

SENATE BILL NO. 1118

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

4503S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof two new sections relating to personal property assessments.

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

Section A. Sections 137.073 and 137.115, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 137.073 and 137.115, to read as follows:

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

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

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

14 (3) "Tax rate ceiling", a tax rate as revised by the
15 taxing authority to comply with the provisions of this
16 section or when a court has determined the tax rate; except
17 that, other provisions of law to the contrary

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

notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013 [or as excess home dock city or county fees as provided in subsection 4 of section 313.820] in the immediately preceding fiscal year but not including any

50 amount calculated to adjust for prior years. For purposes
51 of political subdivisions which were authorized to levy a
52 tax in the prior year but which did not levy such tax or
53 levied a reduced rate, the term "tax revenue", as used in
54 relation to the revision of tax levies mandated by law,
55 shall mean the revenues equal to the amount that would have
56 been available if the voluntary rate reduction had not been
57 made.

58 2. Whenever changes in assessed valuation are entered
59 in the assessor's books for any personal property, in the
60 aggregate, or for any subclass of real property as such
61 subclasses are established in Section 4(b) of Article X of
62 the Missouri Constitution and defined in section 137.016,
63 the county clerk in all counties and the assessor of St.
64 Louis City shall notify each political subdivision wholly or
65 partially within the county or St. Louis City of the change
66 in valuation of each subclass of real property,
67 individually, and personal property, in the aggregate,
68 exclusive of new construction and improvements. All
69 political subdivisions shall immediately revise the
70 applicable rates of levy for each purpose for each subclass
71 of real property, individually, and personal property, in
72 the aggregate, for which taxes are levied to the extent
73 necessary to produce from all taxable property, exclusive of
74 new construction and improvements, substantially the same
75 amount of tax revenue as was produced in the previous year
76 for each subclass of real property, individually, and
77 personal property, in the aggregate, except that the rate
78 shall not exceed the greater of the most recent voter-
79 approved rate or the most recent voter-approved rate as
80 adjusted under subdivision (2) of subsection 5 of this
81 section. Any political subdivision that has received

82 approval from voters for a tax increase after August 27,
83 2008, may levy a rate to collect substantially the same
84 amount of tax revenue as the amount of revenue that would
85 have been derived by applying the voter-approved increased
86 tax rate ceiling to the total assessed valuation of the
87 political subdivision as most recently certified by the city
88 or county clerk on or before the date of the election in
89 which such increase is approved, increased by the percentage
90 increase in the consumer price index, as provided by law,
91 except that the rate shall not exceed the greater of the
92 most recent voter-approved rate or the most recent voter-
93 approved rate as adjusted under subdivision (2) of
94 subsection 5 of this section. Such tax revenue shall not
95 include any receipts from ad valorem levies on any real
96 property which was assessed by the assessor of a county or
97 city in such previous year but is assessed by the assessor
98 of a county or city in the current year in a different
99 subclass of real property. Where the taxing authority is a
100 school district for the purposes of revising the applicable
101 rates of levy for each subclass of real property, the tax
102 revenues from state-assessed railroad and utility property
103 shall be apportioned and attributed to each subclass of real
104 property based on the percentage of the total assessed
105 valuation of the county that each subclass of real property
106 represents in the current [taxable] **tax** year. As provided
107 in Section 22 of Article X of the constitution, a political
108 subdivision may also revise each levy to allow for
109 inflationary assessment growth occurring within the
110 political subdivision. The inflationary growth factor for
111 any such subclass of real property or personal property
112 shall be limited to the actual assessment growth in such
113 subclass or class, exclusive of new construction and

improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in

146 this subsection, and added to the initial rate computed for
147 each class or subclass of property. For school districts
148 that levy separate tax rates on each subclass of real
149 property and personal property in the aggregate, if voters
150 approved a ballot before January 1, 2011, that presented
151 separate stated tax rates to be applied to the different
152 subclasses of real property and personal property in the
153 aggregate, or increases the separate rates that may be
154 levied on the different subclasses of real property and
155 personal property in the aggregate by different amounts, the
156 tax rate that shall be used for the single tax rate
157 calculation shall be a blended rate, calculated in the
158 manner provided under subdivision (1) of subsection 6 of
159 this section. Notwithstanding any provision of this
160 subsection to the contrary, no revision to the rate of levy
161 for personal property shall cause such levy to increase over
162 the levy for personal property from the prior year.

