 2 of this section shall not be**  
13 **entitled to simultaneously deduct the allowance provided for**  
14 **under subsection 1 of this section.**

15       **4. For the purposes of this section, "certified**  
16 **service provider" shall mean an agent certified by the**  
17 **department of revenue to perform all the seller's sales and**  
18 **use tax functions, other than the seller's obligation to**  
19 **remit tax on its own purchases.**

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

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

5       (1) "Appliance", clothes washers and dryers, water  
6 heaters, trash compactors, dishwashers, conventional ovens,  
7 ranges, stoves, air conditioners, furnaces, refrigerators  
8 and freezers; and

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

13       3. In each year beginning on or after January 1, 2009,  
14 there is hereby specifically exempted from state sales tax  
15 law **and all local sales and use taxes** all retail sales of



16 any energy star certified new appliance, up to one thousand  
17 five hundred dollars per appliance[, ] during a seven-day  
18 period beginning at 12:01 a.m. on April nineteenth and  
19 ending at midnight on April twenty-fifth. **Where a purchaser  
20 and seller are located in two different time zones, the time  
21 zone of the seller's location shall determine the authorized  
22 exemption period.**

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

30 5. This section may not apply to any retailer when  
31 less than two percent of the retailer's merchandise offered  
32 for sale qualifies for the sales tax holiday. The retailer  
33 shall offer a sales tax refund in lieu of the sales tax  
34 holiday.] **A sale of property which is eligible for an  
35 exemption under subsection 1 of this section but is  
36 purchased under a layaway sale shall only qualify for an  
37 exemption if:**

38 (1) **Final payment on a layaway order is made by, and  
39 the property is given to, the purchaser during the exemption  
40 period; or**

41 (2) **The purchaser selects the property and the seller  
42 accepts the order for the property during the exemption  
43 period, for immediate delivery upon full payment, even if  
44 delivery is made after the exemption period.**

45 5. (1) **For any discount offered by a seller that is a  
46 reduction of the sales price of the product, the discounted  
47 sales price shall determine whether the sales price falls**

48 below the price threshold provided in subsection 1 of this  
49 section. A coupon that reduces the sales price shall be  
50 treated as a discount only if the seller is not reimbursed  
51 for the coupon amount by a third party.

52 (2) If a discount applies to the total amount paid by  
53 a purchaser rather than to the sales price of a particular  
54 product and the purchaser has purchased both exempt property  
55 and taxable property, the seller shall allocate the discount  
56 based on the total sales prices of the taxable property  
57 compared to the total sales prices of all property sold in  
58 the same transaction.

59 6. Items that are normally sold as a single unit shall  
60 continue to be sold in that manner and shall not be priced  
61 separately and sold as individual items.

62 7. Items that are purchased during an exemption period  
63 but that are not delivered to the purchaser until after the  
64 exemption period due to the item not being in stock shall  
65 qualify for an exemption. The provisions of this subsection  
66 shall not apply to an item that was delivered during an  
67 exemption period but was purchased prior to or after the  
68 exemption period.

69 8. (1) If a purchaser purchases an item of eligible  
70 property during an exemption period, but later exchanges the  
71 item for a similar eligible item after the exemption period,  
72 no additional tax shall be due on the new item.

73 (2) If a purchaser purchases an item of eligible  
74 property during an exemption period, but later returns the  
75 item after the exemption period and receives credit on the  
76 purchase of a different nonexempt item, the appropriate  
77 sales tax shall be due on the sale of the newly purchased  
78 item.

79           (3) If a purchaser purchases an item of eligible  
80 property before an exemption period, but during the  
81 exemption period returns the item and receives credit on the  
82 purchase of a different item of eligible property, no sales  
83 tax shall be due on the sale of the new item if the new item  
84 is purchased during the exemption period.

85           (4) For a sixty-day period immediately following the  
86 end of the exemption period, if a purchaser returns an  
87 exempt item no credit for or refund of sales tax shall be  
88 given unless the purchaser provides a receipt or invoice  
89 that shows tax was paid, or the seller has sufficient  
90 documentation to show that tax was paid on the item being  
91 returned.

144.605. The following words and phrases as used in  
2 sections 144.600 to 144.745 mean and include:

3           (1) "Calendar quarter", the period of three  
4 consecutive calendar months ending on March thirty-first,  
5 June thirtieth, September thirtieth or December thirty-first;

6           (2) "Certified service provider" or "CSP", an agent  
7 certified by the department of revenue to perform all the  
8 seller's sales and use tax functions, other than the  
9 seller's obligation to remit tax on its own purchases;

10           (3) "Engages in business activities within this state"  
11 includes:

12           (a) Maintaining or having a franchisee or licensee  
13 operating under the seller's trade name in this state if the  
14 franchisee or licensee is required to collect sales tax  
15 pursuant to sections 144.010 to 144.525;

16           (b) Soliciting sales or taking orders by sales agents  
17 or traveling representatives;

18           (c) A vendor is presumed to engage in business  
19 activities within this state if any person, other than a

20 common carrier acting in its capacity as such, that has  
21 substantial nexus with this state:

22 a. Sells a similar line of products as the vendor and  
23 does so under the same or a similar business name;

24 b. Maintains an office, distribution facility,  
25 warehouse, or storage place, or similar place of business in  
26 the state to facilitate the delivery of property or services  
27 sold by the vendor to the vendor's customers;

28 c. Delivers, installs, assembles, or performs  
29 maintenance services for the vendor's customers within the  
30 state;

31 d. Facilitates the vendor's delivery of property to  
32 customers in the state by allowing the vendor's customers to  
33 pick up property sold by the vendor at an office,  
34 distribution facility, warehouse, storage place, or similar  
35 place of business maintained by the person in the state; or

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

39 (d) The presumption in paragraph (c) **of this**  
40 **subdivision** may be rebutted by demonstrating that the  
41 person's activities in the state are not significantly  
42 associated with the vendor's ability to establish or  
43 maintain a market in this state for the vendor's sales;

