

FIRST REGULAR SESSION

HOUSE BILL NO. 588

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTZ.

1058H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 144.010, 144.011, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof eighty-three new sections relating to the implementation of the streamlined sales and use tax agreement, with penalty provisions and a delayed effective date.

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

Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 2 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 3 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 4 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 94.900, 144.010, 144.011, 5 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 6 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 7 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 8 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, are repealed and 9 eighty-three new sections enacted in lieu thereof, to be known as sections 32.070, 32.086, 10 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,

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

11 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,
12 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605,
13 94.660, 94.705, 94.900, 144.010, 144.011, 144.014, 144.020, 144.021, 144.022, 144.030,
14 144.032, 144.049, 144.054, 144.060, 144.079, 144.080, 144.082, 144.083, 144.084, 144.100,
15 144.105, 144.108, 144.109, 144.111, 144.112, 144.113, 144.114, 144.123, 144.124, 144.125,
16 144.140, 144.190, 144.210, 144.212, 144.285, 144.526, 144.565, 144.600, 144.612, 144.655,
17 144.710, 144.759, 144.761, 184.845, 221.407, 238.235, 238.410, and 644.032, to read as
18 follows:

32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and Use Tax Agreement Act".

2. (1) Beginning the effective date of this act, all revenue generated under the streamlined sales and use tax agreement act that exceeds the amount of revenue that would have been collected if the streamlined sales and use tax agreement act were not effective shall be deposited in the streamlined sales and use tax agreement special fund created in this section and appropriated solely for the approved purposes. The department of revenue shall track and report the collections generated under this act.

(2) There is hereby created in the state treasury the "Streamlined Sales and Use Tax Agreement Special Fund", which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be transferred only to pay for outstanding transportation bond debt. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The director of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

4. The director of revenue may take other actions reasonably required to implement the provisions set forth in the streamlined sales and use tax agreement act

29 including, but not limited to, the promulgation of rules and the joint procurement, with
30 other member states, of goods and services in furtherance of the streamlined sales and use
31 tax agreement.

32 **5. For the purposes of representing this state as a member of the agreement and,**
33 **if necessary, amending the agreement, three delegates shall represent this state: one of**
34 **whom is appointed by the governor, one of whom is a member of the general assembly**
35 **appointed by mutual agreement of the president pro tempore of the senate and the speaker**
36 **of the house of representatives, and one of whom is the director of revenue or the director's**
37 **designee. Each year, the delegates shall recommend to the committees responsible for**
38 **reviewing tax issues in the senate and the house of representatives any amendment of state**
39 **statutes required to be substantially in compliance with the agreement. Such delegates**
40 **shall make a written report no later than the fifteenth day of January each year regarding**
41 **the status of the agreement.**

42 **6. The department of revenue shall promulgate rules necessary to implement the**
43 **provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule,**
44 **as that term is defined in section 536.010, that is created under the authority delegated in**
45 **this section shall become effective only if it complies with and is subject to all of the**
46 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
47 **are nonseverable, and if any of the powers vested with the general assembly pursuant to**
48 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
49 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
50 **proposed or adopted after the effective date of this section shall be invalid and void.**

51 **7. Under section 23.253 of the Missouri sunset act:**

52 **(1) The provisions of this section shall automatically sunset five years after the**
53 **effective date of this section unless reauthorized by an act of the general assembly;**

54 **(2) If the provisions of this section are reauthorized, the provisions of this section**
55 **shall automatically sunset five years after the effective date of the reauthorization of this**
56 **section; and**

57 **(3) This section shall terminate on January first of the calendar year immediately**
58 **following the calendar year in which the provisions of this section are sunset.**

32.086. Notwithstanding any other provision of law, for all local sales and use taxes
2 **collected by the department of revenue and remitted to a political jurisdiction or taxing**
3 **district, the department shall remit one percent of the amount collected to the general**
4 **revenue fund to offset the cost of collection unless a greater amount is specified in the local**
5 **sales and use tax law. The department shall not commingle the remaining amounts**
6 **collected with general revenue and shall remit the remaining amounts collected to the**

7 **political jurisdiction or taxing district, less any credits for erroneous payments,**
8 **overpayments, and dishonored checks.**

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of
2 adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing
3 entity, the governing body or official of such taxing entity shall forward to the director of revenue
4 by United States registered mail or certified mail a certified copy of the ordinance or order. ~~[The~~
5 ~~ordinance or order shall reflect the effective date thereof.]~~

6 2. Any local sales tax so adopted shall become effective ~~[on the first day of the second~~
7 ~~calendar quarter after the director of revenue receives notice of adoption of the local sales tax,~~
8 ~~except]~~ as provided in subsection ~~[48]~~ 19 of this section, and shall be imposed on all transactions
9 on which the Missouri state sales tax is imposed.

10 3. Every retailer within the jurisdiction of one or more taxing entities which has imposed
11 one or more local sales taxes under the local sales tax law shall add all taxes so imposed along
12 with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when
13 added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser
14 to the retailer until paid, and shall be recoverable at law in the same manner as the purchase
15 price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the
16 rates, multiplying the combined rate times the amount of the sale.

17 4. ~~[The brackets required to be established by the director of revenue under the provisions~~
18 ~~of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and~~
19 ~~all local sales taxes imposed under the provisions of the local sales tax law.~~

20 ~~—————5.]~~ (1) The ordinance or order imposing a local sales tax under the local sales tax law
21 shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to
22 the extent and in the manner provided in ~~[sections 144.010 to 144.525]~~ **chapter 144**, and the
23 rules and regulations of the director of revenue issued pursuant thereto; except that the rate of
24 the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and
25 all local sales taxes imposed under the provisions of the local sales tax law.

26 (2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions,
27 except those in which voters have **previously** approved a local use tax under section 144.757,
28 shall have placed on the ballot on or after the general election in November 2014, but no later
29 than the general election in November 2022, whether to repeal application of the local sales tax
30 to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales
31 tax under section 144.020 and purchased from a source other than a licensed Missouri dealer.
32 The ballot question presented to the local voters shall contain substantially the following
33 language:

34

35 Shall the _____ (local jurisdiction's name) discontinue applying and
36 collecting the local sales tax on the titling of motor vehicles, trailers, boats, and
37 outboard motors that were purchased from a source other than a licensed
38 Missouri dealer?

39 Approval of this measure will result in a reduction of local revenue to provide for
40 vital services for _____ (local jurisdiction's name) and it will place Missouri
41 dealers of motor vehicles, outboard motors, boats, and trailers at a competitive
42 disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats,
43 and trailers.

44 YES NO

45

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

48

49 (3) If the ballot question set forth in subdivision (2) of this subsection receives a majority
50 of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot
51 question before the voters on or before the general election in November 2022, the local taxing
52 jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats,
53 and outboard motors that were purchased from a source other than a licensed Missouri dealer.

54 (4) In addition to the requirement that the ballot question set forth in subdivision (2) of
55 this subsection be placed before the voters, the governing body of any local taxing jurisdiction
56 that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and
57 outboard motors may, at any time, place a proposal on the ballot at any election to repeal
58 application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard
59 motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes
60 cast by the registered voters voting thereon are in favor of the proposal to repeal application of
61 the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling
62 of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a
63 licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon
64 are opposed to the proposal to repeal application of the local sales tax to such titling, such
65 application shall remain in effect.

66 (5) In addition to the requirement that the ballot question set forth in subdivision (2) of
67 this subsection be placed before the voters on or after the general election in November 2014,
68 and on or before the general election in November 2022, whenever the governing body of any
69 local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats,
70 and outboard motors receives a petition, signed by fifteen percent of the registered voters of such

71 jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on
72 the ballot at any election to repeal application of the local sales tax to the titling of motor
73 vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed
74 Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to
75 repeal application of the local sales tax to such titling. If a majority of the votes cast by the
76 registered voters voting thereon are in favor of the proposal to repeal application of the local
77 sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor
78 vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed
79 Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are
80 opposed to the proposal to repeal application of the local sales tax to such titling, such
81 application shall remain in effect.

82 (6) Nothing in this subsection shall be construed to authorize the voters of any
83 jurisdiction to repeal application of any state sales or use tax.

84 (7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard
85 motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal
86 shall take effect ~~[on the first day of the second calendar quarter after the election]~~ **as provided**
87 **in subsection 19 of this section.** If any local sales tax on the titling of motor vehicles, trailers,
88 boats, and outboard motors purchased from a source other than a licensed Missouri dealer is
89 required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an
90 election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March
91 1, 2023.

92 (8) Notwithstanding any provision of law to the contrary, if any local sales tax on the
93 titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than
94 a licensed Missouri dealer is repealed after the general election in November 2014, or if the
95 taxing jurisdiction failed to present the ballot to the voters at a general election on or before
96 November 2022, then the governing body of such taxing jurisdiction may, at any election
97 subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed
98 to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the
99 titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax
100 under section 144.020 that were purchased from a source other than a licensed Missouri dealer.
101 The ballot question presented to the local voters shall contain substantially the following
102 language:

103

104 Shall the _____ (local jurisdiction's name) apply and collect the local sales
105 tax on the titling of motor vehicles, trailers, boats, and outboard motors that are

106 subject to state sales tax under section 144.020 and purchased from a source other
 107 than a licensed Missouri dealer?

108 Approval of this measure will result in an increase of local revenue to provide for
 109 vital services for _____ (local jurisdiction's name), and it will remove a
 110 competitive advantage that non-Missouri dealers of motor vehicles, outboard
 111 motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard
 112 motors, boats, and trailers.

113 YES NO

114

115 If you are in favor of the question, place an "X" in the box opposite "YES". If you
 116 are opposed to the question, place an "X" in the box opposite "NO".

117

118 (9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard
 119 motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall
 120 take effect and be imposed ~~[on the first day of the second calendar quarter after the election]~~ **as**
 121 **provided in subsection 19 of this section.**

122 ~~[6.]~~ **5.** On and after the effective date of any local sales tax imposed under the provisions
 123 of the local sales tax law, the director of revenue shall perform all functions incident to the
 124 administration, collection, enforcement, and operation of the tax, and the director of revenue
 125 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes
 126 authorized under the authority of the local sales tax law. All local sales taxes imposed under the
 127 local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri
 128 shall be collected together and reported upon such forms and under such administrative rules and
 129 regulations as may be prescribed by the director of revenue.

130 ~~[7.]~~ **6.** All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ **chapter 144**
 131 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall
 132 apply to the collection of any local sales tax imposed under the local sales tax law except as
 133 modified by the local sales tax law.

134 ~~[8.]~~ **7.** All exemptions granted to agencies of government, organizations, persons and to
 135 the sale of certain articles and items of tangible personal property and taxable services under ~~[the~~
 136 ~~provisions of sections 144.010 to 144.525]~~ **chapter 144**, as these sections now read and as they
 137 may hereafter be amended, it being the intent of this general assembly to ensure that the same
 138 sales tax exemptions granted from the state sales tax law also be granted under the local sales
 139 tax law, are hereby made applicable to the imposition and collection of all local sales taxes
 140 imposed under the local sales tax law.

141 [9.] 8. The same sales tax permit, exemption certificate and retail certificate required [by
142 sections 144.010 to 144.525] under chapter 144 for the administration and collection of the
143 state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit
144 or exemption certificate or retail certificate shall be required; except that the director of revenue
145 may prescribe a form of exemption certificate for an exemption from any local sales tax imposed
146 by the local sales tax law.

147 [10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law
148 for the collection of and for payment of taxes under the provisions of the state sales tax law are
149 hereby allowed and made applicable to any local sales tax collected under the provisions of the
150 local sales tax law.

151 [11.] 10. The penalties provided in section 32.057 and [sections 144.010 to 144.525]
152 chapter 144 for a violation of the provisions of those sections are hereby made applicable to
153 violations of the provisions of the local sales tax law.

154 [12.-(1)] 11. For the purposes of any local sales tax imposed by an ordinance or order
155 under the local sales tax law, all sales[~~except the sale of motor vehicles, trailers, boats, and~~
156 ~~outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to~~
157 ~~be consummated at the place of business of the retailer unless the tangible personal property sold~~
158 ~~is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has~~
159 ~~more than one place of business in this state which participates in the sale, the sale shall be~~
160 ~~deemed to be consummated at the place of business of the retailer where the initial order for the~~
161 ~~tangible personal property is taken, even though the order must be forwarded elsewhere for~~
162 ~~acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall~~
163 ~~be deemed to be consummated at the place of business from which he works.~~

164 ~~————(2) For the purposes of any local sales tax imposed by an ordinance or order under the~~
165 ~~local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and~~
166 ~~outboard motors shall be imposed at the rate in effect at the location of the residence of the~~
167 ~~purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer,~~
168 ~~or the place of business from which the retailer's agent or employee works.~~

169 ~~————(3) For the purposes of any local tax imposed by an ordinance or under the local sales~~
170 ~~tax law on charges for mobile telecommunications services, all taxes of mobile~~
171 ~~telecommunications service shall be imposed as provided in the Mobile Telecommunications~~
172 ~~Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] shall be sourced as provided~~
173 ~~by sections 144.111 to 144.114.~~

174 [13.] 12. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers,
175 boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall
176 be collected from the purchaser by the director of revenue at the time application is made for a

177 certificate of title, if the address of the applicant is within a taxing entity imposing a local sales
178 tax under the local sales tax law.

179 [14.] 13. The director of revenue and any of his deputies, assistants and employees who
180 have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal,
181 disbursement, safekeeping, accounting, or recording of funds which come into the hands of the
182 director of revenue under the provisions of the local sales tax law shall enter a surety bond or
183 bonds payable to any and all taxing entities in whose behalf such funds have been collected
184 under the local sales tax law in the amount of one hundred thousand dollars for each such tax;
185 but the director of revenue may enter into a blanket bond covering himself and all such deputies,
186 assistants and employees. The cost of any premium for such bonds shall be paid by the director
187 of revenue from the share of the collections under the sales tax law retained by the director of
188 revenue for the benefit of the state.

189 [15.] 14. The director of revenue shall annually report on his management of each trust
190 fund which is created under the local sales tax law and administration of each local sales tax
191 imposed under the local sales tax law. He shall provide each taxing entity imposing one or more
192 local sales taxes authorized by the local sales tax law with a detailed accounting of the source
193 of all funds received by him for the taxing entity. Notwithstanding any other provisions of law,
194 the state auditor shall annually audit each trust fund. A copy of the director's report and annual
195 audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

196 [16.] 15. Within the boundaries of any taxing entity where one or more local sales taxes
197 have been imposed, if any person is delinquent in the payment of the amount required to be paid
198 by him under the local sales tax law or in the event a determination has been made against him
199 for taxes and penalty under the local sales tax law, the limitation for bringing suit for the
200 collection of the delinquent tax and penalty shall be the same as that provided in [sections
201 ~~144.010 to 144.525~~] **chapter 144**. Where the director of revenue has determined that suit must
202 be filed against any person for the collection of delinquent taxes due the state under the state
203 sales tax law, and where such person is also delinquent in payment of taxes under the local sales
204 tax law, the director of revenue shall notify the taxing entity in the event any person fails or
205 refuses to pay the amount of any local sales tax due so that appropriate action may be taken by
206 the taxing entity.

207 [17.] 16. Where property is seized by the director of revenue under the provisions of any
208 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax
209 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
210 tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to
211 join in any sale of property to pay the delinquent taxes and penalties due the state and to the
212 taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to

213 all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing
214 entity.

215 ~~[18.]~~ **17.** If a local sales tax has been in effect for at least one year under the provisions
216 of the local sales tax law and voters approve reimposition of the same local sales tax at the same
217 rate at an election as provided for in the local sales tax law prior to the date such tax is due to
218 expire, the tax so reimposed shall become effective ~~[the first day of the first calendar quarter after~~
219 ~~the director receives a certified copy of the ordinance, order or resolution accompanied by a map~~
220 ~~clearly showing the boundaries thereof and the results of such election, provided that such~~
221 ~~ordinance, order or resolution and all necessary accompanying materials are received by the~~
222 ~~director at least thirty days prior to the expiration of such tax]~~ **as provided by subsection 19 of**
223 **this section.** Any administrative cost or expense incurred by the state as a result of the
224 provisions of this subsection shall be paid by the city or county reimposing such tax.

225 **18.** If the boundaries of a city in which a sales tax has been imposed are thereafter
226 changed or altered, the city clerk shall forward to the director of revenue, by United States
227 registered mail or certified mail, a certified copy of the ordinance adding or detaching
228 territory from the city within ten days of adoption of the ordinance. The ordinance shall
229 reflect the effective date of the ordinance and shall be accompanied by a map of the city
230 clearly showing the territory added or detached from the city boundaries. Upon receipt
231 of the ordinance and map, the tax imposed under the local sales tax law shall be effective
232 in the added territory or abolished in the detached territory on the first day of a calendar
233 quarter after one hundred twenty days' notice to sellers.

234 **19. (1)** The effective date for the imposition, repeal, or rate change of each local
235 sales and use tax is the first day of the calendar quarter after a minimum of one hundred
236 twenty days' notice to sellers. In all cases where notice is required to be made to the
237 director of revenue by a local taxing jurisdiction, such notice shall be made at least one
238 hundred twenty days prior to the effective date for the imposition, repeal, or rate change
239 of a local sales and use tax.

240 **(2)** The effective date for any local jurisdiction boundary change for sales and use
241 tax purposes is the first day of the calendar quarter after a minimum of one hundred
242 twenty days' notice to sellers.

243 **20. (1)** For a rate increase, the new rate shall apply to the first billing period
244 starting on or after the effective date.

245 **(2)** For a rate decrease, the new rate shall apply to bills rendered on or after the
246 effective date.

66.620. 1. All county sales taxes collected by the director of revenue under sections
2 66.600 to 66.630 on behalf of any county~~], less one percent for cost of collection which shall be~~

3 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
4 ~~provided in section 32.087,]~~ shall be deposited in a special trust fund, which is hereby created,
5 to be known as the "County Sales Tax Trust Fund". ~~[The moneys in the county sales tax trust~~
6 ~~fund shall not be deemed to be state funds and shall not be commingled with any funds of the~~
7 ~~state.]~~ The director of revenue shall keep accurate records of the amount of money in the trust
8 fund which was collected in each county imposing a county sales tax, and the records shall be
9 open to the inspection of officers of the county and the public. Not later than the tenth day of
10 each month, the director of revenue shall distribute all moneys deposited in the trust fund during
11 the preceding month to the county which levied the tax; such funds shall be deposited with the
12 treasurer of the county and all expenditures of funds arising from the county sales tax trust fund
13 shall be by an appropriation act to be enacted by the legislative council of the county, and to the
14 cities, towns and villages located wholly or partly within the county which levied the tax in the
15 manner as set forth in sections 66.600 to 66.630.

16 2. In any county not adopting an additional sales tax and alternate distribution system
17 as provided in section 67.581, for the purposes of distributing the county sales tax, the county
18 shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities,
19 towns and villages which are located wholly or partly within the county which levied the tax and
20 which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day
21 prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980,
22 group A shall consist of all cities, towns and villages which are located wholly or partly within
23 the county which levied the tax and which had a city sales tax approved by the voters of such city
24 under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the
25 county sales tax. For the purposes of determining the location of consummation of sales for
26 distribution of funds to cities, towns and villages in group A, the boundaries of any such city,
27 town or village shall be the boundary of that city, town or village as it existed on March 19,
28 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly
29 within the county which levied the tax and which did not have a city sales tax in effect under the
30 provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax
31 ordinance, and shall also include all unincorporated areas of the county which levied the tax;
32 except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages
33 which are located wholly or partly within the county which levied the tax and which did not have
34 a city sales tax approved by the voters of such city under the provisions of sections 94.500 to
35 94.550 on the day prior to the effective date of the county sales tax and shall also include all
36 unincorporated areas of the county which levied the tax.

37 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and
38 villages in group A the taxes based on the location in which the sales were deemed consummated

39 under section 66.630 and subsection ~~[42]~~ 11 of section 32.087. Except for distribution governed
40 by section 66.630, after deducting the distribution to the cities, towns and villages in group A,
41 the director of revenue shall distribute the remaining funds in the county sales tax trust fund to
42 the cities, towns and villages and the county in group B as follows: to the county which levied
43 the tax, a percentage of the distributable revenue equal to the percentage ratio that the population
44 of the unincorporated areas of the county bears to the total population of group B; and to each
45 city, town or village in group B located wholly within the taxing county, a percentage of the
46 distributable revenue equal to the percentage ratio that the population of such city, town or
47 village bears to the total population of group B; and to each city, town or village located partly
48 within the taxing county, a percentage of the distributable revenue equal to the percentage ratio
49 that the population of that part of the city, town or village located within the taxing county bears
50 to the total population of group B.

51 4. From January 1, 1994, until December 31, 2016, the director of revenue shall
52 distribute to the cities, towns and villages in group A a portion of the taxes based on the location
53 in which the sales were deemed consummated under section 66.630 and subsection ~~[42]~~ 11 of
54 section 32.087 in accordance with the formula described in this subsection and in subsection 6.
55 After deducting the distribution to the cities, towns and villages in group A, the director of
56 revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages
57 and the county in group B as follows: to the county which levied the tax, ten percent multiplied
58 by the percentage of the population of unincorporated county which has been annexed or
59 incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and
60 a percentage of the remaining distributable revenue equal to the percentage ratio that the
61 population of unincorporated areas of the county bears to the total population of group B; and
62 to each city, town or village in group B located wholly within the taxing county, a percentage of
63 the remaining distributable revenue equal to the percentage ratio that the population of such city,
64 town or village bears to the total population of group B; and to each city, town or village located
65 partly within the taxing county, a percentage of the remaining distributable revenue equal to the
66 percentage ratio that the population of that part of the city, town or village located within the
67 taxing county bears to the total population of group B.

68 5. (1) From and after January 1, 2017, in each year in which the total revenues from the
69 county sales tax collected under sections 66.600 to 66.630 in the previous calendar year are less
70 than or equal to the amount of such revenues which were collected in the calendar year 2014, the
71 director of revenue shall distribute to the cities, towns, and villages in group A and the cities,
72 towns, and villages, and the county in group B, the amounts required to be distributed under the
73 formula described in subsection 4 and in subsection 6 of this section. From and after January
74 1, 2017, in each year in which the total revenues from the county sales tax collected under

75 sections 66.600 to 66.630 in the previous calendar year is greater than the amount of such
76 revenues which were collected in the calendar year 2014, the director of revenue shall distribute
77 to the cities, towns, and villages in group A a portion of the taxes based on the location in which
78 the sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section
79 32.087, in accordance with the formula described in this subsection and in subsection 6. After
80 deducting the distribution to the cities, towns, and villages in group A, the director of revenue
81 shall, subject to the limitation described in subdivision (2) of this subsection, distribute funds in
82 the county sales tax trust fund to the cities, towns, and villages, and the county in group B as
83 follows: to the county which levied the tax, ten percent multiplied by the percentage of the
84 population of unincorporated county which has been annexed or incorporated since April 1,
85 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the
86 remaining distributable revenue equal to the percentage ratio that the population of
87 unincorporated areas of the county bears to the total population of group B as adjusted such that
88 no city, town, or village in group B shall receive a distribution that is less than fifty percent of
89 the amount of taxes generated within such city, town, or village based on the location in which
90 the sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section
91 32.087; and to each city, town, or village in group B located wholly within the taxing county, a
92 percentage of the remaining distributable revenue equal to the percentage ratio that the
93 population of such city, town, or village bears to the total population of group B, as adjusted such
94 that no city, town, or village in group B shall receive a distribution that is less than fifty percent
95 of the amount of taxes generated within such city, town, or village based on the location in which
96 the sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section
97 32.087; and to each city, town, or village located partly within the taxing county, a percentage
98 of the remaining distributable revenue equal to the percentage ratio that the population of that
99 part of the city, town, or village located within the taxing county bears to the total population of
100 group B, as adjusted such that no city, town, or village in group B shall receive a distribution that
101 is less than fifty percent of the amount of taxes generated within such city, town, or village based
102 on the location in which the sales were deemed consummated under section 66.630 and
103 subsection ~~[12]~~ **11** of section 32.087.

104 (2) For purposes of making any adjustment required by this subsection, the director of
105 revenue shall, prior to any distribution to the county or to each city, town, or village in group B
106 located wholly or partly within the taxing county, identify each city, town, or village in group B
107 located wholly or partly within the taxing county that would receive a distribution that is less
108 than fifty percent of the amount of taxes generated within such city, town, or village based on
109 the location in which the sales were deemed consummated under section 66.630 and subsection
110 ~~[12]~~ **11** of section 32.087 if no adjustments were made and calculate the difference between the

111 amount that the distribution to each such city, town, or village would have been without any
112 adjustment and the amount that equals fifty percent of the amount of taxes generated within such
113 city, town, or village based on the location in which the sales were deemed consummated under
114 section 66.630 and subsection ~~[42]~~ **11** of section 32.087. Thereafter, the director of revenue shall
115 determine the amount of any adjustment under this subsection as follows:

116 (a) If the aggregate amount of the difference calculated in accordance with this
117 subsection is less than or equal to the aggregate increase in the remaining distributable revenue
118 for the applicable period in the current calendar year over the remaining distributable revenue
119 for the corresponding period in the calendar year 2014, the director of revenue shall deduct the
120 amount of such difference from the remaining distributable revenue and distribute an allocable
121 portion of the amount of such difference to each city, town, or village that would otherwise have
122 received a distribution that is less than fifty percent of the amount of taxes generated within such
123 city, town, or village based on the location in which the sales were deemed consummated under
124 section 66.630 and subsection ~~[42]~~ **11** of section 32.087 if no adjustment were made, such that
125 each such city, town, or village receives a distribution that is equal to fifty percent of the amount
126 of taxes generated within such city, town, or village based on the location in which the sales were
127 deemed consummated under section 66.630 and subsection ~~[42]~~ **11** of section 32.087;

128 (b) If, however, the aggregate amount of the difference calculated in accordance with this
129 subsection is greater than the aggregate increase in the remaining distributable revenue for the
130 applicable period in the current calendar year over the remaining distributable revenue for the
131 corresponding period in the calendar year 2014, the director of revenue shall deduct from the
132 remaining distributable revenue an amount equal to the difference between the remaining
133 distributable revenue for the applicable period in the current calendar year and the remaining
134 distributable revenue for the corresponding period in the calendar year 2014 and distribute an
135 allocable portion of the amount of such difference to each city, town, or village that would
136 otherwise have received a distribution that is less than fifty percent of the amount of taxes
137 generated within such city, town, or village based on the location in which the sales were deemed
138 consummated under section 66.630 and subsection ~~[42]~~ **11** of section 32.087 if no adjustment
139 were made, such that each such city, town, or village receives a distribution that includes an
140 adjustment that is proportionate to the amount of the adjustment that would otherwise have been
141 made if such adjustment were calculated in accordance with paragraph (a) of this subdivision;

142 (c) After determining the amount of the adjustment and making the allocation in
143 accordance with paragraph (a) or (b) of this subdivision, as applicable, the director of revenue
144 shall thereafter distribute the remaining distributable revenue, as adjusted, to the county and to
145 each city, town, or village in group B located wholly or partly within the taxing county in the
146 manner provided in this subsection.

147 (3) For purposes of this subsection, if a city, town, or village is partly in group A and
148 partly in group B, the director of revenue shall calculate fifty percent of the amount of taxes
149 generated within such city, town, or village based on the location in which the sales were deemed
150 consummated under section 66.630 and subsection ~~[42]~~ 11 of section 32.087 by multiplying fifty
151 percent by the amount of all county sales taxes collected by the director of revenue under
152 sections 66.600 to 66.630~~], less one percent for cost of collection,~~ that are generated within such
153 city, town, or village based on the location in which the sales were deemed consummated under
154 section 66.630 and subsection ~~[42]~~ 11 of section 32.087, regardless of whether such taxes are
155 deemed consummated in group A or group B.

156 6. (1) For purposes of administering the distribution formula of subsections 4 and 5 of
157 this section, the revenues arising each year from sales occurring within each group A city, town
158 or village shall be distributed as follows: until such revenues reach the adjusted county average,
159 as hereinafter defined, there shall be distributed to the city, town or village all of such revenues
160 reduced by the percentage which is equal to ten percent multiplied by the percentage of the
161 population of unincorporated county which has been annexed or incorporated after April 1, 1993;
162 and once revenues exceed the adjusted county average, total revenues shall be shared in
163 accordance with the redistribution formula as defined in this subsection.

164 (2) For purposes of this subsection, the "adjusted county average" is the per capita
165 countywide average of all sales tax distributions during the prior calendar year reduced by the
166 percentage which is equal to ten percent multiplied by the percentage of the population of
167 unincorporated county which has been annexed or incorporated after April 1, 1993; the
168 redistribution formula is as follows: during 1994, each group A city, town and village shall
169 receive that portion of the revenues arising from sales occurring within the municipality that
170 remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising
171 from sales within the municipality multiplied by the percentage which is the sum of ten percent
172 multiplied by the percentage of the population of unincorporated county which has been annexed
173 or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product
174 of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of
175 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
176 county average. During 1995, each group A city, town and village shall receive that portion of
177 the revenues arising from sales occurring within the municipality that remains after deducting
178 therefrom an amount equal to the cumulative sales tax revenues arising from sales within the
179 municipality multiplied by the percentage which is the sum of ten percent multiplied by the
180 percentage of the population of unincorporated county which has been annexed or incorporated
181 after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen
182 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of

183 cumulative per capita sales taxes arising from sales within the municipality less the adjusted
184 county average. From January 1, 1996, until January 1, 2000, each group A city, town and
185 village shall receive that portion of the revenues arising from sales occurring within the
186 municipality that remains after deducting therefrom an amount equal to the cumulative sales tax
187 revenues arising from sales within the municipality multiplied by the percentage which is the
188 sum of ten percent multiplied by the percentage of the population of unincorporated county
189 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than
190 zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035
191 multiplied by the total of cumulative per capita sales taxes arising from sales within the
192 municipality less the adjusted county average. From and after January 1, 2000, the distribution
193 formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply,
194 except that the percentage computed for sales arising within the municipalities shall be not less
195 than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county
196 average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the
197 adjusted county average by at least twenty-five percent.

198 (3) For purposes of applying the redistribution formula to a municipality which is partly
199 within the county levying the tax, the distribution shall be calculated alternately for the
200 municipality as a whole, except that the factor for annexed portion of the county shall not be
201 applied to the portion of the municipality which is not within the county levying the tax, and for
202 the portion of the municipality within the county levying the tax. Whichever calculation results
203 in the larger distribution to the municipality shall be used.

204 (4) Notwithstanding any other provision of this section, the fifty percent of additional
205 sales taxes as described in section 99.845 arising from economic activities within the area of a
206 redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865,
207 while tax increment financing remains in effect shall be deducted from all calculations of
208 countywide sales taxes, shall be distributed directly to the municipality involved, and shall be
209 disregarded in calculating the amounts distributed or distributable to the municipality. Further,
210 any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality
211 and any other political subdivision which provides for an appropriation of incremental sales tax
212 revenues to the special allocation fund of a tax increment financing project while tax increment
213 financing remains in effect shall continue to be in full force and effect and the sales taxes so
214 appropriated shall be deducted from all calculations of countywide sales taxes, shall be
215 distributed directly to the municipality involved, and shall be disregarded in calculating the
216 amounts distributed or distributable to the municipality. In addition, and notwithstanding any
217 other provision of this chapter to the contrary, economic development funds shall be distributed
218 in full to the municipality in which the sales producing them were deemed consummated.

219 Additionally, economic development funds shall be deducted from all calculations of countywide
220 sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the
221 municipality. As used in this subdivision, the term "economic development funds" means the
222 amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to
223 chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as
224 security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations
225 under any agreement authorized by chapter 100, entered into or adopted prior to September 1,
226 1993, between a municipality and another public body. The cumulative amount of economic
227 development funds allowed under this provision shall not exceed the total amount necessary to
228 amortize the obligations involved.

229 7. If the qualified voters of any city, town or village vote to change or alter its boundaries
230 by annexing any unincorporated territory included in group B or if the qualified voters of one or
231 more city, town or village in group A and the qualified voters of one or more city, town or village
232 in group B vote to consolidate, the area annexed or the area consolidated which had been a part
233 of group B shall remain a part of group B after annexation or consolidation. After the effective
234 date of the annexation or consolidation, the annexing or consolidated city, town or village shall
235 receive a percentage of the group B distributable revenue equal to the percentage ratio that the
236 population of the annexed or consolidated area bears to the total population of group B and such
237 annexed area shall not be classified as unincorporated area for determination of the percentage
238 allocable to the county. If the qualified voters of any two or more cities, towns or villages in
239 group A each vote to consolidate such cities, towns or villages, then such consolidated cities,
240 towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630,
241 population shall be as determined by the last federal decennial census or the latest census that
242 determines the total population of the county and all political subdivisions therein. For the
243 purpose of calculating the adjustment based on the percentage of unincorporated county
244 population which is annexed after April 1, 1993, the accumulated percentage immediately before
245 each census shall be used as the new percentage base after such census. After any annexation,
246 incorporation or other municipal boundary change affecting the unincorporated area of the
247 county, the chief elected official of the county shall certify the new population of the
248 unincorporated area of the county and the percentage of the population which has been annexed
249 or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county
250 sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its
251 governing body cease to be a part of group A and become a part of group B. Within ten days
252 after the adoption of the ordinance transferring the city, town or village from one group to the
253 other, the clerk of the transferring city, town or village shall forward to the director of revenue,
254 by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its

255 former group shall cease and as a part of its new group shall begin on the first day of January of
256 the year following notification to the director of revenue, provided such notification is received
257 by the director of revenue on or before the first day of July of the year in which the transferring
258 ordinance is adopted. If such notification is received by the director of revenue after the first day
259 of July of the year in which the transferring ordinance is adopted, then distribution to such city
260 as a part of its former group shall cease and as a part of its new group shall begin the first day
261 of July of the year following such notification to the director of revenue. Once a group A city,
262 town or village becomes a part of group B, such city may not transfer back to group A.

263 8. If any city, town or village shall hereafter change or alter its boundaries, the city clerk
264 of the municipality shall forward to the director of revenue, by registered mail, a certified copy
265 of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect
266 the effective date thereof, and shall be accompanied by a map of the municipality clearly
267 showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and
268 map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in
269 accordance with the provisions of this section on the effective date of the change of the
270 municipal boundary so that the proper percentage of group B distributable revenue is allocated
271 to the municipality in proportion to any annexed territory. If any area of the unincorporated
272 county elects to incorporate subsequent to the effective date of the county sales tax as set forth
273 in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group
274 B. The city clerk of such newly incorporated municipality shall forward to the director of
275 revenue, by registered mail, a certified copy of the incorporation election returns and a map of
276 the municipality clearly showing the boundaries thereof. The certified copy of the incorporation
277 election returns shall reflect the effective date of the incorporation. Upon receipt of the
278 incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be
279 distributed and allocated in accordance with the provisions of this section on the effective date
280 of the incorporation.

281 9. The director of revenue may ~~authorize the state treasurer to~~ make refunds from the
282 amounts in the trust fund and credited to any county for erroneous payments and overpayments
283 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
284 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at~~
285 ~~least ninety days]~~ prior to the effective date of the repeal and the director of revenue may order
286 retention in the trust fund, for a period of one year, of two percent of the amount collected after
287 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
288 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
289 after the effective date of abolition of the tax in such county, the director of revenue shall remit
290 the balance in the account to the county and close the account of that county. The director of

291 revenue shall notify each county of each instance of any amount refunded or any check redeemed
292 from receipts due the county.

293 10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085
294 ~~[and] to 32.087~~ shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to
2 67.395 on behalf of any county~~], less one percent for cost of collection which shall be deposited~~
3 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~
4 ~~section 32.087]~~ shall be deposited with the state treasurer in a special trust fund, which is hereby
5 created, to be known as the "County Anti-Drug Sales Tax Trust Fund". ~~[The moneys in the~~
6 ~~county anti-drug sales tax trust fund shall not be deemed to be state funds and shall not be~~
7 ~~commingled with any funds of the state.]~~ The director of revenue shall keep accurate records of
8 the amount of money in the trust fund which was collected in each county imposing a sales tax
9 under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the
10 county and the public. Not later than the tenth day of each month, the director of revenue shall
11 distribute all moneys deposited in the trust fund during the preceding month to the county which
12 levied the tax. Such funds shall be deposited with the county treasurer of each such county, and
13 all expenditures of funds arising from the county anti-drug sales tax trust fund shall be by an
14 appropriation act to be enacted by the governing body of each such county.

15 2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
18 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at~~
19 ~~least ninety days prior to the effective date of the repeal]~~ and the director of revenue may order
20 retention in the trust fund, for a period of one year, of two percent of the amount collected after
21 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
22 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
23 after the effective date of abolition of the tax in such county, the director of revenue shall
24 ~~[authorize the state treasurer to]~~ remit the balance in the account to the county and close the
25 account of that county. The director of revenue shall notify each county of each instance of any
26 amount refunded or any check redeemed from receipts due the county.

27 3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085
28 ~~[and] to 32.087~~ shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections
2 67.500 to 67.545 on behalf of any county~~], less one percent for cost of collection, which shall~~
3 ~~be deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
4 ~~provided in section 32.087,]~~ shall be deposited with the state treasurer in a county sales tax trust

5 fund, which fund shall be separate and apart from the county sales tax trust fund established by
6 section 66.620. ~~[The moneys in such county sales tax trust fund shall not be deemed to be state~~
7 ~~funds and shall not be commingled with any funds of the state.]~~ The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county imposing a county sales tax, and the records shall be open to the inspection of officers
10 of the county and to the public. Not later than the tenth day of each month the director of
11 revenue shall distribute all moneys deposited in the trust fund during the preceding month by
12 distributing to the county treasurer, or such other officer as may be designated by the county
13 ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the
14 sum due the county as certified by the director of revenue.

15 2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
18 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at~~
19 ~~least ninety days prior to the effective date of the repeal,]~~ and the director of revenue may order
20 retention in the trust fund, for a period of one year, of two percent of the amount collected after
21 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
22 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
23 after the effective date of abolition of the tax in such county, the director of revenue shall
24 ~~[authorize the state treasurer to]~~ remit the balance in the account to the county and close the
25 account of that county. The director of revenue shall notify each county of each instance of any
26 amount refunded or any check redeemed from receipts due the county.

27 3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085
28 ~~[and]~~ to 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population
2 of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in
3 addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority
4 vote, impose a sales tax **on all retail sales made in the county that are subject to sales tax**
5 **under chapter 144** for the funding of museums and festivals. For purposes of this section, the
6 term "funding of museums and festivals" shall mean:

7 (1) Funding of museums operating in the county, which are registered with the United
8 States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the
9 board to be tourism attractions; and

10 (2) Funding of organizations that are registered as 501(C)(3) corporations which promote
11 cultural heritage tourism including festivals and the arts.

12 2. Any question submitted to the voters of such county to establish a sales tax pursuant
13 to this section shall be submitted in substantially the following form:

14

15 Shall the county of _____ (insert the name of the county)
16 impose a sales tax of _____ (insert rate of percent) percent to be used to
17 fund (museums, cultural heritage, festivals) in certain areas of the county?

18

YES

NO

19

20 3. If a majority of the votes cast on the proposal by the qualified voters voting thereon
21 are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and
22 festivals board appointed pursuant to subsection 5 of this section shall determine in what manner
23 the tax revenue moneys will be expended, and disbursements of these moneys shall be made
24 strictly in accordance with directions of the board which are consistent with the provisions of
25 sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment
26 of personnel selected by the board to assist in carrying out the duties of the board, and the board
27 is expressly authorized to employ such personnel. Expenditures of these tax moneys may be
28 made directly to corporations pursuant to subsection 1 of this section. No such tax revenue
29 moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not
30 duly registered with the Internal Revenue Service as a 501(C)(3) organization.

31

32 4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed
33 two-tenths of one percent on receipts from the sale of certain tangible personal property or
34 taxable services within the county pursuant to sections 67.571 to 67.577.

35

36 5. The governing body of any county which imposes a sales tax pursuant to this section
37 may establish a museums and festivals board for the purpose of expending funds collected from
38 any sales tax submitted and approved by the county's voters pursuant to this section. The board
39 shall be comprised of six members who are appointed by the governing body of the county from
40 a list of candidates supplied by the chair of each of the two major political parties of the county.
41 The board shall be comprised of three members from each of the two political parties. Members
42 shall serve for three-year terms, but of the members first appointed, one shall be appointed for
43 a term of one year, two shall be appointed for a term of two years, and two shall be appointed
44 for a term of three years. Each member shall be a resident of the county from which he or she
45 is appointed. The members of the board shall not receive compensation for service on the board,
46 but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses
47 incurred in service on the board.

48

49 6. In the area of each county in which a sales tax has been imposed in the manner
50 provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed

48 by the provisions of sections 67.571 to 67.577 to his **or her** sale price, and this tax shall be a debt
49 of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as
50 the purchase price.