163 3. (1) Where the taxing authority is a school
164 district, it shall be required to revise the rates of levy
165 to the extent necessary to produce from all taxable
166 property, including state-assessed railroad and utility
167 property, which shall be separately estimated in addition to
168 other data required in complying with section 164.011,
169 substantially the amount of tax revenue permitted in this
170 section. In the year following tax rate reduction, the tax
171 rate ceiling may be adjusted to offset such district's
172 reduction in the apportionment of state school moneys due to
173 its reduced tax rate. However, in the event any school
174 district, in calculating a tax rate ceiling pursuant to this
175 section, requiring the estimating of effects of state-
176 assessed railroad and utility valuation or loss of state
177 aid, discovers that the estimates used result in receipt of

178 excess revenues, which would have required a lower rate if
179 the actual information had been known, the school district
180 shall reduce the tax rate ceiling in the following year to
181 compensate for the excess receipts, and the recalculated
182 rate shall become the tax rate ceiling for purposes of this
183 section.

184 (2) For any political subdivision which experiences a
185 reduction in the amount of assessed valuation relating to a
186 prior year, due to decisions of the state tax commission or
187 a court pursuant to sections 138.430 to 138.433, or due to
188 clerical errors or corrections in the calculation or
189 recordation of any assessed valuation:

190 (a) Such political subdivision may revise the tax rate
191 ceiling for each purpose it levies taxes to compensate for
192 the reduction in assessed value occurring after the
193 political subdivision calculated the tax rate ceiling for
194 the particular subclass of real property or for personal
195 property, in the aggregate, in a prior year. Such revision
196 by the political subdivision shall be made at the time of
197 the next calculation of the tax rate for the particular
198 subclass of real property or for personal property, in the
199 aggregate, after the reduction in assessed valuation has
200 been determined and shall be calculated in a manner that
201 results in the revised tax rate ceiling being the same as it
202 would have been had the corrected or finalized assessment
203 been available at the time of the prior calculation;

204 (b) In addition, for up to three years following the
205 determination of the reduction in assessed valuation as a
206 result of circumstances defined in this subdivision, such
207 political subdivision may levy a tax rate for each purpose
208 it levies taxes above the revised tax rate ceiling provided
209 in paragraph (a) of this subdivision to recoup any revenues

it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section 353.110 shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. **Beginning January 1, 2028, any increase in the aggregate valuation of personal property for the current year over that of the previous year shall not be counted as new construction.** Notwithstanding any opt-out implemented pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of new construction and

improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and Section 22 of Article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and Section 22 of Article

X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

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

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in

the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to

338 a level not exceeding the tax rate ceiling without voter
339 approval in the manner provided under subdivision (4) of
340 this subsection. Nothing in this section shall be construed
341 as prohibiting a political subdivision from voluntarily
342 levying a tax rate lower than that which is required under
343 the provisions of this section or from seeking voter
344 approval of a reduction to such political subdivision's tax
345 rate ceiling.

346 (4) In a year of general reassessment, a governing
347 body whose tax rate is lower than its tax rate ceiling shall
348 revise its tax rate pursuant to the provisions of subsection
349 4 of this section as if its tax rate was at the tax rate
350 ceiling. In a year following general reassessment, if such
351 governing body intends to increase its tax rate, the
352 governing body shall conduct a public hearing, and in a
353 public meeting it shall adopt an ordinance, resolution, or
354 policy statement justifying its action prior to setting and
355 certifying its tax rate. The provisions of this subdivision
356 shall not apply to any political subdivision which levies a
357 tax rate lower than its tax rate ceiling solely due to a
358 reduction required by law resulting from sales tax
359 collections. The provisions of this subdivision shall not
360 apply to any political subdivision which has received voter
361 approval for an increase to its tax rate ceiling subsequent
362 to setting its most recent tax rate.

363 6. (1) For the purposes of calculating state aid for
364 public schools pursuant to section 163.031, each taxing
365 authority which is a school district shall determine its
366 proposed tax rate as a blended rate of the classes or
367 subclasses of property. Such blended rate shall be
368 calculated by first determining the total tax revenue of the
369 property within the jurisdiction of the taxing authority,

which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the

calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's

findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

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

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

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring

a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise

the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

529 authority and any rule proposed or adopted after August 28,
530 2004, shall be invalid and void.