44 (e) [Notwithstanding paragraph (c), a vendor shall be  
45 presumed to engage in business activities within this state  
46 if the vendor enters into an agreement with one or more  
47 residents of this state under which the resident, for a  
48 commission or other consideration, directly or indirectly  
49 refers potential customers, whether by a link on an internet  
50 website, an in-person oral presentation, telemarketing, or  
51 otherwise, to the vendor, if the cumulative gross receipts

52 from sales by the vendor to customers in the state who are  
53 referred to the vendor by all residents with this type of an  
54 agreement with the vendor is in excess of ten thousand  
55 dollars during the preceding twelve months;

56 (f) The presumption in paragraph (e) may be rebutted  
57 by submitting proof that the residents with whom the vendor  
58 has an agreement did not engage in any activity within the  
59 state that was significantly associated with the vendor's  
60 ability to establish or maintain the vendor's market in the  
61 state during the preceding twelve months. Such proof may  
62 consist of sworn written statements from all of the  
63 residents with whom the vendor has an agreement stating that  
64 they did not engage in any solicitation in the state on  
65 behalf of the vendor during the preceding year provided that  
66 such statements were provided and obtained in good faith]

67 **Selling tangible personal property for delivery into this**  
68 **state provided the seller's gross receipts from delivery of**  
69 **tangible personal property into this state in the previous**  
70 **calendar year or current calendar year exceeds one hundred**  
71 **thousand dollars. For the purposes of calculating a**  
72 **seller's gross receipts under this paragraph, following the**  
73 **close of each calendar quarter, a vendor shall determine**  
74 **whether the vendor met the requirements under this paragraph**  
75 **during the twelve-month period ending on the last day of the**  
76 **preceding calendar quarter. If the vendor met such**  
77 **requirements for any such twelve-month period, such vendor**  
78 **shall collect and remit the tax as provided under section**  
79 **144.635 for a period of not less than twelve months,**  
80 **beginning not more than three months following the close of**  
81 **the preceding calendar quarter, and shall continue to**  
82 **collect and remit the tax for as long as the vendor is**  
83 **engaged in business activities within this state, as**

84 **provided for under this paragraph, or otherwise maintains a**  
85 **substantial nexus with this state;**

86        [(3)] (4) "Maintains a place of business in this  
87 state" includes maintaining, occupying, or using,  
88 permanently or temporarily, directly or indirectly, by  
89 whatever name called, an office, place of distribution,  
90 sales or sample room or place, warehouse or storage place,  
91 or other place of business in this state, whether owned or  
92 operated by the vendor or by any other person other than a  
93 common carrier acting in its capacity as such;

94        [(4)] (5) "Person", any individual, firm,  
95 copartnership, joint venture, association, corporation,  
96 municipal or private, and whether organized for profit or  
97 not, state, county, political subdivision, state department,  
98 commission, board, bureau or agency, except the state  
99 transportation department, estate, trust, business trust,  
100 receiver or trustee appointed by the state or federal court,  
101 syndicate, or any other group or combination acting as a  
102 unit, and the plural as well as the singular number;

103        [(5)] (6) "Purchase", the acquisition of the ownership  
104 of, or title to, tangible personal property, through a sale,  
105 as defined herein, for the purpose of storage, use or  
106 consumption in this state;

107        [(6)] (7) "Purchaser", any person who is the recipient  
108 for a valuable consideration of any sale of tangible  
109 personal property acquired for use, storage or consumption  
110 in this state;

111        [(7)] (8) "Sale", any transfer, barter or exchange of  
112 the title or ownership of tangible personal property, or the  
113 right to use, store or consume the same, for a consideration  
114 paid or to be paid, and any transaction whether called  
115 leases, rentals, bailments, loans, conditional sales or

116 otherwise, and notwithstanding that the title or possession  
117 of the property or both is retained for security. For the  
118 purpose of this law the place of delivery of the property to  
119 the purchaser, user, storer or consumer is deemed to be the  
120 place of sale, whether the delivery be by the vendor or by  
121 common carriers, private contractors, mails, express,  
122 agents, salesmen, solicitors, hawkers, representatives,  
123 consignors, peddlers, canvassers or otherwise;

124        ~~[(8)]~~ **(9)** "Sales price", the consideration including  
125 the charges for services, except charges incident to the  
126 extension of credit, paid or given, or contracted to be paid  
127 or given, by the purchaser to the vendor for the tangible  
128 personal property, including any services that are a part of  
129 the sale, valued in money, whether paid in money or  
130 otherwise, and any amount for which credit is given to the  
131 purchaser by the vendor, without any deduction therefrom on  
132 account of the cost of the property sold, the cost of  
133 materials used, labor or service cost, losses or any other  
134 expenses whatsoever, except that cash discounts allowed and  
135 taken on sales shall not be included and "sales price" shall  
136 not include the amount charged for property returned by  
137 customers upon rescission of the contract of sales when the  
138 entire amount charged therefor is refunded either in cash or  
139 credit or the amount charged for labor or services rendered  
140 in installing or applying the property sold, the use,  
141 storage or consumption of which is taxable pursuant to  
142 sections 144.600 to 144.745. The sales price shall not  
143 include usual and customary delivery charges that are  
144 separately stated. In determining the amount of tax due  
145 pursuant to sections 144.600 to 144.745, any charge incident  
146 to the extension of credit shall be specifically exempted;

147            [(9)] (10) "Selling agent", every person acting as a  
148 representative of a principal, when such principal is not  
149 registered with the director of revenue of the state of  
150 Missouri for the collection of the taxes imposed pursuant to  
151 sections 144.010 to 144.525 or sections 144.600 to 144.745  
152 and who receives compensation by reason of the sale of  
153 tangible personal property of the principal, if such  
154 property is to be stored, used, or consumed in this state;

155            [(10)] (11) "Storage", any keeping or retention in  
156 this state of tangible personal property purchased from a  
157 vendor, except property for sale or property that is  
158 temporarily kept or retained in this state for subsequent  
159 use outside the state;

160            [(11)] (12) "Tangible personal property", all items  
161 subject to the Missouri sales tax as provided in  
162 subdivisions (1) and (3) **of subsection 1** of section 144.020;