51 7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order
52 to permit sellers required to collect and report the sales tax to collect the amount required to be
53 reported and remitted, but not to change the requirements of reporting or remitting the tax, or to
54 serve as a levy of the tax, and in order to avoid fractions of pennies, the ~~[governing body may~~
55 ~~authorize the use of a bracket system similar to that]~~ **tax shall be calculated as** authorized by
56 the provisions of section 144.285~~]; and notwithstanding the provisions of that section, this new~~
57 ~~bracket system shall be used where this tax is imposed and shall apply to all taxable~~
58 ~~transactions].~~

59 **8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall**
60 **apply to the tax imposed under this section.**

67.576. 1. The following provisions shall govern the collection of the tax imposed by
2 the provisions of sections 67.571 to 67.577:

3 (1) All applicable provisions contained in ~~[sections 144.010 to 144.510]~~ **chapter 144**
4 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall
5 apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

6 (2) All exemptions granted to agencies of government, organizations, and persons under
7 the provisions of ~~[sections 144.010 to 144.510]~~ **chapter 144** are hereby made applicable to the
8 imposition and collection of the tax imposed by sections 67.571 to 67.577.

9 2. The same sales tax permit, exemption certificate and retail certificate required ~~[by~~
10 ~~sections 144.010 to 144.510]~~ **under chapter 144** for the administration and collection of the
11 state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional
12 permit or exemption certificate or retail certificate shall be required; except that, the director of
13 revenue may prescribe a form of exemption certificate for an exemption from the tax imposed
14 by sections 67.571 to 67.577.

15 3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law
16 for the collection of and for payment of taxes pursuant to that act are hereby allowed and made
17 applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

18 4. The penalties provided in section 32.057 and ~~[sections 144.010 to 144.510]~~ **chapter**
19 **144** for a violation of those acts are hereby made applicable to violations of the provisions of
20 sections 67.571 to 67.577.

21 5. ~~[For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to~~
22 ~~67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer]~~

23 **Except as otherwise provided in sections 67.571 to 67.577, all provisions of sections 32.085**
 24 **to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a
 2 township form of government and with more than sixteen thousand four hundred but less than
 3 sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed
 4 one-fifth of one percent on all retail sales made in the county which are subject to taxation
 5 ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144**, to be used solely for the funding
 6 of museums. For purposes of this section, the term "museums" means museums operating in the
 7 county, which are registered with the United States Internal Revenue Service as a 501(c)(3)
 8 corporation and which are considered by the board to be a tourism attraction. The tax authorized
 9 by this section shall be in addition to any and all other sales taxes allowed by law, except that no
 10 sales tax shall be imposed pursuant to this section unless the governing authority submits to the
 11 voters of the county, at a county or state general, primary, or special election, a proposal to
 12 authorize the governing authority to impose the tax.

13 2. The ballot of submission shall contain, but need not be limited to, the following
 14 language:

15

16 Shall the county of _____ (insert the name of the county)
 17 impose a sales tax of _____ (insert rate of percent) percent for the funding
 18 of museums? "Museums" means museums operating in the county, which are
 19 registered with the United States Internal Revenue Service as a 501(c)(3)
 20 corporation and which are considered by the museum board to be a tourism
 21 attraction.

22

YES NO

23

24 If you are in favor of the question, place an "X" in the box opposite "YES". If
 25 you are opposed to the question, place an "X" in the box opposite "NO".

26

27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 28 of the proposal, then the sales tax shall become effective ~~[on the first day of the second calendar~~
 29 ~~quarter after the director of revenue receives notice of the adoption of the tax]~~ **as provided by**
 30 **subsection 19 of section 32.087**. If the proposal receives less than the required majority of
 31 votes, then the governing authority shall have no power to impose the tax unless and until the
 32 governing authority has again submitted another proposal to authorize the governing authority
 33 to impose the sales tax authorized by this section and such proposal is approved by the required
 34 majority of the qualified voters voting thereon.

35 3. On or after the effective date of the tax, the director of revenue shall be responsible
36 for the administration, collection, enforcement, and operation of the tax, and sections 32.085
37 ~~[and] to 32.087 shall apply. [The director may retain an amount not to exceed one percent for~~
38 ~~deposit in the general revenue fund to offset the costs of collection.]~~ In order to permit sellers
39 required to collect and report the sales tax to collect the amount required to be reported and
40 remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a
41 levy of the tax, and in order to avoid fractions of pennies, the ~~[governing authority may authorize~~
42 ~~the use of a bracket system similar to that]~~ **tax shall be calculated as** authorized in section
43 144.285~~], and notwithstanding the provisions of that section, this new bracket system shall be~~
44 ~~used where this tax is imposed and shall apply to all taxable transactions].~~ Beginning with the
45 effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and
46 this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law
47 in the same manner as the purchase price. For purposes of this section, all retail sales shall be
48 deemed to be consummated at the place of business of the retailer.

49 4. All applicable provisions in ~~[sections 144.010 to 144.525]~~ **chapter 144** governing the
50 state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the
51 collection of the tax, and all exemptions granted to agencies of government, organizations, and
52 persons ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144** are hereby made
53 applicable to the imposition and collection of the tax. The same sales tax permit, exemption
54 certificate, and retail certificate required ~~[by sections 144.010 to 144.525]~~ **under chapter 144**
55 for the administration and collection of the state sales tax shall satisfy the requirements of this
56 section, and no additional permit or exemption certificate or retail certificate shall be required;
57 except that, the director of revenue may prescribe a form of exemption certificate for an
58 exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for
59 the collection of and for payment of taxes are hereby allowed and made applicable to the tax.
60 The penalties for violations provided in section 32.057 and ~~[sections 144.010 to 144.525]~~
61 **chapter 144** are hereby made applicable to violations of this section. If any person is delinquent
62 in the payment of the amount required to be paid pursuant to this section, or in the event a
63 determination has been made against the person for taxes and penalty pursuant to this section,
64 the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the
65 same as that provided ~~[in sections 144.010 to 144.525]~~ **under chapter 144.**

66 5. The governing authority may authorize any museum board already existing in the
67 county, or may establish a museum board, to expend revenue collected pursuant to this section.
68 In the event that no museum board already exists, the board established pursuant to this section
69 shall consist of six members who are appointed by the governing authority from a list of
70 candidates supplied by the chair of each of the two major political parties of the county, with

71 three members from each of the two parties. Members shall serve for three-year terms, but of
 72 the members first appointed, ~~[one]~~ **two** shall be appointed for a term of one year, two shall be
 73 appointed for a term of two years, and two shall be appointed for a term of three years. Each
 74 member shall be a resident of the county. The members shall not receive compensation for
 75 service on the board, but shall be reimbursed from the revenues collected pursuant to this section
 76 for any reasonable and necessary expenses incurred in service on the board. The board shall
 77 determine in what manner the revenues will be expended, and disbursements of these moneys
 78 shall be made strictly in accordance with this section. Expenditures may be made for the
 79 employment of personnel selected by the board to assist in carrying out the duties of the board,
 80 and the board is expressly authorized to employ such personnel.

81 6. The governing authority may submit the question of repeal of the tax to the voters at
 82 any county or state general, primary, or special election. The ballot of submission shall contain,
 83 but need not be limited to, the following language:

84

85 Shall the county of _____ (insert name of county) repeal the
 86 sales tax of _____ (insert rate of percent) percent for the funding of
 87 museums?

88

YES

NO

89

90 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 91 to the question, place an "X" in the box opposite "NO". ~~[If a majority of the votes cast on the
 92 proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the
 93 calendar year in which the repeal was approved.]~~

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county
 2 of the first class having a charter form of government and having a population of nine hundred
 3 thousand or more may impose an additional countywide sales tax **on all retail sales made in the**
 4 **county that are subject to sales tax under chapter 144** upon approval by a vote of the
 5 qualified voters of the county. The proposal may be submitted to the voters by the governing
 6 body of the county and shall be submitted to the voters at the next general election upon petitions
 7 signed by a number of qualified voters residing in the county equal to at least eight percent of
 8 the votes cast in the county in the next preceding gubernatorial election filed with the governing
 9 body of the county. The submission shall include the levying of a sales tax at a rate of not to
 10 exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale
 11 at retail of all tangible personal property or taxable services within the county which are also
 12 taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution
 13 of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If

14 either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this
 15 section is approved by the voters, then the alternative system of distribution may not be
 16 submitted to the voters for at least three years from the date of such voter approval.

17 2. The ballot of submission shall contain, but is not limited to, the following language:

18

19 Shall the County of _____ levy an additional sales tax at the
 20 rate of _____ (insert rate **of percent**) and distribute the proceeds in the
 21 manner provided in _____ (insert proper reference)
 22 (subsection 4)(subsection 5) of section 67.581, RSMo?

23

YES

NO

24

25 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 26 of the proposal, the additional sales tax shall be levied and collected and the proceeds from the
 27 additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this
 28 section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the
 29 proposal, then the governing body of the county shall have no power to impose the additional
 30 sales tax authorized by this section unless and until a proposal for the levy of such tax is
 31 submitted to and approved by the voters of the county.

32

33 3. The provisions of sections 66.600 to 66.630 and sections 32.085 ~~and~~ to 32.087,
 34 except to the extent otherwise provided in this section, shall govern the levy, collection,
 35 distribution and other procedures related to an additional sales tax imposed pursuant to this
 36 section.

36

37 4. In any county adopting an additional sales tax pursuant to the provisions of this
 38 section, and selecting the method of distribution provided in this subsection, the proceeds from
 39 the sales tax imposed pursuant to this section, less one percent collection cost, shall be
 40 distributed first to those municipalities that did not receive during the preceding calendar year
 41 ninety-five percent of the amount the municipality would have received by multiplying the
 42 population of the municipality by the average per capita sales tax receipt for such county in an
 43 amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent
 44 of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections
 45 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant
 46 to this section shall be distributed to all municipalities on the ratio that the population of each
 47 municipality bears to the total population of the county. The average per capita sales tax
 48 distribution shall be calculated by dividing the sum of the total sales tax revenue derived from
 49 the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county.
 Population of each municipality, of the unincorporated area of the county, and the total

50 population of the county shall be determined on the basis of the most recent federal decennial
 51 census. For the purposes of this subsection, any city, town, village or the unincorporated area
 52 of the county shall be considered a municipality.

53 5. In any county adopting an additional sales tax pursuant to the provisions of this
 54 section and selecting the method of distribution provided in this subsection, the proceeds from
 55 the sales tax imposed pursuant to this section, less one percent collection cost, shall be
 56 distributed to all cities, towns and villages, and the unincorporated areas of the county in group
 57 B and to such cities, towns and villages in group A as necessary so that no city, town, or village
 58 in group A receives from the combined proceeds of both the sales tax imposed pursuant to this
 59 section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita
 60 amount received by the cities, towns and villages and the unincorporated area of the county in
 61 group B receives from the total proceeds from both sales taxes.

62 6. The governing body of any county which is imposing a sales tax under the provisions
 63 of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the
 64 governing body of the county signed by a number of qualified voters residing in the county equal
 65 to at least eight percent of the votes cast in the county at the next preceding gubernatorial
 66 election, submit to the qualified voters of the county a proposal to change the method of
 67 distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620
 68 to the method provided in this subsection. The ballot of submission shall be in substantially the
 69 following form:

70

71 Shall the proceeds from the county sales tax be distributed among the county of
 72 _____ and the various cities, towns and villages therein in the
 73 manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581,
 74 RSMo, in lieu of the present manner of distribution?

75

YES NO

76

77 If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon
 78 are in favor of the proposal, the sales tax imposed by the county under the provisions of sections
 79 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the
 80 manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the
 81 qualified voters of the county voting thereon are opposed to the proposal, then the governing
 82 body of the county shall have no power to order the proceeds from the sales tax imposed
 83 pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection
 84 in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal
 85 authorizing such method of distribution is submitted to and approved by the voters of the county.

86 If the voters approve the change in the method of distribution of the sales tax proceeds in the
87 manner provided in this subsection, the county clerk of the county shall notify the director of
88 revenue of the change in the method of distribution within ten days after adoption of the proposal
89 and shall inform the director of the effective date of the change in the method of distribution,
90 which shall be on the first day of the third calendar quarter after the director of revenue receives
91 notice. After the effective date of the change in the manner of distribution, the director of
92 revenue shall distribute the proceeds of the sales tax imposed by such county under the
93 provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the
94 manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax
95 imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have
96 the proceeds distributed in the manner provided in this subsection shall be distributed in the
97 following manner:

98 (1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages
99 in group A and to the cities, towns and villages, and the county in group B as defined in section
100 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the
101 total amount distributed under section 66.620 for the twelve-month period immediately
102 preceding the effective date of the tax levied pursuant to the provisions of this section has been
103 distributed;

104 (2) All moneys received in excess of the total amount distributed under section 66.620
105 for the twelve-month period immediately preceding the effective date of the tax levied pursuant
106 to the provisions of this section shall be distributed to all cities, towns and villages and to the
107 county on the basis that the population of each city, town or village, and in the case of the county
108 the basis that the population of the unincorporated area of the county, bears to the total
109 population of the county. The average per capita sales tax distribution shall be calculated by
110 dividing the sum of the remaining amount of the total sales tax revenues by the total population
111 of the county. Population of each city, town or village, of the unincorporated area of the county,
112 and the total population of the county shall be determined on the basis of the most recent federal
113 decennial census.

114 7. No municipality incorporated after the adoption of the tax authorized by this section
115 shall be included as other than part of the unincorporated area of the county nor receive any share
116 of either the proceeds from the tax levied pursuant to the provisions of this section or the tax
117 levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of
118 incorporation, such municipality had a population of ten thousand or more.

119 8. The county sales tax imposed pursuant to this section on the purchase and sale of
120 motor vehicles shall not be collected and remitted by the seller, but shall be collected by the
121 director of revenue at the time application is made for a certificate of title, if the address of the

122 applicant is within the county imposing the additional sales tax. ~~[The amounts so collected, less~~
123 ~~one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed~~
124 ~~in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to~~
125 ~~be consummated at the address of the applicant for a certificate of title.]~~

126 9. No tax shall be imposed pursuant to this section for the purpose of funding in whole
127 or in part the construction, operation or maintenance of a sports stadium, field house, indoor or
128 outdoor recreational facility, center, playing field, parking facility or anything incidental or
129 necessary to a complex suitable for any type of professional sport, either upon, above or below
130 the ground.

131 10. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
132 amounts in the trust fund and credited to any county for erroneous payments and overpayments
133 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
134 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at~~
135 ~~least ninety days]~~ prior to the effective date of the repeal and the director of revenue may order
136 retention in the trust fund, for a period of one year, of two percent of the amount collected after
137 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
138 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
139 after the effective date of abolition of the tax in such county, the director of revenue shall remit
140 the balance in the account to the county and close the account of that county. The director of
141 revenue shall notify each county of each instance of any amount refunded or any check redeemed
142 from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a
2 charter form of government with a population of greater than four hundred thousand inhabitants,
3 is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half
4 of one percent on all retail sales made in such county which are subject to taxation under ~~[the~~
5 ~~provisions of sections 144.010 to 144.525]~~ **chapter 144** for the purpose of providing law
6 enforcement services for such county. The tax authorized by this section shall be in addition to
7 any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales
8 tax under the provisions of this section shall be effective unless the governing body of the county
9 submits to the voters of the county, at a county or state general, primary or special election, a
10 proposal to authorize the governing body of the county to impose a tax.

11 2. The ballot of submission shall contain, but need not be limited to, the following
12 language:

13 (1) If the proposal submitted involves only authorization to impose the tax authorized
14 by this section the ballot shall contain substantially the following:

15

16 Shall the county of _____ (county's name) impose a
17 countywide sales tax of _____ (insert [amount] rate of percent) for the
18 purpose of providing law enforcement services for the county?

19 YES NO

20

21 If you are in favor of the question, place an "X" in the box opposite "YES". If
22 you are opposed to the question, place an "X" in the box opposite "NO";

23

24 or

25 (2) If the proposal submitted involves authorization to enter into agreements to form a
26 regional jail district and obligates the county to make payments from the tax authorized by this
27 section the ballot shall contain substantially the following:

28

29 Shall the county of _____ (county's name) be authorized to
30 enter into agreements for the purpose of forming a regional jail district and
31 obligating the county to impose a countywide sales tax of _____ (insert
32 [amount] rate of percent) to fund _____ dollars of the costs
33 to construct a regional jail and to fund the costs to operate a regional jail, with
34 any funds in excess of that necessary to construct and operate such jail to be used
35 for law enforcement purposes?

36 YES NO

37

38 If you are in favor of the question, place an "X" in the box opposite "YES". If
39 you are opposed to the question, place an "X" in the box opposite "NO".

40

41 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
42 of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or
43 order and any amendments thereto shall be in effect ~~[on the first day of the second quarter~~
44 ~~immediately following the election approving the proposal]~~ **as provided by subsection 19 of**
45 **section 32.087.** If the constitutionally required percentage of the voters voting thereon are in
46 favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance
47 or order and any amendments thereto shall be in effect ~~[on the first day of the second quarter~~
48 ~~immediately following the election approving the proposal]~~ **as provided by subsection 19 of**
49 **section 32.087.** If a proposal receives less than the required majority, then the governing body
50 of the county shall have no power to impose the sales tax herein authorized unless and until the
51 governing body of the county shall again have submitted another proposal to authorize the

52 governing body of the county to impose the sales tax authorized by this section and such
53 proposal is approved by the required majority of the qualified voters voting thereon. However,
54 in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve
55 months from the date of the last proposal pursuant to this section.

56 3. All revenue received by a county from the tax authorized under the provisions of this
57 section shall be deposited in a special trust fund and shall be used solely for providing law
58 enforcement services for such county for so long as the tax shall remain in effect. Revenue
59 placed in the special trust fund may also be utilized for capital improvement projects for law
60 enforcement facilities and for the payment of any interest and principal on bonds issued for said
61 capital improvement projects.

62 4. Once the tax authorized by this section is abolished or is terminated by any means, all
63 funds remaining in the special trust fund shall be used solely for providing law enforcement
64 services for the county. Any funds in such special trust fund which are not needed for current
65 expenditures may be invested by the governing body in accordance with applicable laws relating
66 to the investment of other county funds.

67 5. All sales taxes collected by the director of revenue under this section on behalf of any
68 county[~~less one percent for cost of collection which shall be deposited in the state's general~~
69 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall
70 be deposited in a special trust fund, which is hereby created, to be known as the "County Law
71 Enforcement Sales Tax Trust Fund". ~~[The moneys in the county law enforcement sales tax trust~~
72 ~~fund shall not be deemed to be state funds and shall not be commingled with any funds of the~~
73 ~~state.]~~ The director of revenue shall keep accurate records of the amount of money in the trust
74 and which was collected in each county imposing a sales tax under this section, and the records
75 shall be open to the inspection of officers of the county and the public. Not later than the tenth
76 day of each month the director of revenue shall distribute all moneys deposited in the trust fund
77 during the preceding month to the county which levied the tax; such funds shall be deposited
78 with the county treasurer of each such county, and all expenditures of funds arising from the
79 county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the
80 governing body of each such county. Expenditures may be made from the fund for any law
81 enforcement functions authorized in the ordinance or order adopted by the governing body
82 submitting the law enforcement tax to the voters.

83 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
84 amounts in the trust fund and credited to any county for erroneous payments and overpayments
85 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
86 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
87 **subsection 19 of section 32.087.** The county shall notify the director of revenue of the action

88 ~~[at least ninety days]~~ prior to the effective date of the repeal and the director of revenue may
 89 order retention in the trust fund, for a period of one year, of two percent of the amount collected
 90 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
 91 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
 92 after the effective date of abolition of the tax in such county, the director of revenue shall remit
 93 the balance in the account to the county and close the account of that county. The director of
 94 revenue shall notify each county of each instance of any amount refunded or any check redeemed
 95 from receipts due the county.

96 7. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
 97 shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of
 2 more than forty thousand but less than sixty thousand and which contains institutions operated
 3 by the department of corrections and by the department of mental health is hereby authorized to
 4 impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail
 5 sales made in such county which are subject to taxation under ~~[the provisions of sections 144.010~~
 6 ~~to 144.525]~~ **chapter 144**. The tax authorized by this section shall be in addition to any and all
 7 other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales
 8 tax under the provisions of this section shall be effective unless the governing body of the county
 9 submits to the voters of the county, at a county or state general, primary or special election, a
 10 proposal to authorize the governing body of the county to impose a tax.

11 2. The ballot of submission shall contain, but need not be limited to, the following
 12 language:

13

14 Shall the county of _____ (county's name) impose a
 15 countywide sales tax of _____ (insert ~~[amount]~~ **rate of percent**) for the
 16 purpose of providing retirement and health care benefits for county employees
 17 and their dependents?

18

YES

NO

19

20 If you are in favor of the question, place an "X" in the box opposite "YES". If
 21 you are opposed to the question, place an "X" in the box opposite "NO".

22

23 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 24 of the proposal, then the ordinance or order and any amendments thereto shall be in effect **as**
 25 **provided by subsection 19 of section 32.087**. If a majority of the votes cast by the qualified
 26 voters voting are opposed to the proposal, then the governing body of the county shall have no

27 power to impose the sales tax herein authorized unless and until the governing body of the
28 county shall again have submitted another proposal to authorize the governing body of the county
29 to impose the sales tax authorized by this section and such proposal is approved by a majority
30 of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this
31 section be submitted to the voters sooner than twelve months from the date of the last proposal
32 pursuant to this section.

33 3. All revenue received by a county from the tax authorized under the provisions of this
34 section shall be deposited in a special trust fund and shall be used solely for providing retirement
35 and health care benefits for county employees and their dependents.

36 4. All sales taxes collected by the director of revenue under this section on behalf of any
37 county~~], less one percent for cost of collection which shall be deposited in the state's general~~
38 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall
39 be deposited in a special trust fund, which is hereby created, to be known as the "County
40 Employee Benefit Sales Tax Trust Fund". ~~[The moneys in the county employee benefit sales tax~~
41 ~~trust fund shall not be deemed to be state funds and shall not be commingled with any funds of~~
42 ~~the state.]~~ The director of revenue shall keep accurate records of the amount of money in the
43 trust and which was collected in each county imposing a sales tax under this section, and the
44 records shall be open to the inspection of officers of the county and the public. Not later than
45 the tenth day of each month, the director of revenue shall distribute all moneys deposited in the
46 trust fund during the preceding month to the county which levied the tax. Such funds shall be
47 deposited with the county treasurer of each such county, and all expenditures of funds arising
48 from the county employee benefit sales tax trust fund shall be for the provision of retirement
49 benefits or health care benefits for employees of the county and their dependents and for no other
50 purpose.

51 5. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
52 amounts in the trust fund and credited to any county for erroneous payments and overpayments
53 made and may redeem dishonored checks and drafts deposited to the credit of such counties. If
54 any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at least~~
55 ~~ninety days]~~ prior to the effective date of the repeal and the director of revenue may order
56 retention in the trust fund, for a period of one year, of two percent of the amount collected after
57 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
58 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
59 after the effective date of abolition of the tax in such county, the director of revenue shall remit
60 the balance in the account to the county and close the account of that county. The director of
61 revenue shall notify each county of each instance of any amount refunded or any check redeemed
62 from receipts due the county.

63 6. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
64 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than
2 one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred
3 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of
4 up to one-half percent on all retail sales made in such county which are subject to taxation
5 ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144** for the purpose of providing law
6 enforcement services for such county. The tax authorized by this section shall be in addition to
7 any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales
8 tax pursuant to this section shall be effective unless the governing body of the county submits
9 to the voters of the county, at a county or state general, primary, or special election, a proposal
10 to authorize the governing body of the county to impose a tax.

11 2. If the proposal submitted involves only authorization to impose the tax authorized by
12 this section, the ballot of submission shall contain, but need not be limited to, the following
13 language:

14
15 Shall the county of _____ (county's name) impose a
16 countywide sales tax of _____ (insert ~~amount~~ **rate of percent**) for the
17 purpose of providing law enforcement services for the county?

18 YES NO

19
20

21 If you are in favor of the question, place an "X" in the box opposite "YES". If
22 you are opposed to the question, place an "X" in the box opposite "NO".

23

24 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
25 of the proposal submitted pursuant to this subsection, then the ordinance or order and any
26 amendments thereto shall be in effect ~~[on the first day of the second quarter immediately~~
27 ~~following the election approving the proposal]~~ **as provided by subsection 19 of section 32.087.**

28 If a proposal receives less than the required majority, then the governing body of the county shall
29 have no power to impose the sales tax herein authorized unless and until the governing body of
30 the county shall again have submitted another proposal to authorize the governing body of the
31 county to impose the sales tax authorized by this section and such proposal is approved by the
32 required majority of the qualified voters voting thereon. However, in no event shall a proposal
33 pursuant to this section be submitted to the voters sooner than twelve months from the date of
34 the last proposal pursuant to this section.

35 3. Twenty-five percent of the revenue received by a county treasurer from the tax
36 authorized pursuant to this section shall be deposited in a special trust fund and shall be used
37 solely by a prosecuting attorney's office for such county for so long as the tax shall remain in
38 effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust
39 fund established pursuant to section 67.582 of the county levying the tax pursuant to this section.
40 The revenue derived from the tax imposed pursuant to this section shall be used for public law
41 enforcement services only. No revenue derived from the tax imposed pursuant to this section
42 shall be used for any private contractor providing law enforcement services or for any private
43 jail.

44 4. Once the tax authorized by this section is abolished or is terminated by any means, all
45 funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting
46 attorney's office for the county. Any funds in such special trust fund which are not needed for
47 current expenditures may be invested by the governing body in accordance with applicable laws
48 relating to the investment of other county funds.

49 5. All sales taxes collected by the director of revenue pursuant to this section on behalf
50 of any county~~[- less one percent for cost of collection which shall be deposited in the state's~~
51 ~~general revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~
52 shall be deposited in a special trust fund, which is hereby created, to be known as the "County
53 Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax
54 trust fund, pursuant to the deposit ratio in subsection 3 of this section. ~~[The moneys in the trust~~
55 ~~funds shall not be deemed to be state funds and shall not be commingled with any funds of the~~
56 ~~state.]~~ The director of revenue shall keep accurate records of the amount of money in the trusts
57 and which was collected in each county imposing a sales tax pursuant to this section, and the
58 records shall be open to the inspection of officers of the county and the public. Not later than
59 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
60 trust funds during the preceding month to the county which levied the tax; such funds shall be
61 deposited with the county treasurer of each such county, and all expenditures of funds arising
62 from either trust fund shall be by an appropriation act to be enacted by the governing body of
63 each such county. Expenditures may be made from the funds for any functions authorized in the
64 ordinance or order adopted by the governing body submitting the tax to the voters.

65 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
66 amounts in the trust funds and credited to any county for erroneous payments and overpayments
67 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
68 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
69 **subsection 19 of section 32.087.** The county shall notify the director of revenue of the action
70 ~~[at least ninety days]~~ before the effective date of the repeal and the director of revenue may order

71 retention in the appropriate trust fund, for a period of one year, of two percent of the amount
72 collected after receipt of such notice to cover possible refunds or overpayments of the tax and
73 to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year
74 has elapsed after the effective date of abolition of the tax in such county, the director of revenue
75 shall remit the balance in the account to the county and close the account of that county
76 established pursuant to this section. The director of revenue shall notify each county of each
77 instance of any amount refunded or any check redeemed from receipts due the county.

78 7. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
79 shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to
2 67.727 on behalf of any county~~, less one percent for the cost of collection, which shall be~~
3 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
4 ~~provided in section 32.087,]~~ shall be deposited with the state treasurer in a special trust fund,
5 which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". ~~[The~~
6 ~~moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall~~
7 ~~not be commingled with any funds of the state.]~~ The director of revenue shall keep accurate
8 records of the amount of money in the trust fund which was collected in each county imposing
9 a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of
10 officers of each county and the general public. Not later than the tenth day of each month the
11 director of revenue shall distribute all moneys deposited in the trust fund during the preceding
12 month by distributing to the county treasurer, or such other officer as may be designated by the
13 county ordinance or order, of each county imposing the tax authorized by sections 67.700 to
14 67.727, the sum, as certified by the director of revenue, due the county.

15 2. The director of revenue may ~~authorize the state treasurer to~~ make refunds from the
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
18 If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the
19 director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal, and
20 **the repeal shall be effective as provided by subsection 19 of section 32.087.** The director of
21 revenue may order retention in the trust fund, for a period of one year, of two percent of the
22 amount collected after receipt of such notice to cover possible refunds or overpayment of such
23 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
24 one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700
25 to 67.727 in such county, the director of revenue shall ~~authorize the state treasurer to~~ remit the
26 balance in the account to the county and close the account of that county. The director of

27 revenue shall notify each county of each instance of any amount refunded or any check redeemed
28 from receipts due the county.

29 3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085
30 ~~and~~ to 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any
2 other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales
3 taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf
4 of any county of the first class having a charter form of government and having a population of
5 nine hundred thousand or more~~], less one percent for cost of collection, which shall be deposited~~
6 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~
7 ~~sections 67.700 to 67.727,]~~ shall be deposited in a special trust fund, which is hereby created, to
8 be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund".
9 ~~[The moneys in the county-municipal storm water and public works sales tax trust fund shall not~~
10 ~~be deemed to be state funds and shall not be commingled with any funds of the state.]~~ The
11 director of revenue shall keep accurate records of the amount of money in the trust fund which
12 was collected in each county and the records shall be open to the inspection of officers of the
13 county and of the municipalities within the county and the public. Not later than the tenth day
14 of each month, the director of the department of revenue shall distribute all moneys deposited
15 in the county-municipal storm water and public works sales tax trust fund during the preceding
16 month to the county which levied the tax, and the municipalities which are located wholly or
17 partially within such county as follows:

18 (1) The county which levied the sales tax shall receive a percentage of the distributable
19 revenue equal to the percentage ratio that the population of the unincorporated areas of the
20 county bears to the total population of the county;

21 (2) Each municipality located wholly within the county which levied the tax shall receive
22 a percentage of the distributable revenue equal to the percentage ratio that the population of such
23 municipality bears to the total population of the county; and

24 (3) Each municipality located partially within the county which levied the tax shall
25 receive a percentage of the distributable revenue equal to the percentage ratio that the population
26 of that part of the municipality located within the county bears to the total population of the
27 county.

28 2. The director of revenue may make refunds from the amounts in the county-municipal
29 storm water and public works sales tax trust fund and credited to any county or municipality for
30 erroneous payments and overpayments made, and may redeem dishonored checks and drafts
31 deposited to the credit of such county or municipality. If any county abolishes the tax, the county
32 shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date

33 of the repeal, and **the repeal shall be effective as provided by subsection 19 of section 32.087.**
34 The director of revenue may order retention in the county-municipal storm water and public
35 works sales tax trust fund, for a period of one year, of two percent of the amount collected after
36 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
37 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
38 after the effective date of abolition of the tax in such county, the director of revenue shall remit
39 the balance in the account to the county or municipality and close the account of that county or
40 municipality. The director of revenue shall notify each county or municipality of each instance
41 of any amount refunded or any check redeemed from receipts due the county or municipality.

42 3. If the governing body of any municipality located wholly or partially within the county
43 so requests by resolution, no funds shall be expended from the proceeds of any tax imposed
44 under section 67.701 within the corporate boundaries of the requesting municipality for the
45 construction, reconstruction or widening of any road established or to be established pursuant
46 to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a
47 public hearing is first held at a place near such proposed action; and (b) plans and specifications
48 of such proposed action are prepared and a cost-benefit analysis prepared in accordance with
49 accepted accounting principles of such proposed action is presented to such public hearing. Such
50 cost-benefit analysis and its work papers shall be a public document and subject to inspection
51 as provided in chapter 610. The provisions of this subsection shall not apply to proposed
52 projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government
2 and having a population of nine hundred thousand or more may, in the same manner and by the
3 same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose
4 a sales tax of not more than one-tenth of one percent **on all retail sales made in the county that**
5 **are subject to sales tax under chapter 144** for the purpose of funding storm water control and
6 public works projects other than stadiums or other sports facilities. This sales tax shall be in
7 addition to any other sales tax authorized by law.

8 2. Notwithstanding the provisions of section 67.712 as to the disposition of any other
9 sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by
10 the director of revenue from the tax authorized by this section on behalf of any county~~], less one~~
11 ~~percent for cost of collection, which shall be deposited in the state's general revenue fund after~~
12 ~~payment of premiums for surety bonds as provided in section 32.087,]~~ shall be deposited with
13 the state treasurer in a special trust fund, which is hereby created, to be known as the "County
14 Storm Water and Public Works Sales Tax Trust Fund". ~~[The moneys in the county storm water~~
15 ~~and public works sales tax trust fund shall not be deemed to be state funds and shall not be~~
16 ~~commingled with any funds of the state.]~~ The director of revenue shall keep accurate records of

17 the amount of money in the trust fund which was collected in each county imposing a sales tax
18 under this section and the records shall be open to the inspection of officers of the county and
19 the public. Not later than the tenth day of each month the director of revenue shall distribute all
20 moneys deposited in the county storm water and public works sales tax trust fund during the
21 preceding month to the county which levied the tax, and the municipalities which are located
22 wholly or partially within such county as follows:

23 (1) The county which levied the sales tax shall receive a percentage of the distributable
24 revenue equal to the percentage ratio that the population of the unincorporated areas of the
25 county bears to the total population of the county;

26 (2) Each municipality located wholly within the county which levied the tax shall receive
27 a percentage of the distributable revenue equal to the percentage ratio that the population of such
28 municipality bears to the total population of the county; and

29 (3) Each municipality located partially within the county which levied the tax shall
30 receive a percentage of the distributable revenue equal to the percentage ratio that the population
31 of that part of the municipality located within the county bears to the total population of the
32 county.

33 3. The director of revenue may ~~authorize the state treasurer to~~ make refunds from the
34 amounts in the county storm water and public works sales tax trust fund and credited to any
35 county for erroneous payments and overpayments made, and may redeem dishonored checks and
36 drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall
37 notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the
38 repeal, and **the repeal shall be effective as provided by subsection 19 of section 32.087**. The
39 director of revenue may order retention in the county storm water and public works sales tax trust
40 fund, for a period of one year, of two percent of the amount collected after receipt of such notice
41 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
42 deposited to the credit of such accounts. After one year has elapsed after the effective date of
43 abolition of the tax in such county, the director of revenue shall ~~authorize the state treasurer to~~
44 remit the balance in the account to the county and close the account of that county. The director
45 of revenue shall notify each county of each instance of any amount refunded or any check
46 redeemed from receipts due the county.

47 **4. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall**
48 **apply to the tax imposed under this section.**

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections
2 32.085 ~~and~~ to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to
2 67.739 on behalf of any county~~], less one percent for the cost of collection, which shall be~~

3 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
4 ~~provided in section 32.087,]~~ shall be deposited with the state treasurer in a special trust fund,
5 which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust
6 Fund". ~~[The moneys in the county capital improvement bond sales tax trust fund shall not be~~
7 ~~deemed to be state funds and shall not be commingled with any funds of the state.]~~ The director
8 of revenue shall keep accurate records of the amount of money in the trust fund which was
9 collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records
10 shall be open to the inspection of officers of each county and the general public. Not later than
11 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
12 trust fund during the preceding month by distributing to the county treasurer, or such other
13 officer as may be designated by the county ordinance or order, of each county imposing the tax
14 authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the
15 county.

16 2. The director of revenue may ~~[authorize the state treasurer to]~~ make ~~[refund]~~ **refunds**
17 from the amounts in the trust fund and credited to any county for erroneous payments and
18 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
19 such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county
20 shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date
21 of the repeal or expiration, and **the repeal shall be effective as provided by subsection 19 of**
22 **section 32.087.** The director of revenue may order retention in the trust fund, for a period of one
23 year, of two percent of the amount collected after receipt of such notice to cover possible refunds
24 or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit
25 of such accounts. After one year has elapsed after the effective date of repeal or expiration of
26 the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall
27 remit the balance in the account to the county and close the account of that county. The director
28 of revenue shall notify each county of each instance of any amount refunded or any check
29 redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government
2 and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight
3 hundred fifty inhabitants may impose a sales tax throughout the county **on all retail sales made**
4 **in the county that are subject to sales tax under chapter 144** for public recreational projects
5 and programs, but the sales tax authorized by this section shall not become effective unless the
6 governing body of such county submits to the qualified voters of the county a proposal to
7 authorize the county to impose the sales tax.

8 2. The ballot submission shall be in substantially the following form:
9

10 Shall the County of _____ impose a sales tax of up to one
11 percent for the purpose of funding the financing, acquisition, construction,
12 operation, and maintenance of recreational projects and programs, including the
13 acquisition of land for such purposes?

14 YES

NO

15

16 3. If approved by a majority of qualified voters **voting on the issue** in the county, the
17 governing body of the county shall appoint a board of directors consisting of nine members. Of
18 the initial members appointed to the board, three members shall be appointed for a term of three
19 years, three members shall be appointed for a term of two years, and three members shall be
20 appointed for a term of one year. After the initial appointments, board members shall be
21 appointed to three-year terms.

22 4. The sales tax may be imposed at a rate of up to one percent on the receipts from the
23 retail sale of all tangible personal property or taxable service within the county~~[-if such property~~
24 ~~and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525].~~

25 5. All revenue collected from the sales tax under this section by the director of revenue
26 on behalf of a county~~[-less one percent for the cost of collection which shall be deposited in the~~
27 ~~state's general revenue fund after payment of premiums for surety bonds as provided in section~~
28 ~~32.087,]~~ shall be deposited with the state treasurer in a special trust fund, which is hereby
29 created, to be known as the "County Recreation Sales Trust Fund". ~~[Moneys in the fund shall~~
30 ~~not be deemed to be state funds and shall not be commingled with any funds of the state.]~~ The
31 director of revenue shall keep accurate records of the amount of money in the trust fund collected
32 in each county imposing a sales tax under this section, and the records shall be open to the
33 inspection of officers of such county and the general public. Not later than the tenth day of each
34 calendar month, the director of revenue shall distribute all moneys deposited in the trust fund
35 during the preceding calendar month by distributing to the county treasurer, or such officer as
36 may be designated by county ordinance or order, of each county imposing the tax under this
37 section the sum due the county as certified by the director of revenue.

38 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
39 amounts in the trust fund and credited to any county for erroneous payments and overpayments
40 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
41 Each county shall notify the director of revenue ~~[at least ninety days]~~ prior to the effective date
42 of the expiration of the sales tax authorized by this section, and **the repeal shall be effective as**
43 **provided by subsection 19 of section 32.087.** The director of revenue may order retention in
44 the trust fund for a period of one year of two percent of the amount collected after receipt of such
45 notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks

46 and drafts deposited to the credit of such accounts. After one year has elapsed after the date of
 47 expiration of the tax authorized by this section in a county, the director of revenue shall remit
 48 the balance in the account to the county and close the account of such county. The director of
 49 revenue shall notify each county of each instance of any amount refunded or any check redeemed
 50 from receipts due such county.

51 7. The tax authorized under this section may be imposed in accordance with this section
 52 by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

53 8. The sales tax imposed under this section shall expire twenty years from the effective
 54 date thereof unless an extension of the tax is submitted to and approved by the qualified voters
 55 in the county in the manner provided in this section. Each extension of the sales tax shall be for
 56 a period of ten years.

57 9. The provisions of this section shall not in any way affect or limit the powers granted
 58 to any county to establish, maintain, and conduct parks and other recreational grounds for public
 59 recreation.

60 10. Except as modified in this section, the provisions of sections 32.085 ~~and~~ to 32.087
 61 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand
 2 and less than fifteen thousand and any county of the second class having a population of more
 3 than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both
 4 counties making up the same judicial circuit, may jointly impose a sales tax throughout each of
 5 their respective counties **on all retail sales made in the county that are subject to sales tax**
 6 **under chapter 144** for public recreational purposes including the financing, acquisition,
 7 construction, operation and maintenance of recreational projects and programs, but the sales
 8 taxes authorized by this section shall not become effective unless the governing body of each
 9 such county submits to the voters of their respective counties a proposal to authorize the counties
 10 to impose the sales tax.

11 2. The ballot of submission shall be in substantially the following form:

12

13 Shall the County of _____ impose a sales tax of _____
 14 **(insert rate of percent)** percent in conjunction with the county of
 15 _____ for the purpose of funding the financing, acquisition,
 16 construction, operation and maintenance of recreational projects and programs,
 17 including the acquisition of land for such purposes?

18 YES

NO

19

20 If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in
21 each county are in favor of the proposal, then the tax shall be in effect **as provided by section**
22 **32.087** in both counties. If a majority of the votes cast by the qualified voters voting thereon in
23 either county are opposed to the proposal, then the governing body of neither county shall have
24 power to impose the sales tax authorized by this section unless or until the governing body of the
25 county that has not approved the tax shall again have submitted another proposal to authorize
26 the governing body to impose the tax, and the proposal is approved by a majority of the qualified
27 voters voting thereon in that county.

28 3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at
29 retail of all tangible personal property or taxable service at retail within the county adopting such
30 tax, if such property and services are subject to taxation by the state of Missouri under ~~[the~~
31 ~~provisions of sections 144.010 to 144.525]~~ **chapter 144.**

32 4. All sales taxes collected by the director of revenue under this section on behalf of any
33 county~~], less one percent for the cost of collection, which shall be deposited in the state's general~~
34 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall
35 be deposited with the state treasurer in a special trust fund, which is hereby created, to be known
36 as the "County Recreation Sales Tax Trust Fund". ~~[The moneys in the county recreation sales~~
37 ~~tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds~~
38 ~~of the state.]~~ The director of revenue shall keep accurate records of the amount of money in the
39 trust fund which was collected in each county imposing a sales tax under this section, and the
40 records shall be open to the inspection of officers of each county and the general public. Not
41 later than the tenth day of each month, the director of revenue shall distribute all moneys
42 deposited in the trust fund during the preceding month by distributing to the county treasurer, or
43 such other officer as may be designated by the county ordinance or order, of each county
44 imposing the tax authorized by this section, the sum, as certified by the director of revenue, due
45 the county.