137.115. 1. All other laws to the contrary
2 notwithstanding, the assessor or the assessor's deputies in
3 all counties of this state including the City of St. Louis
4 shall annually make a list of all real and tangible personal
5 property taxable in the assessor's city, county, town or
6 district. Except as otherwise provided in subsection 3 of
7 this section and section 137.078, **for all calendar years**
8 **ending on or before December 31, 2026**, the assessor shall
9 annually assess all personal property at thirty-three and
10 one-third percent of its true value in money as of January
11 first of each calendar year. **Except as otherwise provided**
12 **in subsection 3 of this section and section 137.078, for all**
13 **calendar years beginning on or after January 1, 2027, the**
14 **assessor shall annually assess all personal property at**
15 **thirty percent of its true value in money as of January**
16 **first of each calendar year.** The assessor shall annually
17 assess all real property, including any new construction and
18 improvements to real property, and possessory interests in
19 real property at the percent of its true value in money set
20 in subsection 5 of this section. The true value in money of
21 any possessory interest in real property in subclass (3),
22 where such real property is on or lies within the ultimate
23 airport boundary as shown by a federal airport layout plan,
24 as defined by 14 CFR 151.5, of a commercial airport having a
25 FAR Part 139 certification and owned by a political
26 subdivision, shall be the otherwise applicable true value in
27 money of any such possessory interest in real property, less
28 the total dollar amount of costs paid by a party, other than
29 the political subdivision, towards any new construction or
30 improvements on such real property completed after January

1, 2008, and which are included in the above-mentioned
possessory interest, regardless of the year in which such
costs were incurred or whether such costs were considered in
any prior year. The assessor shall annually assess all real
property in the following manner: new assessed values shall
be determined as of January first of each odd-numbered year
and shall be entered in the assessor's books; those same
assessed values shall apply in the following even-numbered
year, except for new construction and property improvements
which shall be valued as though they had been completed as
of January first of the preceding odd-numbered year. The
assessor may call at the office, place of doing business, or
residence of each person required by this chapter to list
property, and require the person to make a correct statement
of all taxable tangible personal property owned by the
person or under his or her care, charge or management,
taxable in the county. On or before January first of each
even-numbered year, the assessor shall prepare and submit a
two-year assessment maintenance plan to the county governing
body and the state tax commission for their respective
approval or modification. The county governing body shall
approve and forward such plan or its alternative to the plan
to the state tax commission by February first. If the
county governing body fails to forward the plan or its
alternative to the plan to the state tax commission by
February first, the assessor's plan shall be considered
approved by the county governing body. If the state tax
commission fails to approve a plan and if the state tax
commission and the assessor and the governing body of the
county involved are unable to resolve the differences, in
order to receive state cost-share funds outlined in section
137.750, the county or the assessor shall petition the

administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such

property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than two hundred hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent;

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent; and

(7) Solar panels, racking systems, inverters, and related solar equipment, components, materials, and supplies installed in connection with solar photovoltaic energy systems, as described in subdivision (46) of subsection 2 of section 144.030, that were constructed and producing solar energy prior to August 9, 2022, five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

158 6. Manufactured homes, as defined in section 700.010,
159 which are actually used as dwelling units shall be assessed
160 at the same percentage of true value as residential real
161 property for the purpose of taxation. The percentage of
162 assessment of true value for such manufactured homes shall
163 be the same as for residential real property. If the county
164 collector cannot identify or find the manufactured home when
165 attempting to attach the manufactured home for payment of
166 taxes owed by the manufactured home owner, the county
167 collector may request the county commission to have the
168 manufactured home removed from the tax books, and such
169 request shall be granted within thirty days after the
170 request is made; however, the removal from the tax books
171 does not remove the tax lien on the manufactured home if it
172 is later identified or found. For purposes of this section,
173 a manufactured home located in a manufactured home rental
174 park, rental community or on real estate not owned by the
175 manufactured home owner shall be considered personal
176 property. For purposes of this section, a manufactured home
177 located on real estate owned by the manufactured home owner
178 may be considered real property.

179 7. Each manufactured home assessed shall be considered
180 a parcel for the purpose of reimbursement pursuant to
181 section 137.750, unless the manufactured home is deemed to
182 be real estate as defined in subsection 7 of section 442.015
183 and assessed as a realty improvement to the existing real
184 estate parcel.

185 8. Any amount of tax due and owing based on the
186 assessment of a manufactured home shall be included on the
187 personal property tax statement of the manufactured home
188 owner unless the manufactured home is deemed to be real
189 estate as defined in subsection 7 of section 442.015, in

190 which case the amount of tax due and owing on the assessment
191 of the manufactured home as a realty improvement to the
192 existing real estate parcel shall be included on the real
193 property tax statement of the real estate owner.