163            [(12)] (13) "Taxpayer", any person remitting the tax  
164 or who should remit the tax levied by sections 144.600 to  
165 144.745;

166            [(13)] (14) "Use", the exercise of any right or power  
167 over tangible personal property incident to the ownership or  
168 control of that property, except that it does not include  
169 the temporary storage of property in this state for  
170 subsequent use outside the state, or the sale of the  
171 property in the regular course of business;

172            [(14)] (15) "Vendor", every person engaged in making  
173 sales of tangible personal property by mail order, by  
174 advertising, by agent or peddling tangible personal  
175 property, soliciting or taking orders for sales of tangible  
176 personal property, for storage, use or consumption in this  
177 state, all salesmen, solicitors, hawkers, representatives,  
178 consignees, peddlers or canvassers, as agents of the



179 dealers, distributors, consignors, supervisors, principals  
180 or employers under whom they operate or from whom they  
181 obtain the tangible personal property sold by them, and  
182 every person who maintains a place of business in this  
183 state, maintains a stock of goods in this state, or engages  
184 in business activities within this state and every person  
185 who engages in this state in the business of acting as a  
186 selling agent for persons not otherwise vendors as defined  
187 in this subdivision. Irrespective of whether they are  
188 making sales on their own behalf or on behalf of the  
189 dealers, distributors, consignors, supervisors, principals  
190 or employers, they must be regarded as vendors and the  
191 dealers, distributors, consignors, supervisors, principals  
192 or employers must be regarded as vendors for the purposes of  
193 sections 144.600 to 144.745.

**144.608. 1. For the purpose of more efficiently  
2 securing the payment of and accounting for the tax collected  
3 and remitted by retailers and vendors, the department is  
4 hereby authorized:**

5 (1) To consult, contract, and work jointly with the  
6 streamlined sales and use tax agreement's governing board to  
7 allow sellers to use the governing board's certified service  
8 providers and central registration system services; or

9 (2) To consult, contract, and work with certified  
10 service providers independently. The department is  
11 authorized to determine the method and amount of  
12 compensation to be provided to certified service providers  
13 by this state for the services of such certified service  
14 providers to certain sellers, provided that no certified  
15 service provider or seller utilizing a certified service  
16 provider shall be entitled to the deduction provided in  
17 subsection 1 of section 144.140.

18           2. The director of revenue shall make, promulgate, and  
19 enforce reasonable rules and regulations for the  
20 administration and enforcement of the provisions of this  
21 chapter relating to the collection and remittance of sales  
22 and use tax by certified service providers. Any rule or  
23 portion of a rule, as that term is defined in section  
24 536.010, that is created under the authority delegated in  
25 this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536 and,  
27 if applicable, section 536.028. This section and chapter  
28 536 are nonseverable and if any of the powers vested with  
29 the general assembly pursuant to chapter 536 to review, to  
30 delay the effective date, or to disapprove and annul a rule  
31 are subsequently held unconstitutional, then the grant of  
32 rulemaking authority and any rule proposed or adopted after  
33 January 1, 2023, shall be invalid and void.

          144.637. 1. The director of revenue shall provide and  
2 maintain a database that describes boundary changes for all  
3 taxing jurisdictions and the effective dates of such changes  
4 for the use of vendors collecting the tax imposed under  
5 sections 144.600 to 144.745.

          2. For the identification of counties and cities,  
7 codes corresponding to the rates shall be provided according  
8 to Federal Information Processing Standards (FIPS) as  
9 developed by the National Institute of Standards and  
10 Technology. For the identification of all other  
11 jurisdictions, codes corresponding to the rates shall be in  
12 a format determined by the director.

          3. The director shall provide and maintain address-  
14 based boundary database records for assigning taxing  
15 jurisdictions and associated rates. The database records  
16 shall meet the requirements developed pursuant to the

17 federal Mobile Telecommunications Sourcing Act, 4 U.S.C.  
18 Section 119(a). If a vendor is unable to determine the  
19 applicable rate and jurisdiction using an address-based  
20 database record after exercising due diligence, the vendor  
21 may apply the nine-digit zip code designation applicable to  
22 a purchase. If a nine-digit zip code designation is not  
23 available for a street address or if a vendor is unable to  
24 determine the nine-digit zip code designation applicable to  
25 a purchase after exercising due diligence to determine the  
26 designation, the vendor may apply the rate for the five-  
27 digit zip code area. For the purposes of this section,  
28 there shall be a rebuttable presumption that a vendor has  
29 exercised due diligence if the vendor has attempted to  
30 determine the tax rate and jurisdiction by utilizing  
31 software approved by the director and makes the assignment  
32 from the address and zip code information applicable to the  
33 purchase. The databases shall be in the same approved  
34 format as the database records under this section and meet  
35 the requirements developed pursuant to the federal Mobile  
36 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a).  
37 If the director certifies an address-based database provided  
38 by a third party, a vendor may use such database in place of  
39 the database provided for in this subsection.

40 4. The electronic database provided for in subsections  
41 1, 2, and 3 of this section shall be in a downloadable  
42 format as determined by the director. The database may be  
43 directly provided by the director or provided by a third  
44 party as designated by the director. The database provided  
45 by the director shall be provided at no cost to the user of  
46 the database. The provisions of subsection 3 of this  
47 section shall not apply if the purchased product is received  
48 by the purchaser at the business location of the vendor.

49           5. No vendor shall be liable for reliance upon  
50 erroneous data provided by the director on tax rates,  
51 boundaries, or taxing jurisdiction assignments.

          144.638. 1. The director shall provide and maintain a  
2 taxability matrix. The state's entries in the matrix shall  
3 be provided and maintained by the director in a database  
4 that is in a downloadable format.

          2. The director shall provide reasonable notice of  
6 changes in the taxability of the products or services listed  
7 in the taxability matrix.

          3. A seller or CSP shall be relieved from liability to  
9 this state or any local taxing jurisdiction for having  
10 charged and collected the incorrect amount of state or local  
11 sales or use tax resulting from such seller's or CSP's  
12 reliance upon erroneous data provided or approved by the  
13 director in the taxability matrix, and a seller shall be  
14 relieved from liability for erroneous returns made by a CSP  
15 on behalf of the seller.