46 5. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
47 amounts in the trust fund and credited to any county for erroneous payments and overpayments
48 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
49 Each county shall notify the director of revenue ~~[at least ninety days]~~ prior to the effective date
50 of the expiration of the sales tax authorized by this section, and **the repeal shall be effective as**
51 **provided by subsection 19 of section 32.087.** The director of revenue may order retention in
52 the trust fund, for a period of one year, of two percent of the amount collected after receipt of
53 such notice to cover possible refunds or overpayment of such tax and to redeem dishonored
54 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
55 date of expiration of the tax authorized by this section in such county, the director of revenue

56 shall remit the balance in the account to the county and close the account of that county. The
57 director of revenue shall notify each county of each instance of any amount refunded or any
58 check redeemed from receipts due the county.

59 6. The tax authorized by this section may be imposed, in accordance with this section,
60 by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

61 7. Any county imposing a sales tax pursuant to the provisions of this section may
62 contract with the authority of any other county or with any city or political subdivision for the
63 financing, acquisition, operation, construction, maintenance, or utilization of any recreation
64 facility or project or program funded in whole or in part from revenues derived from the tax
65 levied pursuant to the provisions of this section.

66 8. The sales tax imposed pursuant to the provisions of this section shall expire
67 twenty-five years from the effective date thereof unless an extension of the tax is submitted to
68 and approved by the voters in each county in the manner provided in this section. Each
69 extension of the sales tax shall be for a period of ten years.

70 9. The governing body of each of the counties imposing a sales tax under the provisions
71 of this section may cooperate with the governing body of any county or other political
72 subdivision of this state in carrying out the provisions of this section, and may establish and
73 conduct jointly a system of public recreation. The respective governing bodies administering
74 programs jointly may provide by agreement among themselves for all matters connected with
75 the programs and determine what items of cost and expense shall be paid by each.

76 10. The provisions of this section shall not in any way repeal, affect or limit the powers
77 granted to any county to establish, maintain and conduct parks and other recreational grounds
78 for public recreation.

79 11. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
80 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of
2 directors, impose an annual property tax for the establishment and maintenance of public parks
3 and recreational facilities and grounds within the boundaries of the regional recreational district
4 not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all
5 property within the district, except that no such tax shall become effective unless the board of
6 directors of the district submits to the voters of the district, at a county or state general, primary
7 or special election, a proposal to authorize the tax.

8 2. The question shall be submitted in substantially the following form:
9

10 Shall a _____ cent tax per one hundred dollars assessed valuation be levied
11 for public parks and recreational facilities?

12

YES

NO

13

14 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
15 of the proposal, then the tax shall become effective **as provided by subsection 19 of section**
16 **32.087**. If a majority of the votes cast by the qualified voters voting are opposed to the proposal,
17 then the board of directors shall have no power to impose the tax unless and until the board of
18 directors of the district submits another proposal to authorize the tax and such proposal is
19 approved by a majority of the qualified voters voting thereon.

20

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and
21 collected in the same manner as other ad valorem property taxes are levied and collected.

22

4. (1) A regional recreational district may, by a majority vote of its board of directors,
23 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation [~~pursuant~~
24 ~~to sections 144.010 to 144.525~~] **under chapter 144** for the purpose of funding the creation,
25 operation and maintenance of public parks, recreational facilities and grounds within the
26 boundaries of a regional recreational district. The tax authorized by this subsection shall be in
27 addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become
28 effective unless the board of directors submits to the voters of the district, at a county or state
29 general, primary or special election, a proposal to authorize the tax, and such tax shall become
30 effective only after the majority of the voters voting on such tax approve such tax.

31

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the
32 question shall be submitted in substantially the following form:

33

34

Shall a _____ cent sales tax be levied on all retail sales within the
35 district for public parks and recreational facilities?

36

YES

NO

37

38 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
39 of the proposal, then the tax shall become effective **as provided by subsection 19 of section**
40 **32.087**. If a majority of the votes cast by the qualified voters voting are opposed to the proposal,
41 then the board of directors shall have no power to impose the tax unless and until another
42 proposal to authorize the tax is submitted to the voters of the district and such proposal is
43 approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085
44 ~~and~~ to 32.087 shall apply to any tax approved pursuant to this subsection.

45

5. As used in this section, "qualified voters" or "voters" means any individuals residing
46 within the proposed district who are eligible to be registered voters and who have registered to
47 vote under chapter 115 or, if no individuals eligible and registered to vote reside within the

48 proposed district, all of the owners of real property located within the proposed district who have
 49 unanimously petitioned for or consented to the adoption of an ordinance by the governing body
 50 imposing a tax authorized in this section. If the owner of the property within the proposed
 51 district is a political subdivision or corporation of the state, the governing body of such political
 52 subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a
 2 township form of government and with more than eighteen thousand one hundred but fewer than
 3 eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all
 4 retail sales made within the county which are subject to sales tax under chapter 144. The tax
 5 authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely
 6 for the purpose of funding senior services and youth programs provided by the county. One-half
 7 of all revenue collected under this section~~], less one-half the cost of collection,~~ shall be used
 8 solely to fund any service or activity deemed necessary by the senior service tax commission
 9 established in this section, and one-half of all revenue collected under this section~~], less one-half~~
 10 ~~the cost of collection,~~ shall be used solely to fund all youth programs administered by an
 11 existing county community task force. The tax authorized in this section shall be in addition to
 12 all other sales taxes imposed by law, and shall be stated separately from all other charges and
 13 taxes. The order or ordinance shall not become effective unless the governing body of the county
 14 submits to the voters residing within the county at a state general, primary, or special election
 15 a proposal to authorize the governing body of the county to impose a tax under this section.

16 2. The ballot of submission for the tax authorized in this section shall be in substantially
 17 the following form:

18
 19 Shall _____ (insert the name of the county) impose a sales tax
 20 at a rate of _____ (insert rate of percent) percent, with half of the revenue
 21 from the tax, less one-half the cost of collection, to be used solely to fund senior
 22 services provided by the county and half of the revenue from the tax, less
 23 one-half the cost of collection, to be used solely to fund youth programs provided
 24 by the county?

25 YES NO

26
 27 If you are in favor of the question, place an "X" in the box opposite "YES". If
 28 you are opposed to the question, place an "X" in the box opposite "NO".

29
 30 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 31 of the question, then the tax shall become effective ~~on the first day of the second calendar~~

32 ~~quarter immediately following the approval of the tax or notification to the department of~~
33 ~~revenue if such tax will be administered by the department of revenue]~~ **as provided by**
34 **subsection 19 of section 32.087.** If a majority of the votes cast on the question by the qualified
35 voters voting thereon are opposed to the question, then the tax shall not become effective unless
36 and until the question is resubmitted under this section to the qualified voters and such question
37 is approved by a majority of the qualified voters voting on the question.

38 3. ~~[On or after the effective date of any tax authorized under this section, the county~~
39 ~~which imposed the tax shall enter into an agreement with the director of the department of~~
40 ~~revenue for the purpose of collecting the tax authorized in this section. On or after the effective~~
41 ~~date of the tax the director of revenue shall be responsible for the administration, collection,~~
42 ~~enforcement, and operation of the tax, and Sections 32.085 and 32.087 shall apply.]~~ All revenue
43 collected under this section by the director of ~~[the department of]~~ revenue on behalf of any
44 county~~], except for one percent for the cost of collection which shall be deposited in the state's~~
45 ~~general revenue fund,]~~ shall be deposited in a special trust fund, which is hereby created and
46 shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall
47 be used solely for the designated purposes. ~~[Moneys in the fund shall not be deemed to be state~~
48 ~~funds, and shall not be commingled with any funds of the state.]~~ The director may make refunds
49 from the amounts in the trust fund and credited to the county for erroneous payments and
50 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
51 such county. Any funds in the special trust fund which are not needed for current expenditures
52 shall be invested in the same manner as other funds are invested. Any interest and moneys
53 earned on such investments shall be credited to the fund.

54 4. ~~[In order to permit sellers required to collect and report the sales tax to collect the~~
55 ~~amount required to be reported and remitted, but not to change the requirements of reporting or~~
56 ~~remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the~~
57 ~~governing body of the county may authorize the use of a bracket system similar to that authorized~~
58 ~~in section 144.285 and notwithstanding the provisions of that section, this new bracket system~~
59 ~~shall be used where this tax is imposed and shall apply to all taxable transactions.]~~ Beginning
60 with the effective date of the tax, every retailer in the county shall add the sales tax to the sale
61 price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be
62 recoverable at law in the same manner as the purchase price. ~~[For purposes of this section, all~~
63 ~~retail sales shall be deemed to be consummated at the place of business of the retailer.]~~

64 5. All applicable provisions in ~~[sections 144.010 to 144.525]~~ **chapter 144** governing the
65 state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the
66 collection of the tax~~], and all exemptions granted to agencies of government, organizations, and~~
67 ~~persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and~~

68 collection of the tax. ~~The same sales tax permit, exemption certificate, and retail certificate~~
 69 ~~required by sections 144.010 to 144.525 for the administration and collection of the state sales~~
 70 ~~tax shall satisfy the requirements of this section, and no additional permit or exemption~~
 71 ~~certificate or retail certificate shall be required; except that, the director of revenue may prescribe~~
 72 ~~a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer~~
 73 ~~under the state sales tax for the collection of and for payment of taxes are hereby allowed and~~
 74 ~~made applicable to the tax. The penalties for violations provided in section 32.057 and sections~~
 75 ~~144.010 to 144.525 are hereby made applicable to violations of this section. If any person is~~
 76 ~~delinquent in the payment of the amount required to be paid under this section, or in the event~~
 77 ~~a determination has been made against the person for taxes and penalty under this section, the~~
 78 ~~limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same~~
 79 ~~as that provided in sections 144.010 to 144.525].~~

80 6. The governing body of any county that has adopted the sales tax authorized in this
 81 section may submit the question of repeal of the tax to the voters on any date available for
 82 elections for the county. The ballot of submission shall be in substantially the following form:

83
 84 Shall _____ (insert the name of the county) repeal the sales tax
 85 imposed at a rate of _____ (insert rate of percent) percent for the purpose
 86 of funding senior services and youth programs provided by the county?
 87 YES NO

88
 89 If you are in favor of the question, place an "X" in the box opposite "YES". If
 90 you are opposed to the question, place an "X" in the box opposite "NO".

91
 92 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 93 of repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in~~
 94 ~~which such repeal was approved]~~ **as provided by subsection 19 of section 32.087.** If a majority
 95 of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal,
 96 then the sales tax authorized in this section shall remain effective until the question is
 97 resubmitted under this section to the qualified voters and the repeal is approved by a majority of
 98 the qualified voters voting on the question.

99 7. Whenever the governing body of any county that has adopted the sales tax authorized
 100 in this section receives a petition, signed by ten percent of the registered voters of the county
 101 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed
 102 under this section, the governing body shall submit to the voters of the county a proposal to
 103 repeal the tax. If a majority of the votes cast on the question by the qualified voters voting

104 thereon are in favor of the repeal, the repeal shall become effective [~~on December thirty-first of~~
 105 ~~the calendar year in which such repeal was approved~~] **as provided by subsection 19 of section**
 106 **32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are
 107 opposed to the repeal, then the sales tax authorized in this section shall remain effective until the
 108 question is resubmitted under this section to the qualified voters and the repeal is approved by
 109 a majority of the qualified voters voting on the question.

110 8. If the tax is repealed or terminated by any means, all funds remaining in the special
 111 trust fund shall continue to be used solely for the designated purposes, and the county shall notify
 112 the director of [~~the department of~~] revenue of the action [~~at least thirty days~~] before the effective
 113 date of the repeal and the director may order retention in the trust fund, for a period of one year,
 114 of two percent of the amount collected after receipt of such notice to cover possible refunds or
 115 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
 116 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
 117 county, the director shall remit the balance in the account to the county and close the account of
 118 that county. The director shall notify each county of each instance of any amount refunded or
 119 any check redeemed from receipts due the county.

120 9. Each county imposing the tax authorized in this section shall establish a senior
 121 services tax commission to administer the portion of the sales tax revenue dedicated to providing
 122 senior services. Such commission shall consist of seven members appointed by the county
 123 commission. The county commission shall determine the qualifications, terms of office,
 124 compensation, powers, duties, restrictions, procedures, and all other necessary functions of the
 125 commission.

67.1300. 1. **Any governing body of a municipality located in a county enumerated**
 2 **in subdivisions (1) to (26) of this subsection or** the governing body of any of the contiguous
 3 counties of the third classification without a township form of government enumerated in
 4 subdivisions [~~(4)~~] (27) to [~~(5)~~] (31) of this subsection [~~or~~] **may impose, by ordinance or order,**
 5 **a sales tax on all retail sales made in such county or municipality that are subject to**
 6 **taxation under chapter 144:**

7 (1) [~~In any~~] A county of the fourth classification acting as a county of the second
 8 classification, having a population of at least forty thousand but less than forty-five thousand
 9 with a state university, and adjoining a county of the first classification with part of a city with
 10 a population of three hundred fifty thousand or more inhabitants [~~or~~] ;

11 (2) A county of the third classification with a township form of government and with a
 12 population of at least eight thousand but less than eight thousand four hundred inhabitants [~~or~~]
 13 ;

- 14 **(3)** A county of the third classification with more than fifteen townships having a
15 population of at least twenty-one thousand inhabitants [€] ;
- 16 **(4)** A county of the third classification without a township form of government and with
17 a population of at least seven thousand four hundred but less than eight thousand inhabitants [€]
18 ;
- 19 **(5)** Any county of the third classification with a population greater than three thousand
20 but less than four thousand [€] ;
- 21 **(6)** Any county of the third classification with a population greater than six thousand one
22 hundred but less than six thousand four hundred [€] ;
- 23 **(7)** Any county of the third classification with a population greater than six thousand
24 eight hundred but less than seven thousand [€] ;
- 25 **(8)** Any county of the third classification with a population greater than seven thousand
26 eight hundred but less than seven thousand nine hundred [€] ;
- 27 **(9)** Any county of the third classification with a population greater than eight thousand
28 four hundred sixty but less than eight thousand five hundred [€] ;
- 29 **(10)** Any county of the third classification with a population greater than nine thousand
30 but less than nine thousand two hundred [€] ;
- 31 **(11)** Any county of the third classification with a population greater than ten thousand
32 five hundred but less than ten thousand six hundred [€] ;
- 33 **(12)** Any county of the third classification with a population greater than twenty-three
34 thousand five hundred but less than twenty-three thousand seven hundred [€] ;
- 35 **(13)** A county of the third classification with a population greater than thirty-three
36 thousand but less than thirty-four thousand [€] ;
- 37 **(14)** A county of the third classification with a population greater than twenty thousand
38 eight hundred but less than twenty-one thousand [€] ;
- 39 **(15)** A county of the third classification with a population greater than fourteen thousand
40 one hundred but less than fourteen thousand five hundred [€] ;
- 41 **(16)** A county of the third classification with a population greater than twenty thousand
42 eight hundred fifty but less than twenty-two thousand [€] ;
- 43 **(17)** A county of the third classification with a population greater than thirty-nine
44 thousand but less than forty thousand [€] ;
- 45 **(18)** A county of the third classification with a township form of organization and a
46 population greater than twenty-eight thousand but less than twenty-nine thousand [€] ;
- 47 **(19)** A county of the third classification with a population greater than fifteen thousand
48 but less than fifteen thousand five hundred [€] ;

49 **(20)** A county of the third classification with a population greater than eighteen thousand
50 but less than nineteen thousand seven hundred [Ø];

51 **(21)** A county of the third classification with a population greater than thirteen thousand
52 nine hundred but less than fourteen thousand four hundred [Ø];

53 **(22)** A county of the third classification with a population greater than twenty-seven
54 thousand but less than twenty-seven thousand five hundred [Ø];

55 **(23)** A county of the first classification without a charter form of government and a
56 population of at least eighty thousand but not greater than eighty-three thousand [Ø];

57 **(24)** A county of the third classification with a population greater than fifteen thousand
58 but less than fifteen thousand nine hundred without a township form of government which does
59 not adjoin any county of the first, second or fourth classification
60 [Ø];

61 **(25)** A county of the third classification with a population greater than twenty-three
62 thousand but less than twenty-five thousand without a township form of government which does
63 not adjoin any county of the second or fourth classification and does adjoin a county of the first
64 classification with a population greater than one hundred twenty thousand but less than one
65 hundred fifty thousand [Ø];

66 **(26)** ~~[In any] A county of the fourth classification acting as a county of the second~~
67 ~~classification, having a population of at least forty-eight thousand [or any governing body of a~~
68 ~~municipality located in any of such counties may impose, by ordinance or order, a sales tax on~~
69 ~~all retail sales made in such county or municipality which are subject to taxation pursuant to the~~
70 ~~provisions of sections 144.010 to 144.525:~~

71 ~~———(1) ;~~

72 **(27)** A county with a population of at least four thousand two hundred inhabitants but
73 not more than four thousand five hundred inhabitants;

74 ~~[(2)]~~ **(28)** A county with a population of at least four thousand seven hundred inhabitants
75 but not more than four thousand nine hundred inhabitants;

76 ~~[(3)]~~ **(29)** A county with a population of at least seven thousand three hundred
77 inhabitants but not more than seven thousand six hundred inhabitants;

78 ~~[(4)]~~ **(30)** A county with a population of at least ten thousand one hundred inhabitants
79 but not more than ten thousand three hundred inhabitants; ~~and~~

80 ~~———(5) or~~

81 **(31)** A county with a population of at least four thousand three hundred inhabitants but
82 not more than four thousand five hundred inhabitants.

83 2. The maximum rate for a sales tax pursuant to this section shall be one percent for
84 municipalities and one-half of one percent for counties.

85 3. The tax authorized by this section shall be in addition to any and all other sales taxes
 86 allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions
 87 of this section shall be effective unless the governing body of the county or municipality submits
 88 to the voters of the county or municipality, at a regularly scheduled county, municipal or state
 89 general or primary election, a proposal to authorize the governing body of the county or
 90 municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be
 91 authorized for a period of more than five years.

92 4. Such proposal shall be submitted in substantially the following form:

93

94 Shall the (city, town, village or county) of _____ impose a
 95 sales tax of _____ (insert ~~amount~~ **rate of percent**) for the purpose of
 96 economic development in the (city, town, village or county)?

97

YES

NO

98

99 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 100 of the proposal, then the ordinance or order and any amendments thereto shall be in effect ~~on~~
 101 ~~the first day of the second quarter after the director of revenue receives notice of adoption of the~~
 102 ~~tax]~~ **as provided by subsection 19 of section 32.087.** If a majority of the votes cast by the
 103 qualified voters voting are opposed to the proposal, then the governing body of the county or
 104 municipality shall not impose the sales tax authorized in this section until the governing body
 105 of the county or municipality resubmits another proposal to authorize the governing body of the
 106 county or municipality to impose the sales tax authorized by this section and such proposal is
 107 approved by a majority of the qualified voters voting thereon; however no such proposal shall
 108 be resubmitted to the voters sooner than twelve months from the date of the submission of the
 109 last such proposal.

110 5. All revenue received by a county or municipality from the tax authorized pursuant to
 111 the provisions of this section shall be deposited in a special trust fund and shall be used solely
 112 for economic development purposes within such county or municipality for so long as the tax
 113 shall remain in effect.

114 6. Once the tax authorized by this section is abolished or is terminated by any means, all
 115 funds remaining in the special trust fund shall be used solely for economic development purposes
 116 within the county or municipality. Any funds in such special trust fund which are not needed for
 117 current expenditures may be invested by the governing body in accordance with applicable laws
 118 relating to the investment of other county or municipal funds.

119 7. All sales taxes collected by the director of revenue pursuant to this section on behalf
 120 of any county or municipality~~], less one percent for cost of collection which shall be deposited~~

121 ~~in the state's general revenue fund after payment of premiums for surety bonds as provided in~~
122 ~~section 32.087,~~] shall be deposited in a special trust fund, which is hereby created, to be known
123 as the "Local Economic Development Sales Tax Trust Fund".

124 8. ~~[The moneys in the local economic development sales tax trust fund shall not be~~
125 ~~deemed to be state funds and shall not be commingled with any funds of the state.]~~ The director
126 of revenue shall keep accurate records of the amount of money in the trust fund and which was
127 collected in each county or municipality imposing a sales tax pursuant to this section, and the
128 records shall be open to the inspection of officers of the county or municipality and the public.

129 9. Not later than the tenth day of each month the director of revenue shall distribute all
130 moneys deposited in the trust fund during the preceding month to the county or municipality
131 which levied the tax. Such funds shall be deposited with the county treasurer of each such
132 county or the appropriate municipal officer in the case of a municipal tax, and all expenditures
133 of funds arising from the local economic development sales tax trust fund shall be by an
134 appropriation act to be enacted by the governing body of each such county or municipality.
135 Expenditures may be made from the fund for any economic development purposes authorized
136 in the ordinance or order adopted by the governing body submitting the tax to the voters.

137 10. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
138 amounts in the trust fund and credited to any county or municipality for erroneous payments and
139 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
140 such counties and municipalities.

141 11. If any county or municipality abolishes the tax, the county or municipality shall
142 notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the
143 repeal, and **the repeal shall be effective as provided by subsection 19 of section 32.087**. The
144 director of revenue may order retention in the trust fund, for a period of one year, of two percent
145 of the amount collected after receipt of such notice to cover possible refunds or overpayment of
146 the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
147 After one year has elapsed after the effective date of abolition of the tax in such county or
148 municipality, the director of revenue shall remit the balance in the account to the county or
149 municipality and close the account of that county or municipality. The director of revenue shall
150 notify each county or municipality of each instance of any amount refunded or any check
151 redeemed from receipts due the county or municipality.

152 12. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
153 shall apply to the tax imposed pursuant to this section.

154 13. For purposes of this section, the term "economic development" is limited to the
155 following:

156 (1) Operations of economic development or community development offices, including
157 the salaries of employees;

158 (2) Provision of training for job creation or retention;

159 (3) Provision of infrastructure and sites for industrial development or for public
160 infrastructure projects; and

161 (4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any
5 county of the first classification with more than one hundred four thousand six hundred but less
6 than one hundred four thousand seven hundred inhabitants and the governing body of any county
7 of the third classification without a township form of government and with more than forty
8 thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within
9 such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or
10 county which are subject to sales tax under chapter 144. In addition, the governing body of any
11 county of the first classification with more than eighty-five thousand nine hundred but less than
12 eighty-six thousand inhabitants or the governing body of any home rule city with more than
13 seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or
14 ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax
15 under chapter 144. The tax authorized in this section shall not be more than one-half of one
16 percent. The order or ordinance imposing the tax shall not become effective unless the
17 governing body of the city or county submits to the voters of the city or county at a state general
18 or primary election a proposal to authorize the governing body to impose a tax under this section.
19 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
20 shall be stated separately from all other charges and taxes.

21 2. The ballot of submission for the tax authorized in this section shall be in substantially
22 the following form:

23

24 Shall _____ (insert the name of the city or county)
25 impose a sales tax at a rate of _____ (insert rate of percent) percent for
26 economic development purposes?

27 YES

NO

28

29 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
30 of the question, then the tax shall become effective ~~on the first day of the second calendar~~

31 ~~quarter following the calendar quarter in which the election was held] as provided by~~
32 **subsection 19 of section 32.087.** If a majority of the votes cast on the question by the qualified
33 voters voting thereon are opposed to the question, then the tax shall not become effective unless
34 and until the question is resubmitted under this section to the qualified voters and such question
35 is approved by a majority of the qualified voters voting on the question, provided that no
36 proposal shall be resubmitted to the voters sooner than twelve months from the date of the
37 submission of the last proposal.

38 3. No revenue generated by the tax authorized in this section shall be used for any retail
39 development project. At least twenty percent of the revenue generated by the tax authorized in
40 this section shall be used solely for projects directly related to long-term economic development
41 preparation, including, but not limited to, the following:

- 42 (1) Acquisition of land;
- 43 (2) Installation of infrastructure for industrial or business parks;
- 44 (3) Improvement of water and wastewater treatment capacity;
- 45 (4) Extension of streets;
- 46 (5) Providing matching dollars for state or federal grants;
- 47 (6) Marketing;
- 48 (7) Construction and operation of job training and educational facilities; and
- 49 (8) Providing grants and low-interest loans to companies for job training, equipment
50 acquisition, site development, and infrastructure.

51
52 Not more than twenty-five percent of the revenue generated may be used annually for
53 administrative purposes, including staff and facility costs.

54 4. All revenue generated by the tax shall be deposited in a special trust fund and shall
55 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
56 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
57 special trust fund which are not needed for current expenditures may be invested by the
58 governing body in accordance with applicable laws relating to the investment of other city or
59 county funds.

60 5. **The director of revenue may make refunds from the amounts in the trust fund**
61 **and credited to any city or county for erroneous payments and overpayments to the trust**
62 **fund and may redeem dishonored checks and drafts deposited to the credit of such cities**
63 **or counties. If any city or county abolishes the tax authorized under this section, the repeal**
64 **of such tax shall become effective as provided by subsection 19 of section 32.087. Each city**
65 **or county shall notify the director of revenue prior to the effective date of the expiration**
66 **of the sales tax authorized by this section, and the repeal shall be effective as provided by**

67 subsection 19 of section 32.087. The director of revenue may order retention in the trust
68 fund, for a period of one year, of two percent of the amount collected after receipt of such
69 notice to cover possible refunds or overpayments of such tax and to redeem dishonored
70 checks and drafts deposited to the credit of such accounts. After one year has elapsed from
71 the date of expiration of the tax authorized by this section in such city or county, the
72 director of revenue shall remit the balance in the account to the city or county and close
73 the account of that city or county. The director of revenue shall notify each city or county
74 of each instance of any amount refunded or any check redeemed from receipts due to the
75 city or county.

76 6. Any city or county imposing the tax authorized in this section shall establish an
77 economic development tax board. The board shall consist of eleven members, to be appointed
78 as follows:

79 (1) Two members shall be appointed by the school boards whose districts are included
80 within any economic development plan or area funded by the sales tax authorized in this section.
81 Such members shall be appointed in any manner agreed upon by the affected districts;

82 (2) One member shall be appointed, in any manner agreed upon by the affected districts,
83 to represent all other districts levying ad valorem taxes within the area selected for an economic
84 development project or area funded by the sales tax authorized in this section, excluding
85 representatives of the governing body of the city or county;

86 (3) One member shall be appointed by the largest public school district in the city or
87 county;

88 (4) In each city or county, five members shall be appointed by the chief elected officer
89 of the city or county with the consent of the majority of the governing body of the city or county;

90 (5) In each city, two members shall be appointed by the governing body of the county
91 in which the city is located. In each county, two members shall be appointed by the governing
92 body of the county. At the option of the members appointed by a city or county the members
93 who are appointed by the school boards and other taxing districts may serve on the board for a
94 term to coincide with the length of time an economic development project, plan, or designation
95 of an economic development area is considered for approval by the board, or for the definite
96 terms as provided in this subsection. If the members representing school districts and other
97 taxing districts are appointed for a term coinciding with the length of time an economic
98 development project, plan, or area is approved, such term shall terminate upon final approval of
99 the project, plan, or designation of the area by the governing body of the city or county. If any
100 school district or other taxing jurisdiction fails to appoint members of the board within thirty
101 days of receipt of written notice of a proposed economic development plan, economic
102 development project, or designation of an economic development area, the remaining members

103 may proceed to exercise the power of the board. Of the members first appointed by the city or
 104 county, three shall be designated to serve for terms of two years, three shall be designated to
 105 serve for a term of three years, and the remaining members shall be designated to serve for a term
 106 of four years from the date of such initial appointments. Thereafter, the members appointed by
 107 the city or county shall serve for a term of four years, except that all vacancies shall be filled for
 108 unexpired terms in the same manner as were the original appointments.

109 [6-] 7. The board, subject to approval of the governing body of the city or county, shall
 110 develop economic development plans, economic development projects, or designations of an
 111 economic development area, and shall hold public hearings and provide notice of any such
 112 hearings. The board shall vote on all proposed economic development plans, economic
 113 development projects, or designations of an economic development area, and amendments
 114 thereto, within thirty days following completion of the hearing on any such plan, project, or
 115 designation, and shall make recommendations to the governing body within ninety days of the
 116 hearing concerning the adoption of or amendment to economic development plans, economic
 117 development projects, or designations of an economic development area.

118 [7-] 8. The board shall report at least annually to the governing body of the city or
 119 county on the use of the funds provided under this section and on the progress of any plan,
 120 project, or designation adopted under this section.

121 [8-] 9. The governing body of any city or county that has adopted the sales tax
 122 authorized in this section may submit the question of repeal of the tax to the voters on any date
 123 available for elections for the city or county. The ballot of submission shall be in substantially
 124 the following form:

125

126 Shall _____ (insert the name of the city or county) repeal the
 127 sales tax imposed at a rate of _____ (insert rate of percent) percent for
 128 economic development purposes?

129

YES

NO

130

131 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 132 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 133 **provided by subsection 19 of section 32.087.** If a majority of the votes cast on the question by
 134 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this
 135 section shall remain effective until the question is resubmitted under this section to the qualified
 136 voters of the city or county, and the repeal is approved by a majority of the qualified voters
 137 voting on the question.

138 [9-] 10. Whenever the governing body of any city or county that has adopted the sales
139 tax authorized in this section receives a petition, signed by ten percent of the registered voters
140 of the city or county voting in the last gubernatorial election, calling for an election to repeal the
141 sales tax imposed under this section, the governing body shall submit to the voters a proposal
142 to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
143 thereon are in favor of the repeal, that repeal shall become effective ~~[on December thirty-first of~~
144 ~~the calendar year in which such repeal was approved]~~ **as provided by subsection 19 of section**
145 **32.087.** If a majority of the votes cast on the question by the qualified voters voting thereon are
146 opposed to the repeal, then the tax shall remain effective until the question is resubmitted under
147 this section to the qualified voters and the repeal is approved by a majority of the qualified voters
148 voting on the question. **If the city or county abolishes the tax, the city or county shall notify**
149 **the director of revenue of the action and the repeal shall be effective as provided by**
150 **subsection 19 of section 32.087.**

151 **11. After the effective date of any tax imposed under the provisions of this section,**
152 **the director of revenue shall perform all functions incident to the administration,**
153 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
154 **this state, the additional tax authorized under this section. The tax imposed under this**
155 **section and the tax imposed under the sales tax law of this state shall be collected together**
156 **and reported upon such forms and under such administrative rules and regulations as may**
157 **be prescribed by the director of revenue.**

158 **12. Except as provided in this section, all provisions of sections 32.085 to 32.087**
159 **shall apply to the tax imposed under this section.**

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city,
2 town, or village.

3 2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the
4 governing body of any city or county may impose, by order or ordinance, a sales tax on all retail
5 sales made in the city or county which are subject to sales tax under chapter 144. The tax
6 authorized in this section shall not be more than one-half of one percent. The order or ordinance
7 imposing the tax shall not become effective unless the governing body of the city or county
8 submits to the voters of the city or county at any citywide, county or state general, primary or
9 special election a proposal to authorize the governing body to impose a tax under this section.
10 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
11 shall be stated separately from all other charges and taxes. The tax authorized in this section
12 shall not be imposed by any city or county that has imposed a tax under section 67.1300 or
13 67.1303 unless the tax imposed under those sections has expired or been repealed.

14 3. The ballot of submission for the tax authorized in this section shall be in substantially
15 the following form:

16

17 Shall _____ (insert the name of the city or county) impose a
18 sales tax at a rate of _____ (insert rate of percent) percent for economic
19 development purposes?

20

YES

NO

21

22 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
23 of the question, then the tax shall become effective ~~[on the first day of the second calendar~~
24 ~~quarter following the calendar quarter in which the election was held]~~ **as provided by**
25 **subsection 19 of section 32.087.** If a majority of the votes cast on the question by the qualified
26 voters voting thereon are opposed to the question, then the tax shall not become effective unless
27 and until the question is resubmitted under this section to the qualified voters and such question
28 is approved by a majority of the qualified voters voting on the question, provided that no
29 proposal shall be resubmitted to the voters sooner than twelve months from the date of the
30 submission of the last proposal.

31

32 4. All sales taxes collected by the director of revenue under this section on behalf of any
33 county or municipality~~]; less one percent for cost of collection which shall be deposited in the~~
34 ~~state's general revenue fund after payment of premiums for surety bonds as provided in section~~
35 ~~32.087,]~~ shall be deposited in a special trust fund, which is hereby created, to be known as the
36 "Local Option Economic Development Sales Tax Trust Fund".

37

38 5. ~~[The moneys in the local option economic development sales tax trust fund shall not~~
39 ~~be deemed to be state funds and shall not be commingled with any funds of the state.]~~ The
40 director of revenue shall keep accurate records of the amount of money in the trust fund and
41 which was collected in each city or county imposing a sales tax pursuant to this section, and the
42 records shall be open to the inspection of officers of the city or county and the public.

43

44 6. Not later than the tenth day of each month the director of revenue shall distribute all
45 moneys deposited in the trust fund during the preceding month to the city or county which levied
46 the tax. Such funds shall be deposited with the county treasurer of each such county or the
47 appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising
48 from the local economic development sales tax trust fund shall be in accordance with this
section.

49

50 7. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
amounts in the trust fund and credited to any city or county for erroneous payments and

49 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
50 such cities and counties.

51 8. If any county or municipality abolishes the tax, the city or county shall notify the
52 director of revenue of the action [~~at least ninety days~~] prior to the effective date of the repeal, and
53 **the repeal shall be effective as provided by subsection 19 of section 32.087.** The director of
54 revenue may order retention in the trust fund, for a period of one year, of two percent of the
55 amount collected after receipt of such notice to cover possible refunds or overpayment of the tax
56 and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one
57 year has elapsed after the effective date of abolition of the tax in such city or county, the director
58 of revenue shall remit the balance in the account to the city or county and close the account of
59 that city or county. The director of revenue shall notify each city or county of each instance of
60 any amount refunded or any check redeemed from receipts due the city or county.

61 9. Except as modified in this section, all provisions of sections 32.085 [~~and~~] to 32.087
62 shall apply to the tax imposed pursuant to this section.

63 10. (1) No revenue generated by the tax authorized in this section shall be used for any
64 retail development project, except for the redevelopment of downtown areas and historic
65 districts. Not more than twenty-five percent of the revenue generated shall be used annually for
66 administrative purposes, including staff and facility costs.

67 (2) At least twenty percent of the revenue generated by the tax authorized in this section
68 shall be used solely for projects directly related to long-term economic development preparation,
69 including, but not limited to, the following:

70 (a) Acquisition of land;

71 (b) Installation of infrastructure for industrial or business parks;

72 (c) Improvement of water and wastewater treatment capacity;

73 (d) Extension of streets;

74 (e) Public facilities directly related to economic development and job creation; and

75 (f) Providing matching dollars for state or federal grants relating to such long-term
76 projects.

77 (3) The remaining revenue generated by the tax authorized in this section may be used
78 for, but shall not be limited to, the following:

79 (a) Marketing;

80 (b) Providing grants and loans to companies for job training, equipment acquisition, site
81 development, and infrastructures;

82 (c) Training programs to prepare workers for advanced technologies and high skill jobs;

83 (d) Legal and accounting expenses directly associated with the economic development
84 planning and preparation process;

85 (e) Developing value-added and export opportunities for Missouri agricultural products.

86 11. All revenue generated by the tax shall be deposited in a special trust fund and shall
87 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
88 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
89 special trust fund which are not needed for current expenditures may be invested by the
90 governing body in accordance with applicable laws relating to the investment of other city or
91 county funds.

92 12. (1) Any city or county imposing the tax authorized in this section shall establish an
93 economic development tax board. The volunteer board shall receive no compensation or
94 operating budget.

95 (2) The economic development tax board established by a city shall consist of at least
96 five members, but may be increased to nine members. Either a five-member or nine-member
97 board shall be designated in the order or ordinance imposing the sales tax authorized by this
98 section, and the members are to be appointed as follows:

99 (a) One member of a five-member board, or two members of a nine-member board, shall
100 be appointed by the school districts included within any economic development plan or area
101 funded by the sales tax authorized in this section. Such member or members shall be appointed
102 in any manner agreed upon by the affected districts;

103 (b) Three members of a five-member board, or five members of a nine-member board,
104 shall be appointed by the chief elected officer of the city with the consent of the majority of the
105 governing body of the city;

106 (c) One member of a five-member board, or two members of a nine-member board, shall
107 be appointed by the governing body of the county in which the city is located.

108 (3) The economic development tax board established by a county shall consist of seven
109 members, to be appointed as follows:

110 (a) One member shall be appointed by the school districts included within any economic
111 development plan or area funded by the sales tax authorized in this section. Such member shall
112 be appointed in any manner agreed upon by the affected districts;

113 (b) Four members shall be appointed by the governing body of the county; and

114 (c) Two members from the cities, towns, or villages within the county appointed in any
115 manner agreed upon by the chief elected officers of the cities or villages. Of the members
116 initially appointed, three shall be designated to serve for terms of two years, except that when
117 a nine-member board is designated, seven of the members initially appointed shall be designated
118 to serve for terms of two years, and the remaining members shall be designated to serve for a
119 term of four years from the date of such initial appointments. Thereafter, the members appointed

120 shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms
121 in the same manner as were the original appointments.

122 (4) If an economic development tax board established by a city is already in existence
123 on August 28, 2012, any increase in the number of members of the board shall be designated in
124 an order or ordinance. The four board members added to the board shall be appointed to a term
125 with an expiration coinciding with the expiration of the terms of the three board member
126 positions that were originally appointed to terms of two years. Thereafter, the additional
127 members appointed shall serve for a term of four years, except that all vacancies shall be filled
128 for unexpired terms in the same manner as were the additional appointments.

129 13. The board, subject to approval of the governing body of the city or county, shall
130 consider economic development plans, economic development projects, or designations of an
131 economic development area, and shall hold public hearings and provide notice of any such
132 hearings. The board shall vote on all proposed economic development plans, economic
133 development projects, or designations of an economic development area, and amendments
134 thereto, within thirty days following completion of the hearing on any such plan, project, or
135 designation, and shall make recommendations to the governing body within ninety days of the
136 hearing concerning the adoption of or amendment to economic development plans, economic
137 development projects, or designations of an economic development area. The governing body
138 of the city or county shall have the final determination on use and expenditure of any funds
139 received from the tax imposed under this section.

140 14. The board may consider and recommend using funds received from the tax imposed
141 under this section for plans, projects or area designations outside the boundaries of the city or
142 county imposing the tax if, and only if:

143 (1) The city or county imposing the tax or the state receives significant economic benefit
144 from the plan, project or area designation; and

145 (2) The board establishes an agreement with the governing bodies of all cities and
146 counties in which the plan, project or area designation is located detailing the authority and
147 responsibilities of each governing body with regard to the plan, project or area designation.

148 15. Notwithstanding any other provision of law to the contrary, the economic
149 development sales tax imposed under this section when imposed within a special taxing district,
150 including but not limited to a tax increment financing district, neighborhood improvement
151 district, or community improvement district, shall be excluded from the calculation of revenues
152 available to such districts, and no revenues from any sales tax imposed under this section shall
153 be used for the purposes of any such district unless recommended by the economic development
154 tax board established under this section and approved by the governing body imposing the tax.

155 16. The board and the governing body of the city or county imposing the tax shall report
 156 at least annually to the governing body of the city or county on the use of the funds provided
 157 under this section and on the progress of any plan, project, or designation adopted under this
 158 section and shall make such report available to the public.

159 17. Not later than the first day of March each year the board shall submit to the joint
 160 committee on economic development a report, not exceeding one page in length, which must
 161 include the following information for each project using the tax authorized under this section:

- 162 (1) A statement of its primary economic development goals;
- 163 (2) A statement of the total economic development sales tax revenues received during
 164 the immediately preceding calendar year;
- 165 (3) A statement of total expenditures during the preceding calendar year in each of the
 166 following categories:
 - 167 (a) Infrastructure improvements;
 - 168 (b) Land and/or buildings;
 - 169 (c) Machinery and equipment;
 - 170 (d) Job training investments;
 - 171 (e) Direct business incentives;
 - 172 (f) Marketing;
 - 173 (g) Administration and legal expenses; and
 - 174 (h) Other expenditures.

175 18. The governing body of any city or county that has adopted the sales tax authorized
 176 in this section may submit the question of repeal of the tax to the voters on any date available for
 177 elections for the city or county. The ballot of submission shall be in substantially the following
 178 form:

179
 180 Shall _____ (insert the name of the city or county) repeal the
 181 sales tax imposed at a rate of _____ (insert rate of percent) percent for
 182 economic development purposes?
 183 YES NO

184
 185 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become
 186 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 187 **provided by subsection 19 of section 32.087.** If a majority of the votes cast on the question by
 188 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this
 189 section shall remain effective until the question is resubmitted under this section to the qualified

190 voters of the city or county, and the repeal is approved by a majority of the qualified voters
191 voting on the question.