194 9. The assessor of each county and each city not
195 within a county shall use a nationally recognized automotive
196 trade publication such as the National Automobile Dealers'
197 Association Official Used Car Guide, Kelley Blue Book,
198 Edmunds, or other similar publication as the recommended
199 guide of information for determining the true value of motor
200 vehicles described in such publication. The state tax
201 commission shall select and make available to all assessors
202 which publication shall be used. The assessor of each
203 county and each city not within a county shall use the trade-
204 in value published in the current October issue of the
205 publication selected by the state tax commission. The
206 assessor shall not use a value that is greater than the
207 average trade-in value in determining the true value of the
208 motor vehicle without performing a physical inspection of
209 the motor vehicle. For vehicles two years old or newer from
210 a vehicle's model year, the assessor may use a value other
211 than average without performing a physical inspection of the
212 motor vehicle. In the absence of a listing for a particular
213 motor vehicle in such publication, the assessor shall use
214 such information or publications that, in the assessor's
215 judgment, will fairly estimate the true value in money of
216 the motor vehicle. For motor vehicles with a true value of
217 less than fifty thousand dollars as of January 1, 2025, the
218 assessor shall not assess such motor vehicle for an amount
219 greater than such motor vehicle was assessed in the previous
220 year, provided that such motor vehicle was properly assessed
221 in the previous year.

222 10. Before the assessor may increase the assessed
223 valuation of any parcel of subclass (1) real property by
224 more than fifteen percent since the last assessment,
225 excluding increases due to new construction or improvements,
226 the assessor shall conduct a physical inspection of such
227 property.

228 11. If a physical inspection is required, pursuant to
229 subsection 10 of this section, the assessor shall notify the
230 property owner of that fact in writing and shall provide the
231 owner clear written notice of the owner's rights relating to
232 the physical inspection. If a physical inspection is
233 required, the property owner may request that an interior
234 inspection be performed during the physical inspection. The
235 owner shall have no less than thirty days to notify the
236 assessor of a request for an interior physical inspection.

237 12. A physical inspection, as required by subsection
238 10 of this section, shall include, but not be limited to, an
239 on-site personal observation and review of all exterior
240 portions of the land and any buildings and improvements to
241 which the inspector has or may reasonably and lawfully gain
242 external access, and shall include an observation and review
243 of the interior of any buildings or improvements on the
244 property upon the timely request of the owner pursuant to
245 subsection 11 of this section. Mere observation of the
246 property via a drive-by inspection or the like shall not be
247 considered sufficient to constitute a physical inspection as
248 required by this section.

249 13. A county or city collector may accept credit cards
250 as proper form of payment of outstanding property tax or
251 license due. No county or city collector may charge
252 surcharge for payment by credit card which exceeds the fee
253 or surcharge charged by the credit card bank, processor, or

254 issuer for its service. A county or city collector may
255 accept payment by electronic transfers of funds in payment
256 of any tax or license and charge the person making such
257 payment a fee equal to the fee charged the county by the
258 bank, processor, or issuer of such electronic payment.

259 14. Any county or city not within a county in this
260 state may, by an affirmative vote of the governing body of
261 such county, opt out of the provisions of this section and
262 sections 137.073, 138.060, and 138.100 as enacted by house
263 bill no. 1150 of the ninety-first general assembly, second
264 regular session and section 137.073 as modified by house
265 committee substitute for senate substitute for senate
266 committee substitute for senate bill no. 960, ninety-second
267 general assembly, second regular session, for the next year
268 of the general reassessment, prior to January first of any
269 year. No county or city not within a county shall exercise
270 this opt-out provision after implementing the provisions of
271 this section and sections 137.073, 138.060, and 138.100 as
272 enacted by house bill no. 1150 of the ninety-first general
273 assembly, second regular session and section 137.073 as
274 modified by house committee substitute for senate substitute
275 for senate committee substitute for senate bill no. 960,
276 ninety-second general assembly, second regular session, in a
277 year of general reassessment. For the purposes of applying
278 the provisions of this subsection, a political subdivision
279 contained within two or more counties where at least one of
280 such counties has opted out and at least one of such
281 counties has not opted out shall calculate a single tax rate
282 as in effect prior to the enactment of house bill no. 1150
283 of the ninety-first general assembly, second regular
284 session. A governing body of a city not within a county or
285 a county that has opted out under the provisions of this

subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential

318 in nature, including individually identifiable information
319 regarding a specific taxpayer or taxpayer's mine property.
320 For purposes of this subsection, "mine property" shall mean
321 all real property that is in use or readily available as a
322 reserve for strip, surface, or coal mining for minerals for
323 purposes of excavation for current or future use or sale to
324 others that has been bonded and permitted under chapter 444.

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