          144.710. [From every remittance made by a vendor as  
2 required by sections 144.600 to 144.745 to the director of  
3 revenue on or before the date when the remittance becomes  
4 due, the vendor may deduct and retain an amount equal to two  
5 percent thereof.] **The provisions of section 144.140**  
6 **relating to the allowance for timely remittance of payment**  
7 **shall be applicable to the tax levied under sections 144.600**  
8 **to 144.745.**

          144.752. 1. For the purposes of this section, the  
2 following terms shall mean:

          (1) "Marketplace facilitator", a person that:

          (a) Facilitates a retail sale by a marketplace seller  
5 by listing or advertising for sale by the marketplace seller

6 in any forum, tangible personal property or services that  
7 are subject to tax under this chapter; and

8 (b) Either directly or indirectly through agreements  
9 or arrangements with third parties collects payment from the  
10 purchaser and transmits all or part of the payment to the  
11 marketplace seller.

12 A marketplace facilitator is a seller and shall comply with  
13 the provisions of this chapter. A marketplace facilitator  
14 does not include a person who provides internet advertising  
15 services, or product listing, and does not collect payment  
16 from the purchaser and transmit payment to the marketplace  
17 seller, and does not include a person with respect to the  
18 provision of travel agency services or the operation of a  
19 marketplace or that portion of a marketplace that enables  
20 consumers to receive travel agency services. For the  
21 purposes of this subdivision, "travel agency services" means  
22 facilitating, for a commission, fee, or other consideration,  
23 vacation or travel packages, rental car or other travel  
24 reservations, tickets for domestic or foreign travel by air,  
25 rail, ship, bus, or other medium of transportation, or hotel  
26 or other lodging accommodations;

27 (2) "Marketplace seller", a seller that makes sales  
28 through any electronic marketplace operated by a marketplace  
29 facilitator;

30 (3) "Person", any individual, firm, copartnership,  
31 joint venture, association, corporation, municipal or  
32 private, whether organized for profit or not, state, county,  
33 political subdivision, state department, commission, board,  
34 bureau or agency, except the department of transportation,  
35 estate, trust, business trust, receiver or trustee appointed

36 by the state or federal court, syndicate, or any other group  
37 or combination acting as a unit;

38 (4) "Purchaser", any person who is the recipient for a  
39 valuable consideration of any sale of tangible personal  
40 property acquired for use, storage, or consumption in this  
41 state;

42 (5) "Retail sale", the same meaning as defined under  
43 sections 144.010 and 144.011, excluding motor vehicles,  
44 trailers, motorcycles, mopeds, motortricycles, boats, and  
45 outboard motors required to be titled under the laws of the  
46 state and subject to tax under subdivision (9) of subsection  
47 1 of section 144.020;

48 (6) "Seller", a person selling or furnishing tangible  
49 personal property or rendering services on the receipts from  
50 which a tax is imposed under section 144.020.

51 2. (1) Beginning January 1, 2023, marketplace  
52 facilitators that engage in business activities within this  
53 state shall register with the department to collect and  
54 remit use tax, as applicable, on sales made through the  
55 marketplace facilitator's marketplace by or on behalf of a  
56 marketplace seller that are delivered into the state,  
57 whether by the marketplace facilitator or another person,  
58 and regardless of whether the marketplace seller for whom  
59 sales are facilitated possesses a retail sales license or  
60 would have been required to collect use tax had the sale not  
61 been facilitated by the marketplace facilitator. Such  
62 retail sales shall include those made directly by the  
63 marketplace facilitator and shall also include those retail  
64 sales made by marketplace sellers through the marketplace  
65 facilitator's marketplace. The collection and reporting  
66 requirements of this subsection shall not apply to retail  
67 sales other than those made through a marketplace

68 facilitator's marketplace. Nothing in this section shall be  
69 construed to limit or prohibit the ability of a marketplace  
70 facilitator and a marketplace seller to enter into  
71 agreements regarding the fulfillment of the requirements of  
72 this chapter.

73 (2) All taxable sales made through a marketplace  
74 facilitator's marketplace by or on behalf of a marketplace  
75 seller shall be deemed to be consummated at the location in  
76 this state to which the item is shipped or delivered, or at  
77 which possession is taken by the purchaser.

78 3. Marketplace facilitators that are required to  
79 collect use tax under this section shall report and remit  
80 the tax separately from any sales and use tax collected by  
81 the marketplace facilitator, or by affiliates of the  
82 marketplace facilitator, which the marketplace facilitator  
83 would have been required to collect and remit under the  
84 provisions of this chapter prior to January 1, 2023. Such  
85 tax shall be reported and remitted as determined by the  
86 department. Marketplace facilitators shall maintain records  
87 of all sales delivered to a location in the state, including  
88 electronic or paper copies of invoices showing the  
89 purchaser, address, purchase amount, and use tax collected.  
90 Such records shall be made available for review and  
91 inspection upon request by the department.

92 4. Marketplace facilitators who properly collect and  
93 remit to the department in a timely manner use tax on sales  
94 in accordance with the provisions of this section by or on  
95 behalf of marketplace sellers shall be eligible for any  
96 discount provided under this chapter.

97 5. A marketplace facilitator shall separately state on  
98 an invoice provided to a purchaser the use tax collected and  
99 remitted on behalf of a marketplace seller.

100           6. Any taxpayer who remits use tax under this section  
101 shall be entitled to refunds or credits to the same extent  
102 and in the same manner provided for in section 144.190 for  
103 taxes collected and remitted under this section. Nothing in  
104 this section shall relieve a purchaser of the obligation to  
105 remit use tax for any retail sale taxable under this chapter  
106 for which a marketplace facilitator or marketplace seller  
107 does not collect and remit the use tax.

108           7. Except as provided under subsections 8 and 9 of  
109 this section, marketplace facilitators shall be subject to  
110 the penalty provisions, procedures, and reporting  
111 requirements provided under the provisions of this chapter.