192 19. Whenever the governing body of any city or county that has adopted the sales tax
193 authorized in this section receives a petition, signed by ten percent of the registered voters of the
194 city or county voting in the last gubernatorial election, calling for an election to repeal the sales
195 tax imposed under this section, the governing body shall submit to the voters a proposal to repeal
196 the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are
197 in favor of the repeal, that repeal shall become effective ~~[on December thirty-first of the calendar~~
198 ~~year in which such repeal was approved]~~ **as provided by subsection 19 of section 32.087.** If
199 a majority of the votes cast on the question by the qualified voters voting thereon are opposed
200 to the repeal, then the tax shall remain effective until the question is resubmitted under this
201 section to the qualified voters and the repeal is approved by a majority of the qualified voters
202 voting on the question.

203 20. If any provision of this section or section 67.1303 or the application thereof to any
204 person or circumstance is held invalid, the invalidity shall not affect other provisions or
205 application of this section or section 67.1303 which can be given effect without the invalid
206 provision or application, and to this end the provisions of this section and section 67.1303 are
207 declared severable.

 67.1545. 1. Any district formed as a political subdivision may impose by resolution a
2 district sales and use tax on all retail sales made in such district which are subject to taxation
3 ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144**, except sales of motor vehicles,
4 trailers, boats or outboard motors ~~[and sales to or by public utilities and providers of~~
5 ~~communications, cable, or video services]~~ , **electricity, piped natural or artificial gas, or other**
6 **fuels delivered by the seller.** Any sales and use tax imposed pursuant to this section may be
7 imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such
8 district sales and use tax may be imposed for any district purpose designated by the district in
9 its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this
10 section shall become effective unless the board of directors of the district submits to the qualified
11 voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this
12 section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in
13 favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the
14 qualified voters are opposed to the sales tax, then the resolution is void.

15 2. The ballot shall be substantially in the following form:
16

17 Shall the _____ (insert name of district) Community
18 Improvement District impose a community improvement districtwide sales and

19 use tax at the maximum rate of _____ (insert ~~[amount]~~ **rate of percent**) for
 20 a period of _____ (insert number) years from the date on which such tax
 21 is first imposed for the purpose of providing revenue for _____
 22 (insert general description of the purpose)?

23 YES NO

24

25 If you are in favor of the question, place an "X" in the box opposite "YES". If
 26 you are opposed to the question, place an "X" in the box opposite "NO".

27

28 3. Within ten days after the qualified voters have approved the imposition of the sales
 29 and use tax, the district shall, in accordance with section 32.087, notify the director of ~~[the~~
 30 ~~department of]~~ revenue. The sales and use tax authorized by this section shall become effective
 31 ~~[on the first day of the second calendar quarter after the director of the department of revenue~~
 32 ~~receives notice of the adoption of such tax]~~ **as provided by subsection 19 of section 32.087.**

33 4. ~~[The director of the department of revenue shall collect any tax adopted pursuant to~~
 34 ~~this section pursuant to section 32.087]~~ **After the effective date of any tax imposed under the**
 35 **provisions of this section, the director of revenue shall perform all functions incident to the**
 36 **administration, collection, enforcement, and operation of the tax and collect, in addition**
 37 **to the sales tax for this state, the additional tax authorized under the authority of this**
 38 **section. The tax imposed under this section and the tax imposed under the sales tax law**
 39 **of this state shall be collected together and reported upon such forms and under such**
 40 **administrative rules and regulations as may be prescribed by the director of revenue.**

41 5. In each district in which a sales and use tax is imposed pursuant to this section, every
 42 retailer shall add such additional tax imposed by the district to such retailer's sale price, and when
 43 so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser
 44 to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

45 6. ~~[In order to allow retailers to collect and report the sales and use tax authorized by this~~
 46 ~~section as well as all other sales and use taxes required by law in the simplest and most efficient~~
 47 ~~manner possible, a district may establish appropriate brackets to be used in the district imposing~~
 48 ~~a tax pursuant to this section in lieu of the brackets provided in section 144.285.~~

49 ~~_____7.]~~ The penalties provided ~~[in sections 144.010 to 144.525]~~ **under chapter 144** shall
 50 apply to violations of this section.

51 ~~[8.]~~ 7. All revenue received by the district from a sales and use tax imposed pursuant
 52 to this section which is designated for a specific purpose shall be deposited into a special trust
 53 fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
 54 pursuant to this section, all funds remaining in the special trust fund shall continue to be used

55 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any
56 funds in such special trust fund which are not needed for current expenditures may be invested
57 by the board of directors pursuant to applicable laws relating to the investment of other district
58 funds.

59 ~~[9.]~~ **8.** A district may repeal by resolution any sales and use tax imposed pursuant to this
60 section before the expiration date of such sales and use tax unless the repeal of such sales and
61 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
62 the district has borrowed or obligation the district has issued to finance any improvements or
63 services rendered for the district.

64 ~~[10.]~~ **9.** Notwithstanding the provisions of chapter 115, an election for a district sales
65 and use tax under this section shall be conducted in accordance with the provisions of this
66 section.

67 **10. Except as provided in this section, all provisions of sections 32.085 to 32.087**
68 **shall apply to the tax imposed under this section.**

69 67.1712. 1. The governing body of any county located within the proposed metropolitan
70 district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail
71 sales subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144** for the
72 purpose of funding the creation, operation and maintenance of a metropolitan park and recreation
73 district.

74 2. In addition to the tax authorized in subsection 1 of this section, the governing body
75 of any county located within the metropolitan district as of January 1, 2012, is authorized to
76 impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail
77 sales subject to taxation under ~~[sections 144.010 to 144.525]~~ **chapter 144** for the purpose of
78 funding the operation and maintenance of the metropolitan park and recreation district. Such
79 incremental sales tax shall not be implemented unless approved by the voters of the county with
80 the largest population within the district and at least one other such county under subsection 2
81 of section 67.1715.

82 3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other
83 sales taxes allowed by law. The governing body of any county within the metropolitan district
84 enacting such an ordinance shall submit to the voters of such county a proposal to approve its
85 ordinance imposing or increasing the tax. Such ordinance shall become effective only after the
86 majority of the voters voting on such ordinance approve such ordinance. The provisions of
87 sections 32.085 ~~[and]~~ **to 32.087** shall apply to any tax and increase in tax approved pursuant to
88 this section and sections 67.1715 to 67.1721.

89 **4. After the effective date of any tax imposed under the provisions of this section,**
90 **the director of revenue shall perform all functions incident to the administration,**

23 **collection, enforcement, and operation of the tax, and the director of revenue shall collect,**
 24 **in addition to the sales tax for this state, the additional tax authorized under the authority**
 25 **of this section. The tax imposed under this section and the tax imposed under the sales tax**
 26 **law of this state shall be collected together and reported upon such forms and under such**
 27 **administrative rules and regulations as may be prescribed by the director of revenue.**

67.1775. 1. The governing body of a city not within a county, or any county of this state
 2 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent
 3 in the county or city, or city not within a county, **on all retail sales made in the city or county**
 4 **that are subject to sales tax under chapter 144** for the purpose of providing services described
 5 in section 210.861, including counseling, family support, and temporary residential services to
 6 persons nineteen years of age or less. The question shall be submitted to the qualified voters of
 7 the county or city, or city not within a county, at a county or city or state general, primary or
 8 special election upon the motion of the governing body of the county or city, or city not within
 9 a county or upon the petition of eight percent of the qualified voters of the county or city, or city
 10 not within a county, determined on the basis of the number of votes cast for governor in such
 11 county at the last gubernatorial election held prior to the filing of the petition. The election
 12 officials of the county or city, or city not within a county, shall give legal notice as provided in
 13 chapter 115. The question shall be submitted in substantially the following form:

14
 15 Shall _____ County or City, solely for the purpose of
 16 establishing a community children's services fund for the purpose of providing
 17 services to protect the well-being and safety of children and youth nineteen years
 18 of age or less and to strengthen families, be authorized to levy a sales tax of
 19 _____ (not to exceed one-quarter of a cent) in the city or county?
 20 YES NO

21
 22 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 23 of the question, then the ordinance or order and any amendments thereto shall be in effect ~~on~~
 24 ~~the first day of the second calendar quarter after the director receives notification of the local~~
 25 ~~sales tax] as provided by subsection 19 of section 32.087.~~ If a question receives less than the
 26 required majority, then the governing authority of the city or county, or city not within a county,
 27 shall have no power to impose the sales tax unless and until the governing authority of the city
 28 or county, or city not within a county, has submitted another question to authorize the imposition
 29 of the sales tax authorized by this section and such question is approved by the required majority
 30 of the qualified voters voting thereon. However, in no event shall a question under this section

31 be submitted to the voters sooner than twelve months from the date of the last question under this
32 section.

33 2. After the effective date of any tax imposed under the provisions of this section, the
34 director of revenue shall perform all functions incident to the administration, collection,
35 enforcement, and operation of the tax and the director of revenue shall collect in addition to the
36 sales tax for the state of Missouri the additional tax authorized under the authority of this section.
37 The tax imposed under this section and the tax imposed under the sales tax law of the state of
38 Missouri shall be collected together and reported upon such forms and under such administrative
39 rules and regulations as may be prescribed by the director of revenue.

40 3. All sales taxes collected by the director of revenue under this section on behalf of any
41 city or county, or city not within a county [~~less one percent for the cost of collection, which shall~~
42 ~~be deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
43 ~~provided in section 32.087,]~~ shall be deposited with the state treasurer in a special fund, which
44 is hereby created, to be known as the "Community Children's Services Fund". [~~The moneys in~~
45 ~~the city or county, or city not within a county, community children's services fund shall not be~~
46 ~~deemed to be state funds and shall not be commingled with any funds of the state.] The director
47 of revenue shall keep accurate records of the amount of money in the fund which was collected
48 in each city or county, or city not within a county, imposing a sales tax under this section, and
49 the records shall be open to the inspection of officers of each city or county, or city not within
50 a county, and the general public. Not later than the tenth day of each month, the director of
51 revenue shall distribute all moneys deposited in the fund during the preceding month by
52 distributing to the city or county treasurer, or the treasurer of a city not within a county, or such
53 other officer as may be designated by a city or county ordinance or order, or ordinance or order
54 of a city not within a county, of each city or county, or city not within a county, imposing the tax
55 authorized by this section, the sum, as certified by the director of revenue, due the city or county.~~

56 4. The director of revenue may [~~authorize the state treasurer to~~] make refunds from the
57 amounts in the fund and credited to any city or county, or city not within a county, for erroneous
58 payments and overpayments made, and may redeem dishonored checks and drafts deposited to
59 the credit of such counties. Each city or county, or city not within a county, shall notify the
60 director of revenue [~~at least ninety days~~] prior to the effective date of the expiration of the sales
61 tax authorized by this section, and **the repeal shall be effective as provided by subsection 19**
62 **of section 32.087.** The director of revenue may order retention in the fund, for a period of one
63 year, of two percent of the amount collected after receipt of such notice to cover possible refunds
64 or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit
65 of such accounts. After one year has elapsed after the date of expiration of the tax authorized
66 by this section in such city not within a county or such city or county, the director of revenue

67 shall remit the balance in the account to the city or county, or city not within a county, and close
 68 the account of that city or county, or city not within a county. The director of revenue shall
 69 notify each city or county, or city not within a county, of each instance of any amount refunded
 70 or any check redeemed from receipts due the city or county.

71 5. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
 72 shall apply to the tax imposed under this section.

73 6. All revenues generated by the tax prescribed in this section shall be deposited in the
 74 county treasury or, in a city not within a county, to the board established by law to administer
 75 such fund to the credit of a special community children's services fund to accomplish the
 76 purposes set out herein and in section 210.861, and shall be used for no other purpose. Such
 77 fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district
 2 a tax of not more than one percent on all retail sales, except sales of ~~[food as defined in section~~
 3 ~~144.014, sales of]~~ new or used motor vehicles, trailers, boats, or ~~[other]~~ outboard motors, ~~[all~~
 4 ~~utilities, telephone and wireless services, and sales of funeral services,]~~ made **on or after**
 5 **January 1, 2022**, within the district which are subject to taxation ~~[pursuant to the provisions of~~
 6 ~~sections 144.010 to 144.525]~~ **under chapter 144**. Upon the written request of the board to the
 7 election authority of the county in which a majority of the area of the district is situated, such
 8 election authority shall submit a proposition to the residents of such district at a municipal or
 9 statewide primary or general election, or at a special election called for that purpose. Such
 10 election authority shall give legal notice as provided in chapter 115.

11 2. Such proposition shall be submitted to the voters of the district in substantially the
 12 following form at such election:

13 Shall the Tourism Community Enhancement District impose a sales tax of _____
 14 (insert ~~amount~~ **rate of percent**) for the purpose of promoting tourism in the district?

15 YES NO

16
 17 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 18 to the question, place an "X" in the box opposite "NO".

19
 20 If a majority of the votes cast on the proposal by the qualified voters of the proposed district
 21 voting thereon are in favor of the proposal, then the order shall become effective ~~[on the first day~~
 22 ~~of the second calendar quarter after the director of revenue receives notice of adoption of the tax]~~
 23 **as provided in subsection 19 of section 32.087**. If the proposal receives less than the required
 24 majority, then the board shall have no power to impose the sales tax authorized pursuant to this
 25 section unless and until the board shall again have submitted another proposal to authorize the

26 board to impose the sales tax authorized by this section and such proposal is approved by the
27 required majority of the qualified voters of the district.

28 **3. Except as modified by this section, all provisions of sections 32.085 to 32.087 shall**
29 **apply to the tax imposed under this section.**

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational
2 Facility District Act".

3 2. An exhibition center and recreational facility district may be created under this section
4 in the following counties:

5 (1) Any county of the first classification with more than seventy-one thousand three
6 hundred but less than seventy-one thousand four hundred inhabitants;

7 (2) Any county of the first classification with more than one hundred ninety-eight
8 thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

9 (3) Any county of the first classification with more than eighty-five thousand nine
10 hundred but less than eighty-six thousand inhabitants;

11 (4) Any county of the second classification with more than fifty-two thousand six
12 hundred but less than fifty-two thousand seven hundred inhabitants;

13 (5) Any county of the first classification with more than one hundred four thousand six
14 hundred but less than one hundred four thousand seven hundred inhabitants;

15 (6) Any county of the third classification without a township form of government and
16 with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

17 (7) Any county of the first classification with more than thirty-seven thousand but less
18 than thirty-seven thousand one hundred inhabitants;

19 (8) Any county of the third classification without a township form of government and
20 with more than twenty-three thousand five hundred but less than twenty-three thousand six
21 hundred inhabitants;

22 (9) Any county of the third classification without a township form of government and
23 with more than nineteen thousand three hundred but less than nineteen thousand four hundred
24 inhabitants;

25 (10) Any county of the first classification with more than two hundred forty thousand
26 three hundred but less than two hundred forty thousand four hundred inhabitants;

27 (11) Any county of the third classification with a township form of government and with
28 more than eight thousand nine hundred but fewer than nine thousand inhabitants;

29 (12) Any county of the third classification without a township form of government and
30 with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

31 (13) Any county of the third classification with a township form of government and with
32 more than eight thousand but fewer than eight thousand one hundred inhabitants;

33 (14) Any county of the third classification with a township form of government and with
34 more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

35 3. Whenever not less than fifty owners of real property located within any county listed
36 in subsection 2 of this section desire to create an exhibition center and recreational facility
37 district, the property owners shall file a petition with the governing body of each county located
38 within the boundaries of the proposed district requesting the creation of the district. The district
39 boundaries may include all or part of the counties described in this section. The petition shall
40 contain the following information:

41 (1) The name and residence of each petitioner and the location of the real property
42 owned by the petitioner;

43 (2) A specific description of the proposed district boundaries, including a map
44 illustrating the boundaries; and

45 (3) The name of the proposed district.

46 4. Upon the filing of a petition pursuant to this section, the governing body of any county
47 described in this section may, by resolution, approve the creation of a district. Any resolution
48 to establish such a district shall be adopted by the governing body of each county located within
49 the proposed district, and shall contain the following information:

50 (1) A description of the boundaries of the proposed district;

51 (2) The time and place of a hearing to be held to consider establishment of the proposed
52 district;

53 (3) The proposed sales tax rate to be voted on within the proposed district; and

54 (4) The proposed uses for the revenue generated by the new sales tax.

55 5. Whenever a hearing is held as provided by this section, the governing body of each
56 county located within the proposed district shall:

57 (1) Publish notice of the hearing on two separate occasions in at least one newspaper of
58 general circulation in each county located within the proposed district, with the first publication
59 to occur not more than thirty days before the hearing, and the second publication to occur not
60 more than fifteen days or less than ten days before the hearing;

61 (2) Hear all protests and receive evidence for or against the establishment of the
62 proposed district; and

63 (3) Rule upon all protests, which determinations shall be final.

64 6. Following the hearing, if the governing body of each county located within the
65 proposed district decides to establish the proposed district, it shall adopt an order to that effect;
66 if the governing body of any county located within the proposed district decides to not establish
67 the proposed district, the boundaries of the proposed district shall not include that county. The
68 order shall contain the following:

- 69 (1) The description of the boundaries of the district;
- 70 (2) A statement that an exhibition center and recreational facility district has been
- 71 established;
- 72 (3) The name of the district;
- 73 (4) The uses for any revenue generated by a sales tax imposed pursuant to this section;
- 74 and
- 75 (5) A declaration that the district is a political subdivision of the state.

76 7. A district established pursuant to this section may, at a general, primary, or special
 77 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of
 78 one percent, for a period not to exceed twenty-five years, on all retail sales within the district,
 79 which are subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144**, to
 80 fund the acquisition, construction, maintenance, operation, improvement, and promotion of an
 81 exhibition center and recreational facilities. The ballot of submission shall be in substantially
 82 the following form:

83

84 Shall the _____ (name of district) impose a sales tax of
 85 one-fourth of one percent to fund the acquisition, construction, maintenance,
 86 operation, improvement, and promotion of an exhibition center and recreational
 87 facilities, for a period of _____ (insert number of years)?

88 YES NO

89

90 If you are in favor of the question, place an "X" in the box opposite "YES". If
 91 you are opposed to the question, place an "X" in the box opposite "NO".

92

93 If a majority of the votes cast in the portion of any county that is part of the proposed district
 94 favor the proposal, then the sales tax shall become effective in that portion of the county ~~[that~~
 95 ~~is part of the proposed district on the first day of the first calendar quarter immediately following~~
 96 ~~the election]~~ **as provided by subsection 19 of section 32.087**. If a majority of the votes cast in
 97 the portion of a county that is a part of the proposed district oppose the proposal, then that
 98 portion of such county shall not impose the sales tax authorized in this section until after the
 99 county governing body has submitted another such sales tax proposal and the proposal is
 100 approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal
 101 is not approved, the governing body of the county shall not resubmit a proposal to the voters
 102 pursuant to this section sooner than twelve months from the date of the last proposal submitted
 103 pursuant to this section. If the qualified voters in two or more counties that have contiguous
 104 districts approve the sales tax proposal, the districts shall combine to become one district.

105 8. There is hereby created a board of trustees to administer any district created and the
106 expenditure of revenue generated pursuant to this section consisting of four individuals to
107 represent each county approving the district, as provided in this subsection. The governing body
108 of each county located within the district, upon approval of that county's sales tax proposal, shall
109 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging
110 business located within the taxing district, or their designee, at least one shall be an owner of a
111 lodging facility located within the district, or their designee, and all members shall reside in the
112 district except that one nonlodging business owner, or their designee, and one lodging facility
113 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five
114 years of age and a resident of this state. Of the initial trustees appointed from each county, two
115 shall hold office for two years, and two shall hold office for four years. Trustees appointed after
116 expiration of the initial terms shall be appointed to a four-year term by the governing body of the
117 county the trustee represents, with the initially appointed trustee to remain in office until a
118 successor is appointed, and shall take office upon being appointed. Each trustee may be
119 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the
120 office was originally appointed. The trustees shall not receive compensation for their services,
121 but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and
122 other officers necessary for its membership. Trustees may be removed if:

123 (1) By a two-thirds vote, the board moves for the member's removal and submits such
124 motion to the governing body of the county from which the trustee was appointed; and

125 (2) The governing body of the county from which the trustee was appointed, by a
126 majority vote, adopts the motion for removal.

127 9. The board of trustees shall have the following powers, authority, and privileges:

128 (1) To have and use a corporate seal;

129 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

130 (3) To enter into contracts, franchises, and agreements with any person or entity, public
131 or private, affecting the affairs of the district, including contracts with any municipality, district,
132 or state, or the United States, and any of their agencies, political subdivisions, or
133 instrumentalities, for the funding, including without limitation interest rate exchange or swap
134 agreements, planning, development, construction, acquisition, maintenance, or operation of a
135 single exhibition center and recreational facilities or to assist in such activity. "Recreational
136 facilities" means locations explicitly designated for public use where the primary use of the
137 facility involves participation in hobbies or athletic activities;

138 (4) To borrow money and incur indebtedness and evidence the same by certificates,
139 notes, or debentures, to issue bonds and use any one or more lawful funding methods the district
140 may obtain for its purposes at such rates of interest as the district may determine. Any bonds,

141 notes, and other obligations issued or delivered by the district may be secured by mortgage,
142 pledge, or deed of trust of any or all of the property and income of the district. Every issue of
143 such bonds, notes, or other obligations shall be payable out of property and revenues of the
144 district and may be further secured by other property of the district, which may be pledged,
145 assigned, mortgaged, or a security interest granted for such payment, without preference or
146 priority of the first bonds issued, subject to any agreement with the holders of any other bonds
147 pledging any specified property or revenues. Such bonds, notes, or other obligations shall be
148 authorized by resolution of the district board, and shall bear such date or dates, and shall mature
149 at such time or times, but not in excess of thirty years, as the resolution shall specify. Such
150 bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or
151 rates, be in such form, either coupon or registered, be issued as current interest bonds, compound
152 interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such
153 manner, be payable in such place or places, and be subject to redemption as such resolution may
154 provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold
155 at either public or private sale, at such interest rates, and at such price or prices as the district
156 shall determine;

157 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and
158 personal property in furtherance of district purposes;

159 (6) To refund any bonds, notes, or other obligations of the district without an election.
160 The terms and conditions of refunding obligations shall be substantially the same as those of the
161 original issue, and the board shall provide for the payment of interest at not to exceed the legal
162 rate, and the principal of such refunding obligations in the same manner as is provided for the
163 payment of interest and principal of obligations refunded;

164 (7) To have the management, control, and supervision of all the business and affairs of
165 the district, and the construction, installation, operation, and maintenance of district
166 improvements therein; to collect rentals, fees, and other charges in connection with its services
167 or for the use of any of its facilities;

168 (8) To hire and retain agents, employees, engineers, and attorneys;

169 (9) To receive and accept by bequest, gift, or donation any kind of property;

170 (10) To adopt and amend bylaws and any other rules and regulations not in conflict with
171 the constitution and laws of this state, necessary for the carrying on of the business, objects, and
172 affairs of the board and of the district; and

173 (11) To have and exercise all rights and powers necessary or incidental to or implied
174 from the specific powers granted by this section.

175 10. There is hereby created the "Exhibition Center and Recreational Facility District
176 Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this

177 section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund
178 shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall
179 be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The
180 director of revenue shall invest moneys in the trust fund in the same manner as other funds are
181 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.
182 All sales taxes collected by the director of revenue pursuant to this section on behalf of the
183 district~~], less one percent for the cost of collection which shall be deposited in the state's general~~
184 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall
185 be deposited in the trust fund. The director of revenue shall keep accurate records of the amount
186 of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to
187 this section, and the records shall be open to the inspection of the officers of each district and the
188 general public. Not later than the tenth day of each month, the director of revenue shall
189 distribute all moneys deposited in the trust fund during the preceding month to the district. The
190 director of revenue may authorize refunds from the amounts in the trust fund and credited to the
191 district for erroneous payments and overpayments made, and may redeem dishonored checks and
192 drafts deposited to the credit of the district.

193 11. The sales tax authorized by this section is in addition to all other sales taxes allowed
194 by law. **After the effective date of any tax imposed under the provisions of this section, the**
195 **director of revenue shall perform all functions incident to the administration, collection,**
196 **enforcement, and operation of the tax and collect, in addition to the sales tax for this state,**
197 **the additional tax authorized under the authority of this section. The tax imposed under**
198 **this section and the tax imposed under the sales tax law of this state shall be collected**
199 **together and reported upon such forms and under such administrative rules and**
200 **regulations as may be prescribed by the director of revenue.**

201 12. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
202 apply to the sales tax imposed pursuant to this section.

203 ~~12.]~~ 13. Any sales tax imposed pursuant to this section shall not extend past the initial
204 term approved by the voters unless an extension of the sales tax is submitted to and approved by
205 the qualified voters in each county in the manner provided in this section. Each extension of the
206 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the
207 extension shall be in substantially the following form:

208

209 Shall the _____ (name of district) extend the sales tax of
210 one-fourth of one percent for a period of _____ (insert number of years)
211 years to fund the acquisition, construction, maintenance, operation, improvement,
212 and promotion of an exhibition center and recreational facilities?

213

YES

NO

214

215 If you are in favor of the question, place an "X" in the box opposite "YES". If
 216 you are opposed to the question, place an "X" in the box opposite "NO".

217

218 If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the
 219 rate and for the time period approved by the voters. If a sales tax extension is not approved, the
 220 district may submit another sales tax proposal as authorized in this section, but the district shall
 221 not submit such a proposal to the voters sooner than twelve months from the date of the last
 222 extension submitted.

223 ~~[13.]~~ **14.** Once the sales tax authorized by this section is abolished or terminated by any
 224 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
 225 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
 226 the district has any financing or other obligations outstanding; provided that any new financing,
 227 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
 228 incurred more than ten years after voter approval of the sales tax provided in this section or more
 229 than ten years after any voter-approved extension thereof shall not cause the extension of the
 230 sales tax provided in this section or cause the final maturity of any financing or other obligations
 231 outstanding to be extended. Any funds in the trust fund which are not needed for current
 232 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)
 233 of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the
 234 district abolishes the sales tax, the district shall notify the director of revenue of the action ~~[at~~
 235 ~~least ninety days before]~~ **prior to** the effective date of the repeal, and **the repeal shall be**
 236 **effective as provided by subsection 19 of section 32.087.** The director of revenue may order
 237 retention in the trust fund, for a period of one year, of two percent of the amount collected after
 238 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem
 239 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
 240 after the effective date of abolition of the sales tax in the district, the director of revenue shall
 241 remit the balance in the account to the district and close the account of the district. The director
 242 of revenue shall notify the district of each instance of any amount refunded or any check
 243 redeemed from receipts due the district.

244 ~~[14.]~~ **15.** In the event that the district is dissolved or terminated by any means, the
 245 governing bodies of the counties in the district shall appoint a person to act as trustee for the
 246 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall
 247 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond
 248 with sufficient security, approved by the governing bodies of the counties, to the use of the

249 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and
 250 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
 251 obligations of the district, shall pay over to the county treasurer of each county in the district and
 252 take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears
 253 to the total levy for the district in the previous three years or since the establishment of the
 254 district, whichever time period is shorter. Upon payment to the county treasurers, the trustee
 255 shall deliver to the clerk of the governing body of any county in the district all books, papers,
 256 records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more
 2 than one thousand six hundred but less than one thousand seven hundred inhabitants and located
 3 in any county of the first classification with more than seventy-three thousand seven hundred but
 4 less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by
 5 ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail
 6 sales made in such city which are subject to taxation [~~pursuant to sections 144.010 to 144.525]~~
 7 **under chapter 144** for the promotion of tourism in such city. The tax authorized by this section
 8 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or
 9 order imposing a sales tax pursuant to this section shall be effective unless the governing
 10 authority of the city submits to the qualified voters of the city, at any municipal or state general,
 11 primary, or special election, a proposal to authorize the governing authority of the city to impose
 12 a tax.

13 2. The ballot of submission shall be in substantially the following form:
 14

15 Shall the city of _____ (city's name) impose a citywide sales
 16 tax of _____ (insert [~~amount~~] **rate of percent**) for the purpose of
 17 promoting tourism in the city?

18 YES NO

19
 20 If you are in favor of the question, place an "X" in the box opposite "YES". If
 21 you are opposed to the question, place an "X" in the box opposite "NO".
 22

23 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 24 of the proposal, then the ordinance or order and any amendments thereto shall be in effect [~~on~~
 25 ~~the first day of the first calendar quarter immediately following notification to the director of the~~
 26 ~~department of revenue of the election approving the proposal]~~ **as provided by subsection 19 of**
 27 **section 32.087**. If a proposal receives less than the required majority, then the governing
 28 authority of the city shall have no power to impose the sales tax unless and until the governing

29 authority of the city has submitted another proposal to authorize the imposition of the sales tax
30 authorized by this section and such proposal is approved by the required majority of the qualified
31 voters voting thereon. However, in no event shall a proposal pursuant to this section be
32 submitted to the voters sooner than twelve months from the date of the last proposal pursuant
33 to this section.

34 3. ~~[On and after the effective date of any tax authorized in this section, the city may~~
35 ~~adopt one of the two following provisions for the collection and administration of the tax:~~

36 ~~—— (1) The city may adopt rules and regulations for the internal collection of such tax by the~~
37 ~~city officers usually responsible for collection and administration of city taxes, or~~

38 ~~—— (2) The city may enter into an agreement with the director of revenue of the state of~~
39 ~~Missouri for the purpose of collecting the tax authorized in this section. In the event any city~~
40 ~~enters into an agreement with the director of revenue of the state of Missouri for the collection~~
41 ~~of the tax authorized in this section, the director of revenue shall perform all functions incident~~
42 ~~to the administration, collection, enforcement, and operation of such tax, and the director of~~
43 ~~revenue shall collect the additional tax authorized in this section. The tax authorized in this~~
44 ~~section shall be collected and reported upon such forms and under such administrative rules and~~
45 ~~regulations as may be prescribed by the director of revenue, and the director of revenue shall~~
46 ~~retain an amount not to exceed one percent for cost of collection.~~

47 ~~—— 4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of~~
48 ~~one percent and interest not to exceed two percent per month on unpaid taxes which shall be~~
49 ~~considered delinquent thirty days after the last day of each quarter.] **After the effective date of**~~
50 **any tax imposed under the provisions of this section, the director of revenue shall perform**
51 **all functions incident to the administration, collection, enforcement, and operation of the**
52 **tax and collect, in addition to the sales tax for this state, the additional tax authorized**
53 **under the authority of this section. The tax imposed under this section and the tax imposed**
54 **under the sales tax law of this state shall be collected together and reported upon such**
55 **forms and under such administrative rules and regulations as may be prescribed by the**
56 **director of revenue.**

57 ~~[5-]~~ 4. (1) The governing authority of any city that has adopted any sales tax pursuant
58 to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at
59 least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax
60 to the qualified voters at any primary or general election. The ballot of submission shall be in
61 substantially the following form:

62

63 Shall _____ (insert name of city) repeal the sales tax of
 64 _____ (insert rate of percent) percent for tourism purposes now in effect
 65 in _____ (insert name of city)?

66 YES NO

67

68 If you are in favor of the question, place an "X" in the box opposite "YES". If
 69 you are opposed to the question, place an "X" in the box opposite "NO".

70

71 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 72 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 73 **provided by subsection 19 of section 32.087. If the city or county abolishes the tax, the city**
 74 **or county shall notify the director of revenue of the action prior to the effective date of the**
 75 **repeal, as provided by subsection 19 of section 32.087.**

76 (2) Once the tax is repealed as provided in this section, all funds remaining in any trust
 77 fund or account established to receive revenues generated by the tax shall be used solely for the
 78 original stated purpose of the tax. Any funds which are not needed for current expenditures may
 79 be invested by the governing authority in accordance with applicable laws relating to the
 80 investment of other city funds.

81 (3) The governing authority of a city repealing a tax pursuant to this section shall notify
 82 the director of revenue of the action ~~[at least forty-five days before]~~ **prior to** the effective date
 83 of the repeal, and **the repeal shall be effective as provided by subsection 19 of section 32.087.**
 84 The director of revenue may order retention in any trust fund created in the state treasury
 85 associated with the tax, for a period of one year, of two percent of the amount collected after
 86 receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored
 87 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
 88 effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the
 89 trust fund to the city and close the account of that city. The director of revenue shall notify each
 90 city of each instance of any amount refunded or any check redeemed from receipts due the city.

91 (4) In the event that the repeal of a sales tax pursuant to this section dissolves or
 92 terminates a taxing district, the governing authority of the city shall appoint a person to act as
 93 trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the
 94 trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall
 95 give bond with sufficient security, approved by the governing authority of the city, to the use of
 96 the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have
 97 and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
 98 obligations of the district, shall pay over to the city treasurer or the equivalent official and take

99 receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver
100 to the clerk of the governing authority of the city all books, papers, records, and deeds belonging
101 to the dissolved district.

102 ~~[6.]~~ 5. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to
103 32.087 shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following
2 qualifications:

3 (1) As to those subdistricts in which there are registered voters, a resident registered
4 voter in the subdistrict that he or she represents, or be a property owner or, as to those
5 subdistricts in which there are not registered voters who are residents, a property owner or
6 representative of a property owner in the subdistrict he or she represents;

7 (2) Be at least twenty-one years of age and a registered voter in the district.

8 2. The district shall be subdivided into at least five but not more than fifteen subdistricts,
9 which shall be represented by one representative on the district board of directors. All board
10 members shall have terms of four years, including the initial board of directors. All members
11 shall take office upon being appointed and shall remain in office until a successor is appointed
12 by the mayor or ~~chairman~~ **chair** of the municipality in which the district is located, or elected
13 by the property owners in those subdistricts without registered voters.

14 3. For those subdistricts which contain one or more registered voters, the mayor or
15 ~~chairman~~ **chair** of the city, town, or village shall, with the consent of the governing body,
16 appoint a registered voter residing in the subdistrict to the board of directors.

17 4. For those subdistricts which contain no registered voters, the property owners who
18 collectively own one or more parcels of real estate comprising more than half of the land situated
19 in each subdistrict shall meet and shall elect a representative to serve upon the board of directors.
20 The clerk of the city, town, or village in which the petition was filed shall, unless waived in
21 writing by all property owners in the subdistrict, give notice by causing publication to be made
22 once a week for two consecutive weeks in a newspaper of general circulation in the county, the
23 last publication of which shall be at least ten days before the day of the meeting required by this
24 section, to call a meeting of the owners of real property within the subdistrict at a day and hour
25 specified in a public place in the city, town, or village in which the petition was filed for the
26 purpose of electing members of the board of directors.

27 5. The property owners, when assembled, shall organize by the election of a temporary
28 ~~chairman~~ **chair** and secretary of the meeting who shall conduct the election. An election shall
29 be conducted for each subdistrict, with the eligible property owners voting in that subdistrict.
30 At the election, each acre of real property within the subdistrict shall represent one share, and
31 each owner, including corporations and other entities, may have one vote in person or for every

32 acre of real property owned by such person within the subdistrict. Each voter which is not an
33 individual shall determine how to cast its vote as provided for in its articles of incorporation,
34 articles of organization, articles of partnership, bylaws, or other document which sets forth an
35 appropriate mechanism for the determination of the entity's vote. If a voter has no such
36 mechanism, then its vote shall be cast as determined by a majority of the persons who run the
37 day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary
38 ~~chairman~~ **chair** and secretary to the municipal clerk if the district is established by a
39 municipality described in this section, or to the circuit clerk if the district is established by a
40 circuit court.

41 6. Successor boards shall be appointed or elected, depending upon the presence or
42 absence of resident registered voters, by the mayor or ~~chairman~~ **chair** of a city, town, or village
43 described in this section, or the property owners as set forth above; provided, however, that
44 elections held by the property owners after the initial board is elected shall be certified to the
45 municipal clerk of the city, town, or village where the district is located and the board of
46 directors of the district.

47 7. Should a vacancy occur on the board of directors, the mayor or ~~chairman~~ **chair** of
48 the city, town, or village if there are registered voters within the subdistrict, or a majority of the
49 owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall
50 have the authority to appoint or elect, as set forth in this section, an interim director to complete
51 any unexpired term of a director caused by resignation or disqualification.

52 8. The board shall possess and exercise all of the district's legislative and executive
53 powers, including:

54 (1) The power to fund, promote and provide educational, civic, musical, theatrical,
55 cultural, concerts, lecture series, and related or similar entertainment events or activities, and
56 fund, promote, plan, design, construct, improve, maintain, and operate public improvements,
57 transportation projects, and related facilities within the district;

58 (2) The power to accept and disburse tax or other revenue collected in the district; and

59 (3) The power to receive property by gift or otherwise.

60 9. Within thirty days after the selection of the initial directors, the board shall meet. At
61 its first meeting and annually thereafter the board shall elect a ~~chairman~~ **chair** from its
62 members.

63 10. The board shall appoint an executive director, district secretary, treasurer, and such
64 other officers or employees as it deems necessary.

65 11. At the first meeting, the board, by resolution, shall define the first and subsequent
66 fiscal years of the district, and shall adopt a corporate seal.

67 12. A simple majority of the board shall constitute a quorum. If a quorum exists, a
68 majority of those voting shall have the authority to act in the name of the board, and approve any
69 board resolution.

70 13. At the first meeting, the board, by resolution, shall receive the certification of the
71 election regarding the sales tax, and may impose the sales tax in all subdistricts approving the
72 imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become
73 effective ~~[on the first day of the first calendar quarter immediately following the action by the~~
74 ~~district board of directors imposing the tax]~~ **as provided by subsection 19 of section 32.087.**

75 14. Each director shall devote such time to the duties of the office as the faithful
76 discharge thereof may require and be reimbursed for his or her actual expenditures in the
77 performance of his or her duties on behalf of the district. Directors may be compensated, but
78 such compensation shall not exceed one hundred dollars per month.

79 15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district
80 shall have the following general powers:

81 (1) To sue and be sued in its own name, and to receive service of process, which shall
82 be served upon the district secretary;

83 (2) To fix compensation of its employees and contractors;

84 (3) To enter into contracts, franchises, and agreements with any person or entity, public
85 or private, affecting the affairs of the district, including contracts with any municipality, district,
86 or state, or the United States, and any of their agencies, political subdivisions, or
87 instrumentalities, for the funding, including without limitation, interest rate exchange or swap
88 agreements, planning, development, construction, acquisition, maintenance, or operation of a
89 district facility or to assist in such activity;

90 (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage,
91 and encumber real and personal property in furtherance of district purposes;

92 (5) To collect and disburse funds for its activities;

93 (6) To collect taxes and other revenues;

94 (7) To borrow money and incur indebtedness and evidence the same by certificates,
95 notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or
96 any part of the cost of land, construction, development, or equipping of any facilities or
97 operations of the district;

98 (8) To own or lease real or personal property for use in connection with the exercise of
99 powers pursuant to this subsection;

100 (9) To provide for the election or appointment of officers, including a ~~[chairman]~~ **chair**,
101 treasurer, and secretary. Officers shall not be required to be residents of the district, and one
102 officer may hold more than one office;

- 103 (10) To hire and retain agents, employees, engineers, and attorneys;
- 104 (11) To enter into entertainment contracts binding the district and artists, agencies, or
105 performers, management contracts, contracts relating to the booking of entertainment and the
106 sale of tickets, and all other contracts which relate to the purposes of the district;
- 107 (12) To contract with a local government, a corporation, partnership, or individual
108 regarding funding, promotion, planning, designing, constructing, improving, maintaining, or
109 operating a project or to assist in such activity;
- 110 (13) To contract for transfer to a city, town, or village such district facilities and
111 improvements free of cost or encumbrance on such terms set forth by contract;
- 112 (14) To exercise such other powers necessary or convenient for the district to accomplish
113 its purposes which are not inconsistent with its express powers.
- 114 16. A district may at any time authorize or issue notes, bonds, or other obligations for
115 any of its powers or purposes. Such notes, bonds, or other obligations:
- 116 (1) Shall be in such amounts as deemed necessary by the district, including costs of
117 issuance thereof;
- 118 (2) Shall be payable out of all or any portion of the revenues or other assets of the
119 district;
- 120 (3) May be secured by any property of the district which may be pledged, assigned,
121 mortgaged, or otherwise encumbered for payment;
- 122 (4) Shall be authorized by resolution of the district, and if issued by the district, shall
123 bear such date or dates, and shall mature at such time or times, but not in excess of forty years,
124 as the resolution shall specify;
- 125 (5) Shall be in such denomination, bear interest at such rates, be in such form, be issued
126 as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or
127 zero coupon bonds, be issued in such manner, be payable in such place or places and subject to
128 redemption as such resolution may provide; and
- 129 (6) May be sold at either public or private sale, at such interest rates, and at such price
130 or prices as the district shall determine. The provisions of this subsection are applicable to the
131 district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any
2 time by the district by issuing refunding bonds in such amount as the district may deem
3 necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions
4 regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing,
5 refunding bonds may include amounts necessary to finance any premium, unpaid interest, and
6 costs of issuance in connection with the refunding bonds. Any such refunding may be effected
7 whether the bonds to be refunded then shall have matured or thereafter shall mature, either by

8 sale of the refunding bonds and the application of the proceeds thereof to the payment of the
9 obligations being refunded or the exchange of the refunding bonds for the obligations being
10 refunded with the consent of the holders of the obligations being refunded.

