

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 554

101ST GENERAL ASSEMBLY

1018S.09C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 32.310, 67.2677, 67.2689, 143.011, 143.031, 143.131, 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-five new sections relating to taxation, with penalty provisions and effective dates for certain sections.

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

Section A. Sections 32.310, 67.2677, 67.2689, 143.011,
2 143.031, 143.131, 144.011, 144.014, 144.020, 144.049, 144.054,
3 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757,
4 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and
5 144.1015, RSMo, are repealed and twenty-five new sections
6 enacted in lieu thereof, to be known as sections 32.310,
7 67.2677, 67.2680, 67.2689, 67.2720, 143.011, 143.031, 143.131,
8 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080,
9 144.140, 144.526, 144.605, 144.608, 144.637, 144.638, 144.710,
10 144.752, 144.757, and 144.759, to read as follows:

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

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

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 July 1, 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.

67.2677. For purposes of sections 67.2675 to 67.2714,
2 the following terms mean:

3 (1) "Cable operator", as defined in 47 U.S.C. Section
4 522(5);

5 (2) "Cable system", as defined in 47 U.S.C. Section
6 522(7);

7 (3) "Franchise", an initial authorization, or renewal
8 of an authorization, issued by a franchising entity,

9 regardless of whether the authorization is designated as a
10 franchise, permit, license, resolution, contract,
11 certificate, agreement, or otherwise, that authorizes the
12 provision of video service and any affiliated or subsidiary
13 agreements related to such authorization;

14 (4) "Franchise area", the total geographic area
15 authorized to be served by an incumbent cable operator in a
16 political subdivision as of August 28, 2007, or, in the case
17 of an incumbent local exchange carrier, as such term is
18 defined in 47 U.S.C. Section 251(h), or affiliate thereof,
19 the area within such political subdivision in which such
20 carrier provides telephone exchange service;

21 (5) "Franchise entity", a political subdivision that
22 was entitled to require franchises and impose fees on cable
23 operators on the day before the effective date of sections
24 67.2675 to 67.2714, provided that only one political
25 subdivision may be a franchise entity with regard to a
26 geographic area;

27 (6) (a) "Gross revenues", limited to amounts billed
28 to video service subscribers [or received from advertisers]
29 for the following:

30 a. Recurring charges for video service; **and**
31 b. Event-based charges for video service, including
32 but not limited to pay-per-view and video-on-demand charges;
33 [c. Rental of set top boxes and other video service
34 equipment;

35 d. Service charges related to the provision of video
36 service, including but not limited to activation,
37 installation, repair, and maintenance charges;

38 e. Administrative charges related to the provision of
39 video service, including but not limited to service order
40 and service termination charges; and

41 f. A pro rata portion of all revenue derived, less
42 refunds, rebates, or discounts, by a video service provider
43 for advertising over the video service network to
44 subscribers within the franchise area where the numerator is
45 the number of subscribers within the franchise area, and the
46 denominator is the total number of subscribers reached by
47 such advertising;]

48 (b) "Gross revenues" do not include:

49 a. Discounts, refunds, and other price adjustments
50 that reduce the amount of compensation received by an entity
51 holding a video service authorization;

52 b. Uncollectibles;

53 c. Late payment fees;

54 d. Amounts billed to video service subscribers to
55 recover taxes, fees, or surcharges imposed on video service
56 subscribers or video service providers in connection with
57 the provision of video services, including the video service
58 provider fee authorized by this section;

59 e. Fees or other contributions for PEG or I-Net
60 support; [or]

61 f. Charges for services other than video service that
62 are aggregated or bundled with amounts billed to video
63 service subscribers, if the entity holding a video service
64 authorization reasonably can identify such charges on books
65 and records kept in the regular course of business or by
66 other reasonable means;

67 **g. Rental of set top boxes, modems, or other equipment**
68 **used to provide or facilitate the provision of video service;**

69 **h. Service charges related to the provision of video**
70 **service, including but not limited to activation,**
71 **installation, repair, and maintenance charges;**

72 **i. Administrative charges related to the provision of**
73 **video service, including but not limited to service order**
74 **and service termination charges; or**

75 **j. A pro rata portion of all revenue derived from**
76 **advertising, less refunds, rebates, or discounts;**

77 (c) Except with respect to the exclusion of the video
78 service provider fee, gross revenues shall be computed in
79 accordance with generally accepted accounting principles;

80 (7) "Household", an apartment, a house, a mobile home,
81 or any other structure or part of a structure intended for
82 residential occupancy as separate living quarters;

83 (8) "Incumbent cable operator", the cable service
84 provider serving cable subscribers in a particular franchise
85 area on September 1, 2007;

86 (9) "Low-income household", a household with an
87 average annual household income of less than thirty-five
88 thousand dollars;