112           8. No class action shall be brought against a  
113 marketplace facilitator in any court in this state on behalf  
114 of purchasers arising from or in any way related to an  
115 overpayment of use tax collected on retail sales facilitated  
116 by a marketplace facilitator, regardless of whether that  
117 claim is characterized as a tax refund claim. Nothing in  
118 this subsection shall affect a purchaser's right to seek a  
119 refund as provided under section 144.190.

120           9. (1) A marketplace facilitator shall be relieved  
121 from liability under this section for the failure to collect  
122 and remit the correct amount of use tax on retail sales  
123 facilitated for marketplace sellers under the following  
124 circumstances:

125           (a) To the extent that the marketplace facilitator  
126 demonstrates to the satisfaction of the department that the  
127 error was due to insufficient or incorrect information given  
128 to the marketplace facilitator by the marketplace seller;  
129 provided, however, that a marketplace facilitator shall not  
130 be relieved of liability under this paragraph if the



131 marketplace facilitator and the marketplace seller are  
132 affiliated;

133 (b) To the extent that the marketplace facilitator  
134 demonstrates to the satisfaction of the department that:

135 a. The marketplace facilitator is not the seller and  
136 that the marketplace facilitator and marketplace seller are  
137 not affiliated;

138 b. The retail sale was facilitated for a marketplace  
139 seller through a marketplace operated by the marketplace  
140 facilitator; and

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

144 (2) The relief from liability provided under  
145 subdivision (1) of this subsection shall not exceed the  
146 following percentage of the total use tax due on retail  
147 sales facilitated by a marketplace facilitator for  
148 marketplace sellers and sourced to this state during a  
149 calendar year, which such retail sales shall not include  
150 retail sales made directly by the marketplace facilitator or  
151 affiliates of the marketplace facilitator:

152 (a) For retail sales made or facilitated during the  
153 2023 calendar year, four percent;

154 (b) For retail sales made or facilitated during the  
155 2024 calendar year, two percent;

156 (c) For retail sales made or facilitated during the  
157 2025 calendar year, one percent; and

158 (d) For retail sales made or facilitated for all years  
159 beginning on or after January 1, 2026, zero percent.

160 (3) To the extent that a marketplace facilitator is  
161 relieved of liability for the collection of use tax under  
162 this subsection, the marketplace seller for whom the

163 marketplace facilitator has made or facilitated the sale  
164 shall also be relieved of liability under this subsection.

165 (4) The department shall determine the manner in which  
166 a marketplace facilitator or marketplace seller shall apply  
167 for and claim the relief from liability provided for under  
168 this subsection.

169 10. For the purposes of this section, a marketplace  
170 facilitator shall not include a third party financial  
171 institution appointed by a merchant or a marketplace  
172 facilitator to handle various forms of payment transactions,  
173 such as processing credit cards and debit cards, and whose  
174 sole activity with respect to marketplace sales is to  
175 facilitate the payment transactions between two parties.

176 11. The state general revenue portion from remittances  
177 made pursuant to this section, with the exception of  
178 revenues collected pursuant to section 144.701 and Article  
179 IV, Sections 43(a) and 47(a) of the Missouri Constitution,  
180 shall be deposited to the credit of the cash operating  
181 expense fund established pursuant to section 33.575.

182 12. The department may promulgate rules to implement  
183 the provisions of this section. Any rule or portion of a  
184 rule, as that term is defined in section 536.010, that is  
185 created under the authority delegated in this section shall  
186 become effective only if it complies with and is subject to  
187 all of the provisions of chapter 536 and, if applicable,  
188 section 536.028. This section and chapter 536 are  
189 nonseverable and if any of the powers vested with the  
190 general assembly pursuant to chapter 536 to review, to delay  
191 the effective date, or to disapprove and annul a rule are  
192 subsequently held unconstitutional, then the grant of  
193 rulemaking authority and any rule proposed or adopted after  
194 January 1, 2023, shall be invalid and void.

144.757. 1. Any county or municipality[, except  
2 municipalities within a county having a charter form of  
3 government with a population in excess of nine hundred  
4 thousand,] may, by a majority vote of its governing body,  
5 impose a local use tax if a local sales tax is imposed as  
6 defined in section 32.085 **or if a sales tax is imposed**  
7 **pursuant to section 94.850 or 94.890, with such local use**  
8 **tax imposed** at a rate equal to the rate of the local sales  
9 tax [in effect in] **and any sales tax imposed pursuant to**  
10 **section 94.850 or 94.890 by** such county or municipality;  
11 provided, however, that no ordinance or order enacted  
12 pursuant to sections 144.757 to 144.761 shall be effective  
13 unless the governing body of the county or municipality  
14 submits to the voters thereof at a municipal, county or  
15 state general, primary or special election a proposal to  
16 authorize the governing body of the county or municipality  
17 to impose a local use tax pursuant to sections 144.757 to  
18 144.761. [Municipalities within a county having a charter  
19 form of government with a population in excess of nine  
20 hundred thousand may, upon voter approval received pursuant  
21 to paragraph (b) of subdivision (2) of subsection 2 of this  
22 section, impose a local use tax at the same rate as the  
23 local municipal sales tax with the revenues from all such  
24 municipal use taxes to be distributed pursuant to subsection  
25 4 of section 94.890. The municipality shall within thirty  
26 days of the approval of the use tax imposed pursuant to  
27 paragraph (b) of subdivision (2) of subsection 2 of this  
28 section select one of the distribution options permitted in  
29 subsection 4 of section 94.890 for distribution of all  
30 municipal use taxes.

31 2.] (1) The ballot of submission[, except for  
32 counties and municipalities described in subdivisions (2)

33 and (3) of this subsection,] shall contain substantially the  
34 following language:

35        Shall the \_\_\_\_\_ (county or municipality's name)  
36        impose a local use tax at the same rate as the  
37        total local sales tax rate, [currently \_\_\_\_\_  
38        (insert percent),] provided that if the local  
39        sales tax rate is reduced or raised by voter  
40        approval, the local use tax rate shall also be  
41        reduced or raised by the same action? [A use  
42        tax return shall not be required to be filed by  
43        persons whose purchases from out-of-state  
44        vendors do not in total exceed two thousand  
45        dollars in any calendar year.] **Approval of this**  
46        **question will eliminate the disparity in tax**  
47        **rates collected by local and out-of-state**  
48        **sellers by imposing the same rate on all sellers.**

49                                     YES                                     NO

50        If you are in favor of the question, place an  
51        "X" in the box opposite "YES". If you are  
52        opposed to the question, place an "X" in the box  
53        opposite "NO".