11 2. Notes, bonds, or other indebtedness of the district shall be exclusively the
12 responsibility of the district payable solely out of the district funds and property and shall not
13 constitute a debt or liability of the state of Missouri or any agency or political subdivision of the
14 state. Any notes, bonds, or other indebtedness of the district shall state on their face that they
15 are not obligations of the state of Missouri or any agency or political subdivision thereof other
16 than the district.

17 3. Any district may by resolution impose a district sales tax of up to one-half of one
18 percent on all retail sales made in such district that are subject to taxation ~~[pursuant to the~~
19 ~~provisions of sections 144.010 to 144.525]~~ **under chapter 144.** Upon voter approval, and
20 receiving the necessary certifications from the governing body of the municipality in which the
21 district is located, or from the circuit court if the district was formed by the circuit court, the
22 board of directors shall have the power to impose a sales tax at its first meeting, or any meeting
23 thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with
24 section 67.2520. ~~[The sales tax shall become effective in those subdistricts that approve the sales~~
25 ~~tax on the first day of the first calendar quarter immediately following the passage of a resolution~~
26 ~~by the board of directors imposing the sales tax.~~

27 ~~4. In each district in which a sales tax has been imposed in the manner provided by this~~
28 ~~section, every retailer shall add the tax imposed by the district pursuant to this section to the~~
29 ~~retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a~~
30 ~~debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner~~
31 ~~as the purchase price.~~

32 ~~5. In order to permit sellers required to collect and report the sales tax authorized by this~~
33 ~~section to collect the amount required to be reported and remitted, but not to change the~~
34 ~~requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid~~
35 ~~fractions of pennies, the district may establish appropriate brackets which shall be used in the~~
36 ~~district imposing a tax pursuant to this section in lieu of those brackets provided in section~~
37 ~~144.285.~~

38 ~~6.]~~ 4. All revenue received by a district from the sales tax authorized by this section
39 shall be deposited in a special trust fund and shall be used solely for the purposes of the district.
40 Any funds in such special trust fund which are not needed for the district's current expenditures
41 may be invested by the district board of directors in accordance with applicable laws relating to
42 the investment of other district funds.

43 ~~[7.]~~ **5.** The sales tax may be imposed at a rate of up to one-half of one percent on the
44 receipts from the sale at retail of all ~~[tangible personal property or taxable services]~~ **sales** at retail
45 within the district adopting such tax, if such property and services are subject to taxation by ~~[the~~
46 ~~state of Missouri]~~ **this state under chapter 144** ~~[pursuant to the provisions of sections 144.010~~
47 ~~to 144.525]~~. Any district sales tax imposed pursuant to this section shall be imposed at a rate
48 that shall be uniform throughout the subdistricts approving the sales tax.

49 ~~[8.]~~ ~~The resolution imposing the sales tax pursuant to this section shall impose upon all~~
50 ~~sellers a tax for the privilege of engaging in the business of selling tangible personal property or~~
51 ~~rendering taxable services at retail to the extent and in the manner provided in sections 144.010~~
52 ~~to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto;~~
53 ~~except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the~~
54 ~~tax shall be reported and returned to and collected by the district.~~

55 ~~9. (1) On and after the effective date of any sales tax imposed pursuant to this section,~~
56 ~~the district shall perform all functions incident to the administration, collection, enforcement, and~~
57 ~~operation of the tax. The sales tax imposed pursuant to this section shall be collected and~~
58 ~~reported upon such forms and under such administrative rules and regulations as may be~~
59 ~~prescribed by the district.~~

60 ~~(2)]~~ **6.** **After the effective date of any tax imposed under the provisions of this**
61 **section, the director of revenue shall perform all functions incident to the administration,**
62 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
63 **this state, the additional tax authorized under the authority of this section. The tax**
64 **imposed under this section and the tax imposed under the sales tax law of this state shall**
65 **be collected together and reported upon such forms and under such administrative rules**
66 **and regulations as may be prescribed by the director of revenue.**

67 **7.** All ~~[such]~~ sales taxes ~~[collected by the district]~~ shall be deposited by the district in a
68 special fund to be expended for the purposes authorized in this section. The district shall keep
69 accurate records of the amount of money which was collected pursuant to this section, and the
70 records shall be open to the inspection of officers of each district and the general public.

71 ~~[(3)]~~ ~~The district may contract with the municipality that the district is within for the~~
72 ~~municipality to collect any revenue received by the district and, after deducting the cost of such~~
73 ~~collection, but not to exceed one percent of the total amount collected, deposit such revenue in~~
74 ~~a special trust account. Such revenue and interest may be applied by the municipality to~~
75 ~~expenses, costs, or debt service of the district at the direction of the district as set forth in a~~
76 ~~contract between the municipality and the district.~~

77 ~~10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing~~
78 ~~the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality~~

79 ~~provision, shall apply to the collection of the tax imposed by this section, except as modified in~~
80 ~~this section.~~

81 ~~————(2) All exemptions granted to agencies of government, organizations, persons, and to the~~
82 ~~sale of certain articles and items of tangible personal property and taxable services pursuant to~~
83 ~~the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and~~
84 ~~collection of the tax imposed by this section.~~

85 ~~————(3) The same sales tax permit, exemption certificate, and retail certificate required by~~
86 ~~sections 144.010 to 144.525 for the administration and collection of the state sales tax shall~~
87 ~~satisfy the requirements of this section, and no additional permit or exemption certificate or retail~~
88 ~~certificate shall be required; except that the district may prescribe a form of exemption certificate~~
89 ~~for an exemption from the tax imposed by this section.~~

90 ~~————(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws~~
91 ~~for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made~~
92 ~~applicable to any taxes collected pursuant to the provisions of this section.~~

93 ~~————(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for~~
94 ~~violation of those sections are hereby made applicable to violations of this section.~~

95 ~~————(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all~~
96 ~~retail sales shall be deemed to be consummated at the place of business of the retailer unless the~~
97 ~~tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state~~
98 ~~destination or to a common carrier for delivery to an out-of-state destination. In the event a~~
99 ~~retailer has more than one place of business in this state which participates in the sale, the sale~~
100 ~~shall be deemed to be consummated at the place of business of the retailer where the initial order~~
101 ~~for the tangible personal property is taken, even though the order must be forwarded elsewhere~~
102 ~~for acceptance, approval of credit, shipment, or billing. A sale by a retailer's employee shall be~~
103 ~~deemed to be consummated at the place of business from which the employee works.~~

104 ~~————(7)]~~ **8.** Subsequent to the initial approval by the voters and implementation of a sales tax
105 in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of
106 one percent on retail sales **made in the district that are subject to sales tax under chapter 144**
107 as provided in this subsection. The election shall be conducted in accordance with section
108 67.2520; provided, however, that the district board of directors may place the question of the
109 increase of the sales tax before the voters of the district by resolution, and the municipal clerk
110 of the city, town, or village which originally conducted the incorporation of the district, or the
111 circuit clerk of the court which originally conducted the incorporation of the district, shall
112 conduct the subsequent election. In subsequent elections, the election judges shall certify the
113 election results to the district board of directors. The ballot of submission shall be in
114 substantially the following form:

115 Shall _____ (name of district) increase the _____ (insert
 116 **[amount] rate of percent**) percent district sales tax now in effect to _____
 117 (insert amount) in the _____ (name of district)?

118 YES NO

119

120 If you are in favor of the question, place an "X" in the box opposite "YES". If
 121 you are opposed to the question, place an "X" in the box opposite "NO".

122

123 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon
 124 are in favor of the increase, the increase shall become effective ~~[December thirty-first of the~~
 125 ~~calendar year in which such increase was approved]~~ **as provided by subsection 19 of section**
 126 **32.087.**

127 ~~[11.]~~ **9.** (1) There shall not be any election as provided for in this section while the
 128 district has any financing or other obligations outstanding.

129 (2) The board, when presented with a petition signed by at least one-third of the
 130 registered voters in a district that voted in the last gubernatorial election, or signed by at least
 131 two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax
 132 shall submit the question to the voters using the same procedure by which the imposing tax was
 133 voted. The ballot of submission shall be in substantially the following form:

134

135 Shall _____ (name of district) dissolve and repeal the
 136 _____ (insert **[amount] rate of percent**) percent district sales tax now in
 137 effect in the _____ (name of district)?

138 YES NO

139

140 If you are in favor of the question, place an "X" in the box opposite "YES". If
 141 you are opposed to the question, place an "X" in the box opposite "NO".

142

143 Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with
 144 section 67.2520; provided, however, that the district board of directors may place the question
 145 of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city,
 146 town, or village which originally conducted the incorporation of the district, or the circuit clerk
 147 of the court which originally conducted the incorporation of the district, shall conduct the
 148 subsequent election. In subsequent elections the election judges shall certify the election results
 149 to the district board of directors.

150 (3) If a majority of the votes cast on the proposal by the qualified voters of the district
 151 voting thereon are in favor of repeal, that repeal shall become effective [~~December thirty-first~~
 152 ~~of the calendar year in which such repeal was approved or after the repayment of the district's~~
 153 ~~indebtedness, whichever occurs later]~~ **as provided by subsection 19 of section 32.087. If the**
 154 **district abolishes the tax, the district shall notify the director of revenue of the action prior**
 155 **to the effective date of the repeal, and the repeal shall be effective as provided by**
 156 **subsection 19 of section 32.087.**

157 [~~4-~~] 10. (1) At such time as the board of directors of the district determines that further
 158 operation of the district is not in the best interests of the inhabitants of the district, and that the
 159 district should dissolve, the board shall submit for a vote in an election held throughout the
 160 district the question of whether the district should be abolished. The question shall be submitted
 161 in substantially the following form:

162
 163 Shall the _____ theater, cultural arts, and entertainment district
 164 be abolished?

165 YES NO

166
 167 If you are in favor of the question, place an "X" in the box opposite "YES". If
 168 you are opposed to the question, place an "X" in the box opposite "NO".

169
 170 (2) The district board shall not propose the question to abolish the district while there
 171 are outstanding claims or causes of action pending against the district, while the district liabilities
 172 exceed its assets, while indebtedness of the district is outstanding, or while the district is
 173 insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting
 174 the question to abolish the district to a vote of the entire district, the state auditor shall audit the
 175 district to determine the financial status of the district, and whether the district may be abolished
 176 pursuant to law. The vote on the abolition of the district shall be conducted by the municipal
 177 clerk of the city, town, or village in which the district is located. The procedure shall be the same
 178 as in section 67.2520, except that the question shall be determined by the qualified voters of the
 179 entire district. No individual subdistrict may be abolished, except at such time as the district is
 180 abolished.

181 (3) While the district still exists, it shall continue to accrue all revenues to which it is
 182 entitled at law.

183 (4) Upon receipt by the board of directors of the district of the certification by the city,
 184 town, or village in which the district is located that the majority of those voting within the entire
 185 district have voted to abolish the district, and if the state auditor has determined that the district's

186 financial condition is such that it may be abolished pursuant to law, then the board of directors
187 of the district shall:

188 (a) Sell any remaining district real or personal property it wishes, and then transfer the
189 proceeds and any other real or personal property owned by the district to the city, town, or village
190 in which the district is located, including revenues due and owing the district, for its further use
191 and disposition;

192 (b) Terminate the employment of any remaining district employees, and otherwise
193 conclude its affairs;

194 (c) At a public meeting of the district, declare by a resolution of the board of directors
195 passed by a majority vote that the district has been abolished effective that date;

196 (d) Cause copies of that resolution under seal to be filed with the secretary of state and
197 the city, town, or village in which the district is located. Upon the completion of the final act
198 specified in this subsection, the legal existence of the district shall cease.

199 (5) The legal existence of the district shall not cease for a period of two years after voter
200 approval of the abolition.

201 **11. Except as provided in this section, all provisions of sections 32.085 to 32.087**
202 **shall apply to the tax imposed under this section.**

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body
2 of any home rule city with more than one hundred fifty-one thousand five hundred but less than
3 one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order
4 or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax
5 under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth,
6 one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one
7 percent, shall not be imposed for longer than three years, and shall be imposed solely for the
8 purpose of funding the construction, operation, and maintenance of capital improvements in the
9 city's center city. The governing body may issue bonds for the funding of such capital
10 improvements, which will be retired by the revenues received from the sales tax authorized by
11 this section. The order or ordinance shall not become effective unless the governing body of the
12 city submits to the voters residing within the city at a state or municipal general, primary, or
13 special election a proposal to authorize the governing body of the city to impose a tax under this
14 section. The tax authorized in this section shall be in addition to all other sales taxes imposed
15 by law, and shall be stated separately from all other charges and taxes.

16 2. The ballot submission for the tax authorized in this section shall be in substantially
17 the following form:

18

19 Shall _____ (insert the name of the city) impose a sales tax at
 20 a rate of _____ (insert rate of percent) percent for [a] capital
 21 [improvements] **improvement** purposes in the city's center city for a period of
 22 _____ (insert number of years, not to exceed three) years?

23 YES NO

24
 25 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 26 of the question, then the tax shall become effective ~~[on the first day of the second calendar~~
 27 ~~quarter after the director of revenue receives notice of the adoption of the sales tax]~~ **as provided**
 28 **by subsection 19 of section 32.087**. If a majority of the votes cast on the question by the
 29 qualified voters voting thereon are opposed to the question, then the tax shall not become
 30 effective unless and until the question is resubmitted under this section to the qualified voters
 31 and such question is approved by a majority of the qualified voters voting on the question. In
 32 no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months
 33 from the date of the proposal under this section.

34 3. Any sales tax imposed under this section shall be administered, collected, enforced,
 35 and operated as required ~~[in section]~~ **by sections 32.085 to 32.087**. All revenue generated by
 36 the tax shall be deposited in a special trust fund and shall be used solely for the designated
 37 purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be
 38 used solely for the designated purposes. Any funds in the special trust fund which are not needed
 39 for current expenditures shall be invested in the same manner as other funds are invested. Any
 40 interest and moneys earned on such investments shall be credited to the fund.

41 4. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
 42 amounts in the trust fund and credited to any city for erroneous payments and overpayments
 43 made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any
 44 city abolishes the tax, the city shall notify the director of revenue of the action ~~[at least ninety~~
 45 ~~days before]~~ **prior to** the effective date of the repeal, and **the repeal shall be effective as**
 46 **provided by subsection 19 of section 32.087**. The director of revenue may order retention in
 47 the trust fund, for a period of one year, of two percent of the amount collected after receipt of
 48 such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks
 49 and drafts deposited to the credit of such accounts. After one year has elapsed after the effective
 50 date of abolition of the tax in such city, the director of revenue shall remit the balance in the
 51 account to the city and close the account of that city. The director of revenue shall notify each
 52 city of each instance of any amount refunded.

53 5. The governing body of any city that has adopted the sales tax authorized in this section
 54 may submit the question of repeal of the tax to the voters on any date available for elections for
 55 the city. The ballot of submission shall be in substantially the following form:

56

57 Shall _____ (insert the name of the city) repeal the sales tax
 58 imposed at a rate of _____ (insert rate of percent) percent for capital
 59 improvements purposes in the city's center city?

60

YES

NO

61

62 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 63 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 64 **provided by subsection 19 of section 32.087.** If a majority of the votes cast on the question by
 65 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this
 66 section shall remain effective until the question is resubmitted under this section to the qualified
 67 voters, and the repeal is approved by a majority of the qualified voters voting on the question.
 68 **If the city or county abolishes the tax, the city or county shall notify the director of revenue**
 69 **of the action prior to the effective date of the repeal, and the repeal shall be effective as**
 70 **provided by subsection 19 of section 32.087.**

71

72 6. Whenever the governing body of any city that has adopted the sales tax authorized in
 73 this section receives a petition, signed by ten percent of the registered voters of the city voting
 74 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
 75 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
 76 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 77 the repeal, that repeal shall become effective ~~[upon December thirty-first of the calendar year in~~
 78 ~~which such repeal was approved]~~ **as provided by subsection 19 of section 32.087.** If a majority
 79 of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal,
 80 then the tax shall remain effective until the question is resubmitted under this section to the
 81 qualified voters and the repeal is approved by a majority of the qualified voters voting on the
 82 question.

82

83 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall**
apply to the sales tax imposed under this section.

84

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing
 2 body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

3

4 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on ~~the~~
 5 ~~receipts from the sale at] all retail [of all tangible personal property or taxable services at retail]~~
sales within any city adopting such tax, if such property and services are subject to taxation by

6 ~~[the state of Missouri]~~ **this state** under ~~[the provisions of sections 144.010 to 144.525]~~ **chapter**
7 **144.**

8 3. With respect to any tax increment financing plan originally approved by ordinance of
9 the city council after March 31, 2009, in any home rule city with more than four hundred
10 thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax
11 imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such
12 term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall
13 not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection
14 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections
15 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered
16 economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax
17 revenues derived from such tax shall not be subject to allocation under the provisions of
18 subsection 3 of section 99.845 or subsection 4 of section 99.957.

19 4. ~~[If the boundaries of a city in which such sales tax has been imposed shall thereafter~~
20 ~~be changed or altered, the city or county clerk shall forward to the director of revenue by United~~
21 ~~States registered mail or certified mail a certified copy of the ordinance adding or detaching~~
22 ~~territory from the city. The ordinance shall reflect the effective date thereof, and shall be~~
23 ~~accompanied by a map of the city clearly showing the territory added thereto or detached~~
24 ~~therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655~~
25 ~~shall be effective in the added territory or abolished in the detached territory on the effective date~~
26 ~~of the change of the city boundary.] Except as modified by this section, all provisions of~~
27 **sections 32.085 to 32.087 shall apply to the tax imposed under this section.**

94.660. 1. The governing body of any city not within a county and any county of the first
2 classification having a charter form of government with a population of over nine hundred
3 thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one
4 percent for submission to the voters of that city or county at an authorized election date selected
5 by the governing body.

6 2. Any sales tax approved under this section shall be imposed on ~~[the receipts from the~~
7 ~~sale at]~~ **all retail** ~~[of all tangible personal property or taxable services]~~ **sales** within the city or
8 county adopting the tax, if such property and services are subject to taxation by ~~[the state of~~
9 ~~Missouri]~~ **this state** under ~~[sections 144.010 to 144.525]~~ **chapter 144.**

10 3. The ballot of submission shall contain, but need not be limited to, the following
11 language:

12

13 Shall the county/city of _____ (county's or city's name) impose
 14 a county/city-wide sales tax of _____ **(insert rate of percent)** percent for
 15 the purpose of providing a source of funds for public transportation purposes?

16 YES NO

17

18 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county
 19 or city not within a county on the proposal by the qualified voters voting thereon are in favor of
 20 the proposal, then the tax shall go into effect ~~[on the first day of the next calendar quarter~~
 21 ~~beginning after its adoption and notice to the director of revenue, but no sooner than thirty days~~
 22 ~~after such adoption and notice]~~ **as provided by subsection 19 of section 32.087.** If a majority
 23 of the votes cast in that county or city not within a county by the qualified voters voting are
 24 opposed to the proposal, then the additional sales tax shall not be imposed in that county or city
 25 not within a county unless and until the governing body of that county or city not within a county
 26 shall have submitted another proposal to authorize the local option transportation sales tax
 27 authorized in this section, and such proposal is approved by a majority of the qualified voters
 28 voting on it. In no event shall a proposal pursuant to this section be submitted to the voters
 29 sooner than twelve months from the date of the last proposal.

30 4. No tax shall go into effect under this section in any city not within a county or any
 31 county of the first classification having a charter form of government with a population over nine
 32 hundred thousand inhabitants unless and until both such city and such county approve the tax.

33 5. The provisions of subsection 4 of this section requiring both the city and county to
 34 approve a transportation sales tax before a transportation sales tax may go into effect in either
 35 jurisdiction shall not apply to any transportation sales tax submitted to and approved by the
 36 voters in such city or such county on or after August 28, 2007.

37 6. All sales taxes collected by the director of revenue under this section on behalf of any
 38 city or county~~], less one percent for cost of collection which shall be deposited in the state's~~
 39 ~~general revenue fund after payment of premiums for surety bonds,]~~ shall be deposited with the
 40 state treasurer in a special trust fund, which is hereby created, to be known as the "County Public
 41 Transit Sales Tax Trust Fund". ~~[The sales taxes shall be collected as provided in section 32.087.]~~
 42 The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled
 43 with any funds of the state. The director of revenue shall keep accurate records of the amount
 44 of money in the trust fund which was collected in each city or county approving a sales tax under
 45 this section, and the records shall be open to inspection by officers of the city or county and the
 46 public. Not later than the tenth day of each month the director of revenue shall distribute all
 47 moneys deposited in the trust fund during the preceding month to the city or county which levied
 48 the tax, and such funds shall be deposited with the treasurer of each such city or county and all

49 expenditures of funds arising from the county public transit sales tax trust fund shall be by an
50 appropriation act to be enacted by the governing body of each such county or city not within a
51 county.

52 7. The revenues derived from any transportation sales tax under this section shall be used
53 only for the planning, development, acquisition, construction, maintenance and operation of
54 public transit facilities and systems other than highways.

55 8. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
56 amount in the trust fund and credited to any city or county for erroneous payments and
57 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
58 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
59 director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal, and
60 **the repeal shall be effective as provided by subsection 19 of section 32.087.** The director of
61 revenue may order retention in the trust fund, for a period of one year, of two percent of the
62 amount collected after receipt of such notice to cover possible refunds or overpayment of the tax
63 and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one
64 year has elapsed after the effective date of abolition of the tax in such city or county, the director
65 of revenue shall ~~[authorize the state treasurer to]~~ remit the balance in the account to the city or
66 county and close the account of that city or county. The director of revenue shall notify each city
67 or county of each instance of any amount refunded or any check redeemed from receipts due the
68 city or county.

69 **9. Except as modified by this section, all provisions of sections 32.085 to 32.087 shall**
70 **apply to the tax imposed under this section.**

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax **on**
2 **all retail sales made in the city that are subject to sales tax under chapter 144** for
3 transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for
4 transportation purposes which shall be retired by the revenues received from the sales tax
5 authorized by this section. The tax authorized by this section shall be in addition to any and all
6 other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions
7 of this section shall become effective unless the council or other governing body submits to the
8 voters of the city, at a city or state general, primary, or special election, a proposal to authorize
9 the council or other governing body of the city to impose such a sales tax and, if such tax is to
10 be used to retire bonds authorized pursuant to this section, to authorize such bonds and their
11 retirement by such tax; except that no vote shall be required in any city that imposed and
12 collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the
13 submission shall contain, but is not limited to, the following language:

14 (1) If the proposal submitted involves only authorization to impose the tax authorized
15 by this section, the following language:

16

17 Shall the city of _____ (city's name) impose a sales tax of
18 _____ (insert ~~amount~~ **rate of percent**) for transportation purposes?

19 YES NO

20

21 If you are in favor of the question, place an "X" in the box opposite "YES". If
22 you are opposed to the question, place an "X" in the box opposite "NO";

23

24 (2) If the proposal submitted involves authorization to issue bonds and repay such bonds
25 with revenues from the tax authorized by this section, the following language:

26

27 Shall the city of _____ (city's name) issue bonds in the amount
28 of _____ (insert amount) for transportation purposes and impose a sales tax
29 of _____ (insert ~~amount~~ **rate of percent**) to repay such bonds?

30 YES NO

31

32 If you are in favor of the question, place an "X" in the box opposite "YES". If
33 you are opposed to the question, place an "X" in the box opposite "NO".

34

35 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by
36 the qualified voters voting thereon are in favor of the proposal, then the ordinance and any
37 amendments thereto shall be in effect **as provided by subsection 19 of section 32.087**. If the
38 four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section
39 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose
40 a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the
41 proposal, then the ordinance and any amendments thereto shall be in effect **as provided by**
42 **subsection 19 of section 32.087**. If a majority of the votes cast on the proposal, as provided in
43 subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the
44 proposal, then the council or other governing body of the city shall have no power to impose the
45 tax authorized in subdivision (1) of this subsection unless and until the council or other
46 governing body of the city submits another proposal to authorize the council or other governing
47 body of the city to impose the tax and such proposal is approved by a majority of the qualified
48 voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting
49 thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue

50 bonds and impose a sales tax to retire such bonds, then the council or other governing body of
51 the city shall have no power to issue any bonds or to impose the tax authorized in subdivision
52 (2) of this subsection unless and until the council or other governing body of the city submits
53 another proposal to authorize the council or other governing body of the city to issue such bonds
54 or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the
55 qualified voters voting thereon.

56 2. No incorporated municipality located wholly or partially within any first class county
57 operating under a charter form of government and having a population of over nine hundred
58 thousand inhabitants shall impose such a sales tax for that part of the city, town or village that
59 is located within such first class county, in the event such a first class county imposes a sales tax
60 under the provisions of sections 94.600 to 94.655.

61 3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the
62 receipts from the sale at retail of all tangible personal property or taxable services at retail within
63 any city adopting such tax, if such property and services are subject to taxation by the state of
64 Missouri under the provisions of [~~sections 144.010 to 144.525~~] **chapter 144.**

65 4. [~~If the boundaries of a city in which such sales tax has been imposed shall thereafter~~
66 ~~be changed or altered, the city clerk shall forward to the director of revenue by United States~~
67 ~~registered mail or certified mail a certified copy of the ordinance adding or detaching territory~~
68 ~~from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied~~
69 ~~by a map of the city clearly showing the territory added thereto or detached therefrom. Upon~~
70 ~~receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective~~
71 ~~in the added territory or abolished in the detached territory on the effective date of the change~~
72 ~~of the city boundary.~~

73 ~~5.]~~ No tax imposed pursuant to this section for the purpose of retiring bonds issued
74 pursuant to this section may be terminated until all of such bonds have been retired.

75 **5. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall**
76 **apply to the tax imposed under this section.**

94.900. 1. (1) The governing body of the following cities may impose a tax as provided
2 in this section:

3 (a) Any city of the third classification with more than ten thousand eight hundred but less
4 than ten thousand nine hundred inhabitants located at least partly within a county of the first
5 classification with more than one hundred eighty-four thousand but less than one hundred
6 eighty-eight thousand inhabitants;

7 (b) Any city of the fourth classification with more than four thousand five hundred but
8 fewer than five thousand inhabitants;

9 (c) Any city of the fourth classification with more than eight thousand nine hundred but
10 fewer than nine thousand inhabitants;

11 (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine
12 thousand inhabitants;

13 (e) Any home rule city with more than seventy-three thousand but fewer than
14 seventy-five thousand inhabitants;

15 (f) Any city of the fourth classification with more than thirteen thousand five hundred
16 but fewer than sixteen thousand inhabitants;

17 (g) Any city of the fourth classification with more than seven thousand but fewer than
18 eight thousand inhabitants;

19 (h) Any city of the fourth classification with more than four thousand but fewer than four
20 thousand five hundred inhabitants and located in any county of the first classification with more
21 than one hundred fifty thousand but fewer than two hundred thousand inhabitants;

22 (i) Any city of the third classification with more than thirteen thousand but fewer than
23 fifteen thousand inhabitants and located in any county of the third classification without a
24 township form of government and with more than thirty-three thousand but fewer than
25 thirty-seven thousand inhabitants; or

26 (j) Any city of the fourth classification with more than three thousand but fewer than
27 three thousand three hundred inhabitants and located in any county of the third classification
28 without a township form of government and with more than eighteen thousand but fewer than
29 twenty thousand inhabitants and that is not the county seat of such county.

30 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby
31 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one
32 percent on all retail sales made in such city which are subject to taxation under the provisions
33 of ~~[sections 144.010 to 144.525]~~ **chapter 144** for the purpose of improving the public safety for
34 such city, including but not limited to expenditures on equipment, city employee salaries and
35 benefits, and facilities for police, fire and emergency medical providers. The tax authorized by
36 this section shall be in addition to any and all other sales taxes allowed by law, except that no
37 ordinance or order imposing a sales tax pursuant to the provisions of this section shall be
38 effective unless the governing body of the city submits to the voters of the city, at a county or
39 state general, primary or special election, a proposal to authorize the governing body of the city
40 to impose a tax.

41 2. If the proposal submitted involves only authorization to impose the tax authorized by
42 this section, the ballot of submission shall contain, but need not be limited to, the following
43 language:

44

45 Shall the city of _____ (city's name) impose a citywide sales tax of _____
46 (insert [amount] rate of percent) for the purpose of improving the public safety
47 of the city?

48 YES NO

49

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

52

53 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
54 of the proposal submitted pursuant to this subsection, then the ordinance or order and any
55 amendments thereto shall be in effect on the first day of the second calendar quarter after the
56 director of revenue receives notification of adoption of the local sales tax. If a proposal receives
57 less than the required majority, then the governing body of the city shall have no power to
58 impose the sales tax herein authorized unless and until the governing body of the city shall again
59 have submitted another proposal to authorize the governing body of the city to impose the sales
60 tax authorized by this section and such proposal is approved by the required majority of the
61 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section
62 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant
63 to this section.

64 3. All revenue received by a city from the tax authorized under the provisions of this
65 section shall be deposited in a special trust fund and shall be used solely for improving the public
66 safety for such city for so long as the tax shall remain in effect.

67 4. Once the tax authorized by this section is abolished or is terminated by any means, all
68 funds remaining in the special trust fund shall be used solely for improving the public safety for
69 the city. Any funds in such special trust fund which are not needed for current expenditures may
70 be invested by the governing body in accordance with applicable laws relating to the investment
71 of other city funds.

72 5. All sales taxes collected by the director of the department of revenue under this
73 section on behalf of any city, less one percent for cost of collection which shall be deposited in
74 the state's general revenue fund after payment of premiums for surety bonds as provided in
75 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known
76 as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be
77 deemed to be state funds and shall not be commingled with any funds of the state. The
78 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be
79 transferred and placed to the credit of the general revenue fund. The director of the department
80 of revenue shall keep accurate records of the amount of money in the trust and which was

81 collected in each city imposing a sales tax pursuant to this section, and the records shall be open
82 to the inspection of officers of the city and the public. Not later than the tenth day of each month
83 the director of the department of revenue shall distribute all moneys deposited in the trust fund
84 during the preceding month to the city which levied the tax; such funds shall be deposited with
85 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall
86 be by an appropriation act to be enacted by the governing body of each such city. Expenditures
87 may be made from the fund for any functions authorized in the ordinance or order adopted by
88 the governing body submitting the tax to the voters.

89 6. The director of the department of revenue may make refunds from the amounts in the
90 trust fund and credited to any city for erroneous payments and overpayments made, and may
91 redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes
92 the tax, the city shall notify the director of the department of revenue of the action at least ninety
93 days prior to the effective date of the repeal and the director of the department of revenue may
94 order retention in the trust fund, for a period of one year, of two percent of the amount collected
95 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
96 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
97 after the effective date of abolition of the tax in such city, the director of the department of
98 revenue shall remit the balance in the account to the city and close the account of that city. The
99 director of the department of revenue shall notify each city of each instance of any amount
100 refunded or any check redeemed from receipts due the city.

101 7. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
102 shall apply to the tax imposed pursuant to this section.

144.010. ~~[1-]~~ The following words, terms, and phrases when used in ~~[sections 144.010~~
2 ~~to 144.525]~~ **this chapter shall** have the meanings ascribed to them in this section, except when
3 the context indicates a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and other similar
5 accommodations and charges made therefor and amount paid for admission, exclusive of any
6 admission tax imposed by the federal government or ~~[by sections 144.010 to 144.525]~~ **under**
7 **chapter 144;**

8 (2) **"Advertising and promotional direct mail", printed material that meets the**
9 **definition of direct mail, the primary purpose of which is to attract public attention to a**
10 **product, person, business, or organization or to attempt to sell, popularize, or secure**
11 **financial support for a product, person, business, or organization. As used in this**
12 **subdivision, the word "product" means tangible personal property, a product transferred**
13 **electronically, or a service;**

14 (3) **"Agreement", the streamlined sales and use tax agreement, as amended;**

15 (4) "Air-to-ground radiotelephone service", a radiotelephone service, as that term
16 is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide
17 radio telecommunications service for hire to subscribers in aircraft;

18 (5) "Alcoholic beverages", beverages that are suitable for human consumption and
19 contain one-half of one percent or more of alcohol by volume;

20 (6) "Ancillary services", services that are associated with or incidental to the
21 provisions of telecommunications services including, but not limited to, detailed
22 telecommunications billing, directory assistance, vertical service, and voice mail services.
23 "Ancillary services" shall not include specified digital products, digital audio-visual works,
24 digital audio works, or digital books;

25 (7) "Appliances", clothes washers and dryers, water heaters, trash compactors,
26 dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators,
27 and freezers;

28 (8) "Bottled water", water that is placed in a safety-sealed container or package for
29 human consumption. "Bottled water" is calorie free and does not contain sweeteners or
30 other additives except that it may contain:

31 (a) Antimicrobial agents;

32 (b) Carbonation;

33 (c) Fluoride;

34 (d) Oxygen;

35 (e) Preservatives;

36 (f) Vitamins, minerals, and electrolytes; or

37 (g) Only those flavors, extracts, or essences derived from a spice or fruit.

38

39 "Bottled water" includes water that is delivered to the buyer in a reusable container that
40 is not sold with the water;

41 (9) "Bundled transaction":

42 (a) The retail sale of two or more products, except real property and services to real
43 property, in which the products are otherwise distinct and identifiable, and the products
44 are sold for one nonitemized price. A "bundled transaction" shall not include the sale of
45 any products in which the sales price varies or is negotiable based on the selection by the
46 purchaser of the products included in the transaction;

47 (b) As used in this subdivision, the term "distinct and identifiable products" shall
48 not include:

49 **a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials,**
50 **such as wrapping, labels, tags, and instruction guides, that accompanies the retail sale of**
51 **the products and is incidental or immaterial to the retail sale thereof;**

52 **b. A product provided free of charge with the required purchase of another**
53 **product. A product is provided free of charge if the sales price of the product purchased**
54 **does not vary depending on the inclusion of the product provided free of charge; or**

55 **c. Items included in the definition of the term "sales price";**

56 **(c) As used in this subdivision, the term "one nonitemized price" shall not include**
57 **a price that is separately identified by product on binding sales or other supporting**
58 **sales-related documentation made available to the customer in paper or electronic form**
59 **including, but not limited to, an invoice, bill of sale, receipt, contract, service agreement,**
60 **lease agreement, periodic notice of rates and services, rate card, or price list; and**

61 **(d) A transaction that otherwise meets the definition of a bundled transaction as**
62 **defined in this subdivision shall not constitute a bundled transaction if it is:**

63 **a. A retail sale of tangible personal property and a service, if the tangible personal**
64 **property is essential to the use of the service and is provided exclusively in connection with**
65 **the service, and the true object of the transaction is the service;**

66 **b. A retail sale of services in which one service is provided that is essential to the**
67 **use or receipt of a second service, the first service is provided exclusively in connection with**
68 **the second service, and the true object of the transaction is the second service;**

69 **c. A transaction that includes taxable products and nontaxable products and the**
70 **sales price of the taxable products is de minimis. "De minimis" means the sales price of**
71 **the taxable product is ten percent or less of the total sales price of the bundled products.**
72 **Sellers shall use the sales price of the products to determine if the taxable products are de**
73 **minimis. Sellers shall use the full term of a service contract to determine if the taxable**
74 **products are de minimis; or**

75 **d. A retail sale of exempt tangible personal property and taxable tangible personal**
76 **property if:**

77 **(i) The transaction includes food and food ingredients, drugs, durable medical**
78 **equipment, mobility-enhancing equipment, over-the-counter drugs, prosthetic devices, or**
79 **medical supplies; and**

80 **(ii) The seller's purchase price or sales price of the taxable tangible personal**
81 **property is fifty percent or less of the total sales price of the bundled tangible personal**
82 **property. Sellers shall not use a combination of the purchase price and sales price of the**
83 **tangible personal property to make the fifty-percent determination for a transaction;**

84 **(10)** "Business" includes any activity engaged in by any person, or caused to be engaged
85 in by him, with the object of gain, benefit or advantage, either direct or indirect, and the
86 classification of which business is of such character as to be subject to the terms of ~~[sections~~
87 ~~144.010 to 144.525]~~ **chapter 144**. ~~[A person is "engaging in business" in this state for purposes~~
88 ~~of sections 144.010 to 144.525 if such person engages in business activities within this state or~~
89 ~~maintains a place of business in this state under section 144.605.]~~ The isolated or occasional sale
90 of tangible personal property, service, substance, or thing, by a person not engaged in such
91 business, does not constitute engaging in business within the meaning of ~~[sections 144.010 to~~
92 ~~144.525]~~ **chapter 144** unless the total amount of the gross receipts from such sales, exclusive
93 of receipts from the sale of tangible personal property by persons which property is sold in the
94 course of the partial or complete liquidation of a household, farm or nonbusiness enterprise,
95 exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not
96 be construed to make any sale of property which is exempt from sales tax or use tax on June 1,
97 1977, subject to that tax thereafter;

98 ~~[(3)]~~ **(11)** "Calendar quarter", the period of three consecutive calendar months
99 ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first;

100 **(12)** "Call-by-call basis", any method of charging for telecommunications services
101 in which the price is measured by individual calls;

102 **(13)** "Candy", a preparation of sugar, honey, or other natural or artificial
103 sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings
104 in the form of bars, drops, or pieces. "Candy" shall not include any preparation
105 containing flour and shall not require refrigeration;

106 **(14)** "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,
107 northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer,
108 captive elk, and captive furbearers held under permit issued by the Missouri department of
109 conservation for hunting purposes. The provisions of this subdivision shall not apply to sales
110 tax on a harvested animal;

111 ~~[(4)]~~ **(15)** "Certified automated system" or "CAS", software certified under the
112 streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction
113 on a transaction, to determine the amount of tax to remit to the appropriate state, and to
114 maintain a record of the transaction;

115 **(16)** "Certified service provider" or "CSP", an agent certified under the
116 streamlined sales and use tax agreement to perform all of the seller's sales and use tax
117 functions, other than the seller's obligation to remit tax on its own purchases;

118 **(17)** "Clothing":

119 **(a)** All human wearable apparel suitable for general use;

- 120 **(b) "Clothing" shall include, but is not limited to:**
121 **a. Aprons, household and shop;**
122 **b. Athletic supporters;**
123 **c. Baby receiving blankets;**
124 **d. Bathing suits and caps;**
125 **e. Beach capes and coats;**
126 **f. Belts and suspenders;**
127 **g. Boots;**
128 **h. Coats and jackets;**
129 **i. Costumes;**
130 **j. Diapers, children and adult, including disposable diapers;**
131 **k. Ear muffs;**
132 **l. Footlets;**
133 **m. Formal wear;**
134 **n. Garters and garter belts;**
135 **o. Girdles;**
136 **p. Gloves and mittens for general use;**
137 **q. Hats and caps;**
138 **r. Hosiery;**
139 **s. Insoles for shoes;**
140 **t. Lab coats;**
141 **u. Neckties;**
142 **v. Overshoes;**
143 **w. Pantyhose;**
144 **x. Rainwear;**
145 **y. Rubber pants;**
146 **z. Sandals;**
147 **aa. Scarves;**
148 **bb. Shoes and shoe laces;**
149 **cc. Slippers;**
150 **dd. Sneakers;**
151 **ee. Socks and stockings;**
152 **ff. Steel-toed shoes;**
153 **gg. Underwear;**
154 **hh. Uniforms, athletic and nonathletic; and**
155 **ii. Wedding apparel; and**

- 156 (c) "Clothing" shall not include:
157 a. Belt buckles sold separately;
158 b. Costume masks sold separately;
159 c. Patches and emblems sold separately;
160 d. Sewing equipment and supplies including, but not limited to, knitting needles,
161 patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; or
162 e. Sewing materials that become part of clothing including, but not limited to,
163 buttons, fabric, lace, thread, yarn, and zippers;
- 164 (18) "Clothing accessories and equipment", incidental items worn on the person
165 or in conjunction with clothing. "Clothing accessories and equipment" is mutually
166 exclusive of clothing, sport or recreational equipment, and protective equipment;
- 167 (19) "Coin-operated telephone service", a telecommunications service paid for by
168 inserting moneys into a telephone accepting direct deposits of moneys to operate;
- 169 (20) "Communications channel", a physical or virtual path of communications over
170 which signals are transmitted between or among customer channel termination points;
- 171 (21) "Computer", an electronic device that accepts information in digital or similar
172 form and manipulates it for a result based on a sequence of instructions;
- 173 (22) "Computer software", a set of coded instructions designed to cause a computer
174 or automatic data processing equipment to perform a task. "Computer software" shall not
175 include specified digital products, digital audio-visual works, digital audio works, or digital
176 books;
- 177 (23) "Conference bridging service", an ancillary service that links two or more
178 participants of an audio or video conference call and may include the provision of a
179 telephone number. "Conference bridging service" shall not include the
180 telecommunications services used to reach the conference bridge;
- 181 (24) "Customer", the person or entity that contracts with the seller of
182 telecommunications services. If the end user of the telecommunications service is not the
183 contracting party, the end user of the telecommunications service is the customer of the
184 telecommunications service; but this definition only applies to the purpose of sourcing sales
185 of telecommunications services under section 144.114. "Customer" shall not include a
186 reseller of telecommunications service or, for mobile telecommunications, service of a
187 serving carrier under an agreement to serve a customer outside the home service provider's
188 licensed service area;
- 189 (25) "Customer channel termination point", the location where the customer either
190 inputs or receives the communication;

- 191 (26) "Delivered electronically", delivered to the purchaser by means other than
192 tangible storage media;
- 193 (27) "Delivery charges", charges by the seller of personal property or services for
194 preparation and delivery to a location designated by the purchaser of personal property
195 or services including, but not limited to, transportation, shipping, postage, handling,
196 crating, and packing;
- 197 (28) "Detailed telecommunications billing service", an ancillary service of
198 separately stated information pertaining to individual calls on a customer's billing
199 statement;
- 200 (29) "Dietary supplement", any product, other than tobacco, intended to
201 supplement the diet that contains one or more of the following dietary ingredients: a
202 vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use
203 by humans to supplement the diet by increasing the total dietary intake, or a concentrate,
204 metabolite, constituent, extract, or combination of any ingredient described above; that is
205 intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form or, if not
206 intended for ingestion in such a form, is not represented as a conventional food and is not
207 represented for use as a sole item of a meal or of the diet; and that is required to be labeled
208 as a dietary supplement, identifiable by the supplemental facts box found on the label and
209 as required under 21 CFR 101.36;
- 210 (30) "Digital audio works", digital works that result from the fixation of a series
211 of musical, spoken, or other sounds, including, but not limited to, ringtones;
- 212 (31) "Digital audio-visual works", a series of related images that, if shown in
213 succession, imparts an impression of motion, together with accompanying sounds, if any;
- 214 (32) "Digital books", digital works that are generally recognized in the ordinary
215 and usual sense as books;
- 216 (33) "Direct mail", printed material delivered or distributed by United States mail
217 or other delivery service to a mass audience or to addressees on a mailing list provided by
218 the purchaser or at the direction of the purchaser if the cost of the items is not billed
219 directly to the recipients. "Direct mail" shall include tangible personal property supplied
220 directly or indirectly by the purchaser to the direct mail seller for inclusion in the package
221 containing the printed material. "Direct mail" shall not include multiple items of printed
222 material delivered to a single address;
- 223 (34) "Directory assistance", an ancillary service of providing telephone number
224 information or address information;

225 (35) "Drug", a compound, substance, or preparation, and any component of a
226 compound, substance, or preparation, other than food and food ingredients, dietary
227 supplements, alcoholic beverages, or grooming and hygiene products, that is:

228 (a) Recognized in the official United States Pharmacopoeia, official Homeopathic
229 Pharmacopoeia of the United States, official National Formulary, or a supplement to any
230 of these sources, or their successor publications;

231 (b) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of
232 disease; or

233 (c) Intended to affect the structure or any function of the body.