89 (10) "Person", an individual, partnership,
90 association, organization, corporation, trust, or government
91 entity;

92 (11) "Political subdivision", a city, town, village,
93 county;

94 (12) "Public right-of-way", the area of real property
95 in which a political subdivision has a dedicated or acquired
96 right-of-way interest in the real property, including the
97 area on, below, or above the present and future streets,
98 alleys, avenues, roads, highways, parkways, or boulevards
99 dedicated or acquired as right-of-way and utility easements
100 dedicated for compatible uses. The term does not include
101 the airwaves above a right-of-way with regard to wireless
102 telecommunications or other nonwire telecommunications or
103 broadcast service;

104 (13) "Video programming", programming provided by, or
105 generally considered comparable to programming provided by,
106 a television broadcast station, as set forth in 47 U.S.C.
107 Section 522(20);

108 (14) "Video service", the provision of video
109 programming provided through wireline facilities located at
110 least in part in the public right-of-way without regard to
111 delivery technology, including internet protocol technology
112 whether provided as part of a tier, on demand, or a per-
113 channel basis. This definition includes cable service as
114 defined by 47 U.S.C. Section 522(6), but does not include
115 any video programming provided by a commercial mobile
116 service provider defined in 47 U.S.C. Section 332(d), or any
117 video programming provided solely as part of and via a
118 service that enables users to access content, information,
119 electronic mail, or other services offered over the public
120 internet;

121 (15) "Video service authorization", the right of a
122 video service provider or an incumbent cable operator that
123 secures permission from the public service commission
124 pursuant to sections 67.2675 to 67.2714, to offer video
125 service to subscribers in a political subdivision;

126 (16) "Video service network", wireline facilities, or
127 any component thereof, located at least in part in the
128 public right-of-way that deliver video service, without
129 regard to delivery technology, including internet protocol
130 technology or any successor technology. The term video
131 service network shall include cable systems;

132 (17) "Video service provider", any person that
133 distributes video service through a video service network
134 pursuant to a video service authorization;

135 (18) "Video service provider fee", the fee imposed
136 under section 67.2689.

**67.2680. The state or any other political subdivision
2 shall not impose any new tax, license, or fee in addition to
3 any tax, license, or fee already authorized on or before
4 August 28, 2021, upon the provision of satellite or
5 streaming video service.**

67.2689. 1. A franchise entity may collect a video
2 service provider fee equal to not more than five percent of
3 the gross revenues [from each] **charged to each customer of a**
4 video service provider **that is** providing video service in
5 the geographic area of such franchise entity. The video
6 service provider fee shall apply equally to all video
7 service providers within the geographic area of a franchise
8 entity.

9 **2. Beginning August 28, 2023, franchise entities are**
10 **prohibited from collecting a video service provider fee in**
11 **excess of four and one-half percent of such gross revenues.**
12 **Beginning August 28, 2024, franchise entities are prohibited**
13 **from collecting a video service provider fee in excess of**
14 **four percent of such gross revenues. Beginning August 28,**
15 **2025, franchise entities are prohibited from collecting a**
16 **video service provider fee in excess of three and one-half**
17 **percent of such gross revenues. Beginning August 28, 2026,**
18 **franchise entities are prohibited from collecting a video**
19 **service provider fee in excess of three percent of such**
20 **gross revenues. Beginning August 28, 2027, and continuing**
21 **thereafter, franchise entities are prohibited from**
22 **collecting a video service provider fee in excess of two and**
23 **one-half percent of such gross revenues.**

24 **3. Except as otherwise expressly provided in sections**
25 **67.2675 to 67.2714, neither a franchise entity nor any other**

26 political subdivision shall demand any additional fees,
27 licenses, gross receipt taxes, or charges on the provision
28 of video services by a video service provider and shall not
29 demand the use of any other calculation method.

30 [3. All video service providers providing service in
31 the geographic area of a franchise entity shall pay the
32 video service provider fee at the same percent of gross
33 revenues as had been assessed on the incumbent cable
34 operator by the franchise entity immediately prior to the
35 date of enactment of sections 67.2675 to 67.2714, and such
36 percentage shall continue to apply until the date that the
37 incumbent cable operator's franchise existing at that time
38 expires or would have expired if it had not been terminated
39 pursuant to sections 67.2675 to 67.2714. The franchise
40 entity shall notify the applicant for a video service
41 authorization of the applicable gross revenue fee percentage
42 within thirty days of the date notice of the applicant is
43 provided.]

