

SECOND REGULAR SESSION

HOUSE BILL NO. 2213

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

4774H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 143.441, RSMo, and to enact in lieu thereof one new section relating to income tax.

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

Section A. Section 143.441, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.441, to read as follows:

143.441. 1. The term "corporation" means every corporation, association, joint stock company and joint stock association organized, authorized or existing under the laws of this state and includes:

(1) Every corporation, association, joint stock company, and joint stock association organized, authorized, or existing under the laws of this state, and every corporation, association, joint stock company, and joint stock association, licensed to do business in this state, or doing business in this state, and not organized, authorized, or existing under the laws of this state, or by any receiver in charge of the property of any such corporation, association, joint stock company or joint stock association;

(2) Every railroad corporation or receiver in charge of the property thereof which operates over rails owned or leased by it and every corporation operating any buslines, trucklines, airlines, or other forms of transportation, **including, but not limited to, qualified air freight forwarders**, operating over fixed routes owned, leased, or used by it extending from this state to another state or states. **For purposes of this subdivision, "qualified air freight forwarder" means a taxpayer who meets all of the following requirements:**

(a) **The taxpayer is primarily engaged in the facilitation of the transportation of property by air;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(b) The taxpayer does not itself operate the aircraft; and**

19 **(c) The taxpayer is in the same affiliated group as an airline;**

20 (3) Every corporation, or receiver in charge of the property thereof, which owns or
21 operates a bridge between this and any other state; and

22 (4) Every corporation, or receiver in charge of the property thereof, which operates a
23 telephone line or lines extending from this state to another state or states or a telegraph line or
24 lines extending from this state to another state or states.

25 2. The tax on corporations provided in subsection 1 of section 143.431 and section
26 143.071 shall not apply to:

27 (1) A corporation which by reason of its purposes and activities is exempt from federal
28 income tax. The preceding sentence shall not apply to unrelated business taxable income and
29 other income on which chapter 1 of the Internal Revenue Code imposes the federal income tax
30 or any other tax measured by income;

31 (2) An express company which pays an annual tax on its gross receipts in this state;

32 (3) An insurance company which is subject to an annual tax on its gross premium
33 receipts in this state;

34 (4) A Missouri mutual or an extended Missouri mutual insurance company organized
35 under chapter 380; and

36 (5) Any other corporation that is exempt from Missouri income taxation under the laws
37 of Missouri or the laws of the United States.

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