234

235 "Drug" shall include insulin and medical oxygen;

236 (36) "Durable medical equipment", equipment, including repair and replacement
237 parts for the same, excluding mobility-enhancing equipment. "Durable medical
238 equipment":

239 (a) Can withstand repeated use;

240 (b) Is primarily and customarily used to serve a medical purpose;

241 (c) Is generally not useful to a person in the absence of illness or injury;

242 (d) Is not worn in or on the body;

243 (e) Is for home use;

244 (f) Is within the classification of devices eligible for MO HealthNet and Medicare
245 reimbursement; and

246 (g) Shall not include:

247 a. Kidney dialysis equipment not worn in or on the body, including repair and
248 replacement parts; or

249 b. Enteral feeding systems not worn in or on the body, including repair and
250 replacement parts.

251

252 As used in this subdivision, "repair and replacement parts" shall include all components
253 or attachments used in conjunction with the durable medical equipment;

254 (37) "Electronic", relating to technology having electrical, digital, magnetic,
255 wireless, optical, electromagnetic, or similar capabilities;

256 (38) "End user", the person who utilizes the telecommunication service. In case of
257 an entity, "end user" means the individual who utilizes the service on behalf of the entity;

258 (39) "Energy Star qualified product", a product that meets the energy efficiency
259 guidelines set by the United States Environmental Protection Agency and the United States

260 Department of Energy and that is authorized to carry the Energy Star label. Covered
261 products are those listed at www.energystar.gov or a successor address;

262 (40) "Engages in business activities within this state":

263 (a) Shall include:

264 a. Maintaining or having a franchisee or licensee operating under the seller's trade
265 name in this state if the franchisee or licensee is required to collect sales tax under sections
266 144.010 to 144.527; or

267 b. Soliciting sales or taking orders by sales agents or traveling representatives;

268 (b) A vendor is presumed to engage in business activities within this state if any
269 person, other than a common carrier acting in its capacity as such, that has substantial
270 nexus with this state:

271 a. Sells a similar line of products as the vendor and does so under the same or a
272 similar business name;

273 b. Maintains an office, distribution facility, warehouse, storage place, or similar
274 place of business in this state to facilitate the delivery of property or services sold by the
275 vendor to the vendor's customers;

276 c. Delivers, installs, assembles, or performs maintenance services for the vendor's
277 customers within this state;

278 d. Facilitates the vendor's delivery of property to customers in this state by allowing
279 the vendor's customers to pick up property sold by the vendor at an office, distribution
280 facility, warehouse, storage place, or similar place of business maintained by the person in
281 this state; or

282 e. Conducts any other activities in this state that are significantly associated with
283 the vendor's ability to establish and maintain a market in this state for sales;

284 (c) The presumption in paragraph (b) of this subdivision may be rebutted by
285 demonstrating that the person's activities in this state are not significantly associated with
286 the vendor's ability to establish or maintain a market in this state for the vendor's sales;

287 (d) Notwithstanding paragraph (b) of this subdivision, a vendor shall be presumed
288 to engage in business activities within this state if the vendor enters into an agreement with
289 one or more residents of this state under which the resident, for a commission or other
290 consideration, directly or indirectly refers potential customers, whether by a link on an
291 internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor
292 if the cumulative gross receipts from sales by the vendor to referred customers in this state
293 by all residents with this type of an agreement with the vendor exceeds ten thousand
294 dollars during the preceding twelve months;

295 (e) The presumption in paragraph (d) of this subdivision may be rebutted by
296 submitting proof that the residents with whom the vendor has an agreement did not engage
297 in any activity within this state that was significantly associated with the vendor's ability
298 to establish or maintain the vendor's market in this state during the preceding twelve
299 months. Such proof may consist of sworn written statements from all of the residents with
300 whom the vendor has an agreement stating that they did not engage in any solicitation in
301 this state on behalf of the vendor during the preceding year, provided that such statements
302 were provided and obtained in good faith;

303 (41) "Food and food ingredients", substances, whether in liquid, concentrated,
304 solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans
305 and are consumed for their taste or nutritional value. "Food and food ingredients" shall
306 not include alcoholic beverages, tobacco, or dietary supplements;

307 (42) "Food sold through vending machines", food, food ingredients, prepared food,
308 bottled water, candy, soft drinks, and other beverages, dispensed from a machine or other
309 mechanical device that accepts payment;

310 (43) "Grooming and hygiene products", soaps and cleaning solutions, shampoos,
311 toothpastes, mouthwashes, antiperspirants, and suntan lotions and sunscreens, regardless
312 of whether the items meet the definition of over-the-counter drugs;

313 (44) "Gross receipts"[5] or "sales price":

314 (a) Except as provided in section 144.012, ~~[means the total amount of the sale price of~~
315 ~~the sales at retail including any services other than charges incident to the extension of credit that~~
316 ~~are a part of such sales made by the businesses herein referred to, capable of being valued in~~
317 ~~money, whether received in money or otherwise; except that, the term gross receipts shall not~~
318 ~~include the sale price of property returned by customers when the full sale price thereof is~~
319 ~~refunded either in cash or by credit. In determining any tax due under sections 144.010 to~~
320 ~~144.525 on the gross receipts, charges incident to the extension of credit shall be specifically~~
321 ~~exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price~~
322 ~~above mentioned shall be deemed to be the amount received. It shall also include the lease or~~
323 ~~rental consideration where the right to continuous possession or use of any article of tangible~~
324 ~~personal property is granted under a lease or contract and such transfer of possession would be~~
325 ~~taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale~~
326 ~~were made and considered as a sale of such article, and the tax shall be computed and paid by~~
327 ~~the lessee upon the rentals paid. The term gross receipts shall not include usual and customary~~
328 ~~delivery charges that are stated separately from the sale price;~~

329 ~~——(5)] applies to the measure subject to sales tax and means the total amount of~~
330 ~~consideration, including cash, credit, property, and services, for which personal property~~

331 or services are sold, leased, or rented and is valued in moneys, whether received in moneys
332 or otherwise, without any deduction for the following:

333 a. The seller's cost of the property sold;

334 b. The cost of materials used, labor or service cost, interest, losses, all costs of
335 transportation to the seller, all taxes imposed on the seller, and any other expense of the
336 seller;

337 c. Charges by the seller for any services necessary to complete the sale, other than
338 delivery and installation charges;

339 d. Delivery charges; and

340 e. Credit for any trade-in;

341 (b) The term shall not include:

342 a. Discounts, including cash, term, or coupons, that are not reimbursed by a third
343 party and that are allowed by a seller and taken by a purchaser on a sale;

344 b. Interest, financing, and carrying charges from credit extended on the sale of
345 personal property or services if the amount is separately stated on the invoice, bill of sale,
346 or similar document given to the purchaser; and

347 c. Any taxes legally imposed directly on the consumer that are separately stated on
348 the invoice, bill of sale, or similar document given to the purchaser; and

349 (c) The term shall include consideration received by the seller from third parties
350 if:

351 a. The seller actually receives consideration from a party other than the purchaser,
352 and the consideration is directly related to a price reduction or discount on the sale;

353 b. The seller has an obligation to pass the price reduction or discount through to
354 the purchaser;

355 c. The amount of the consideration attributable to the sale is fixed and
356 determinable by the seller at the time of the sale of the item to the purchaser; and

357 d. One of the following criteria is met:

358 (i) The purchaser presents a coupon, certificate, or other documentation to the
359 seller to claim a price reduction or discount where the coupon, certificate, or
360 documentation is authorized, distributed, or granted by a third party with the
361 understanding that the third party will reimburse any seller to whom the coupon,
362 certificate, or documentation is presented;

363 (ii) The purchaser identifies himself or herself to the seller as a member of a group
364 or organization entitled to a price reduction or discount. A preferred customer card that
365 is available to any patron shall not constitute membership in such a group; or

366 (iii) The price reduction or discount is identified as a third-party price reduction
367 or discount on the invoice received by the purchaser or on a coupon, certificate, or other
368 documentation presented by the purchaser;

369 (45) "Home service provider", the same as such term is defined under the Mobile
370 Telecommunications Sourcing Act, Section 124(5) of Pub. L. 106-252;

371 (46) "Instructional class", includes any class, lesson, or instruction intended or used for
372 teaching;

373 [~~(6)~~] (47) "Lease or rental":

374 (a) Any transfer of possession or control of tangible personal property for a fixed
375 or indeterminate term for consideration. "Lease or rental" may include future options to
376 purchase or extend;

377 (b) "Lease or rental" shall not include:

378 a. A transfer of possession or control of property under a security agreement or
379 deferred payment plan that requires the transfer of title upon completion of the required
380 payments;

381 b. A transfer of possession or control of property under an agreement that requires
382 the transfer of title upon completion of required payments if the payment of an option
383 price does not exceed the greater of one hundred dollars or one percent of the total
384 required payments; or

385 c. Providing tangible personal property along with an operator for a fixed or
386 indeterminate period of time, provided that the operator is necessary for the equipment to
387 perform as designed and that the operator does more than maintain, inspect, or set up the
388 tangible personal property; and

389 (c) "Lease or rental" includes agreements covering motor vehicles and trailers if
390 the amount of consideration may be increased or decreased by reference to the amount
391 realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1),
392 as amended;

393 (48) "Light aircraft", a light airplane that seats no more than four persons, with
394 a gross weight of three thousand pounds or less, and is primarily used for recreational
395 flying or flight training;

396 (49) "Light aircraft kit", factory manufactured light aircraft parts and
397 components, including engine, propeller, instruments, wheels, brakes, and air frame parts
398 that make up a complete aircraft kit or partial kit, designed to be assembled into a light
399 aircraft and then operated by a qualified light aircraft purchaser for recreational or
400 educational purposes;

401 **(50) "Light aircraft parts and components", manufactured light aircraft parts,**
402 **including air frame and engine parts, that are required by the qualified light aircraft**
403 **purchaser to complete a light aircraft kit, or spare or replacement parts for an already**
404 **completed light aircraft;**

405 **(51) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,**
406 **ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison,**
407 **elk documented as obtained from a legal source and not from the wild, goats, horses, other**
408 **equine, honey bees, or rabbits raised in confinement for human consumption;**

409 ~~(52)~~ **(52) "Load and leave", delivery to the purchaser by use of a tangible storage**
410 **media if the tangible storage media is not physically transferred to the purchaser;**

411 **(53) "Maintains a place of business in this state" includes maintaining, occupying,**
412 **or using, permanently or temporarily, directly or indirectly, or through a subsidiary or**
413 **agent, by any name called, an office, place of distribution, sales or sample room or place,**
414 **warehouse or storage place, or other place of business;**

415 **(54) "Manufactured home", the same meaning as such term is defined under**
416 **section 700.010;**

417 **(55) "Mobile telecommunications service", the same meaning as such term is**
418 **defined under the Mobile Telecommunications Sourcing Act, Section 124(7) of Pub. L.**
419 **106-252;**

420 **(56) "Mobility-enhancing equipment", equipment, including repair and**
421 **replacement parts to the same, that:**

422 **(a) Is primarily and customarily used to provide or increase the ability to move**
423 **from one place to another and that is appropriate for use either in a home or motor**
424 **vehicle;**

425 **(b) Is not generally used by persons with normal mobility; and**

426 **(c) Is within the classification of devices eligible for MO HealthNet and Medicare**
427 **reimbursement.**

428

429 **"Mobility-enhancing equipment" shall not include durable medical equipment or any**
430 **motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle**
431 **manufacturer;**

432 **(57) "Model 1 seller", a seller registered under the agreement that has selected a**
433 **certified service provider as its agent to perform all the seller's sales and use tax functions,**
434 **other than the seller's obligation to remit tax on its own purchases;**

435 **(58) "Model 2 seller", a seller that has selected a certified automated system (CAS)**
436 **to perform part of its sales and use tax functions, but retains responsibility for remitting**
437 **the tax;**

438 **(59) "Model 3 seller", a seller registered under the agreement that has sales in at**
439 **least five member states, has total annual sales revenue of at least five hundred million**
440 **dollars, has a proprietary system that calculates the amount of tax due in each jurisdiction,**
441 **and has entered into a performance agreement with the member states that establishes a**
442 **tax performance standard for the seller. As used in this subdivision, a seller shall include**
443 **an affiliated group of sellers using the same proprietary system;**

444 **(60) "Model 4 seller", a seller that is registered under the agreement and is not a**
445 **model 1 seller, a model 2 seller, or a model 3 seller;**

446 **(61) "Motor vehicle leasing company", ~~shall be~~ a company obtaining a permit from the**
447 **director of revenue to operate as a motor vehicle leasing company. Not all persons renting or**
448 **leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to**
449 **obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section**
450 **144.070, as hereinafter provided;**

451 ~~[(8)]~~ **(62) "Optional computer software maintenance contract", a computer**
452 **software maintenance contract that a customer is not obligated to purchase as a condition**
453 **to the retail sale of computer software;**

454 **(63) "Other direct mail", any direct mail that is not advertising and promotional**
455 **direct mail regardless of whether advertising and promotional direct mail is included in**
456 **the same mailing. "Other direct mail" includes, but is not limited to:**

457 **(a) Transactional direct mail that contains personal information specific to the one**
458 **addressee including, but not limited to, invoices, bills, statements of account, and payroll**
459 **advice;**

460 **(b) Any legally required mailings including, but not limited to, privacy notices, tax**
461 **reports, and stockholder reports; and**

462 **(c) Other nonpromotional direct mail delivered to existing or former shareholders,**
463 **customers, employees, or agents including, but not limited to, newsletters and**
464 **informational pieces.**

465

466 **"Other direct mail" shall not include the development of billing information or the**
467 **provision of any data processing service that is more than incidental;**

468 **(64) "Over-the-counter drug", a drug, excluding grooming and hygiene products,**
469 **that contains a label required by 21 CFR 201.66 that identifies the product as a drug and**
470 **includes:**

- 471 **(a) A drug facts panel; or**
472 **(b) A statement of the active ingredients with a list of those ingredients contained**
473 **in the compound, substance, or preparation;**
- 474 **(65) "Person" includes any individual, firm, copartnership, joint adventure, association,**
475 **corporation, municipal or private, and whether organized for profit or not, state, county, political**
476 **subdivision, state department, commission, board, bureau or agency, [~~except the state~~**
477 **transportation department,] estate, trust, business trust, receiver or trustee appointed by the state**
478 **or federal court, syndicate, [or] any other group or combination acting as a unit, or any other**
479 **legal entity, and the plural as well as the singular number;**
- 480 **[~~(65)~~] (66) "Place of primary use", the street address representative of where the**
481 **customer's use of the telecommunications service primarily occurs, which shall be the**
482 **residential street address or the primary business street address of the customer. In the**
483 **case of mobile telecommunications services, "place of primary use" shall be within the**
484 **licensed service area of the home service provider;**
- 485 **(67) "Post-paid calling service", the telecommunications service obtained by**
486 **making a payment on a call-by-call basis either through the use of a credit card or payment**
487 **mechanism such as a bank card, travel card, credit card, or debit card or by a charge made**
488 **to a telephone number that is not associated with the origination or termination of the**
489 **telecommunications service. A "post-paid calling service" includes a telecommunications**
490 **service, except a prepaid wireless calling service, that would be a prepaid calling service**
491 **except it is not exclusively a telecommunications service;**
- 492 **(68) "Prepaid calling service", the right to access exclusively telecommunications**
493 **services that is paid for in advance; that enables the origination of calls using an access**
494 **number or authorization code, whether manually or electronically dialed; and that is sold**
495 **in predetermined units or dollars, which decline with use in a known amount;**
- 496 **(69) "Prepaid wireless calling service", a telecommunications service that provides**
497 **the right to utilize mobile wireless services as well as other nontelecommunications services,**
498 **including the download of digital products delivered electronically and content and**
499 **ancillary services; that is paid for in advance; and that is sold in predetermined units or**
500 **dollars, which decline with use in a known amount;**
- 501 **(70) "Prepared food", food sold in a heated state or heated by the seller; two or**
502 **more food ingredients mixed or combined by the seller for sale as a single item; or food**
503 **sold with eating utensils provided by the seller, including plates, knives, forks, spoons,**
504 **glasses, cups, napkins, or straws. A "plate" shall not include a container or packaging**
505 **used to transport the food. "Prepared food" shall not include food that is only cut,**
506 **repackaged, or pasteurized by the seller, or eggs, fish, meat, poultry, or foods containing**

507 these raw animal foods requiring cooking by the consumer, as recommended by the Food
508 and Drug Administration in Chapter 3, Part 401.11 of the Food Code, to prevent foodborne
509 illnesses;

510 (71) "Prescription", an order, formula, or recipe issued in any form of oral,
511 written, electronic, or other means of transmission by a duly licensed practitioner
512 authorized by the laws of this state;

513 (72) "Prewritten computer software", computer software, including prewritten
514 upgrades, that is not designed and developed by the author or other creator to the
515 specifications of a specific purchaser. The combining of two or more prewritten computer
516 software programs or prewritten portions thereof shall not cause the combination to be
517 other than prewritten computer software. "Prewritten computer software" shall include
518 software designed and developed by the author or other creator to the specifications of a
519 specific purchaser if it is sold to a person other than the specific purchaser. If a person
520 modifies or enhances computer software of which the person is not the author or creator,
521 the person shall be deemed to be the author or creator only of such person's modifications
522 or enhancements. Prewritten computer software or a prewritten portion thereof that is
523 modified or enhanced to any degree, if such modification or enhancement is designed and
524 developed to the specifications of a specific purchaser, remains prewritten computer
525 software; provided that, such modification or enhancement shall not constitute prewritten
526 computer software where there is a reasonable, separately stated charge, invoice, or other
527 statement of the price given to the purchaser;

528 (73) "Private communication service", a telecommunications service that entitles
529 the customer to exclusive or priority use of a communications channel or group of channels
530 between or among termination points, regardless of the manner in which such channel or
531 channels are connected, and includes switching capacity, extension lines, stations, and any
532 other associated services that are provided in connection with the use of such channel or
533 channels;

534 (74) "Product-based exemption", an exemption based on the description of the
535 product and not based on who purchases the product or how the purchaser intends to use
536 the product;

537 (75) "Product which is intended to be sold ultimately for final use or consumption",
538 [means] tangible personal property[;] or any service that is subject to state or local sales or use
539 taxes[;] or any tax that is substantially equivalent thereto, in this state or any other state;

540 [(10)] (76) "Prosthetic device", a replacement, corrective, or supportive device,
541 including repair and replacement parts for the same, worn in or on the body to artificially
542 replace a missing portion of the body, prevent or correct a physical deformity or

543 malfunction, or support a weak or deformed portion of the body. The term "prosthetic
544 device" shall not include corrective eyeglasses or contact lenses and shall be limited to the
545 classification of devices eligible for MO HealthNet and Medicare reimbursement;

546 (77) "Protective equipment", items for human wear and designed as protection for
547 the wearer against injury or disease or as protection against damage or injury of other
548 persons or property but not suitable for general use. "Protective equipment" is mutually
549 exclusive of clothing, clothing accessories or equipment, and sport or recreational
550 equipment;

551 (78) "Purchase", the acquisition of the ownership of or title to tangible personal
552 property through a sale, as defined herein, for the purpose of storage, use, or consumption
553 in this state;

554 (79) "Purchase price", applies to the measure subject to use tax and has the same
555 meaning as "sales price";

556 (80) "Purchaser", [means] a person [who purchases tangible] to whom a sale of personal
557 property is made or to whom [are rendered services, receipts from which are taxable under
558 sections 144.010 to 144.525] a service is rendered;

559 [(11)] (81) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light
560 aircraft kit, or light aircraft parts or components who is a nonresident of this state; who
561 will transport the light aircraft, light aircraft kit, or light aircraft parts or components
562 outside this state within ten days after the date of purchase; and who will register any light
563 aircraft so purchased in another state or country. A qualified light aircraft purchaser shall
564 not base the light aircraft, light aircraft kit, or light aircraft parts in this state, and a
565 qualified light aircraft purchaser shall not be a resident of this state unless such purchaser
566 has paid sales or use tax on such aircraft in another state;

567 (82) "Receive" or "receipt", taking possession of tangible personal property,
568 making first use of services, or taking possession or making first use of digital goods,
569 whichever occurs first. "Receive" or "receipt" shall not include possession by a shipping
570 company on behalf of the purchaser;

571 (83) "Registered under the agreement", registration by a seller with the member
572 states under the central registration system provided in article IV of the agreement;

573 (84) "Research or experimentation activities" are the development of an experimental
574 or pilot model, plant process, formula, invention or similar property, and the improvement of
575 existing property of such type. Research or experimentation activities do not include activities
576 such as ordinary testing or inspection of materials or products for quality control, efficiency
577 surveys, advertising promotions or research in connection with literary, historical or similar
578 projects;

579 ~~[(12) "Sale" or "sales" includes installment and credit sales, and the exchange of~~
 580 ~~properties as well as the sale thereof for money, every closed transaction constituting a sale, and~~
 581 ~~means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means~~
 582 ~~whatsoever, of tangible personal property for valuable consideration and the rendering,~~
 583 ~~furnishing or selling for a valuable consideration any of the substances, things and services~~
 584 ~~herein designated and defined as taxable under the terms of sections 144.010 to 144.525;~~

585 ~~——(13)]~~ **(85) "Sale at retail"** ~~[means any transfer made by any person engaged in business~~
 586 ~~as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for~~
 587 ~~use or consumption and not for resale in any form as tangible personal property, for a valuable~~
 588 ~~consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed~~
 589 ~~thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,~~
 590 ~~optometrists and veterinarians and used in the practice of their professions shall be deemed to~~
 591 ~~be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,~~
 592 ~~computer output or microfilm or microfiche and computer-assisted photo compositions to a~~
 593 ~~purchaser to enable the purchaser to obtain for his or her own use the desired information~~
 594 ~~contained in such computer printouts, computer output on microfilm or microfiche and~~
 595 ~~computer-assisted photo compositions shall be considered as the sale of a service and not as the~~
 596 ~~sale of tangible personal property] or "retail sale", any sale, lease, or rental for any purpose~~
 597 **other than for resale, sublease, or subrent. Purchases of tangible personal property made**
 598 **by duly licensed physicians, dentists, optometrists, and veterinarians and used in the**
 599 **practice of their professions shall be deemed purchases for use or consumption and not for**
 600 **resale.** Where necessary to conform to the context of ~~[sections 144.010 to 144.525]~~ **chapter 144**
 601 and the tax imposed thereby, the term sale at retail shall be construed to embrace:

602 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of
 603 amusement, entertainment and recreation, games and athletic events, except amounts paid for
 604 any instructional class;

605 (b) Sales of electricity, electrical current, water, and gas, natural or artificial, to domestic,
 606 commercial, or industrial consumers;

607 (c) Sales of ~~[local and long distance]~~ telecommunications ~~[service to telecommunications~~
 608 ~~subscribers]~~ **services** and ~~[to others through equipment of telecommunications subscribers for~~
 609 ~~the transmission of messages and conversations,]~~ **ancillary services** and the sale, rental, or
 610 leasing of all equipment or services pertaining or incidental thereto;

611 (d) Sales of service for transmission of messages by telegraph companies;

612 (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern,
 613 inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in
 614 which rooms, meals, or drinks are regularly served to the public; **and**

615 (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express
616 car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and
617 railroad safety of the department of economic development of Missouri, engaged in the
618 transportation of persons for hire;

619 [(14)] (86) "Sales price", see "gross receipts";

620 (87) "School art supply":

621 (a) An item commonly used by a student in a course of study for artwork. The term
622 is mutually exclusive of the terms "school supply", "school instructional material", and
623 "school computer supply"; and

624 (b) The following is an all-inclusive list:

625 a. Clay and glazes;

626 b. Paints: acrylic, tempera, and oil;

627 c. Paintbrushes for artwork;

628 d. Sketch and drawing pads; and

629 e. Watercolors;

630 (88) "School computer supply":

631 (a) An item commonly used by a student in a course of study in which a computer
632 is used. The term is mutually exclusive of the terms "school supply", "school art supply",
633 and "school instructional material"; and

634 (b) The following is an all-inclusive list:

635 a. Computer storage media, diskettes, and compact discs;

636 b. Hand-held electronic schedulers, except devices that are cellular phones;

637 c. Personal digital assistants, except devices that are cellular phones; and

638 d. Computer printers and printer supplies for computers, printer paper, and
639 printer ink;

640 (89) "School instructional material":

641 (a) Written material commonly used by a student in a course of study as a reference
642 and to learn the subject being taught. The term is mutually exclusive of the terms "school
643 supply", "school art supply", and "school computer supply"; and

644 (b) The following is an all-inclusive list:

645 a. Reference books;

646 b. Reference maps and globes;

647 c. Textbooks; and

648 d. Workbooks;

649 (90) "School supply":

650 (a) An item commonly used by a student in a course of study. The term is mutually
651 exclusive of the terms "school art supply", "school computer supply", and "school
652 instructional material"; and

653 (b) The following is an all-inclusive list:

654 a. Binders;

655 b. Blackboard chalk;

656 c. Book bags;

657 d. Calculators;

658 e. Cellophane tape;

659 f. Compasses;

660 g. Composition books;

661 h. Crayons;

662 i. Erasers;

663 j. Folders: expandable, pocket, plastic, and manila;

664 k. Glue, paste, and paste sticks;

665 l. Highlighters;

666 m. Index cards;

667 n. Index card boxes;

668 o. Legal pads;

669 p. Lunch boxes;

670 q. Markers;

671 r. Notebooks;

672 s. Paper: loose leaf, notebook paper, copy paper, graph paper, tracing paper,
673 manila paper, colored paper, poster board, and construction paper;

674 t. Pencil boxes and other school supply boxes;

675 u. Pencil sharpeners;

676 v. Pencils;

677 w. Pens;

678 x. Protractors;

679 y. Rulers;

680 z. Scissors; and

681 aa. Writing tablets;

682 (91) "Seller", ~~[means] a person [selling or furnishing tangible]~~ making sales, leases, or
683 rentals of personal property or ~~[rendering services, on the receipts from which a tax is imposed~~
684 ~~pursuant to section 144.020]~~ services;

685 ~~[(15)]~~ (92) "Selling agent", any person acting as a representative of a principal, if
686 such principal is not registered with the director of revenue of this state for the collection
687 of the taxes imposed under this chapter, and who receives compensation by reason of the
688 sale of tangible personal property of the principal if such property is to be stored, used, or
689 consumed in this state;

690 (93) "Service address":

691 (a) The location of the telecommunications equipment to which a customer's call
692 is charged and from which the call originates or terminates, regardless of where the call
693 is billed or paid;

694 (b) If the location in paragraph (a) of this subdivision is not known, "service
695 address" means the origination point of the signal of the telecommunications services first
696 identified by either the seller's telecommunications system or by information received by
697 the seller from its service provider if the system used to transport such signals is not that
698 of the seller; and

699 (c) If the location in paragraphs (a) and (b) of this subdivision is not known, the
700 service address shall be the location of the customer's place of primary use;

701 (94) "Specified digital products", electronically transferred digital audio-visual
702 works, digital audio works, and digital books;

703 (95) "Sport or recreational equipment", items designed for human use and worn
704 in conjunction with an athletic or recreational activity that are not suitable for general use.
705 "Sport or recreational equipment" is mutually exclusive of clothing, clothing accessories
706 or equipment, and protective equipment;

707 (96) "State", any state of the United States, the District of Columbia, and the
708 Commonwealth of Puerto Rico;

709 (97) "Storage", any keeping or retention in this state of tangible personal property
710 purchased from a vendor, except property for sale or property that is temporarily kept or
711 retained in this state for subsequent use outside this state;

712 (98) "Tangible personal property", personal property that can be seen, weighed,
713 measured, felt, or touched, or that is in any other manner perceptible to the senses.
714 "Tangible personal property" shall include electricity, water, gas, steam, and prewritten
715 computer software. "Tangible personal property" shall not include specified digital
716 products;

717 (99) ~~[The noun]~~ "Tax", ~~[means]~~ either the tax payable by the purchaser of a commodity
718 or service subject to tax, or the aggregate amount of taxes due from the vendor of such
719 commodities or services during the period for which he or she is required to report his or her
720 collections, as the context may require; ~~[and]~~

721 ~~[(16)]~~ **(100) "Taxpayer", any person remitting the tax or who is required to remit**
722 **the tax levied by this chapter;**

723 **(101) "Telecommunications nonrecurring charges", an amount billed for the**
724 **installation, connection, change, or initiation of telecommunications service received by the**
725 **customer;**

726 **(102) "Telecommunications service"**~~]; for the purpose of this chapter, the transmission~~
727 ~~of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar~~
728 ~~means. As used in this definition, "information" means knowledge or intelligence represented~~
729 ~~by any form of writing, signs, signals, pictures, sounds, or any other symbols.~~
730 ~~Telecommunications service does not include the following if such services are separately stated~~
731 ~~on the customer's bill or on records of the seller maintained in the ordinary course of business:~~

732 ~~—— (a) Access to the internet, access to interactive computer services or electronic publishing~~
733 ~~services, except the amount paid for the telecommunications service used to provide such access;~~

734 ~~—— (b) Answering services and one-way paging services;~~

735 ~~—— (c) Private mobile radio services which are not two-way commercial mobile radio~~
736 ~~services such as wireless telephone, personal communications services or enhanced specialized~~
737 ~~mobile radio services as defined pursuant to federal law; or~~

738 ~~—— (d) Cable or satellite television or music services] :~~

739 **(a) The electronic transmission, conveyance, or routing of voice, data, audio, video,**
740 **or any other information or signals to a point or between or among points;**

741 **(b) "Telecommunications service" shall include such transmission, conveyance, or**
742 **routing in which computer processing applications are used to act on the form, code, or**
743 **protocol of the content for purposes of transmission, conveyance, or routing without regard**
744 **to whether such service is referred to as voice over internet protocol services or is classified**
745 **by the Federal Communications Commission as enhanced or value added;**

746 **(c) "Telecommunications service" shall include air-to-ground radiotelephone**
747 **service, mobile telecommunications service, post-paid calling service, prepaid calling**
748 **service, prepaid wireless calling service, and private communication service; and**

749 **(d) "Telecommunications service" shall not include:**

750 **a. Data processing and information services that allow data to be generated,**
751 **acquired, stored, processed, or retrieved and delivered by an electronic transmission to a**
752 **purchaser if such purchaser's primary purpose for the underlying transaction is the**
753 **processed data or information;**

754 **b. Installation or maintenance of wiring or equipment on a customer's premises;**

755 **c. Tangible personal property;**

756 **d. Advertising including, but not limited to, directory advertising;**

- 757 e. Billing and collection services provided to third parties;
758 f. Internet access service;
- 759 g. Radio and television audio and video programming services, regardless of the
760 medium, including the furnishing of transmission, conveyance, and routing of such services
761 by the programming service provider. Radio and television audio and video programming
762 services shall include, but not be limited to, cable service, as defined in 47 U.S.C. Section
763 522(6), and audio and video programming services delivered by providers of commercial
764 mobile radio service, as defined in 47 CFR 20.3;
- 765 h. Ancillary services; or
- 766 i. Digital products delivered electronically including, but not limited to, software,
767 music, video, reading materials, or ringtones;
- 768 (103) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that
769 contains tobacco;
- 770 (104) "Transportation equipment", any of the following:
- 771 (a) Locomotives and railcars that are utilized for the carriage of persons or
772 property in interstate commerce;
- 773 (b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten
774 thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:
- 775 a. Registered through the International Registration Plan; and
- 776 b. Operated under authority of a carrier authorized and certificated by the United
777 States Department of Transportation or another federal authority to engage in the carriage
778 of persons or property in interstate commerce;
- 779 (c) Aircraft that are operated by air carriers authorized and certificated by the
780 United States Department of Transportation or another federal or foreign authority to
781 engage in the carriage of persons or property in interstate or foreign commerce; or
- 782 (d) Containers designed for use on and component parts attached or secured to the
783 items set forth in paragraphs (a) to (c) of this subdivision;
- 784 (105) "Use", the exercise of any right or power over tangible personal property
785 incident to the ownership or control of that property, except that "use" does not include
786 the temporary storage of property in this state for subsequent use outside this state or the
787 sale of the property in the regular course of business;
- 788 (106) "Use-based exemption", an exemption based on a specified use of the product
789 by the purchaser;
- 790 (107) "Vendor", every person engaged in making sales of tangible personal
791 property by mail order, by advertising, by agent, or by peddling, soliciting, or taking
792 orders for sales of tangible personal property for storage, use, or consumption in this state;

793 all salespersons, solicitors, hawkers, representatives, consignees, peddlers, or canvassers,
794 as agents of the dealers, distributors, consignors, supervisors, principals, or employers
795 under whom they operate or from whom they obtain the tangible personal property sold
796 by them; every person who maintains a place of business in this state, maintains a stock of
797 goods in this state, or engages in business activities within this state; and every person who
798 engages in this state in the business of acting as a selling agent for persons not otherwise
799 vendors as defined in this subdivision. Distributors, consignors, supervisors, principals,
800 and employers shall be regarded as vendors, irrespective of whether they are making sales
801 on their own or on behalf of the dealers, and such distributors, consignors, supervisors,
802 principals, employers, and dealers shall be regarded as vendors for the purposes of sections
803 144.600 to 144.745.

804 ~~[2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other~~
805 ~~provisions of law pertaining to sales or use taxes which incorporate the provisions of sections~~
806 ~~144.010 to 144.525 by reference, the term manufactured homes shall have the same meaning~~
807 ~~given it in section 700.010.~~

808 ~~——— 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".]~~

144.011. 1. For purposes of ~~[sections 144.010 to 144.525 and 144.600 to 144.748]~~
2 **chapter 144**, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall
3 not be construed to include any of the following:

4 (1) The transfer by one corporation of substantially all of its tangible personal property
5 to another corporation pursuant to a merger or consolidation effected under the laws of the state
6 of Missouri or any other jurisdiction;

7 (2) The transfer of tangible personal property incident to the liquidation or cessation of
8 a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except
9 to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

10 (3) The transfer of tangible personal property to a corporation solely in exchange for its
11 stock or securities;

12 (4) The transfer of tangible personal property to a corporation by a shareholder as a
13 contribution to the capital of the transferee corporation;

14 (5) The transfer of tangible personal property to a partnership solely in exchange for a
15 partnership interest therein;

16 (6) The transfer of tangible personal property by a partner as a contribution to the capital
17 of the transferee partnership;

18 (7) The transfer of tangible personal property by a corporation to one or more of its
19 shareholders as a dividend, return of capital, distribution in the partial or complete liquidation
20 of the corporation or distribution in redemption of the shareholder's interest therein;

21 (8) The transfer of tangible personal property by a partnership to one or more of its
22 partners as a current distribution, return of capital or distribution in the partial or complete
23 liquidation of the partnership or of the partner's interest therein;

24 (9) The transfer of reusable containers used in connection with the sale of tangible
25 personal property contained therein for which a deposit is required and refunded on return;

26 (10) The purchase by persons operating eating or food service establishments, of items
27 of a nonreusable nature which are furnished to the customers of such establishments with or in
28 conjunction with the retail sales of their food or beverage. Such items shall include, but not be
29 limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum
30 articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks
31 and toothpicks;

32 (11) The purchase by persons operating hotels, motels or other transient accommodation
33 establishments, of items of a nonreusable nature which are furnished to the guests in the guests'
34 rooms of such establishments and such items are included in the charge made for such
35 accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and
36 other toiletries and food or confectionery items offered to the guests without charge;

37 (12) The transfer of a manufactured home other than:

38 (a) A transfer which involves the delivery of the document known as the "Manufacturer's
39 Statement of Origin" to a person other than a manufactured home dealer, as defined in section
40 700.010, for purposes of allowing such person to obtain a title to the manufactured home from
41 the department of revenue of this state or the appropriate agency or officer of any other state;

42 (b) A transfer which involves the delivery of a "Repossessed Title" to a resident of this
43 state if the tax imposed by ~~[sections 144.010 to 144.525]~~ **chapter 144** was not paid on the
44 transfer of the manufactured home described in paragraph (a) of this subdivision;

45 (c) The first transfer which occurs after December 31, 1985, if the tax imposed by
46 ~~[sections 144.010 to 144.525]~~ **chapter 144** was not paid on any transfer of the same
47 manufactured home which occurred before December 31, 1985; or

48 (13) Charges for initiation fees or dues to:

49 (a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations
50 operating under the lodge system a substantial part of the activities of which are devoted to
51 religious, charitable, scientific, literary, educational or fraternal purposes;

52 (b) Posts or organizations of past or present members of the Armed Forces of the United
53 States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization
54 substantially all of the members of which are past or present members of the Armed Forces of
55 the United States or who are cadets, spouses, widows, or widowers of past or present members

56 of the Armed Forces of the United States, no part of the net earnings of which inures to the
57 benefit of any private shareholder or individual; or

58 (c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal
59 Revenue Code of 1986, as amended.

60 2. The assumption of liabilities of the transferor by the transferee incident to any of the
61 transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall
62 not disqualify the transfer from the exclusion described in this section, where such liability
63 assumption is related to the property transferred and where the assumption does not have as its
64 principal purpose the avoidance of Missouri sales or use tax.

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October
2 1, 1997, the tax levied and imposed ~~[pursuant to sections 144.010 to 144.525 and sections~~
3 ~~144.600 to 144.746]~~ **under chapter 144** on all retail sales of food, **food sold through vending**
4 **machines, and food ingredients** shall be at the rate of one percent. The revenue derived from
5 the one percent rate pursuant to this section shall be deposited by the state treasurer in the school
6 district trust fund and shall be distributed as provided in section 144.701.