44 4. Not more than once per calendar year after the date
45 that the incumbent cable operator's franchise existing on
46 August 28, 2007, expires or would have expired if it had not
47 been terminated pursuant to sections 67.2675 to 67.2714, or
48 in any political subdivision where no franchise applied on
49 the date of enactment of sections 67.2675 to 67.2714, no
50 more than once per calendar year after the video service
51 provider fee was initially imposed, a franchise entity, may,
52 upon ninety days notice to all video service providers,
53 elect to adjust the amount of the video service provider fee
54 subject to state and federal law, but in no event shall such
55 fee exceed [five percent of a video service provider's gross
56 revenue] **the calculation defined in subsection 1 and 2 of**
57 **this section.**

58 5. The video service provider fee shall be paid to
59 each franchise entity requiring such fee on or before the
60 last day of the month following the end of each calendar
61 quarter [and shall be calculated as a percentage of gross
62 revenues, as defined under section 67.2677]. Any payment
63 made pursuant to subsection 8 of section 67.2703 shall be
64 made at the same time as the payment of the video service
65 provider fee.

66 6. Any video service provider [may] **shall** identify and
67 collect the amount of the video service provider fee and
68 collect any support under subsection 8 of section 67.2703 as
69 separate line items on subscriber bills.

**67.2720. 1. There is hereby established the "Task
2 Force on the Future of Right-Of-Way Management and
3 Taxation", which shall be composed of the following members:**

4 (1) **Two members of the senate to be appointed by the
5 president pro tempore of the senate;**

6 (2) **One member of the senate to be appointed by the
7 minority floor leader of the senate;**

8 (3) **Two members of the house of representatives to be
9 appointed by the speaker of the house of representatives;**

10 (4) **One member of the house of representatives to be
11 appointed by the minority floor leader of the house of
12 representatives;**

13 (5) **Four members that are municipal officials or other
14 political subdivision officials, two to be appointed by the
15 president pro tempore of the senate and two to be appointed
16 by the speaker of the house of representatives;**

17 (6) **Four experts in the telecommunications industry,
18 two to be appointed by the president pro tempore of the
19 senate and two to be appointed by the speaker of the house
20 of representatives;**

21 (7) A member of the municipal league of metro St.
22 Louis appointed by the speaker of the house of
23 representatives; and

24 (8) A member of the Missouri municipal league
25 appointed by the president pro tempore of the senate.

26 2. A majority of the members of the task force shall
27 constitute a quorum, but the concurrence of a majority of
28 the members shall be required for the determination of any
29 matter within the task force's duties.

30 3. The task force shall meet within thirty days after
31 its creation and organize by selecting a chairperson and a
32 vice chairperson, one of whom shall be a member of the
33 senate and the other a member of the house of
34 representatives.

35 4. The task force shall study best methods for right-
36 of-way management, taxation of video services, and the
37 future revenue needs of municipalities and political
38 subdivisions as such revenue relates to video services.

39 5. The task force shall compile a full report of its
40 activities for submission to the general assembly. The
41 report shall be submitted not later than December 31, 2023,
42 and shall include any recommendations which the task force
43 may have for legislative action.

44 6. The task force shall be staffed by legislative
45 personnel as is deemed necessary to assist the task force in
46 the performance of its duties.

47 7. The members of the task force shall serve without
48 compensation, but any actual and necessary expenses incurred
49 in the performance of the task force's official duties by
50 the task force, its members, and any staff assigned to the
51 task force shall be paid from the joint contingent fund.

52 8. This section shall expire on December 31, 2023.

143.011. 1. **For tax years ending before January 1, 2023**, a tax is hereby imposed for every [taxable] tax year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the 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
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

29 2. (1) Beginning with the 2017 calendar year, the top
30 rate of tax under subsection 1 of this section **and the rate**
31 **of tax under subsection 5 of this section** may be reduced
32 over a period of years. Each reduction in the [top] rate of
33 tax shall be by one-tenth of a percent and no more than one
34 reduction shall occur in a calendar year. No more than
35 [five] **seven** reductions shall be made under this
36 subsection. Reductions in the rate of tax shall take effect
37 on January first of a calendar year and such reduced rates
38 shall continue in effect until the next reduction occurs.

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

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

48 (4) **For tax years ending before January 1, 2023,** the
49 director of the department of revenue shall, by rule, adjust
50 the tax tables under subsection 1 of this section to
51 effectuate the provisions of this subsection. The bracket
52 for income subject to the top rate of tax shall be
53 eliminated once the top rate of tax has been reduced to five
54 and one-half percent, and the top remaining rate of tax
55 shall apply to all income in excess of the income in the
56 second highest remaining income bracket.

57 3. (1) In addition to the rate reductions under
58 subsection 2 of this section, beginning with the 2019
59 calendar year, **and ending immediately after the 2022**
60 **calendar year,** the top rate of tax under subsection 1 of

61 this section shall be reduced by four-tenths of one
62 percent. Such reduction in the rate of tax shall take
63 effect on January first of the 2019 calendar year.

