

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/Senate Bill No. 1534, Page 1, Section Title, Lines 3-4,

2 by striking "the taxability of certain card processing fees"
 3 and inserting in lieu thereof the following: "the exclusion
 4 of certain transactions from sales tax"; and

5 Further amend said bill, page 7, section 144.010, line
 6 204, by inserting after all of said line the following:

7 "144.014. 1. Notwithstanding other provisions of law
 8 to the contrary, [beginning October 1, 1997, the tax levied
 9 and imposed under this chapter on] all retail sales of food
 10 shall be [at the rate of one percent. The revenue derived
 11 from the one percent rate pursuant to this section shall be
 12 deposited by the state treasurer in the school district
 13 trust fund and shall be distributed as provided in section
 14 144.701] exempted from the provisions of and from the
 15 computation of the tax levied, assessed, or payable pursuant
 16 to this chapter. The provisions of this subsection are
 17 intended to exempt the sale of food from the state sales tax
 18 imposed pursuant to this chapter, and the department of
 19 revenue shall not construe the provisions of this subsection
 20 as an exemption from the local sales tax law, as defined in
 21 section 32.085. As required in sections 43(a) and 47(a) of
 22 article IV of the Missouri constitution, the sales tax
 23 imposed pursuant to such sections shall be imposed upon the
 24 sales and services that are taxable pursuant to this

25 chapter, which shall not include the retail sale of food as
26 exempted in this section.

27 2. For the purposes of this section, the term "food"
28 shall include only those products and types of food for
29 which food stamps may be redeemed pursuant to the provisions
30 of the Federal Food Stamp Program as contained in 7 U.S.C.
31 Section 2012, as that section now reads or as it may be
32 amended hereafter, and shall include food dispensed by or
33 through vending machines. For the purpose of this section,
34 except for vending machine sales, the term "food" shall not
35 include food or drink sold by any establishment where the
36 gross receipts derived from the sale of food prepared by
37 such establishment for immediate consumption on or off the
38 premises of the establishment constitutes more than eighty
39 percent of the total gross receipts of that establishment,
40 regardless of whether such prepared food is consumed on the
41 premises of that establishment, including, but not limited
42 to, sales of food by any restaurant, fast food restaurant,
43 delicatessen, eating house, or café.

44 144.020. 1. A tax is hereby levied and imposed for
45 the privilege of titling new and used motor vehicles,
46 trailers, boats, and outboard motors purchased or acquired
47 for use on the highways or waters of this state which are
48 required to be titled under the laws of the state of
49 Missouri and, except as provided in subdivision (9) of this
50 subsection, upon all sellers for the privilege of engaging
51 in the business of selling tangible personal property or
52 rendering taxable service at retail in this state. The rate
53 of tax shall be as follows:

54 (1) Upon every retail sale in this state of tangible
55 personal property, excluding motor vehicles, trailers,
56 motorcycles, mopeds, motortricycles, boats and outboard
57 motors required to be titled under the laws of the state of

58 Missouri and subject to tax under subdivision (9) of this
59 subsection, a tax equivalent to four percent of the purchase
60 price paid or charged, or in case such sale involves the
61 exchange of property, a tax equivalent to four percent of
62 the consideration paid or charged, including the fair market
63 value of the property exchanged at the time and place of the
64 exchange, except as otherwise provided in section 144.025;

65 (2) A tax equivalent to four percent of the amount
66 paid for admission and seating accommodations, or fees paid
67 to, or in any place of amusement, entertainment or
68 recreation, games and athletic events, except amounts paid
69 for any instructional class;

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

74 (4) (a) A tax equivalent to four percent on the basic
75 rate paid or charged on all sales of local and long distance
76 telecommunications service to telecommunications subscribers
77 and to others through equipment of telecommunications
78 subscribers for the transmission of messages and
79 conversations and upon the sale, rental or leasing of all
80 equipment or services pertaining or incidental thereto;
81 except that, the payment made by telecommunications
82 subscribers or others, pursuant to section 144.060, and any
83 amounts paid for access to the internet or interactive
84 computer services shall not be considered as amounts paid
85 for telecommunications services;

86 (b) If local and long distance telecommunications
87 services subject to tax under this subdivision are
88 aggregated with and not separately stated from charges for
89 telecommunications service or other services not subject to
90 tax under this subdivision, including, but not limited to,