7 2. ~~[For the purposes of this section, the term "food" shall include only those products and~~
8 ~~types of food for which food stamps may be redeemed pursuant to the provisions of the Federal~~
9 ~~Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it~~
10 ~~may be amended hereafter, and shall include food dispensed by or through vending machines.~~
11 ~~For the purpose of this section,]~~ Except for **food sold through** vending ~~[machine sales, the term~~
12 ~~"food"]~~ **machines, subsection 1 of this section** shall not ~~[include]~~ **apply to** food or drink sold
13 by any establishment where the gross receipts derived from the sale of food prepared by such
14 establishment for immediate consumption on or off the premises of the establishment constitutes
15 more than eighty percent of the total gross receipts of that establishment, regardless of whether
16 such prepared food is consumed on the premises of that establishment, including, but not limited
17 to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

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

7 (1) Upon every retail sale in this state of tangible personal property, excluding motor
8 vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to
9 be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this
10 subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such

11 sale involves the exchange of property, a tax equivalent to four percent of the consideration paid
12 or charged, including the fair market value of the property exchanged at the time and place of
13 the exchange, except as otherwise provided in section 144.025;

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

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

20 (4) (a) A tax equivalent to four percent on the basic rate paid or charged on all sales of
21 local and long distance telecommunications service to telecommunications subscribers and to
22 others through equipment of telecommunications subscribers for the transmission of messages
23 and conversations, **upon ancillary services**, and upon the sale, rental, or leasing of all equipment
24 or services pertaining or incidental thereto; except that, the payment made by
25 telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid
26 for access to the internet or interactive computer services shall not be considered as amounts paid
27 for telecommunications services;

28 (b) If local and long distance telecommunications services subject to tax under this
29 subdivision are aggregated with and not separately stated from charges for telecommunications
30 service or other services not subject to tax under this subdivision, including, but not limited to,
31 interstate or international telecommunications services, then the charges for nontaxable services
32 may be subject to taxation unless the telecommunications provider can identify by reasonable
33 and verifiable standards such portion of the charges not subject to such tax from its books and
34 records that are kept in the regular course of business, including, but not limited to, financial
35 statement, general ledgers, invoice and billing systems and reports, and reports for regulatory
36 tariffs and other regulatory matters;

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

42 (d) The director of revenue may promulgate and enforce reasonable rules and regulations
43 for the administration and enforcement of the provisions of this subdivision. Any rule or portion
44 of a rule, as that term is defined in section 536.010, that is created under the authority delegated
45 in this section shall become effective only if it complies with and is subject to all of the
46 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

47 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
48 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
49 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
50 August 28, 2019, shall be invalid and void;

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

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

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

65 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
66 tangible personal property, provided that if the lessor or renter of any tangible personal property
67 had previously purchased the property under the conditions of sale at retail or leased or rented
68 the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor,
69 renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or
70 subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers,
71 motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid
72 as provided in this section and section 144.070. In no event shall the rental or lease of boats and
73 outboard motors be considered a sale, charge, or fee to, for or in places of amusement,
74 entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to,
75 for, or in such places of amusement, entertainment or recreation. Rental and leased boats or
76 outboard motors shall be taxed under the provisions of the sales tax laws as provided under such
77 laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales
78 or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax
79 upon the lease or rental thereof;

80 (9) A tax equivalent to four percent of the purchase price, as defined in section 144.070,
81 of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for
82 use on the highways or waters of this state which are required to be registered under the laws of

83 the state of Missouri. This tax is imposed on the person titling such property, and shall be paid
84 according to the procedures in section 144.440.

85 2. All tickets sold which are sold under the provisions of [~~sections 144.010 to 144.525~~]
86 **this chapter** which are subject to the sales tax shall have printed, stamped or otherwise endorsed
87 thereon, the words "This ticket is subject to a sales tax."

144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to impose a tax
2 upon the privilege of engaging in the business, in this state, of selling tangible personal property
3 and those services listed in section 144.020 and for the privilege of titling new and used motor
4 vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or
5 waters of this state which are required to be registered under the laws of the state of Missouri.
6 Except as otherwise provided, the primary tax burden is placed upon the seller making the
7 taxable sales of property or service and is levied at the rate provided for in section 144.020.
8 Excluding subdivision (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and
9 144.450, the extent to which a seller is required to collect the tax from the purchaser of the
10 taxable property or service is governed by section 144.285 and in no way affects sections
11 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross
12 receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and
13 remit tax at four percent of their gross receipts.

14 2. If any item of tangible personal property or service determined to be taxable under the
15 sales tax law or the compensating use tax law is modified by a decision or order of:

- 16 (1) The director of revenue;
17 (2) The administrative hearing commission; or
18 (3) A court of competent jurisdiction;

19

20 which changes which items of tangible personal property or services are taxable, and a
21 reasonable person would not have expected the decision or order based solely on prior law or
22 regulation, all affected sellers shall be notified by the department of revenue before such
23 modification shall take effect for such sellers. Failure of the department of revenue to notify a
24 seller shall relieve such seller of liability for taxes that would be due under the modification until
25 the seller is notified. The waiver of liability for taxes under this subsection shall only apply to
26 sellers actively selling the type of tangible personal property or service affected by the decision
27 on the date the decision or order is made or handed down and shall not apply to any seller that
28 has previously remitted tax on the tangible personal property or taxable services subject to the
29 decision or order or to any seller that had prior notice that the seller must collect and remit the
30 tax.

31 3. The notification required by subsection 2 of this section shall be delivered by United
32 States mail, electronic mail, or other secure electronic means of direct communications. The
33 department of revenue shall update its website with information regarding modifications in sales
34 tax law but such updates shall not constitute a notification required by subsection 2 of this
35 section.

36 **4. Notwithstanding any other provision of law, any seller, as defined in section**
37 **144.010, selling tangible personal property or services herein designated and defined as**
38 **taxable under the terms of sections 144.010 to 144.565 for delivery into this state, who does**
39 **not have a physical presence in this state, is subject to sections 144.010 to 144.565, shall**
40 **remit the sales tax, and shall follow all applicable procedures and requirements of law as**
41 **if the seller had a physical presence in this state, provided the seller meets either of the**
42 **following criteria:**

43 **(1) The seller's gross revenue from delivery of tangible personal property into this**
44 **state in the previous or current calendar year exceeds one hundred thousand dollars; or**

45 **(2) The seller sold tangible personal property into this state in two hundred or more**
46 **separate transactions in the previous or current calendar year.**

47

48 **No obligation to collect and remit sales tax required by this subsection shall be applied**
49 **before January 1, 2022.**

144.022. 1. In the case of a bundled transaction that includes any
2 **telecommunications service, ancillary service, internet access, or audio or video**
3 **programming service:**

4 **(1) If the price is attributable to products that are taxable and products that are**
5 **nontaxable, the portion of the price attributable to the nontaxable products shall be subject**
6 **to tax unless the provider can identify, by reasonable and verifiable standards, such**
7 **portion from its books and records that are kept in the regular course of business for other**
8 **purposes including, but not limited to, non-tax purposes; and**

9 **(2) If the price is attributable to products that are subject to tax at different tax**
10 **rates, the total price shall be treated as attributable to the products subject to tax at the**
11 **highest tax rate unless the provider can identify, by reasonable and verifiable standards,**
12 **the portion of the price attributable to the products subject to tax at the lower rate from**
13 **its books and records that are kept in the regular course of business for other purposes**
14 **including, but not limited to, nontax purposes.**

15 **2. In the case of a transaction that includes an optional computer software**
16 **maintenance contract for prewritten computer software, the following provisions apply:**

17 **(1) If an optional computer software maintenance contract only obligates the**
18 **vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten**
19 **computer software;**

20 **(2) If an optional computer software maintenance contract only obligates the**
21 **vendor to provide support services, it shall be characterized as a sale of services and not**
22 **a sale of tangible personal property; and**

23 **(3) If an optional computer software maintenance contract is a bundled transaction**
24 **in which both taxable and nontaxable or exempt products are not separately itemized on**
25 **the invoice or similar billing document, the purchase price under the contract shall be**
26 **taxable.**

27 **3. In the case of a bundled transaction that includes the retail sale of two or more**
28 **products not listed in subsection 1 or 2 of this section, if the price is attributable to**
29 **products that are taxable and products that are nontaxable, the bundled transaction is**
30 **subject to tax and shall be taxable.**

31 **4. The provisions of this subsection shall apply unless otherwise provided by federal**
32 **law.**

 144.030. 1. There is hereby specifically exempted from the provisions of [~~sections~~
2 ~~144.010 to 144.525~~] **this chapter** and from the computation of the tax levied, assessed or
3 payable [~~pursuant to sections 144.010 to 144.525~~] **under this chapter** such retail sales as may
4 be made in commerce between this state and any other state of the United States, or between this
5 state and any foreign country, and any retail sale which the state of Missouri is prohibited from
6 taxing pursuant to the Constitution or laws of the United States of America, and such retail sales
7 of tangible personal property which the general assembly of the state of Missouri is prohibited
8 from taxing or further taxing by the constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and [~~sections 144.010 to 144.525 and 144.600 to~~
11 ~~144.761~~] **chapter 144** and from the computation of the tax levied, assessed or payable pursuant
12 to the local sales tax law as defined in section 32.085, section 238.235, and [~~sections 144.010~~
13 ~~to 144.525 and 144.600 to 144.745~~] **chapter 144**:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at

21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration [~~law, sections 281.220 to 281.310~~] act, which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the**
39 **trailers pulled by such motor vehicles, that are actually used in the normal course of**
40 **business to haul property on the public highways of this state and that are capable of**
41 **hauling loads commensurate with the motor vehicle's registered weight; and the materials,**
42 **replacement parts, and equipment purchased for use directly upon, and for the repair and**
43 **maintenance or manufacture of, such vehicles. For purposes of this subdivision, "motor**
44 **vehicle" and "public highway" shall have the same meanings as defined under section**
45 **390.020;**

46 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
47 required for the installation or construction of such replacement machinery, equipment, and
48 parts, used directly in manufacturing, mining, fabricating or producing a product which is
49 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
50 the materials and supplies required solely for the operation, installation or construction of such
51 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
52 material recovery processing plants in this state. For the purposes of this subdivision, a "material
53 recovery processing plant" means a facility that has as its primary purpose the recovery of
54 materials into a usable product or a different form which is used in producing a new product and
55 shall include a facility or equipment which are used exclusively for the collection of recovered
56 materials for delivery to a material recovery processing plant but shall not include motor vehicles

57 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
58 the same meaning [pursuant to] **as under** section 301.010. ~~[For the purposes of this subdivision,
59 subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision
60 (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services
61 and the term "manufacturing" shall include the production, or production and transmission, of
62 telecommunications services. The preceding sentence does not make a substantive change in the
63 law and is intended to clarify that the term "manufacturing" has included and continues to
64 include the production and transmission of "telecommunications services", as enacted in this
65 subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of
66 subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent
67 consistent with the interpretation of this subdivision and subdivision (5) of this subsection in
68 Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002) and
69 Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), and
70 accordingly abrogates the Missouri supreme court's interpretation of those exemptions in IBM
71 Corporation v. Director of Revenue, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent
72 with this section and Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo.
73 banc 2002) and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc
74 2005). The construction and application of this subdivision as expressed by the Missouri
75 supreme court in DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001);
76 Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and
77 Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby
78 affirmed.] Material recovery is not the reuse of materials within a manufacturing process or the
79 use of a product previously recovered. The material recovery processing plant shall qualify
80 under the provisions of this section regardless of ownership of the material being recovered;~~

81 ~~[(5)]~~ **(6)** Machinery and equipment, and parts and the materials and supplies solely
82 required for the installation or construction of such machinery and equipment, purchased and
83 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
84 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
85 a product which is intended to be sold ultimately for final use or consumption]. ~~The construction
86 and application of this subdivision as expressed by the Missouri supreme court in DST Systems,
87 Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v.
88 Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v.
89 Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed];~~

90 ~~[(6)]~~ **(7)** Tangible personal property which is used exclusively in the manufacturing,
91 processing, modification or assembling of products sold to the United States government or to
92 any agency of the United States government;

93 ~~[(7)]~~ **(8)** Animals or poultry used for breeding or feeding purposes, or captive wildlife;
94 ~~[(8)]~~ **(9)** Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
95 and other machinery, equipment, replacement parts and supplies used in producing newspapers
96 published for dissemination of news to the general public;

97 ~~[(9)]~~ **(10)** The rentals of films, records or any type of sound or picture transcriptions for
98 public commercial display;

99 ~~[(10)]~~ **(11)** Pumping machinery and equipment used to propel products delivered by
100 pipelines engaged as common carriers;

101 ~~[(11)]~~ **(12)** Railroad rolling stock for use in transporting persons or property in interstate
102 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
103 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
104 persons or property;

105 ~~[(12)]~~ **(13)** Electrical energy used in the actual primary manufacture, processing,
106 compounding, mining or producing of a product, or electrical energy used in the actual secondary
107 processing or fabricating of the product, or a "material recovery processing plant" as defined in
108 subdivision ~~[(4)]~~ **(5)** of this subsection, in facilities owned or leased by the taxpayer, if the total
109 cost of electrical energy so used exceeds ten percent of the total cost of production, either
110 primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials
111 used in such processing contain at least twenty-five percent recovered materials as defined in
112 section 260.200. There shall be a rebuttable presumption that the raw materials used in the
113 primary manufacture of automobiles contain at least twenty-five percent recovered materials.
114 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts
115 performed upon materials to transform and reduce them to a different state or thing, including
116 treatment necessary to maintain or preserve such processing by the producer at the production
117 facility;

118 ~~[(13)]~~ **(14)** Anodes which are used or consumed in manufacturing, processing,
119 compounding, mining, producing or fabricating and which have a useful life of less than one
120 year;

121 ~~[(14)]~~ **(15)** Machinery, equipment, appliances and devices purchased or leased and used
122 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
123 supplies solely required for the installation, construction or reconstruction of such machinery,
124 equipment, appliances and devices;

125 ~~[(15)]~~ **(16)** Machinery, equipment, appliances and devices purchased or leased and used
126 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
127 supplies solely required for the installation, construction or reconstruction of such machinery,
128 equipment, appliances and devices;

129 ~~[(16)]~~ (17) Tangible personal property purchased by a rural water district;

130 ~~[(17)]~~ (18) All amounts paid or charged for admission or participation or other fees paid
131 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
132 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
133 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
134 the municipality or other political subdivision and do not inure to any private person, firm, or
135 corporation, provided, however, that a municipality or other political subdivision may enter into
136 revenue-sharing agreements with private persons, firms, or corporations providing goods or
137 services, including management services, in or for the place of amusement, entertainment or
138 recreation, games or athletic events, and provided further that nothing in this subdivision shall
139 exempt from tax any amounts retained by any private person, firm, or corporation under such
140 revenue-sharing agreement;

141 ~~[(18)]~~ (19) All sales of ~~[insulin, and all sales, rentals, repairs, and parts of durable~~
142 ~~medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980;~~
143 ~~by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965;~~
144 ~~including the items specified in Section 1862(a)(12) of that act, and also specifically including~~
145 ~~hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by~~
146 ~~a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer~~
147 ~~those items, including samples and materials used to manufacture samples which may be~~
148 ~~dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical~~
149 ~~oxygen, home respiratory equipment and accessories including parts, and hospital beds and~~
150 ~~accessories and ambulatory aids including parts, and all sales or rental of manual and powered~~
151 ~~wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and,~~
152 ~~if purchased or rented by or on behalf of a person with one or more physical or mental~~
153 ~~disabilities to enable them to function more independently, all sales or rental of scooters~~
154 ~~including parts, and reading machines, electronic print enlargers and magnifiers, electronic~~
155 ~~alternative and augmentative communication devices, and items used solely to modify motor~~
156 ~~vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of]~~
157 ~~over-the-counter [or nonprescription] drugs to individuals with disabilities[-and] ; all sales of~~
158 **prescription drugs, durable medical equipment, prosthetic devices, mobility-enhancing**
159 **equipment, kidney dialysis equipment, and enteral feeding systems; and all sales of drugs**
160 required by the Food and Drug Administration to meet the over-the-counter drug product
161 labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care
162 practitioner licensed to prescribe;

163 ~~[(19)]~~ (20) All sales made by or to religious and charitable organizations and institutions
164 in their religious, charitable or educational functions and activities and all sales made by or to

165 all elementary and secondary schools operated at public expense in their educational functions
166 and activities;

167 ~~[(20)]~~ **(21)** All sales of aircraft to common carriers for storage or for use in interstate
168 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
169 organizations, including fraternal organizations which have been declared tax-exempt
170 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
171 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
172 and penal institutions and industries of the state, and all sales made to any private not-for-profit
173 institution of higher education not otherwise excluded pursuant to subdivision ~~[(19)]~~ **(20)** of this
174 subsection or any institution of higher education supported by public funds, and all sales made
175 to a state relief agency in the exercise of relief functions and activities;

176 ~~[(21)]~~ **(22)** All ticket sales made by benevolent, scientific and educational associations
177 which are formed to foster, encourage, and promote progress and improvement in the science of
178 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
179 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
180 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
181 fair conducted by a county agricultural and mechanical society organized and operated pursuant
182 to sections 262.290 to 262.530;

183 ~~[(22)]~~ **(23)** All sales made to any private not-for-profit elementary or secondary school,
184 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
185 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
186 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
187 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
188 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
189 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
190 new generation cooperative or an eligible new generation processing entity as defined in section
191 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
192 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
193 additives" means tangible personal property which, when mixed with feed for livestock or
194 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
195 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
196 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
197 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
198 used in this subdivision, the term "farm machinery and equipment" means new or used farm
199 tractors and such other new or used farm machinery and equipment and repair or replacement
200 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary

201 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
202 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
203 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
204 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 205 (a) Used exclusively for agricultural purposes;
206 (b) Used on land owned or leased for the purpose of producing farm products; and
207 (c) Used directly in producing farm products to be sold ultimately in processed form or
208 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
209 ultimately in processed form at retail;

210 ~~[(23)]~~ **(24)** Except as otherwise provided in section 144.032, all sales of metered water
211 service, electricity, ~~[electrical current, natural, artificial or propane gas, wood, coal or home~~
212 ~~heating oil]~~ **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic
213 use ~~[and in any city not within a county, all sales of metered or unmetered water service for~~
214 ~~domestic use]:~~

215 (a) "Domestic use" means that portion of metered water service, electricity, ~~[electrical~~
216 ~~current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not~~
217 ~~within a county, metered or unmetered water service, which]~~ **pipd natural or artificial gas,**
218 **or other fuels delivered by the seller that** an individual occupant of a residential premises uses
219 for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or
220 master meter for residential apartments or condominiums, including service for common areas
221 and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish
222 and maintain a system whereby individual purchases are determined as exempt or nonexempt;

223 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
224 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
225 with and approved by the Missouri public service commission. Sales and purchases made
226 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
227 of the occupants of residential apartments or condominiums through a single or master meter,
228 including service for common areas and facilities and vacant units, shall be considered as sales
229 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
230 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
231 service rate classification and the provision of service thereunder shall be conclusive as to
232 whether or not the utility must charge sales tax;

233 (c) Each person making domestic use purchases of ~~[services or property and]~~ **metered**
234 **water service, electricity, pipd natural or artificial gas, or other fuels delivered by the**
235 **seller,** who uses any portion of the services or property so purchased for a nondomestic use shall,
236 by the fifteenth day of the fourth month following the year of purchase, and without assessment,

237 notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each
238 person making nondomestic purchases of ~~[services or property and]~~ **metered water service,**
239 **electricity, piped natural or artificial gas, or other fuels delivered by the seller,** who uses
240 any portion of the ~~[services or property]~~ **electricity, piped natural or artificial gas, or other**
241 **fuels delivered by the seller** so purchased for domestic use, and each person making domestic
242 purchases on behalf of occupants of residential apartments or condominiums through a single
243 or master meter, including service for common areas and facilities and vacant units, under a
244 nonresidential utility service rate classification may, between the first day of the first month and
245 the fifteenth day of the fourth month following the year of purchase, apply for credit or refund
246 to the director of revenue and the director shall give credit or make refund for taxes paid on the
247 domestic use portion of the purchase. The person making such purchases on behalf of occupants
248 of residential apartments or condominiums shall have standing to apply to the director of revenue
249 for such credit or refund;

250 ~~[(24)]~~ **(25)** All sales of handicraft items made by the seller or the seller's spouse if the
251 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
252 such sales do not constitute a majority of the annual gross income of the seller;

253 ~~[(25)]~~ **(26)** Excise taxes, collected on sales at retail, imposed ~~[by]~~ **under 26 U.S.C.**
254 **Sections 4041, 4071, 4081, [4091,]** 4161, 4181, 4251, 4261, and 4271 ~~[of Title 26, United States~~
255 ~~Code]~~. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all
256 state and local sales taxes on such excise taxes;

257 ~~[(26)]~~ **(27)** Sales of fuel consumed or used in the operation of ships, barges, or
258 waterborne vessels which are used primarily in or for the transportation of property or cargo, or
259 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
260 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
261 while it is afloat upon such river;

262 ~~[(27)]~~ **(28)** All sales made to an interstate compact agency created pursuant to sections
263 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
264 of such agency as provided pursuant to the compact;

265 ~~[(28)]~~ **(29)** Computers, computer software and computer security systems purchased for
266 use by architectural or engineering firms headquartered in this state. For the purposes of this
267 subdivision, "headquartered in this state" means the office for the administrative management
268 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

269 ~~[(29)]~~ **(30)** All livestock sales when either the seller is engaged in the growing, producing
270 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
271 bartering or leasing of such livestock;

272 ~~[(30)]~~ (31) All sales of barges which are to be used primarily in the transportation of
273 property or cargo on interstate waterways;

274 ~~[(31)]~~ (32) Electrical energy or gas, whether natural, artificial or propane, water, or other
275 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
276 products or in any material recovery processing plant as defined in subdivision ~~[(4)]~~ (5) of this
277 subsection;

278 ~~[(32)]~~ (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides
279 or herbicides used in the production of crops, aquaculture, livestock or poultry;

280 ~~[(33)]~~ (34) Tangible personal property and utilities purchased for use or consumption
281 directly or exclusively in the research and development of agricultural/biotechnology and plant
282 genomics products and prescription pharmaceuticals consumed by humans or animals;

283 ~~[(34)]~~ (35) All sales of grain bins for storage of grain for resale;

284 ~~[(35)]~~ (36) All sales of feed which are developed for and used in the feeding of pets
285 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
286 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

287 ~~[(36)]~~ (37) All purchases by a contractor on behalf of an entity located in another state,
288 provided that the entity is authorized to issue a certificate of exemption for purchases to a
289 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
290 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
291 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
292 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
293 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
294 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
295 reason ~~[and the contractor has accepted the certificate in good faith]~~, neither the contractor or the
296 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
297 of use of the invalid exemption certificate **unless the contractor fraudulently accepted the**
298 **certificate**. Materials shall be exempt from all state and local sales and use taxes when
299 purchased by a contractor for the purpose of fabricating tangible personal property which is used
300 in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the
301 following:

302 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
303 project exemption certificates in accordance with the provisions of section 144.062; or

304 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
305 an exemption certificate to contractors in accordance with the provisions of that state's law and
306 the applicable provisions of this section;

307 ~~[(37)]~~ **(38)** All sales or other transfers of tangible personal property to a lessor who leases
308 the property under a lease of one year or longer executed or in effect at the time of the sale or
309 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or
310 sections 238.010 to 238.100;

311 ~~[(38)]~~ **(39)** Sales of tickets to any collegiate athletic championship event that is held in
312 a facility owned or operated by a governmental authority or commission, a quasi-governmental
313 agency, a state university or college or by the state or any political subdivision thereof, including
314 a municipality, and that is played on a neutral site and may reasonably be played at a site located
315 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
316 is not located on the campus of a conference member institution participating in the event;

317 ~~[(39)]~~ **(40)** All purchases by a sports complex authority created under section 64.920, and
318 all sales of utilities by such authority at the authority's cost that are consumed in connection with
319 the operation of a sports complex leased to a professional sports team;

320 ~~[(40)]~~ **(41)** All materials, replacement parts, and equipment purchased for use directly
321 upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power
322 plants, and aircraft accessories;

323 ~~[(41)]~~ **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range
324 or similar places of business for use in the normal course of business and money received by a
325 shooting range or similar places of business from patrons and held by a shooting range or similar
326 place of business for redistribution to patrons at the conclusion of a shooting event;

327 ~~[(42)]~~ **(43)** All sales of motor fuel, as defined in section 142.800, used in any watercraft,
328 as defined in section 306.010;

329 ~~[(43)]~~ **(44)** Any new or used aircraft sold or delivered in this state to a person who is not
330 a resident of this state or a corporation that is not incorporated in this state, and such aircraft is
331 not to be based in this state and shall not remain in this state more than ten business days
332 subsequent to the last to occur of:

333 (a) The transfer of title to the aircraft to a person who is not a resident of this state or a
334 corporation that is not incorporated in this state; or

335 (b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for
336 any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that
337 are completed contemporaneously with the transfer of title to the aircraft to a person who is not
338 a resident of this state or a corporation that is not incorporated in this state;

339 ~~[(44)]~~ **(45)** Motor vehicles registered in excess of fifty-four thousand pounds, and the
340 trailers pulled by such motor vehicles, that are actually used in the normal course of business to
341 haul property on the public highways of the state, and that are capable of hauling loads
342 commensurate with the motor vehicle's registered weight; and the materials, replacement parts,

343 and equipment purchased for use directly upon, and for the repair and maintenance or
344 manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public
345 highway" shall have the meaning as ascribed in section 390.020;

346 ~~[(45)]~~ **(46)** All internet access or the use of internet access regardless of whether the tax
347 is imposed on a provider of internet access or a buyer of internet access. For purposes of this
348 subdivision, the following terms shall mean:

349 (a) "Direct costs", costs incurred by a governmental authority solely because of an
350 internet service provider's use of the public right-of-way. The term shall not include costs that
351 the governmental authority would have incurred if the internet service provider did not make
352 such use of the public right-of-way. Direct costs shall be determined in a manner consistent with
353 generally accepted accounting principles;

354 (b) "Internet", computer and telecommunications facilities, including equipment and
355 operating software, that comprises the interconnected worldwide network that employ the
356 transmission control protocol or internet protocol, or any predecessor or successor protocols to
357 that protocol, to communicate information of all kinds by wire or radio;

358 (c) "Internet access", a service that enables users to connect to the internet to access
359 content, information, or other services without regard to whether the service is referred to as
360 telecommunications, communications, transmission, or similar services, and without regard to
361 whether a provider of the service is subject to regulation by the Federal Communications
362 Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this
363 subdivision, internet access also includes: the purchase, use, or sale of communications services,
364 including telecommunications services as defined in section 144.010, to the extent the
365 communications services are purchased, used, or sold to provide the service described in this
366 subdivision or to otherwise enable users to access content, information, or other services offered
367 over the internet; services that are incidental to the provision of a service described in this
368 subdivision, when furnished to users as part of such service, including a home page, electronic
369 mail, and instant messaging, including voice-capable and video-capable electronic mail and
370 instant messaging, video clips, and personal electronic storage capacity; a home page electronic
371 mail and instant messaging, including voice-capable and video-capable electronic mail and
372 instant messaging, video clips, and personal electronic storage capacity that are provided
373 independently or that are not packed with internet access. As used in this subdivision, internet
374 access does not include voice, audio, and video programming or other products and services,
375 except services described in this paragraph or this subdivision, that use internet protocol or any
376 successor protocol and for which there is a charge, regardless of whether the charge is separately
377 stated or aggregated with the charge for services described in this paragraph or this subdivision;

378 (d) "Tax", any charge imposed by the state or a political subdivision of the state for the
379 purpose of generating revenues for governmental purposes and that is not a fee imposed for a
380 specific privilege, service, or benefit conferred, except as described as otherwise under this
381 subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political
382 subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a
383 governmental entity. The term tax shall not include any franchise fee or similar fee imposed or
384 authorized under ~~[section 67.1830]~~ **sections 67.1830 to 67.1846** or **section 67.2689**; Section 622
385 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573;
386 or any other fee related to obligations of telecommunications carriers under the Communications
387 Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

388 a. The fee is not imposed for the purpose of recovering direct costs incurred by the
389 franchising or other governmental authority from providing the specific privilege, service, or
390 benefit conferred to the payer of the fee; or

391 b. The fee is imposed for the use of a public right-of-way based on a percentage of the
392 service revenue, and the fee exceeds the incremental direct costs incurred by the governmental
393 authority associated with the provision of that right-of-way to the provider of internet access
394 service.

395

396 Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or
397 services that were subject to tax on January 1, 2016;

398 **(47) All school instructional materials; and**

399 **(48) Delivery charges that are stated separately from the sales price.**

400 3. Any ruling, agreement, or contract, whether written or oral, express or implied,
401 between a person and this state's executive branch, or any other state agency or department,
402 stating, agreeing, or ruling that such person is not required to collect sales and use tax in this
403 state despite the presence of a warehouse, distribution center, or fulfillment center in this state
404 that is owned or operated by the person or an affiliated person shall be null and void unless it is
405 specifically approved by a majority vote of each of the houses of the general assembly. For
406 purposes of this subsection, an "affiliated person" means any person that is a member of the same
407 controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of
408 1986, as amended, as the vendor or any other entity that, notwithstanding its form of
409 organization, bears the same ownership relationship to the vendor as a corporation that is a
410 member of the same controlled group of corporations as defined in Section 1563(a) of the
411 Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city
2 imposing a sales tax under the provisions of sections 94.500 to ~~[94.570]~~ **94.550**, or any county

3 imposing a sales tax under the provisions of sections 66.600 to ~~[66.635]~~ **66.630**, or any county
 4 imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district
 5 imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales
 6 tax upon all sales of ~~[metered water services,]~~ electricity, ~~[electrical current and natural, artificial~~
 7 ~~or propane gas, wood, coal, or home heating oil]~~ **pipd natural or artificial gas, or other fuels**
 8 **delivered by the seller** for domestic use only. Such tax shall be administered by the department
 9 of revenue and assessed by the retailer in the same manner as any other city, county, or hospital
 10 district sales tax. Domestic use shall be determined in the same manner as the determination of
 11 domestic use for exemption of such sales from the state sales tax under the provisions of section
 12 144.030.

144.049. 1. ~~[For purposes of this section, the following terms mean:~~

2 ~~———(1) "Clothing", any article of wearing apparel intended to be worn on or about the human~~
 3 ~~body including, but not limited to, disposable diapers for infants or adults and footwear. The~~
 4 ~~term shall include, but not be limited to, cloth and other material used to make school uniforms~~
 5 ~~or other school clothing. Items normally sold in pairs shall not be separated to qualify for the~~
 6 ~~exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs,~~
 7 ~~umbrellas, scarves, ties, headbands, or belt buckles; and~~

8 ~~———(2) "Personal computers", a laptop, desktop, or tower computer system which consists~~
 9 ~~of a central processing unit, random access memory, a storage drive, a display monitor, and a~~
 10 ~~keyboard and devices designed for use in conjunction with a personal computer, such as a disk~~
 11 ~~drive, memory module, compact disk drive, daughterboard, digitizer, microphone, modem,~~
 12 ~~motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user~~
 13 ~~operating system, soundcard, or video card;~~

14 ~~———(3) "School supplies", any item normally used by students in a standard classroom for~~
 15 ~~educational purposes, including but not limited to textbooks, notebooks, paper, writing~~
 16 ~~instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk,~~
 17 ~~maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting~~
 18 ~~equipment, portable or desktop telephones, copiers or other office equipment, furniture, or~~
 19 ~~fixtures. School supplies shall also include computer software having a taxable value of three~~
 20 ~~hundred fifty dollars or less and any graphing calculator having a taxable value of one hundred~~
 21 ~~fifty dollars or less.~~

22 ~~———2.]~~ In each year beginning on or after January 1, 2005, there is hereby specifically
 23 exempted from state **and local** sales tax law all retail sales of any article of clothing having a
 24 taxable value of one hundred dollars or less~~[-]~~ ; all retail sales of school supplies, **school art**
 25 **supplies, and school instructional materials** ~~[not to exceed fifty dollars per purchase,]~~ ; all
 26 **prewritten** computer software with a taxable value of three hundred fifty dollars or less~~[-, all~~

27 graphing calculators having a taxable value of one hundred fifty dollars or less,] ; and all retail
28 sales of [personal] computers [or computer peripheral devices] **and school computer supplies**
29 not to exceed one thousand five hundred dollars **per item**, during a three-day period beginning
30 at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.
31 **When a purchaser and seller are located in two different time zones, the time zone of the**
32 **seller's location shall determine the authorized exemption period.**

33 ~~[3. If the governing body of any political subdivision adopted an ordinance that applied~~
34 ~~to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax~~
35 ~~holiday to apply to such political subdivision's local sales tax, then, notwithstanding any~~
36 ~~provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such~~
37 ~~political subdivision's local sales tax. However, any such political subdivision may enact an~~
38 ~~ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political~~
39 ~~subdivision must notify the department of revenue not less than forty-five calendar days prior~~
40 ~~to the beginning date of the sales tax holiday occurring in that year of any ordinance or order~~
41 ~~rescinding an ordinance or order to opt out.~~

42 ~~———4.]~~ 2. This section shall not apply to any sales which take place within the Missouri state
43 fairgrounds.

44 ~~[5.]~~ 3. This section applies to sales of items bought for personal use only.

45 ~~[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an~~
46 ~~ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local~~
47 ~~sales tax. After opting out, the political subdivision may rescind the ordinance or order. The~~
48 ~~political subdivision must notify the department of revenue not less than forty-five calendar days~~
49 ~~prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or~~
50 ~~order rescinding an ordinance or order to opt out.~~

51 ~~———7.]~~ 4. This section may not apply to any retailer when less than two percent of the
52 retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer ~~[shall]~~ **may**
53 offer a sales tax refund in lieu of the sales tax holiday.

54 **5. A sale of property that is eligible for an exemption under subsection 1 of this**
55 **section but is purchased under a layaway sale shall only qualify for an exemption if:**

56 **(1) Final payment on a layaway order is made by, and the property is given to, the**
57 **purchaser during the exemption period; or**

58 **(2) The purchaser selects the property and the seller accepts the order for the**
59 **property during the exemption period, for immediate delivery upon full payment, even if**
60 **delivery is made after the exemption period.**

61 **6. The exemption of a bundled transaction shall be calculated as provided by law**
62 **for all other bundled transactions.**

63 7. (1) For any discount offered by a seller that is a reduction of the sales price of
64 the product, the discounted sales price shall determine whether the sales price falls below
65 the price threshold provided in subsection 1 of this section. A coupon that reduces the sales
66 price shall be treated as a discount only if the seller is not reimbursed for the coupon
67 amount by a third party.

68 (2) If a discount applies to the total amount paid by a purchaser rather than to the
69 sales price of a particular product and the purchaser has purchased both exempt property
70 and taxable property, the seller shall allocate the discount based on the total sales prices
71 of the taxable property compared to the total sales prices of all property sold in the same
72 transaction.

73 8. Items that are normally sold as a single unit shall continue to be sold in that
74 manner and shall not be priced separately and sold as individual items.

75 9. Items that are purchased during an exemption period but that are not delivered
76 to the purchaser until after the exemption period due to the item not being in stock shall
77 qualify for an exemption. The provisions of this subsection shall not apply to an item that
78 was delivered during an exemption period but was purchased prior to or after the
79 exemption period.

80 10. (1) If a purchaser purchases an item of eligible property during an exemption
81 period but later exchanges the item for a similar eligible item after the exemption period,
82 no additional tax shall be due on the new item.

83 (2) If a purchaser purchases an item of eligible property during an exemption
84 period but later returns the item after the exemption period and receives credit on the
85 purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale
86 of the newly purchased item.

87 (3) If a purchaser purchases an item of eligible property before an exemption
88 period, but during the exemption period returns the item and receives credit on the
89 purchase of a different item of eligible property, no sales tax shall be due on the sale of the
90 new item if the new item is purchased during the exemption period.

91 (4) For a sixty-day period immediately following the end of the exemption period,
92 if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given
93 unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has
94 sufficient documentation to show that tax was paid on the item being returned.

95 11. For items that require delivery, an item shall be considered exempt if:

96 (1) The item is both delivered to and paid for by the purchaser during the
97 exemption period; or

98 (2) **The purchaser orders and pays for the item and the seller accepts the order**
99 **during the exemption period for immediate shipment, even if delivery is made after the**
100 **exemption period. For the purposes of this subdivision, a seller shall be considered to have**
101 **accepted an order when the seller has taken action to fill the order for immediate shipment.**
102 **Actions to fill an order shall include placement of an "in date" stamp on a mail order or**
103 **the assignment of an "order number" to a telephone order. An order shall be considered**
104 **for immediate shipment when the purchaser does not request delayed shipment. An order**
105 **shall be considered for immediate shipment notwithstanding a shipment that may be**
106 **delayed because of a backlog of orders or because an item is currently unavailable or on**
107 **back order.**

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

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Producing" includes, but is not limited to, the production of, including the
6 production and transmission of, telecommunication services;

7 (3) "Product" includes, but is not limited to, telecommunications services;

8 (4) "Recovered materials", those materials which have been diverted or removed from
9 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
10 separation and processing.

11 2. In addition to all other exemptions granted under this chapter, there is hereby
12 specifically exempted from the provisions of ~~sections 144.010 to 144.525 and 144.600 to~~
13 ~~144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010~~
14 ~~to 144.525 and 144.600 to 144.761] **this chapter and from the computation of the tax levied,**~~
15 **assessed, or payable under this chapter,** electrical energy and gas, whether natural, artificial,
16 or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials
17 used or consumed in the manufacturing, processing, compounding, mining, or producing of any
18 product, or used or consumed in the processing of recovered materials, or used in research and
19 development related to manufacturing, processing, compounding, mining, or producing any
20 product. ~~[The exemptions granted in this subsection shall not apply to local sales taxes as defined~~
21 ~~in section 32.085 and the provisions of this subsection shall be in addition to any state and local~~
22 ~~sales tax exemption provided in section 144.030.]~~ The construction and application of this
23 subsection as expressed by the Missouri supreme court in DST Systems, Inc. v. Director of
24 Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v. Director of Revenue,
25 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182
26 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.

27 3. In addition to all other exemptions granted under this chapter, there is hereby
28 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
29 ~~144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from~~
30 ~~the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and~~
31 ~~144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section~~
32 ~~32.085] **this chapter and from the computation of the tax levied, assessed, or payable under**
33 **this chapter**, all utilities, machinery, and equipment used or consumed directly in television or
34 radio broadcasting and all sales and purchases of tangible personal property, utilities, services,
35 or any other transaction that would otherwise be subject to the state or local sales or use tax when
36 such sales are made to or purchases are made by a contractor for use in fulfillment of any
37 obligation under a defense contract with the United States government, and all sales and leases
38 of tangible personal property by any county, city, incorporated town, or village, provided such
39 sale or lease is authorized under chapter 100, and such transaction is certified for sales tax
40 exemption by the department of economic development, and tangible personal property used for
41 railroad infrastructure brought into this state for processing, fabrication, or other modification
42 for use outside the state in the regular course of business.~~

43 4. In addition to all other exemptions granted under this chapter, there is hereby
44 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
45 ~~144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from~~
46 ~~the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and~~
47 ~~144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section~~
48 ~~32.085] **this chapter and from the computation of the tax levied, assessed, or payable under**
49 **this chapter**, all sales and purchases of tangible personal property, utilities, services, or any other
50 transaction that would otherwise be subject to the state or local sales or use tax when such sales
51 are made to or purchases are made by a private partner for use in completing a project under
52 sections 227.600 to 227.669.~~

53 5. In addition to all other exemptions granted under this chapter, there is hereby
54 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
55 ~~144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from~~
56 ~~the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and~~
57 ~~144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section~~
58 ~~32.085] **this chapter and from the computation of the tax levied, assessed, or payable under**
59 **this chapter**, all materials, manufactured goods, machinery and parts, electrical energy and gas,
60 whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps,
61 detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by~~

62 commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process
63 at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.

144.060. **1.** It shall be the duty of every person making any purchase or receiving any
2 service upon which a tax is imposed by sections 144.010 to 144.510 to pay, to the extent possible
3 under the provisions of section 144.285, the amount of such tax to the person making such sale
4 or rendering such service. Any person who shall willfully and intentionally refuse to pay such
5 tax shall be guilty of a misdemeanor. The provisions of this section shall not apply to any person
6 making any purchase or sale of a motor vehicle subject to sales tax as provided by the Missouri
7 sales tax law, unless such person making the sale is a motor vehicle dealer authorized to collect
8 and remit sales tax pursuant to subsection 10 of section 144.070.

9 **2. A purchaser shall be relieved from any additional tax, interest, additions, or**
10 **penalties for failure to collect and remit the proper amount of tax owed on a purchase**
11 **subject to tax under this chapter if:**

12 **(1) A purchaser's seller or a certified service provider relied on erroneous data**
13 **provided by the director on tax rates, boundaries, taxing jurisdiction assignments, or in the**
14 **taxability matrix created under section 144.124;**

15 **(2) A purchaser holding a direct pay permit created under section 144.079 relied**
16 **on erroneous data provided by the director on tax rates, boundaries, taxing jurisdiction**
17 **assignments, or in the taxability matrix created under section 144.124;**

18 **(3) A purchaser using a database created under section 144.123 received erroneous**
19 **data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments;**
20 **or**

21 **(4) A purchaser relied on erroneous data provided by the director in the taxability**
22 **matrix created under section 144.124.**

144.079. **1.** The provisions of section 144.080 notwithstanding, the director shall
2 promulgate rules to allow for the issuance of direct pay permits to purchasers. Purchasers
3 holding such a permit shall be permitted to purchase goods and services that are subject
4 to sales tax under this chapter without remitting payment of the tax to the seller at the time
5 of purchase. Such purchaser shall make a determination of the amount of tax owed and
6 shall report and remit such amount directly to the taxing jurisdiction.