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

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

70 4. Beginning with the 2017 calendar year, **and ending**
71 **immediately after the 2022 calendar year**, the brackets of
72 Missouri taxable income identified in subsection 1 of this
73 section shall be adjusted annually by the percent increase
74 in inflation. The director shall publish such brackets
75 annually beginning on or after October 1, 2016.
76 Modifications to the brackets shall take effect on January
77 first of each calendar year and shall apply to tax years
78 beginning on or after the effective date of the new brackets.

79 5. (1) **Beginning with the 2023 calendar year, a tax**
80 **is hereby imposed for every tax year on the Missouri taxable**
81 **income of every resident at a rate equivalent to the top tax**
82 **rate in effect as of December 31, 2022, minus one-tenth of a**
83 **percent, or if a rate reduction is scheduled to occur under**
84 **subsection 2 of this section on January 1, 2023, at a rate**
85 **equivalent to the top tax rate in effect as of December 31,**
86 **2022, minus two-tenths of a percent, subject to the**
87 **provisions of section 143.021 and subsection 2 of this**
88 **section.**

89 (2) **Any modification of the tax rate under this**
90 **subsection shall apply only to tax years that begin on or**
91 **after a modification takes effect.**

92 6. As used in this section, the following terms mean:

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

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

99 (3) "Net general revenue collected", all revenue
100 deposited into the general revenue fund, less refunds and
101 revenues originally deposited into the general revenue fund
102 but designated by law for a specific distribution or
103 transfer to another state fund;

104 (4) "Percent increase in inflation", the percentage,
105 if any, by which the CPI for the preceding calendar year
106 exceeds the CPI for the year beginning September 1, 2014,
107 and ending August 31, 2015.

143.031. 1. A husband and wife who file a joint
2 federal income tax return shall file a combined return. A
3 husband and wife who do not file a joint federal income tax
4 return shall not file a combined return.

5 2. The Missouri combined taxable income on a combined
6 return shall include all of the income and deductions of the
7 husband and wife. **For all tax years ending before January**
8 **1, 2023**, the Missouri taxable income of each spouse shall be
9 an amount that is the same proportion of their Missouri
10 combined taxable income as the Missouri adjusted gross
11 income of that spouse bears to their Missouri combined
12 adjusted gross income.

13 3. The tax of each spouse shall be determined by the
14 application of either section 143.021 or section 143.041
15 depending upon whether such spouse is a resident or
16 nonresident. Their Missouri combined tax shall be the sum
17 of the tax applicable to each spouse.

143.131. 1. The Missouri standard deduction may be
2 deducted in determining Missouri taxable income of a
3 resident individual unless the taxpayer or his spouse has
4 elected to itemize his deduction as provided in section
5 143.141.

6 2. **(1) For tax years ending before January 1, 2023,**
7 the Missouri standard deduction shall be the allowable
8 federal standard deduction.

9 **(2) (a) For tax years beginning on or after January**
10 **1, 2023, the Missouri standard deduction shall be the**
11 **allowable federal standard deduction plus, if filing single**
12 **or married and filing separately, four thousand dollars, or**
13 **plus, if married and filing jointly, eight thousand dollars.**

14 **(b) The increase to the Missouri standard deduction**
15 **provided under paragraph (a) of this subdivision shall be**
16 **known and may be cited as the "Missouri Working Family Tax**
17 **Deduction".**

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 purchaser's location shall determine the
49 authorized 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;

23 (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

27 (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 hundred
24 fifty dollars for either the first or second month of a
25 calendar quarter, the seller shall file a return and pay
26 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.

**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.**

**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.**

**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".

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 purchaser's location shall determine the**
22 **authorized 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 **a. Selling tangible personal property for delivery into**
68 **this state provided the seller's gross receipts from taxable**
69 **sales from delivery of tangible personal property into this**
70 **state in the previous calendar year or current calendar year**

71 exceeds one hundred thousand dollars. For the purposes of
72 calculating a seller's gross receipts under this paragraph,
73 following the close of each calendar quarter, a vendor shall
74 determine whether the vendor met the requirements under this
75 paragraph during the twelve-month period ending on the last
76 day of the preceding calendar quarter. If the vendor met
77 such requirements for any such twelve-month period, such
78 vendor shall collect and remit the tax as provided under
79 section 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 b. Any vendor that meets the provisions of this
87 paragraph shall not be subject to a local use tax that was
88 enacted prior to January 1, 2023, and imposed by a political
89 subdivision in this state, unless:

90 (i) The vendor was or would have been, under the laws
91 of this state as in effect prior to January 1, 2023, subject
92 to the local use tax; or

93 (ii) A majority of voters in the political subdivision
94 have approved, after January 1, 2023, an expansion of the
95 local use tax; and

