

FIRST REGULAR SESSION

SENATE BILL NO. 759

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

2991S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 138.430, RSMo, and to enact in lieu thereof one new section relating to erroneous property classifications.

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

Section A. Section 138.430, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 138.430,
3 to read as follows:

138.430. 1. Every owner of real property or tangible
2 personal property shall have the right to appeal from the
3 local boards of equalization to the state tax commission
4 under rules prescribed by the state tax commission, within
5 the time prescribed in this chapter or thirty days following
6 the final action of the local board of equalization,
7 whichever date later occurs, concerning all questions and
8 disputes involving the assessment against such property, the
9 correct valuation to be placed on such property, the method
10 or formula used in determining the valuation of such
11 property, or the assignment of a discriminatory assessment
12 to such property. The commission shall investigate all such
13 appeals and shall correct any assessment or valuation which
14 is shown to be unlawful, unfair, improper, arbitrary or
15 capricious. Any person aggrieved by the decision of the
16 commission may seek review as provided in chapter 536.

17 2. In order to investigate such appeals, the
18 commission may inquire of the owner of the property or of

19 any other party to the appeal regarding any matter or issue
20 relevant to the valuation, subclassification or assessment
21 of the property. The commission may make its decision
22 regarding the assessment or valuation of the property based
23 solely upon its inquiry and any evidence presented by the
24 parties to the commission, or based solely upon evidence
25 presented by the parties to the commission.

26 3. Every owner of real property or tangible personal
27 property shall have the right to appeal to the circuit court
28 of the county in which the collector maintains his office
29 from the decision of the local board of equalization not
30 later than thirty days after the final decision of the board
31 of equalization concerning all questions and disputes
32 involving the exclusion or exemption of such property from
33 assessment or from the tax rolls pursuant to the
34 Constitution of the United States or the constitution or
35 laws of this state, or of the taxable situs of such
36 property. The appeal shall be as a trial de novo in the
37 manner prescribed for nonjury civil proceedings. Upon the
38 timely filing of the appeal, the clerk of the circuit court
39 shall send to the county collector to whom the taxes on the
40 property involved would be due a notice that an appeal
41 seeking exemption has been filed, which notice shall contain
42 the name of the taxpayer, the case number assigned by the
43 court, and the parcel or locator number of the property
44 being appealed. The notice to the collector shall state
45 that the taxes in dispute are to be impounded in accordance
46 with subsection 2 of section 139.031.

47 4. Upon the timely filing of an appeal to the state
48 tax commission as provided in this section, or the transfer
49 of an appeal to the commission in accordance with subsection
50 5 of this section, the commission shall send to the county

51 collector to whom the taxes on the property involved would
52 be due a notice that an appeal has been filed or transferred
53 as the case may be, which notice shall contain the name of
54 the taxpayer filing the appeal, the appeal number assigned
55 by the commission, the parcel or locator number of the
56 property being appealed, the assessed value by the board of
57 equalization and the assessed value proposed by the
58 taxpayer, if such values have been provided to the
59 commission when the appeal is filed. The notice to the
60 collector shall state that the taxes in dispute are to be
61 impounded in accordance with subsection 2 of section
62 139.031. Notice to the collector of an appeal filed in an
63 odd-numbered year shall also serve as notice to the
64 collector to impound taxes for the following even-numbered
65 year if no decision has been rendered in the appeal. The
66 state tax commission shall notify the collector once a
67 decision has been rendered in an appeal.

68 5. If the circuit court, after review of the appeal,
69 finds that the appeal is not a proper subject for the appeal
70 to the circuit court as provided in subsection 3 of this
71 section, it shall transfer the appeal to the state tax
72 commission for consideration.

73 6. **(1)** If an assessor classifies real property under
74 a classification that is contrary to or in conflict with a
75 determination by the state tax commission or a court of
76 competent jurisdiction of said property, the taxpayer shall
77 be awarded costs of appeal and reasonable attorney's fees on
78 a challenge of the assessor's determination, **and such costs**
79 **and fees shall be included in any decision or order by the**
80 **state tax commission or court of competent jurisdiction that**
81 **finds in favor of a taxpayer.**

82 (2) Any taxpayer not receiving the costs and fees
83 allowed pursuant to subdivision (1) of this subsection as a
84 result of any decision made on or after January 1, 2024,
85 shall have a cause of action to recover any such costs and
86 fees, and shall recover all costs and reasonable attorney's
87 fees related to initiating such cause of action in a court
88 of competent jurisdiction, and shall also be entitled to
89 recover damages in an amount equal to ten percent of the
90 original assessed value of the property that was erroneously
91 classified.

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