54        (2) [(a) The ballot of submission in a county having  
55        a charter form of government with a population in excess of  
56        nine hundred thousand shall contain substantially the  
57        following language:

58                For the purposes of enhancing county and municipal  
59        public safety, parks, and job creation and enhancing local  
60        government services, shall the county be authorized to  
61        collect a local use tax equal to the total of the existing  
62        county sales tax rate of (insert tax rate), provided that if

63 the county sales tax is repealed, reduced or raised by voter  
64 approval, the local use tax rate shall also be repealed,  
65 reduced or raised by the same voter action? Fifty percent of  
66 the revenue shall be used by the county throughout the  
67 county for improving and enhancing public safety, park  
68 improvements, and job creation, and fifty percent shall be  
69 used for enhancing local government services. The county  
70 shall be required to make available to the public an audited  
71 comprehensive financial report detailing the management and  
72 use of the countywide portion of the funds each year.

73 A use tax is the equivalent of a sales tax on purchases  
74 from out-of-state sellers by in-state buyers and on certain  
75 taxable business transactions. A use tax return shall not  
76 be required to be filed by persons whose purchases from out-  
77 of-state vendors do not in total exceed two thousand dollars  
78 in any calendar year.

79  YES  NO

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

83 (b) The ballot of submission in a municipality within  
84 a county having a charter form of government with a  
85 population in excess of nine hundred thousand shall contain  
86 substantially the following language:

87 Shall the municipality be authorized to impose a local  
88 use tax at the same rate as the local sales tax by a vote of  
89 the governing body, provided that if any local sales tax is  
90 repealed, reduced or raised by voter approval, the  
91 respective local use tax shall also be repealed, reduced or  
92 raised by the same action? A use tax return shall not be

93 required to be filed by persons whose purchases from out-of-  
94 state vendors do not in total exceed two thousand dollars in  
95 any calendar year.

96  YES  NO

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

100 (3)] The ballot of submission in any city not within a  
101 county shall contain substantially the following language:

102 Shall the \_\_\_\_\_ (city name) impose a local use  
103 tax at the same rate as the local sales tax,  
104 [currently at a rate of \_\_\_\_\_ (insert percent)]  
105 which includes the capital improvements sales  
106 tax and the transportation tax, provided that if  
107 any local sales tax is repealed, reduced or  
108 raised by voter approval, the respective local  
109 use tax shall also be repealed, reduced or  
110 raised by the same action? [A use tax return  
111 shall not be required to be filed by persons  
112 whose purchases from out-of-state vendors do not  
113 in total exceed two thousand dollars in any  
114 calendar year.] **An approval of this question**  
115 **will eliminate the disparity in tax rates**  
116 **collected by local and out-of-state sellers by**  
117 **imposing the same rate on all sellers.**

118  YES  NO

119 If you are in favor of the question, place an  
120 "X" in the box opposite "YES". If you are

121           opposed to the question, place an "X" in the box  
122           opposite "NO".

123           [(4)] 2. If any of such ballots are submitted on  
124 August 6, 1996, and if a majority of the votes cast on the  
125 proposal by the qualified voters voting thereon are in favor  
126 of the proposal, then the ordinance or order and any  
127 amendments thereto shall be in effect October 1, 1996,  
128 provided the director of revenue receives notice of adoption  
129 of the local use tax on or before August 16, 1996. If any  
130 of such ballots are submitted after December 31, 1996, and  
131 if a majority of the votes cast on the proposal by the  
132 qualified voters voting thereon are in favor of the  
133 proposal, then the ordinance or order and any amendments  
134 thereto shall be in effect on the first day of the calendar  
135 quarter which begins at least forty-five days after the  
136 director of revenue receives notice of adoption of the local  
137 use tax. If a majority of the votes cast by the qualified  
138 voters voting are opposed to the proposal, then the  
139 governing body of the county or municipality shall have no  
140 power to impose the local use tax as herein authorized  
141 unless and until the governing body of the county or  
142 municipality shall again have submitted another proposal to  
143 authorize the governing body of the county or municipality  
144 to impose the local use tax and such proposal is approved by  
145 a majority of the qualified voters voting thereon.

146           3. The local use tax may be imposed at the same rate  
147 as the local sales tax then currently in effect in the  
148 county or municipality upon all transactions which are  
149 subject to the taxes imposed pursuant to sections 144.600 to  
150 144.745 within the county or municipality adopting such tax;  
151 provided, however, that if any local sales tax is repealed  
152 or the rate thereof is reduced or raised by voter approval,

153 the local use tax rate shall also be deemed to be repealed,  
154 reduced or raised by the same action repealing, reducing or  
155 raising the local sales tax.

156 4. For purposes of sections 144.757 to 144.761, the  
157 use tax may be referred to or described as the equivalent of  
158 a sales tax on purchases made from out-of-state sellers by  
159 in-state buyers and on certain intrabusiness transactions.  
160 Such a description shall not change the classification, form  
161 or subject of the use tax or the manner in which it is  
162 collected.

144.759. 1. All local use taxes collected by the  
2 director of revenue pursuant to sections 144.757 to 144.761  
3 on behalf of any county or municipality, less one percent  
4 for cost of collection, which shall be deposited in the  
5 state's general revenue fund after payment of premiums for  
6 surety bonds as provided in section 32.087 shall be  
7 deposited with the state treasurer in a local use tax trust  
8 fund, which fund shall be separate and apart from the local  
9 sales tax trust funds. The moneys in such local use tax  
10 trust fund shall not be deemed to be state funds and shall  
11 not be commingled with any funds of the state. The director  
12 of revenue shall keep accurate records of the amount of  
13 money in the trust fund which was collected in each county  
14 or municipality imposing a local use tax, and the records  
15 shall be open to the inspection of officers of the county or  
16 municipality and to the public. No later than the tenth day  
17 of each month, the director of revenue shall distribute all  
18 moneys deposited in the trust fund during the preceding  
19 month, except as provided in subsection 2 of this section,  
20 to the county or municipality treasurer, or such other  
21 officer as may be designated by the county or municipality  
22 ordinance or order, of each county or municipality imposing



23 the tax authorized by sections 144.757 to 144.761, the sum  
24 due the county or municipality as certified by the director  
25 of revenue.