96 c. Any vendor that meets the provisions of this
97 paragraph shall be subject to any new local use tax that is
98 enacted on or after January 1, 2023, and imposed by a
99 political subdivision in this state;

100 [(3)] (4) "Maintains a place of business in this
101 state" includes maintaining, occupying, or using,
102 permanently or temporarily, directly or indirectly, by

103 whatever name called, an office, place of distribution,
104 sales or sample room or place, warehouse or storage place,
105 or other place of business in this state, whether owned or
106 operated by the vendor or by any other person other than a
107 common carrier acting in its capacity as such;

108 [(4)] (5) "Person", any individual, firm,
109 copartnership, joint venture, association, corporation,
110 municipal or private, and whether organized for profit or
111 not, state, county, political subdivision, state department,
112 commission, board, bureau or agency, except the state
113 transportation department, estate, trust, business trust,
114 receiver or trustee appointed by the state or federal court,
115 syndicate, or any other group or combination acting as a
116 unit, and the plural as well as the singular number;

117 [(5)] (6) "Purchase", the acquisition of the ownership
118 of, or title to, tangible personal property, through a sale,
119 as defined herein, for the purpose of storage, use or
120 consumption in this state;

121 [(6)] (7) "Purchaser", any person who is the recipient
122 for a valuable consideration of any sale of tangible
123 personal property acquired for use, storage or consumption
124 in this state;

125 [(7)] (8) "Sale", any transfer, barter or exchange of
126 the title or ownership of tangible personal property, or the
127 right to use, store or consume the same, for a consideration
128 paid or to be paid, and any transaction whether called
129 leases, rentals, bailments, loans, conditional sales or
130 otherwise, and notwithstanding that the title or possession
131 of the property or both is retained for security. For the
132 purpose of this law the place of delivery of the property to
133 the purchaser, user, storer or consumer is deemed to be the
134 place of sale, whether the delivery be by the vendor or by

135 common carriers, private contractors, mails, express,
136 agents, salesmen, solicitors, hawkers, representatives,
137 consignors, peddlers, canvassers or otherwise;

138 [(8)] (9) "Sales price", the consideration including
139 the charges for services, except charges incident to the
140 extension of credit, paid or given, or contracted to be paid
141 or given, by the purchaser to the vendor for the tangible
142 personal property, including any services that are a part of
143 the sale, valued in money, whether paid in money or
144 otherwise, and any amount for which credit is given to the
145 purchaser by the vendor, without any deduction therefrom on
146 account of the cost of the property sold, the cost of
147 materials used, labor or service cost, losses or any other
148 expenses whatsoever, except that cash discounts allowed and
149 taken on sales shall not be included and "sales price" shall
150 not include the amount charged for property returned by
151 customers upon rescission of the contract of sales when the
152 entire amount charged therefor is refunded either in cash or
153 credit or the amount charged for labor or services rendered
154 in installing or applying the property sold, the use,
155 storage or consumption of which is taxable pursuant to
156 sections 144.600 to 144.745. The sales price shall not
157 include usual and customary delivery charges that are
158 separately stated. In determining the amount of tax due
159 pursuant to sections 144.600 to 144.745, any charge incident
160 to the extension of credit shall be specifically exempted;

161 [(9)] (10) "Selling agent", every person acting as a
162 representative of a principal, when such principal is not
163 registered with the director of revenue of the state of
164 Missouri for the collection of the taxes imposed pursuant to
165 sections 144.010 to 144.525 or sections 144.600 to 144.745
166 and who receives compensation by reason of the sale of

167 tangible personal property of the principal, if such
168 property is to be stored, used, or consumed in this state;

169 [(10)] (11) "Storage", any keeping or retention in
170 this state of tangible personal property purchased from a
171 vendor, except property for sale or property that is
172 temporarily kept or retained in this state for subsequent
173 use outside the state;

174 [(11)] (12) "Tangible personal property", all items
175 subject to the Missouri sales tax as provided in
176 subdivisions (1) and (3) of subsection 1 of section 144.020;

177 [(12)] (13) "Taxpayer", any person remitting the tax
178 or who should remit the tax levied by sections 144.600 to
179 144.745;

180 [(13)] (14) "Use", the exercise of any right or power
181 over tangible personal property incident to the ownership or
182 control of that property, except that it does not include
183 the temporary storage of property in this state for
184 subsequent use outside the state, or the sale of the
185 property in the regular course of business;