91 interstate or international telecommunications services,
92 then the charges for nontaxable services may be subject to
93 taxation unless the telecommunications provider can identify
94 by reasonable and verifiable standards such portion of the
95 charges not subject to such tax from its books and records
96 that are kept in the regular course of business, including,
97 but not limited to, financial statement, general ledgers,
98 invoice and billing systems and reports, and reports for
99 regulatory tariffs and other regulatory matters;

100 (c) A telecommunications provider shall notify the
101 director of revenue of its intention to utilize the
102 standards described in paragraph (b) of this subdivision to
103 determine the charges that are subject to sales tax under
104 this subdivision. Such notification shall be in writing and
105 shall meet standardized criteria established by the
106 department regarding the form and format of such notice;

107 (d) The director of revenue may promulgate and enforce
108 reasonable rules and regulations for the administration and
109 enforcement of the provisions of this subdivision. Any rule
110 or portion of a rule, as that term is defined in section
111 536.010, that is created under the authority delegated in
112 this section shall become effective only if it complies with
113 and is subject to all of the provisions of chapter 536 and,
114 if applicable, section 536.028. This section and chapter
115 536 are nonseverable and if any of the powers vested with
116 the general assembly pursuant to chapter 536 to review, to
117 delay the effective date, or to disapprove and annul a rule
118 are subsequently held unconstitutional, then the grant of
119 rulemaking authority and any rule proposed or adopted after
120 August 28, 2019, shall be invalid and void;

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

124 (6) A tax equivalent to four percent on the amount of
125 sales or charges for all rooms, meals and drinks furnished
126 at any hotel, motel, tavern, inn, restaurant, eating house,
127 drugstore, dining car, tourist cabin, tourist camp or other
128 place in which rooms, meals or drinks are regularly served
129 to the public. The tax imposed under this subdivision shall
130 not apply to any automatic mandatory gratuity for a large
131 group imposed by a restaurant when such gratuity is reported
132 as employee tip income and the restaurant withholds income
133 tax under section 143.191 on such gratuity;

134 (7) A tax equivalent to four percent of the amount
135 paid or charged for intrastate tickets by every person
136 operating a railroad, sleeping car, dining car, express car,
137 boat, airplane and such buses and trucks as are licensed by
138 the division of motor carrier and railroad safety of the
139 department of economic development of Missouri, engaged in
140 the transportation of persons for hire;

141 (8) A tax equivalent to four percent of the amount
142 paid or charged for rental or lease of tangible personal
143 property, provided that if the lessor or renter of any
144 tangible personal property had previously purchased the
145 property under the conditions of sale at retail or leased or
146 rented the property and the tax was paid at the time of
147 purchase, lease or rental, the lessor, sublessor, renter or
148 subrenter shall not apply or collect the tax on the
149 subsequent lease, sublease, rental or subrental receipts
150 from that property. The purchase, rental or lease of motor
151 vehicles, trailers, motorcycles, mopeds, motortricycles,
152 boats, and outboard motors shall be taxed and the tax paid
153 as provided in this section and section 144.070. In no
154 event shall the rental or lease of boats and outboard motors
155 be considered a sale, charge, or fee to, for or in places of
156 amusement, entertainment or recreation nor shall any such

157 rental or lease be subject to any tax imposed to, for, or in
158 such places of amusement, entertainment or recreation.
159 Rental and leased boats or outboard motors shall be taxed
160 under the provisions of the sales tax laws as provided under
161 such laws for motor vehicles and trailers. Tangible
162 personal property which is exempt from the sales or use tax
163 under section 144.030 upon a sale thereof is likewise exempt
164 from the sales or use tax upon the lease or rental thereof;

165 (9) A tax equivalent to four percent of the purchase
166 price, as defined in section 144.070, of new and used motor
167 vehicles, trailers, boats, and outboard motors purchased or
168 acquired for use on the highways or waters of this state
169 which are required to be registered under the laws of the
170 state of Missouri. This tax is imposed on the person
171 titling such property, and shall be paid according to the
172 procedures in section 144.070 or 144.440.

173 2. All tickets sold which are sold under the
174 provisions of this chapter which are subject to the sales
175 tax shall have printed, stamped or otherwise endorsed
176 thereon, the words "This ticket is subject to a sales tax."

177 3. Notwithstanding any provision of law to the
178 contrary, of the four percent rate imposed pursuant to this
179 section, the revenue derived from a rate of two tenths of
180 one percent shall be deposited by the state treasurer in the
181 school district trust fund and shall be distributed as
182 provided in section 144.701. The remaining portion of the
183 revenue derived from the rate imposed pursuant to this
184 section shall be deposited in the general revenue fund."; and
185 Further amend the title and enacting clause accordingly.