26       2. **Subject to the provisions of subsection 1 of this**  
27 **section,** the director of revenue shall distribute all moneys  
28 which would be due any county having a charter form of  
29 government and having a population of nine hundred thousand  
30 or more to the county treasurer or such other officer as may  
31 be designated by county ordinance, who shall distribute  
32 [such moneys as follows: the] **that** portion of the use [tax]  
33 **taxes** imposed by the county [which equals one-half the rate  
34 of sales tax in effect for such county shall be disbursed to  
35 the county treasurer for expenditure throughout the county  
36 for public safety, parks, and job creation, subject to any  
37 qualifications and regulations adopted by ordinance of the  
38 county. Such ordinance shall require an audited  
39 comprehensive financial report detailing the management and  
40 use of such funds each year. Such ordinance shall also  
41 require that the county and the municipal league of the  
42 county jointly prepare a strategy to guide expenditures of  
43 funds and conduct an annual review of the strategy. The  
44 treasurer or such other officer as may be designated by  
45 county ordinance shall distribute one-third of the balance  
46 to the county and to each city, town and village in group B  
47 according to section 66.620 as modified by this section, a  
48 portion of the two-thirds remainder of such balance equal to  
49 the percentage ratio that the population of each such city,  
50 town or village bears to the total population of all such  
51 group B cities, towns and villages. For the purposes of  
52 this subsection, population shall be determined by the last  
53 federal decennial census or the latest census that  
54 determines the total population of the county and all

55 political subdivisions therein. For the purposes of this  
56 subsection, each city, town or village in group A according  
57 to section 66.620 but whose per capita sales tax receipts  
58 during the preceding calendar year pursuant to sections  
59 66.600 to 66.630 were less than the per capita countywide  
60 average of all sales tax receipts during the preceding  
61 calendar year, shall be treated as a group B city, town or  
62 village until the per capita amount distributed to such  
63 city, town or village equals the difference between the per  
64 capita sales tax receipts during the preceding calendar year  
65 and the per capita countywide average of all sales tax  
66 receipts during the preceding calendar year] **that is equal**  
67 **to the rate of sales taxes imposed by the county pursuant to**  
68 **sections 66.600 and 67.547 to the cities, towns, and**  
69 **villages within such county and to the unincorporated area**  
70 **of the county on the ratio of the population that each such**  
71 **city, town, village, and the unincorporated areas of the**  
72 **county bears to the total population of the county;**  
73 **provided, however, the county treasurer or other officer**  
74 **shall distribute that portion of the use tax imposed by the**  
75 **county equal to the rate of sales tax imposed by the county**  
76 **pursuant to section 67.547 for the purpose of funding**  
77 **zoological activities and zoological facilities of the**  
78 **zoological park subdistrict of the metropolitan zoological**  
79 **park and museum district as created pursuant to section**  
80 **184.350.**

81 3. The director of revenue may authorize the state  
82 treasurer to make refunds from the amounts in the trust fund  
83 and credited to any county or municipality for erroneous  
84 payments and overpayments made, and may redeem dishonored  
85 checks and drafts deposited to the credit of such counties  
86 or municipalities. If any county or municipality abolishes

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

103 4. Except as modified in sections 144.757 to 144.761,  
104 all provisions of sections 32.085 and 32.087 applicable to  
105 the local sales tax, except for subsection 12 of section  
106 32.087, and all provisions of sections 144.600 to 144.745  
107 shall apply to the tax imposed pursuant to sections 144.757  
108 to 144.761, and the director of revenue shall perform all  
109 functions incident to the administration, collection,  
110 enforcement, and operation of the tax.

2 [144.1000. Sections 144.1000 to 144.1015  
3 shall be known as and referred to as the  
4 "Simplified Sales and Use Tax Administration  
5 Act".]

2 [144.1003. As used in sections 144.1000 to  
3 144.1015, the following terms shall mean:

3 (1) "Agreement", the streamlined sales and  
4 use tax agreement;

5 (2) "Certified automated system", software  
6 certified jointly by the states that are  
7 signatories to the agreement to calculate the  
8 tax imposed by each jurisdiction on a  
9 transaction, determine the amount of tax to

- 10 remit to the appropriate state and maintain a  
11 record of the transaction;
- 12 (3) "Certified service provider", an agent  
13 certified jointly by the states that are  
14 signatories to the agreement to perform all of  
15 the seller's sales tax functions;
- 16 (4) "Person", an individual, trust,  
17 estate, fiduciary, partnership, limited  
18 liability company, limited liability  
19 partnership, corporation or any other legal  
20 entity;
- 21 (5) "Sales tax", any sales tax levied  
22 pursuant to this chapter, section 32.085, or any  
23 other sales tax authorized by statute and levied  
24 by this state or its political subdivisions;
- 25 (6) "Seller", any person making sales,  
26 leases or rentals of personal property or  
27 services;
- 28 (7) "State", any state of the United  
29 States and the District of Columbia;
- 30 (8) "Use tax", the use tax levied pursuant  
31 to this chapter.]