186 [(14)] (15) "Vendor", every person engaged in making
187 sales of tangible personal property by mail order, by
188 advertising, by agent or peddling tangible personal
189 property, soliciting or taking orders for sales of tangible
190 personal property, for storage, use or consumption in this
191 state, all salesmen, solicitors, hawkers, representatives,
192 consignees, peddlers or canvassers, as agents of the
193 dealers, distributors, consignors, supervisors, principals
194 or employers under whom they operate or from whom they
195 obtain the tangible personal property sold by them, and
196 every person who maintains a place of business in this
197 state, maintains a stock of goods in this state, or engages
198 in business activities within this state and every person

199 who engages in this state in the business of acting as a
200 selling agent for persons not otherwise vendors as defined
201 in this subdivision. Irrespective of whether they are
202 making sales on their own behalf or on behalf of the
203 dealers, distributors, consignors, supervisors, principals
204 or employers, they must be regarded as vendors and the
205 dealers, distributors, consignors, supervisors, principals
206 or employers must be regarded as vendors for the purposes of
207 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 department is hereby authorized to
19 independently take such actions as may be reasonably
20 necessary to secure the payment of and account for the tax
21 collected and remitted by retailers and vendors. The
22 department shall independently carry out any or all
23 activities relating to the collection of online use tax if

24 the department, in its own judgment, determines that
25 independently carrying out such activities would promote
26 cost savings to the state.

27 3. The director of revenue shall make, promulgate, and
28 enforce reasonable rules and regulations for the
29 administration and enforcement of the provisions of this
30 chapter relating to the collection and remittance of sales
31 and use tax by certified service providers. Any rule or
32 portion of a rule, as that term is defined in section
33 536.010, that is created under the authority delegated in
34 this section shall become effective only if it complies with
35 and is subject to all of the provisions of chapter 536 and,
36 if applicable, section 536.028. This section and chapter
37 536 are nonseverable and if any of the powers vested with
38 the general assembly pursuant to chapter 536 to review, to
39 delay the effective date, or to disapprove and annul a rule
40 are subsequently held unconstitutional, then the grant of
41 rulemaking authority and any rule proposed or adopted after
42 January 1, 2023, shall be invalid and void.

43 4. The provisions of this section shall automatically
44 sunset five years after the effective date of this section
45 unless reauthorized by an act of the general assembly.

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.

6 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.

13 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.

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

8 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:

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

4 (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, 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, and does not
21 include a third party financial institution appointed by a
22 merchant or a marketplace facilitator to handle various
23 forms of payment transactions, such as processing credit
24 cards and debit cards, and whose sole activity with respect
25 to marketplace sales is to facilitate the payment
26 transactions between two parties. For the purposes of this
27 subdivision, "travel agency services" means facilitating,
28 for a commission, fee, or other consideration, vacation or
29 travel packages, rental car or other travel reservations,
30 tickets for domestic or foreign travel by air, rail, ship,

31 bus, or other medium of transportation, or hotel or other
32 lodging accommodations;

33 (2) "Marketplace seller", a seller that makes sales
34 through any electronic marketplace operated by a marketplace
35 facilitator;

36 (3) "Person", any individual, firm, copartnership,
37 joint venture, association, corporation, municipal or
38 private, whether organized for profit or not, state, county,
39 political subdivision, state department, commission, board,
40 bureau or agency, except the department of transportation,
41 estate, trust, business trust, receiver or trustee appointed
42 by the state or federal court, syndicate, or any other group
43 or combination acting as a unit;

44 (4) "Purchaser", any person who is the recipient for a
45 valuable consideration of any sale of tangible personal
46 property acquired for use, storage, or consumption in this
47 state;

48 (5) "Retail sale", the same meaning as defined under
49 sections 144.010 and 144.011, excluding motor vehicles,
50 trailers, motorcycles, mopeds, motortricycles, boats, and
51 outboard motors required to be titled under the laws of the
52 state and subject to tax under subdivision (9) of subsection
53 1 of section 144.020;

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

57 2. (1) Beginning January 1, 2023, marketplace
58 facilitators that engage in business activities within this
59 state shall register with the department to collect and
60 remit use tax, as applicable, on sales made through the
61 marketplace facilitator's marketplace by or on behalf of a
62 marketplace seller that are delivered into the state,

63 whether by the marketplace facilitator or another person,
64 and regardless of whether the marketplace seller for whom
65 sales are facilitated possesses a retail sales license or
66 would have been required to collect use tax had the sale not
67 been facilitated by the marketplace facilitator. Such
68 retail sales shall include those made directly by the
69 marketplace facilitator and shall also include those retail
70 sales made by marketplace sellers through the marketplace
71 facilitator's marketplace. The collection and reporting
72 requirements of this subsection shall not apply to retail
73 sales other than those made through a marketplace
74 facilitator's marketplace. Nothing in this section shall be
75 construed to limit or prohibit the ability of a marketplace
76 facilitator and a marketplace seller to enter into
77 agreements regarding the fulfillment of the requirements of
78 this chapter.