2 [144.1006. For the purposes of reviewing  
3 and, if necessary, amending the agreement  
4 embodying the simplification recommendations  
5 contained in section 144.1015, the state may  
6 enter into multistate discussions. For purposes  
7 of such discussions, the state shall be  
8 represented by seven delegates, one of whom  
9 shall be appointed by the governor, two members  
10 appointed by the speaker of the house of  
11 representatives, one member appointed by the  
12 minority leader of the house of representatives,  
13 two members appointed by the president pro  
14 tempore of the senate and one member appointed  
15 by the minority leader of the senate. The  
16 delegates need not be members of the general  
17 assembly and at least one of the delegates  
18 appointed by the speaker of the house of  
19 representatives and one member appointed by the  
20 president pro tempore of the senate shall be  
21 from the private sector and represent the  
22 interests of Missouri businesses. The delegates  
23 shall recommend to the committees responsible  
24 for reviewing tax issues in the senate and the  
25 house of representatives each year any amendment  
26 of state statutes required to be substantially  
27 in compliance with the agreement. Such  
28 delegates shall make a written report by the  
29 fifteenth day of January each year regarding the  
30 status of the multistate discussions and upon  
31 final adoption of the terms of the sales and use  
tax agreement by the multistate body.]

2 [144.1009. No provision of the agreement  
3 authorized by sections 144.1000 to 144.1015 in  
whole or in part invalidates or amends any

4 provision of the law of this state.  
5 Implementation of any condition of this  
6 agreement in this state, whether adopted before,  
7 at, or after membership of this state in the  
8 agreement, must be by action of the general  
9 assembly. Such report shall be delivered to the  
10 governor, the secretary of state, the president  
11 pro tempore of the senate and the speaker of the  
12 house of representatives and shall  
13 simultaneously be made publicly available by the  
14 secretary of state to any person requesting a  
15 copy.]

2 [144.1012. Unless five of the seven  
3 delegates agree, the delegates shall not enter  
4 into or vote for any streamlined sales and use  
5 tax agreement that:  
6 (1) Requires adoption of a definition of  
7 any term that would cause any item or  
8 transaction that is now excluded or exempted  
9 from sales or use tax to become subject to sales  
10 or use tax;  
11 (2) Requires the state of Missouri to  
12 fully exempt or fully apply sales taxes to the  
13 sale of food or any other item;  
14 (3) Restricts the ability of local  
15 governments under statutes in effect on August  
16 28, 2002, to enact one or more local taxes on  
17 one or more items without application of the tax  
18 to all sales within the taxing jurisdiction,  
19 however, restriction of any such taxes allowed  
20 by statutes effective after August 28, 2002, may  
21 be supported;  
22 (4) Provides for adoption of any uniform  
23 rate structure that would result in a tax  
24 increase for any Missouri taxpayer;  
25 (5) Affects the sourcing of sales tax  
26 transactions; or  
27 (6) Prohibits limitations or thresholds on  
28 the application of sales and use tax rates or  
29 prohibits any current sales or use tax exemption  
30 in the state of Missouri, including exemptions  
31 that are based on the value of the transaction  
or item.]

2 [144.1015. In addition to the requirements  
3 of section 144.1012, the delegates should  
4 consider the following features when deciding  
5 whether or not to enter into any streamlined  
6 sales and use tax agreement:  
7 (1) The agreement should address the  
8 limitation of the number of state rates over  
9 time;  
10 (2) The agreement should establish uniform  
11 standards for administration of exempt sales and  
12 the form used for filing sales and use tax  
returns and remittances;

13           (3) The agreement should require the state  
14 to provide a central, electronic registration  
15 system that allows a seller to register to  
16 collect and remit sales and use taxes for all  
17 signatory states;

18           (4) The agreement should provide that  
19 registration with the central registration  
20 system and the collection of sales and use taxes  
21 in the signatory states will not be used as a  
22 factor in determining whether the seller has  
23 nexus with a state for any tax;

24           (5) The agreement should provide for  
25 reduction of the burdens of complying with local  
26 sales and use taxes through the following so  
27 long as they do not conflict with the provisions  
28 of section 144.1012:

29           (a) Restricting variances between the  
30 state and local tax bases;

31           (b) Requiring states to administer any  
32 sales and use taxes levied by local  
33 jurisdictions within the state so that sellers  
34 collecting and remitting these taxes will not  
35 have to register or file returns with, remit  
36 funds to, or be subject to independent audits  
37 from local taxing jurisdictions;

38           (c) Restricting the frequency of changes  
39 in the local sales and use tax rates and setting  
40 effective dates for the application of local  
41 jurisdictional boundary changes to local sales  
42 and use taxes; and

43           (d) Providing notice of changes in local  
44 sales and use tax rates and of changes in the  
45 boundaries of local taxing jurisdictions;

46           (6) The agreement should outline any  
47 monetary allowances that are to be provided by  
48 the states to sellers or certified service  
49 providers. The agreement must allow for a joint  
50 public and private sector study of the  
51 compliance cost on sellers and certified service  
52 providers to collect sales and use taxes for  
53 state and local governments under various levels  
54 of complexity to be completed by July 1, 2003;

55           (7) The agreement should require each  
56 state to certify compliance with the terms of  
57 the agreement prior to joining and to maintain  
58 compliance, under the laws of the member state,  
59 with all provisions of the agreement while a  
60 member, only if the agreement and any amendment  
61 thereto complies with the provisions of section  
62 144.1012;

63           (8) The agreement should require each  
64 state to adopt a uniform policy for certified  
65 service providers that protects the privacy of  
66 consumers and maintains the confidentiality of  
67 tax information; and

68           (9) The agreement should provide for the  
69 appointment of an advisory council of private

70 sector representatives and an advisory council  
71 of nonmember state representatives to consult  
72 with in the administration of the agreement.]

Section B. Because of the importance of ensuring the  
2 fiscal health of the state in an emergency, the enactment of  
3 section 33.575 of this act is deemed necessary for the  
4 immediate preservation of the public health, welfare, peace  
5 and safety, and is hereby declared to be an emergency act  
6 within the meaning of the constitution, and the enactment of  
7 section 33.575 of this act shall be in full force and effect  
8 upon its passage and approval.

Section C. The enactment of sections 144.608, 144.637,  
2 144.638, and 144.752, the repeal and reenactment of sections  
3 32.087, 143.011, 144.011, 144.014, 144.020, 144.049,  
4 144.054, 144.060, 144.140, 144.526, 144.605, 144.710, and  
5 144.759, and the repeal of sections 144.1000, 144.1003,  
6 144.1006, 144.1009, 144.1012, and 144.1015 shall become  
7 effective January 1, 2023.

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