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

84 3. Marketplace facilitators that are required to
85 collect use tax under this section shall report and remit
86 the tax separately from any sales and use tax collected by
87 the marketplace facilitator, or by affiliates of the
88 marketplace facilitator, which the marketplace facilitator
89 would have been required to collect and remit under the
90 provisions of this chapter prior to January 1, 2023. Such
91 tax shall be reported and remitted as determined by the
92 department. Marketplace facilitators shall maintain records
93 of all sales delivered to a location in the state, including
94 electronic or paper copies of invoices showing the

95 purchaser, address, purchase amount, and use tax collected.
96 Such records shall be made available for review and
97 inspection upon request by the department.

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

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

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

114 7. Except as provided under subsections 8 and 9 of
115 this section, marketplace facilitators shall be subject to
116 the penalty provisions, procedures, and reporting
117 requirements provided under the provisions of this chapter.

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

126 9. (1) A marketplace facilitator shall be relieved
127 from liability under this section for the failure to collect
128 and remit the correct amount of use tax on retail sales
129 facilitated for marketplace sellers under the following
130 circumstances:

131 (a) To the extent that the marketplace facilitator
132 demonstrates to the satisfaction of the department that the
133 error was due to insufficient or incorrect information given
134 to the marketplace facilitator by the marketplace seller;
135 provided, however, that a marketplace facilitator shall not
136 be relieved of liability under this paragraph if the
137 marketplace facilitator and the marketplace seller are
138 affiliated;

139 (b) To the extent that the marketplace facilitator
140 demonstrates to the satisfaction of the department that:

141 a. The marketplace facilitator is not the seller and
142 that the marketplace facilitator and marketplace seller are
143 not affiliated;

144 b. The retail sale was facilitated for a marketplace
145 seller through a marketplace operated by the marketplace
146 facilitator; and

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

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

158 (a) For retail sales made or facilitated during the
159 2023 calendar year, four percent;

160 (b) For retail sales made or facilitated during the
161 2024 calendar year, two percent;

162 (c) For retail sales made or facilitated during the
163 2025 calendar year, one percent; and

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

166 (3) To the extent that a marketplace facilitator is
167 relieved of liability for the collection of use tax under
168 this subsection, the marketplace seller for whom the
169 marketplace facilitator has made or facilitated the sale
170 shall also be relieved of liability under this subsection.

171 (4) The department shall determine the manner in which
172 a marketplace facilitator or marketplace seller shall apply
173 for and claim the relief from liability provided for under
174 this subsection.

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

180 11. The department may promulgate rules to implement
181 the provisions of this section. Any rule or portion of a
182 rule, as that term is defined in section 536.010, that is
183 created under the authority delegated in this section shall
184 become effective only if it complies with and is subject to
185 all of the provisions of chapter 536 and, if applicable,
186 section 536.028. This section and chapter 536 are
187 nonseverable and if any of the powers vested with the
188 general assembly pursuant to chapter 536 to review, to delay
189 the effective date, or to disapprove and annul a rule are

190 **subsequently held unconstitutional, then the grant of**
191 **rulemaking authority and any rule proposed or adopted after**
192 **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.]

46 YES NO

47 If you are in favor of the question, place an
48 "X" in the box opposite "YES". If you are
49 opposed to the question, place an "X" in the box
50 opposite "NO".

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

55 For the purposes of enhancing county and
56 municipal public safety, parks, and job creation
57 and enhancing local government services, shall
58 the county be authorized to collect a local use

59 tax equal to the total of the existing county
60 sales tax rate of (insert tax rate), provided
61 that if the county sales tax is repealed,
62 reduced or raised by voter approval, the local
63 use tax rate shall also be repealed, reduced or
64 raised by the same voter action? Fifty percent
65 of the revenue shall be used by the county
66 throughout the county for improving and
67 enhancing public safety, park improvements, and
68 job creation, and fifty percent shall be used
69 for enhancing local government services. The
70 county shall be required to make available to
71 the public an audited comprehensive financial
72 report detailing the management and use of the
73 countywide portion of the funds each year.
74 A use tax is the equivalent of a sales tax on
75 purchases from out-of-state sellers by in-state
76 buyers and on certain taxable business
77 transactions. A use tax return shall not be
78 required to be filed by persons whose purchases
79 from out-of-state vendors do not in total exceed
80 two thousand dollars in any calendar year.

81 YES NO

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

86 (b) The ballot of submission in a municipality within
87 a county having a charter form of government with a

88 population in excess of nine hundred thousand shall contain
89 substantially the following language:

90 Shall the municipality be authorized to impose a
91 local use tax at the same rate as the local
92 sales tax by a vote of the governing body,
93 provided that if any local sales tax is
94 repealed, reduced or raised by voter approval,
95 the respective local use tax shall also be
96 repealed, reduced or raised by the same action?
97 A use tax return shall not be required to be
98 filed by persons whose purchases from out-of-
99 state vendors do not in total exceed two
100 thousand dollars in any calendar year.

101 YES NO

102 If you are in favor of the question, place an
103 "X" in the box opposite "YES". If you are
104 opposed to the question, place an "X" in the box
105 opposite "NO".

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

108 Shall the _____ (city name) impose a local use
109 tax at the same rate as the local sales tax,
110 currently at a rate of _____ (insert percent)
111 which includes the capital improvements sales
112 tax and the transportation tax, provided that if
113 any local sales tax is repealed, reduced or
114 raised by voter approval, the respective local
115 use tax shall also be repealed, reduced or
116 raised by the same action? A use tax return
117 shall not be required to be filed by persons

147 tax and such proposal is approved by a majority of the
148 qualified voters voting thereon.

149 **(3) Any county or municipality with an existing local**
150 **use tax enacted prior to January 1, 2023, shall be permitted**
151 **to keep such existing local use tax as enacted as of January**
152 **1, 2023. If any such county or municipality places the use**
153 **tax measure of this section on the ballot and the measure**
154 **fails to pass, the use tax enacted prior to January 1, 2023,**
155 **shall remain in effect until it expires or is repealed,**
156 **reduced, or raised by a future ballot measure. If any such**
157 **county or municipality places the use tax measure of this**
158 **section and the measure passes, the use tax of this section**
159 **shall replace the previously enacted use tax.**

160 **[3.] 2.** The local use tax may be imposed at the same
161 rate as the local sales tax then currently in effect in the
162 county or municipality upon all transactions which are
163 subject to the taxes imposed pursuant to sections 144.600 to
164 144.745 within the county or municipality adopting such tax;
165 provided, however, that if any local sales tax is repealed
166 or the rate thereof is reduced or raised by voter approval,
167 the local use tax rate shall also be deemed to be repealed,
168 reduced or raised by the same action repealing, reducing or
169 raising the local sales tax.

170 **[4.] 3.** For purposes of sections 144.757 to 144.761,
171 the use tax may be referred to or described as the
172 equivalent of a sales tax on purchases made from out-of-
173 state sellers by in-state buyers and on certain
174 intrabusiness transactions. Such a description shall not
175 change the classification, form or subject of the use tax or
176 the manner in which it is collected. **The use tax shall not**
177 **be described as a new tax, described as not being a new tax,**

178 **nor shall it be advertised or promoted in a manner in**
179 **violation of section 115.646.**

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:

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

6 (2) "Certified automated system", software
7 certified jointly by the states that are
8 signatories to the agreement to calculate the
9 tax imposed by each jurisdiction on a
10 transaction, determine the amount of tax to
11 remit to the appropriate state and maintain a
12 record of the transaction;

13 (3) "Certified service provider", an agent
14 certified jointly by the states that are
15 signatories to the agreement to perform all of
16 the seller's sales tax functions;

17 (4) "Person", an individual, trust,
18 estate, fiduciary, partnership, limited
19 liability company, limited liability
20 partnership, corporation or any other legal
21 entity;

22 (5) "Sales tax", any sales tax levied
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
4 whole or in part invalidates or amends any
5 provision of the law of this state.
6 Implementation of any condition of this
7 agreement in this state, whether adopted before,
8 at, or after membership of this state in the
9 agreement, must be by action of the general
10 assembly. Such report shall be delivered to the
11 governor, the secretary of state, the president
12 pro tempore of the senate and the speaker of the
13 house of representatives and shall
14 simultaneously be made publicly available by the
15 secretary of state to any person requesting a
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
13 returns and remittances;

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

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

25 (5) The agreement should provide for
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. The enactment of sections 144.608, 144.637,
2 144.638, and 144.752, the repeal and reenactment of sections
3 143.011, 144.011, 144.014, 144.020, 144.049, 144.054,
4 144.060, 144.140, 144.526, 144.605, 144.710, and 144.759,
5 and the repeal of sections 144.1000, 144.1003, 144.1006,

6 144.1009, 144.1012, and 144.1015 shall become effective
7 January 1, 2023.

Section C. The repeal and reenactment of Section
2 67.2677 shall become effective August 28, 2023.

Section D. Notwithstanding the provisions of section
2 1.140 to the contrary, the provisions of sections 143.011,
3 143.031, 143.131, 144.011, 144.014, 144.020, 144.049,
4 144.054, 144.140, 144.526, 144.605, 144.608, 144.637,
5 144.638, and 144.752 of Section A of this act shall be
6 nonseverable, and if any such provision is for any reason
7 held to be invalid, such decision shall invalidate all of
8 the remaining such provisions.

✓