7 **2. The director shall promulgate rules to implement the provisions of this section.**
8 **Such rules shall include an application process for the issuance of a permit created under**
9 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
10 **is created under the authority delegated in this section shall become effective only if it**
11 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
12 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**

13 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
14 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
15 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
16 **of this section shall be invalid and void.**

144.080. 1. Every person receiving any payment or consideration upon the sale of
2 property or rendering of service, subject to the tax imposed ~~[by the provisions of sections~~
3 ~~144.010 to 144.525]~~ **under this chapter**, is exercising the taxable privilege of selling the
4 property or rendering the service at retail and is subject to the tax levied in section 144.020. The
5 person shall be responsible not only for the collection of the amount of the tax imposed on the
6 sale or service to the extent possible under the provisions of section 144.285, but shall, on or
7 before the last day of the month following each calendar quarterly period of three months, file
8 a return with the director of revenue showing the person's gross receipts and the amount of tax
9 levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue,
10 with the return, the taxes levied in section 144.020, except as provided in ~~[subsections]~~
11 **subsection 2 [and 3]** of this section. The director of revenue may promulgate rules or
12 regulations changing the filing and payment requirements of sellers, but shall not require any
13 seller to file and pay more frequently than required in this section.

14 2. ~~[Where the aggregate amount levied and imposed upon a seller by section 144.020 is~~
15 ~~in excess of two hundred fifty dollars for either the first or second month of a calendar quarter,~~
16 ~~the seller shall file a return and pay such aggregate amount for such months to the director of~~
17 ~~revenue by the twentieth day of the succeeding month.~~

18 ~~3.]~~ Where the aggregate amount levied and imposed upon a seller by section 144.020 is
19 less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit
20 the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or
21 before January thirty-first of the succeeding year.

22 ~~[4.]~~ 3. The seller of any property or **the** person rendering any service, subject to the tax
23 imposed ~~[by sections 144.010 to 144.525]~~ **under this chapter**, shall collect the tax from the
24 purchaser of such property or the recipient of the service to the extent possible under the
25 provisions of section 144.285, but the seller's inability to collect any part or all of the tax does
26 not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020;
27 except that the collection of the tax imposed ~~[by sections 144.010 to 144.525]~~ **under this**
28 **chapter** on motor vehicles and trailers shall be made as provided in sections 144.070 and
29 144.440.

30 ~~[5.]~~ 4. Any person may advertise or hold out or state to the public or to any customer
31 directly that the tax or any part thereof imposed ~~[by sections 144.010 to 144.525]~~ **under this**
32 **chapter**, and required to be collected by the person, will be assumed or absorbed by the person,

33 provided that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for
34 the property sold or service rendered. Any person violating any of the provisions of this section
35 shall be guilty of a misdemeanor. This subsection shall not apply to any retailer prohibited from
36 collecting and remitting sales tax under section 66.630.

**144.082. 1. The director of revenue shall participate in an online registration
2 system that allows sellers to register in this state and other member states.**

**3 2. By registering, the seller agrees to collect and remit sales and use taxes for all
4 taxable sales in this state. Withdrawal or revocation of this state from the agreement shall
5 not relieve a seller of its responsibility to remit taxes previously or subsequently collected
6 on behalf of this state.**

**7 3. If the seller has a requirement to register prior to registering under the
8 agreement, such seller shall obtain a retail sales license under section 144.083 and register
9 under section 144.650.**

**10 4. Registration with the central registration system and the collection of sales and
11 use taxes in this state shall not be used as the sole factor in determining whether the seller
12 has nexus with this state for any tax at any time.**

144.083. 1. The director of revenue shall require all persons who are responsible for the
2 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no
3 cost to the licensee which shall be prominently displayed at the licensee's place of business, and
4 the license is valid until revoked by the director or surrendered by the person to whom issued
5 when sales are discontinued. The director shall issue the retail sales license within ten working
6 days following the receipt of a properly completed application. Any person applying for a retail
7 sales license or reinstatement of a revoked sales tax license who owes any tax under sections
8 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and
9 penalties before the department may issue the applicant a license or reinstate the revoked license.
10 All persons beginning business subsequent to August 13, 1986, and who are required to collect
11 the sales tax shall secure a retail sales license prior to making sales at retail. Such license may,
12 after ten days' notice, be revoked by the director of revenue only in the event the licensee shall
13 be in default for a period of sixty days in the payment of any taxes levied under section 144.020
14 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event
15 of revocation, the director of revenue may publish the status of the business account including
16 the date of revocation in a manner as determined by the director.

**17 2. The possession of a retail sales license and a statement from the department of revenue
18 that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to
19 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation
20 license or any state license which is required for conducting any business where goods are sold**

21 at retail. The date of issuance on the statement that the licensee owes no tax due shall be no
22 more than ninety days before the date of submission for application or renewal of the local
23 license. The revocation of a retailer's license by the director shall render the occupational license
24 or the state license null and void.

25 3. No person responsible for the collection of taxes under section 144.080 shall make
26 sales at retail unless such person is the holder of a valid retail sales license. After all appeals
27 have been exhausted, the director of revenue may notify the county or city law enforcement
28 agency representing the area in which the former licensee's business is located that the retail sales
29 license of such person has been revoked, and that any county or city occupation license of such
30 person is also revoked. The county or city may enforce the provisions of this section, and may
31 prohibit further sales at retail by such person.

32 4. In addition to the provisions of subsection 2 of this section, beginning January 1,
33 2009, the possession of a statement from the department of revenue stating no tax is due under
34 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the
35 issuance or renewal of any city or county occupation license or any state license required for
36 conducting any business where goods are sold at retail. The statement of no tax due shall be
37 dated no longer than ninety days before the date of submission for application or renewal of the
38 city or county license.

39 ~~[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale~~
40 ~~price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts~~
41 ~~or mechanisms negotiated between manufacturers, wholesalers, and retailers.]~~

**144.084. 1. The director of revenue shall promulgate rules and regulations for
2 remittance of returns. Such rules shall:**

3 **(1) Allow for electronic payments by all remitters by both automated clearinghouse**
4 **credit and automated clearinghouse debit;**

5 **(2) Provide an alternative method for making "same day" payments if an electronic**
6 **funds transfer fails;**

7 **(3) Provide that if a due date falls on a legal banking holiday in this state, the taxes**
8 **shall be due on the next succeeding business day; and**

9 **(4) Require that any data that accompanies a remittance be formatted using**
10 **uniform tax type and payment type codes approved by the streamlined sales and use tax**
11 **governing board.**

12 **2. All model 1 sellers, model 2 sellers, and model 3 sellers shall file returns**
13 **electronically. Any model 1 seller, model 2 seller, or model 3 seller shall submit its sales**
14 **and use tax returns in a simplified format approved by the director of revenue at such**
15 **times as may be prescribed by the director.**

16 **3. (1) The director shall make available to all sellers, regardless of whether a seller**
17 **is registered under the streamlined sales and use tax agreement, a simplified electronic**
18 **return that is in a form approved by the streamlined sales and use tax governing board and**
19 **contains only those fields approved by the governing board. Such simplified electronic**
20 **return shall consist of two parts, with part one containing information relating to**
21 **remittances and allocations and part two containing information relating to exempt sales.**

22 **(2) The director shall not require the submission of part two information from a**
23 **model 4 seller that has no legal requirement to register in this state.**

24 **4. (1) Certified service providers shall file a simplified electronic return on behalf**
25 **of their model 1 sellers and shall be required to file part one of the simplified electronic**
26 **return at the times provided in sections 144.080 and 144.090. The director shall allow**
27 **model 1 sellers to file parts one and two of the simplified electronic return.**

28 **(2) Model 2 and model 3 sellers shall file a simplified electronic return at the times**
29 **provided in sections 144.080 and 144.090 for each taxing period for which they anticipate**
30 **making sales in this state. Such sellers shall file part two information:**

31 **(a) At the same time as the sellers file part one information; or**

32 **(b) At the time of the final due date of part one information in a given calendar**
33 **year. A submission under this paragraph shall include data for all previous months of the**
34 **same calendar year and shall be presented as yearly totals.**

35 **(3) The director shall allow model 4 sellers to file a simplified electronic return at**
36 **the times provided in sections 144.080 and 144.090. Such sellers shall file part two**
37 **information:**

38 **(a) At the same time as the sellers file part one information; or**

39 **(b) At the time of the final due date of part one information in a given calendar**
40 **year. A submission under this paragraph shall include data for all previous months of the**
41 **same calendar year and shall be presented as yearly totals.**

42 **(4) Model 4 sellers that elect not to file a simplified electronic return shall file**
43 **returns in the form and at the times afforded to sellers not registered under the**
44 **streamlined sales and use tax agreement.**

45 **(5) The director shall allow sellers not registered under the streamlined sales and**
46 **use tax agreement that are registered in this state to file a simplified electronic return at**
47 **the times provided in sections 144.080 and 144.090. Such sellers shall file part two**
48 **information:**

49 **(a) At the same time as the sellers file part one information; or**

50 **(b) At the time of the final due date of part one information in a given calendar**
51 **year. A submission under this paragraph shall include data for all previous months of the**
52 **same calendar year and shall be presented as yearly totals.**

53 **5. The director shall provide for a standardized transmission process that allows**
54 **for receipt of uniform tax returns and other formatted information. The process shall**
55 **provide for the filing of separate returns for multiple legal entities in a single transmission**
56 **and shall not include any requirement for manual entry or input by a seller. The process**
57 **shall allow a certified service provider, a tax preparer, or any other authorized entity to**
58 **file returns for more than one seller in a single transmission. However, sellers filing**
59 **returns for multiple legal entities shall only do so for affiliated legal entities.**

60 **6. The director shall give notice to any seller registered under the streamlined sales**
61 **and use tax agreement that has no legal requirement to register in this state of a failure to**
62 **file a return and shall provide such seller at least thirty days following such notice to file**
63 **a return prior to holding the seller liable for any penalties based on a failure to file a timely**
64 **return.**

144.100. 1. Every person making any taxable sales of property or service, except
2 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized
3 officer or agent, shall make and file a written return with the director of revenue in such manner
4 as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by the director of the
6 department of revenue and shall be filed at the times provided in sections 144.080 and 144.090.
7 The returns shall ~~[show the amount of gross receipts from sales of taxable property and services~~
8 ~~by the person and the amount of tax due thereon by that person during and for the period covered~~
9 ~~by the return]~~ state:

10 **(1) The name and address of the retailer;**

11 **(2) The total amount of gross sales of all tangible personal property and taxable**
12 **services rendered by the retailer during the period for which the return is made;**

13 **(3) The total amount received during the period for which the return is made on**
14 **charges and time sales of tangible personal property made and taxable services rendered**
15 **prior to the period for which the return is made;**

16 **(4) Deductions allowed by law from the total amount of gross sales and from the**
17 **total amount received during the period for which the return is made on the charges and**
18 **time sales;**

19 **(5) Receipts during the period for which the return is made from the total amount**
20 **of sales of tangible personal property and taxable services rendered during such period in**
21 **the course of such business, after deductions allowed by law have been made;**

22 **(6) Receipts during the period for which the return is made from charge and time**
23 **sales of tangible personal property made and taxable services rendered prior to such**
24 **period in the course of such business, after deductions allowed by law have been made;**

25 **(7) Gross receipts during the period for which the return is made from sales of**
26 **tangible personal property and taxable services rendered in the course of such business**
27 **upon the basis of which the tax is imposed; and**

28 **(8) Any other pertinent information as the director may require.**

29 **3. In making a return, the retailer shall determine the market value of any**
30 **consideration, other than moneys, received in connection with the sale of any tangible**
31 **personal property in the course of the business and shall include such valuation in the**
32 **return. The valuation shall be subject to review and revision by the director of revenue as**
33 **hereinafter provided. Refunds made by a retailer during the period for which the return**
34 **is made on account of tangible personal property returned to the retailer shall be allowed**
35 **as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has**
36 **included the receipts from such sale in a return made by such retailer and paid taxes on**
37 **such sale. The retailer shall, at the time of making a return, pay to the director the amount**
38 **of tax owed, except as otherwise provided in this section. The director may extend the time**
39 **for making returns and paying the tax required by this section for any period not to exceed**
40 **sixty days under any rules and regulations as the director may prescribe.**

41 **4. The director of revenue shall only require a single tax return for each taxing**
42 **period, and such return shall include only the taxing jurisdictions in which the seller makes**
43 **sales within this state. With each return, the person shall remit to the director of revenue the**
44 **full amount of the tax due.**

45 ~~[3.]~~ **5. In case of charge and time sales the gross receipts thereof shall be included as**
46 **sales in the returns as and when payments are received by the person, without any deduction**
47 **therefrom whatsoever.**

48 ~~[4.]~~ **6. If an error or omission is discovered in a return or a change ~~[be]~~ is necessary to**
49 **show the true facts, the error may be corrected, the omission supplied, or the change made in the**
50 **return next filed with the director for the filing period immediately following the filing period**
51 **in which the error was made or the omission occurred, as prescribed by law, except that no**
52 **refund under this chapter shall be allowed for any amount of tax paid by a seller which is based**
53 **upon charges incident to credit card discounts. Any other omission or error must be corrected**
54 **by filing an amended return for the erroneously reported period if the amount of tax is less than**
55 **that originally reported, or an additional return if the amount of tax is greater than that originally**
56 **reported. An additional return shall be deemed filed on the date the envelope in which it is**
57 **mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment**

58 of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope
59 containing the payment is postmarked or the date the payment is received by the director,
60 whichever is earlier. If a refund or credit results from the filing of an amended return, no refund
61 or credit shall be allowed unless an application for refund or credit is properly completed and
62 submitted to the director pursuant to section 144.190.

63 ~~[5-]~~ 7. The amount of gross receipts from sales and the amount of tax due returned by
64 the person, as well as all matters contained in the return, is subject to review and revision in the
65 manner herein provided for the correction of the returns.

**144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts
2 attributable to taxable sales of such seller that have become uncollectable. Any deduction
3 taken that is attributed to bad debts shall not include interest.**

4 **2. The amount of the bad debt deduction shall be calculated under 26 U.S.C.
5 Section 166(b), except that such amount shall be adjusted to exclude financing charges or
6 interest, sales or use taxes charged on the purchase price, uncollectable amounts on
7 property that remain in the possession of the seller until the full purchase price is paid, and
8 expenses incurred in attempting to collect any debt or repossessed property.**

9 **3. Bad debts may be deducted on the return for the period during which the bad
10 debt is written off as uncollectable in the seller's books and records and is eligible to be
11 deducted for federal income tax purposes. For purposes of this subsection, a seller who is
12 not required to file federal income tax returns may deduct a bad debt on a return filed for
13 the period in which the bad debt is written off as uncollectable in the seller's books and
14 records and would be eligible for a bad debt deduction for federal income tax purposes if
15 the seller was required to file a federal income tax return.**

16 **4. If a deduction is taken for a bad debt and the debt is subsequently collected in
17 whole or in part, the tax on the amount so collected shall be paid and reported on the
18 return filed for the period in which the collection is made.**

19 **5. If the amount of bad debt exceeds the amount of taxable sales for the period
20 during which the bad debt is written off, a refund claim may be filed by the seller within
21 the applicable statute of limitations for refund claim; however, the statute of limitations
22 shall be measured from the due date of the return on which the bad debt could first be
23 claimed.**

24 **6. If filing responsibilities have been assumed by a certified service provider, such
25 service provider may claim, on behalf of the seller, any bad debt allowance provided by
26 this section. The certified service provider shall credit or refund the full amount of any
27 bad debt allowance or refund received to the seller.**

28 7. For the purposes of reporting a payment received on a previously claimed bad
29 debt, any payments made on a debt or account shall first be applied proportionally to the
30 taxable price of the property or service and the sales tax thereon and secondly to interest,
31 service charges, and any other charges.

32 8. If the books and records of the seller or certified service provider on behalf of
33 the seller claiming the bad debt allowance support an allocation of the bad debts among
34 the member states, such an allocation shall be permitted.

144.108. 1. Service providers to model 1 sellers shall not be certified unless:

2 (1) The provider's system has been designed and tested to ensure the anonymity of
3 purchasers, unless otherwise required by law;

4 (2) Personally identifiable information is only used and retained to the extent
5 necessary for the administration of model 1 sellers with respect to exempt purchasers, and
6 for the identification of taxing jurisdictions;

7 (3) The provider provides consumers with clear and conspicuous notice of its
8 information practices, including what information it collects; how it collects such
9 information; how it uses such information; how long, if at all, it retains such information;
10 and whether it discloses such information to the department of revenue or the state. Such
11 notice shall be satisfied by a written privacy policy statement accessible by the public on
12 the certified service provider's website;

13 (4) The provider's collection, use, and retention of personally identifiable
14 information is limited to that required by the department of revenue to ensure the validity
15 of exemptions from taxation that are claimed by reason of a purchaser's status or the
16 intended use of the goods or services purchased, and for the documentation of correct
17 assignment of taxing jurisdictions; and

18 (5) The provider provides adequate technical, physical, and administrative
19 safeguards in order to protect personally identifiable information from unauthorized
20 access and disclosure.

21 2. (1) When any personally identifiable information that has been collected and
22 retained is no longer required for the purposes set forth in subdivision (4) of subsection 1
23 of this section, such information shall no longer be retained by the department of revenue.

24 (2) When personally identifiable information regarding an individual is retained
25 by or on behalf of the department of revenue, the department shall provide reasonable
26 access by such individual to his or her own information in the state's possession, as well as
27 a right to correct any inaccurately recorded information.

28 (3) If anyone other than the department of revenue, or a person authorized by the
29 department, seeks to discover personally identifiable information of an individual, the

30 department shall make a reasonable and timely effort to notify the individual of such
31 request.

32 3. The attorney general for the state of Missouri shall have the power to enforce the
33 provisions of this section.

144.109. 1. The department of revenue shall review software submitted to the
2 streamlined sales and use tax governing board for certification as a certified automated
3 system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such
4 review shall include a review to determine that the program adequately classifies the state's
5 product-based exemptions. Upon completion of the review, the department shall certify
6 to the governing board its acceptance of the classifications made by the system. The
7 department shall relieve a certified service provider (CSP) or model 2 seller from liability
8 to this state and its local jurisdictions for failure to collect sales or use taxes resulting from
9 the CSP or model 2 seller's reliance on the certification provided by the state.

10 2. The streamlined sales and use tax governing board and this state shall not be
11 responsible for classification of an item or transaction with the product-based exemptions.
12 The relief from liability provided in this section shall not be available for a CSP or model
13 2 seller that has incorrectly classified an item or transaction into a product-based
14 exemption certified by this state. This subsection shall not apply to the individual listing
15 of items or transactions within a product definition approved by the governing board of
16 this state.

17 3. If the department of revenue determines that an item or transaction is incorrectly
18 classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect
19 classification. The CSP or model 2 seller shall have ten days to revise the classification
20 after receipt of notice from the department of the determination. Upon expiration of the
21 ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount
22 of sales or use taxes due and owing to the state.

144.111. 1. (1) All retail sales in this state, excluding leases and rentals, of tangible
2 personal property or digital goods shall be sourced to the location where the order is
3 received by the seller.

4 (2) This subsection shall apply only if:

5 (a) The location where the order is received by the seller and the location where the
6 purchaser receives the product are both in this state;

7 (b) The location where receipt of the product occurs is determined in accordance
8 with subsection 2 of this section; and

9 (c) At the time the order is received, the record-keeping system of the seller used
10 to calculate the proper amount of sales or use tax to be imposed captures the location
11 where the order is received.

12 (3) If the sale is sourced under this section to the location where the order is
13 received by the seller, only the sales tax for the location where the order is received by the
14 seller may be levied. No additional sales or use tax based on the location where the product
15 is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled
16 to any refund if the combined state and local rate or rates at the location where the product
17 is received by the purchaser is lower than the rate where the order is received by the seller.

18 (4) A purchaser shall have no additional liability to the state for tax, penalty, or
19 interest on a sale for which the purchaser remits tax to the seller in the amount invoiced
20 by the seller if such invoice amount is calculated at either the rate applicable to the location
21 where receipt by the purchaser occurs or at the rate applicable to the location where the
22 order is received by the seller. A purchaser may rely on a written representation by the
23 seller as to the location where the order for such sale was received by the seller. If the
24 purchaser does not have a written representation by the seller as to the location where the
25 order for such sale was received by the seller, the purchaser may use a location indicated
26 by a business address for the seller that is available from the business records of the
27 purchaser that are maintained in the ordinary course of the purchaser's business to
28 determine the rate applicable to the location where the order was received.

29 (5) "The location where the order is received by or on behalf of the seller" means
30 the physical location of a seller or third-party such as an established outlet, office location,
31 or automated order receipt system operated by or on behalf of the seller where an order
32 is initially received by or on behalf of the seller and not where the order may be
33 subsequently accepted, completed, or fulfilled. An order is "received" when all of the
34 information from the purchaser necessary to determine whether the order can be accepted
35 has been received by or on behalf of the seller. The location from which a product is
36 shipped shall not be used in determining the location where the order is received by the
37 seller.

38 (6) If taxable services are sold with tangible personal property or digital products
39 under a single contract or in the same transaction, are billed on the same billing statement
40 or statements, and, because of the application of this section, would be sourced to different
41 jurisdictions, this subsection shall apply to determine the source for tax.

42 2. Except as provided under section 144.112, if the location where the order is
43 received by the seller and the location where the product is received by the purchaser or

44 the purchaser's donee, as designated by the purchaser, are in different states, then the
45 retail sale, excluding lease or rental, of a product shall be sourced as follows:

46 (1) If the product is received by the purchaser at a business location of the seller,
47 the sale shall be sourced to such business location;

48 (2) If the product is not received by the purchaser at a business location of the
49 seller, the sale shall be sourced to the location where the purchaser or the purchaser's
50 donee, as designated by the purchaser, receives the product, including the location
51 indicated by instructions for delivery to the purchaser or donee, as known to the seller;

52 (3) If subdivisions (1) and (2) of this subsection do not apply, the sale shall be
53 sourced to the location indicated by an address for the purchaser that is available from the
54 business records of the seller that are maintained in the ordinary course of the seller's
55 business if use of this address shall not constitute bad faith;

56 (4) If subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be
57 sourced to the location indicated by an address for the purchaser obtained during the
58 consummation of the sale, including the address of a purchaser's payment instrument, if
59 no other address is available and if use of this address shall not constitute bad faith; and

60 (5) If subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the
61 circumstances in which the seller is without sufficient information to apply the previous
62 rules, the location shall be determined by the address from which tangible personal
63 property was shipped, from which the digital good or computer software delivered
64 electronically was first available for transmission from the seller, or from which the service
65 was provided, disregarding for these purposes any location that merely provided for the
66 digital transfer of the product sold.

67 3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles,
68 trailers, semitrailers, watercraft, outboard motors, and aircraft that do not qualify as
69 transportation equipment shall be sourced to the address of the owner thereof.

70 4. The lease or rental of tangible personal property, other than property identified
71 in subsection 2 or 3 of this section, shall be sourced as follows:

72 (1) For a lease or rental that requires recurring periodic payments, the first
73 periodic payment is sourced the same as a retail sale in accordance with the provisions of
74 subsection 1 of this section. Periodic payments made subsequent to the first payment are
75 sourced to the primary property location for each period covered by the payment. The
76 primary property location shall be as indicated by an address for the property provided
77 by the lessee that is available to the lessor from its records maintained in the ordinary
78 course of business if use of this address shall not constitute bad faith. The property

79 location shall not be altered by intermittent use at different locations, such as use of
80 business property that accompanies employees on business trips and service calls;

81 (2) For a lease or rental that does not require recurring periodic payments, the
82 payment is sourced the same as a retail sale in accordance with the provisions of subsection
83 2 of this section; and

84 (3) This subsection shall not affect the imposition or computation of sales or use tax
85 on leases or rentals based on a lump sum or accelerated basis or on the acquisition of
86 property for lease.

87 5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not
88 qualify as transportation equipment, as defined in section 144.010, shall be sourced as
89 follows:

90 (1) For a lease or rental that requires recurring periodic payments, each periodic
91 payment is sourced to the primary property location. The primary property location shall
92 be as indicated by an address for the property provided by the lessee that is available to
93 the lessor from its records maintained in the ordinary course of business if use of such
94 address does not constitute bad faith. Such location shall not be altered by intermittent use
95 at different locations;

96 (2) For a lease or rental that does not require recurring periodic payments, the
97 payment is sourced the same as a retail sale in accordance with the provisions of subsection
98 1 of this section; and

99 (3) This subsection shall not affect the imposition or computation of sales or use tax
100 on leases or rentals based on a lump sum or accelerated basis or on the acquisition of
101 property for lease.

102 6. The retail sale, including lease or rental, of transportation equipment shall be
103 sourced the same as a retail sale in accordance with the provisions of subsection 1 of this
104 section, notwithstanding the exclusion of lease or rental in subsection 2 of this section.

144.112. 1. The retail sale of a product shall be sourced in accordance with section
2 144.111. The provisions of section 144.111 shall apply regardless of the characterization
3 of a product as tangible personal property, a digital good, or a service. The provisions of
4 section 144.111 shall apply only to determine a seller's obligation to pay or collect and
5 remit sales or use tax with respect to the seller's retail sale of a product. The provisions of
6 this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the
7 use of the product to the taxing jurisdictions of that use.

8 2. Section 144.111 shall not apply to sales or use taxes levied on the following:

9 (1) Retail sales or transfers of watercraft, modular homes, manufactured homes,
10 or mobile homes; and

11 **(2) Telecommunications services and ancillary services.**

144.113. 1. (1) A purchaser of advertising and promotional direct mail may
2 **provide the seller with:**

3 **(a) A direct pay permit;**

4 **(b) An agreement certificate of exemption claiming direct mail or other written**
5 **statement approved, authorized, or accepted by the state; or**

6 **(c) Information showing the jurisdictions to which the advertising and promotional**
7 **direct mail is to be delivered to recipients.**

8 **(2) If the purchaser provides the permit, certificate, or statement referred to in**
9 **paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the**
10 **absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any**
11 **transaction involving advertising and promotional direct mail to which the permit,**
12 **certificate, or statement applies. The purchaser shall source the sale to the jurisdictions**
13 **to which the advertising and promotional direct mail is to be delivered to the recipients and**
14 **shall report and pay any applicable tax due.**

15 **(3) If the purchaser provides the seller information showing the jurisdictions to**
16 **which the advertising and promotional direct mail is to be delivered to recipients, the seller**
17 **shall source the sale to the jurisdictions to which the advertising and promotional direct**
18 **mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad**
19 **faith, the seller is relieved of any further obligation to collect any additional tax on the sale**
20 **of advertising and promotional direct mail if the seller has sourced the sale according to**
21 **the delivery information provided by the purchaser.**

22 **(4) If the purchaser does not provide the seller with any of the items listed in**
23 **paragraph (a), (b), or (c) of subdivision (1) of subsection 1 of this section, the sale shall be**
24 **sourced according to subdivision (5) of subsection 2 of section 144.111. The state to which**
25 **the advertising and promotional direct mail is delivered may disallow credit for tax paid**
26 **on sales sourced under this subdivision.**

27 **(5) Notwithstanding section 144.111, this subsection shall apply to sales of**
28 **advertising and promotional direct mail.**

29 **2. (1) Except as otherwise provided in this subsection, sales of other direct mail are**
30 **sourced in accordance with subdivision (3) of subsection 2 of section 144.111.**

31 **(2) A purchaser of other direct mail may provide the seller with either:**

32 **(a) A direct pay permit; or**

33 **(b) An agreement certificate of exemption claiming direct mail or other written**
34 **statement approved, authorized, or accepted by the state.**

35 (3) If the purchaser provides the permit, certificate, or statement referred to in
36 paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad
37 faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction
38 involving other direct mail to which the permit, certificate, or statement applies.
39 Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the
40 jurisdictions to which the other direct mail is to be delivered to the recipients, and the
41 purchaser shall report and pay applicable tax due.

42 (4) Notwithstanding section 144.111, this subsection shall apply to sales of other
43 direct mail.

44 3. (1) (a) This section applies to a transaction characterized under state law as the
45 sale of services only if the service is an integral part of the production and distribution of
46 printed material that meets the definition of direct mail.

47 (b) This section shall not apply to any transaction that includes the development
48 of billing information or the provision of any data processing service that is more than
49 incidental, regardless of whether advertising and promotional direct mail is included in the
50 same mailing.

51 (2) If a transaction is a bundled transaction that includes advertising and
52 promotional direct mail, this section applies only if the primary purpose of the transaction
53 is the sale of products or services that meet the definition of advertising and promotional
54 direct mail.

55 (3) Nothing in this section shall limit any purchaser's:

56 (a) Obligation for sales or use tax to any state to which the direct mail is delivered;

57 (b) Right under local, state, federal, or constitutional law to a credit for sales or use
58 taxes legally due and paid to other jurisdictions; or

59 (c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

60 (4) This section applies for purposes of uniformly sourcing direct mail transactions
61 and shall not impose requirements on states regarding the taxation of products that meet
62 the definition of direct mail or to the application of sales for resale or other exemptions.

144.114. 1. Except for the defined telecommunications services under subsection
2 3 of this section, the sale of telecommunications service sold on a call-by-call basis shall be
3 sourced to:

4 (1) Each level of taxing jurisdiction where the call originates and terminates in that
5 jurisdiction; or

6 (2) Each level of taxing jurisdiction where the call either originates or terminates
7 and where the service address is also located.

8 **2. Except for the defined telecommunications services under subsection 3 of this**
9 **section, a sale of telecommunications services sold on a basis other than a call-by-call basis**
10 **is sourced to the customer's place of primary use.**

11 **3. The sale of the following telecommunications services shall be sourced to each**
12 **level of taxing jurisdiction as follows:**

13 **(1) A sale of mobile telecommunications services other than air-to-ground**
14 **radiotelephone service and prepaid calling service is sourced to the customer's place of**
15 **primary use, as required under the Mobile Telecommunications Sourcing Act;**

16 **(2) A sale of post-paid calling service is sourced to the origination point of the**
17 **telecommunications signal as first identified by either:**

18 **(a) The seller's telecommunications system; or**

19 **(b) Information received by the seller from its service provider, where the system**
20 **used to transport such signals is not that of the seller;**

21 **(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service**
22 **is sourced in accordance with section 144.111; provided that, however, in the case of a sale**
23 **of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of**
24 **section 144.111 shall include as an option the location associated with the mobile telephone**
25 **number;**

26 **(4) A sale of a private communication service is sourced as follows:**

27 **(a) Service for a separate charge related to a customer channel termination point**
28 **is sourced to each level of jurisdiction where such customer channel termination point is**
29 **located;**

30 **(b) Service where all customer termination points are located entirely within one**
31 **jurisdiction or level of jurisdiction is sourced to such jurisdiction where the customer**
32 **channel termination points are located;**

33 **(c) Service for segments of a channel between two customer channel termination**
34 **points located in different jurisdictions and for which segments of a channel are separately**
35 **charged is sourced fifty percent to each level of jurisdiction where the customer channel**
36 **termination points are located; and**

37 **(d) Service for segments of a channel located in more than one jurisdiction or levels**
38 **of jurisdiction and for which segments are not separately billed is sourced to each**
39 **jurisdiction based on the percentage determined by dividing the number of customer**
40 **channel termination points in such jurisdiction by the total number of customer channel**
41 **termination points.**

42 **4. The sale of internet access service is sourced to the customer's place of primary**
43 **use.**

44 **5. The sale of ancillary service is sourced to the customer's place of primary use.**

144.123. 1. The director of revenue shall provide and maintain a database that
2 **describes boundary changes for all taxing jurisdictions and the effective dates of such**
3 **changes for sales and use tax purposes.**

4 **2. The director of revenue shall provide and maintain a database of all sales and**
5 **use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes**
6 **corresponding to the rates shall be provided according to Federal Information Processing**
7 **Standards (FIPS) as developed by the National Institute of Standards and Technology. For**
8 **the identification of all other jurisdictions, codes corresponding to the rates shall be in a**
9 **format determined by the director.**

10 **3. The director of revenue shall provide and maintain a database that assigns the**
11 **proper tax rates and jurisdictions to each five- and nine-digit zip code within this state.**
12 **The lowest combined tax rate imposed in the zip code area shall apply if the area includes**
13 **more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code**
14 **designation is not available for a street address or if a seller or a certified service provider**
15 **(CSP) is unable to determine the nine-digit zip code designation applicable to a transaction**
16 **after exercising due diligence to determine the designation, the seller or CSP may apply the**
17 **rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable**
18 **presumption that a seller or CSP has exercised due diligence if the seller has attempted to**
19 **determine the nine-digit zip code designation by utilizing software approved by the**
20 **governing board that makes the designation from the street address and five-digit zip code**
21 **applicable to a purchase.**

22 **4. The director of revenue may provide address-based boundary database records**
23 **for assigning taxing jurisdictions and associated rates, in addition to the requirements of**
24 **subsection 3 of this section. The database records shall be in the same approved format**
25 **as the database records required under subsection 3 of this section and shall meet the**
26 **requirements developed under the federal Mobile Telecommunications Sourcing Act, 4**
27 **U.S.C. Section 119(a). If the director develops address-based assignment database records**
28 **under the agreement, sellers that register under the agreement shall be required to use**
29 **such database records. A seller or CSP shall use such database records in place of the five-**
30 **and nine-digit zip code database records provided for in subsection 3 of this section. If a**
31 **seller or CSP is unable to determine the applicable rate and jurisdiction using an address-**
32 **based database record after exercising due diligence, the seller or CSP may apply the nine-**
33 **digit zip code designation applicable to a transaction. If a nine-digit zip code designation**
34 **is not available for a street address or if a seller or CSP is unable to determine the nine-**
35 **digit zip code designation applicable to a transaction after exercising due diligence to**

36 determine the designation, the seller or CSP may apply the rate for the five-digit zip code
37 area. For the purposes of this section, there shall be a rebuttable presumption that a seller
38 or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax
39 rate and jurisdiction by utilizing software approved by the director and makes the
40 assignment from the address and zip code information applicable to the transaction. If the
41 director has met the requirements of subsection 3 of this section, the director may also elect
42 to certify vendor-provided address-based databases for assigning tax rates and
43 jurisdictions. The databases shall be in the same approved format as the database records
44 under this section and meet the requirements developed under the federal Mobile
45 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the director certifies a
46 vendor-provided address-based database, a seller or CSP may use such database in place
47 of the database provided for in this subsection.

48 5. The electronic databases provided for in subsections 1 to 4 of this section shall
49 be in downloadable format as determined by the director of revenue. The databases may
50 be directly provided by the director or provided by a vendor as designated by the director.
51 A database provided by a vendor as designated by the director shall be applicable and
52 subject to the provisions of section 144.124 and this section. The databases shall be
53 provided at no cost to users. The provisions of subsections 3 and 4 of this section shall not
54 apply if the purchaser receives the purchased product at the business location of the seller.

55 6. No seller or CSP shall be liable for reliance upon erroneous data provided by the
56 director of revenue on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director of revenue shall complete a taxability matrix. The state's
2 entries in the matrix shall be provided and maintained by the director in a database that
3 is in a downloadable format.

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

6 3. A seller or certified service provider (CSP) shall be relieved from liability to this
7 state or any local taxing jurisdiction for having charged and collected the incorrect amount
8 of state or local sales or use tax resulting from such seller's or CSP's reliance upon
9 erroneous data provided by the director of revenue in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax
2 to a seller who registers to pay or to collect and remit applicable sales or use tax on sales
3 made to purchasers in this state in accordance with the terms of the streamlined sales and
4 use tax agreement, provided that the seller was not registered in this state in the twelve-
5 month period preceding the effective date of this state's participation in the agreement.

6 **(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax**
7 **together with penalty or interest for sales made during the period the seller was not**
8 **registered in this state, provided registration occurs within twelve months of the effective**
9 **date of this state's participation in the agreement.**

10 **(3) Amnesty shall be provided if this state joins the agreement after the seller has**
11 **registered.**

12 **2. Amnesty shall not be available to a seller with respect to any matter or matters**
13 **for which the seller received notice of the commencement of an audit and for which the**
14 **audit is not yet finally resolved, including any related administrative and judicial**
15 **processes. The amnesty shall not be available for sales or use taxes already paid or**
16 **remitted to this state or to taxes collected by the seller.**

17 **3. Amnesty provided under this section shall be fully effective, absent the seller's**
18 **fraud or intentional misrepresentation of a material fact, if the seller continues registration**
19 **and payment or collection and remittance of applicable sales or use taxes for a period of**
20 **at least thirty-six months. The statute of limitations applicable to asserting a tax liability**
21 **during this thirty-six-month period shall be tolled.**

22 **4. Amnesty provided under this section shall be applicable only to sales or use taxes**
23 **due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in**
24 **its capacity as a purchaser.**

25 **5. The provisions of this section shall become effective as of the date that this state**
26 **joins and becomes a member state of the agreement.**

144.140. 1. From every remittance to the director of revenue made on or before the date
2 when the same becomes due, the person required to remit the same shall be entitled to deduct and
3 retain an amount equal to two percent thereof.

4 **2. If the director of revenue enters into the streamlined sales and use tax agreement**
5 **under section 32.070, the director shall provide a monetary allowance from the taxes**
6 **collected to each of the following:**

7 **(1) A certified service provider, in accordance with the agreement and under the**
8 **terms of the contract signed with the provider;**

9 **(2) Any vendor registered under the agreement that selects a certified automated**
10 **system to perform part of its sales or use tax functions; and**

11 **(3) Any vendor registered under the agreement that uses a proprietary system to**
12 **calculate taxes due and has entered into a performance agreement with states that are**
13 **members of the streamlined sales and use tax agreement.**

14 **3. Any vendor receiving an allowance under subsection 2 of this section shall not**
15 **be entitled simultaneously to deduct the allowance provided for in subsection 1 of this**
16 **section.**

144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or
2 mistake on the part of the director of revenue, such fact shall be set forth in the records of the
3 director of revenue, and the amount of the overpayment shall be credited on any taxes then due
4 from the person legally obligated to remit the tax under chapter 144, and the balance shall be
5 refunded to the person legally obligated to remit the tax, such person's administrators or
6 executors, as provided for in section 144.200.

7 2. If any tax, penalty or interest has been paid more than once, or has been erroneously
8 or illegally collected, or has been erroneously or illegally computed, such sum shall be credited
9 on any taxes then due from the person legally obligated to remit the tax under chapter 144, and
10 the balance, with interest as determined by section 32.065, shall be refunded to the person legally
11 obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies
12 of a claim for refund are filed within ten years from date of overpayment.

13 3. Every claim for refund must be in writing and signed by the applicant, and must state
14 the specific grounds upon which the claim is founded. Any refund or any portion thereof which
15 is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be
16 recovered in any action brought by the director of revenue against the person legally obligated
17 to remit the tax. In the event that a tax has been illegally imposed against a person legally
18 obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon
19 the director's record.

20 4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid
21 sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue
22 for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no
23 sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or
24 other claim the director otherwise would have against either the purchaser or vendor or seller,
25 and such claim for refund is accompanied by either:

26 (1) A notarized assignment of rights statement by the vendor or seller to the purchaser
27 allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of
28 rights statement shall contain the Missouri sales or use tax registration number of the vendor or
29 seller, a list of the transactions covered by the assignment, the tax periods and location for which
30 the original sale was reported to the director of revenue by the vendor or seller, and a notarized
31 statement signed by the vendor or seller affirming that the vendor or seller has not received a
32 refund or credit, will not apply for a refund or credit of the tax collected on any transactions

33 covered by the assignment, and authorizes the director to amend the seller's return to reflect the
34 refund; or

35 (2) In the event the vendor or seller fails or refuses to provide an assignment of rights
36 statement within sixty days from the date of such purchaser's written request to the vendor or
37 seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no
38 longer in business, the purchaser may provide the director a notarized statement confirming the
39 efforts that have been made to obtain an assignment of rights from the vendor or seller. Such
40 statement shall contain a list of the transactions covered by the assignment, the tax periods and
41 location for which the original sale was reported to the director of revenue by the vendor or
42 seller.

43

44 The director shall not require such vendor, seller, or purchaser to submit amended returns for
45 refund claims submitted under the provisions of this subsection. Notwithstanding the provisions
46 of section 32.057, if the seller is registered with the director for collection and remittance of sales
47 tax, the director shall notify the seller at the seller's last known address of the claim for refund.
48 If the seller objects to the refund within thirty days of the date of the notice, the director shall not
49 pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty
50 days, the director may issue the refund and amend the seller's return to reflect the refund. For
51 purposes of section 32.069, the refund claim shall not be considered to have been filed until the
52 seller agrees that the refund is warranted or thirty days after the date the director notified the
53 seller and the seller failed to respond.

54 5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim
55 on behalf of a purchaser and such refund claim is denied by the director, notice of such denial
56 and the reason for the denial shall be sent by the director to the vendor and each purchaser whose
57 name and address is submitted with the refund claim form filed by the vendor. A purchaser shall
58 be entitled to appeal the denial of the refund claim within sixty days of the date such notice of
59 denial is mailed by the director as provided in section 144.261. The provisions of this subsection
60 shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection
61 allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to
62 any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of
63 the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is
64 based solely on the issue of the exemption of the electronic transmission or delivery of computer
65 software.

66 6. Notwithstanding the provisions of this section, the director of revenue shall authorize
67 direct-pay agreements to purchasers which have annual purchases in excess of seven hundred
68 fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For

69 the purposes of such direct-pay agreements, the taxes authorized under chapters 66, 67, 70, 92,
70 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business
71 of the purchaser.

72 7. Special rules applicable to error corrections requested by customers of mobile
73 telecommunications service are as follows:

74 (1) For purposes of this subsection, the terms "customer", "home service provider",
75 "place of primary use", "electronic database", and "enhanced zip code" shall have the same
76 meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference
77 in section 144.013;

78 (2) Notwithstanding the provisions of this section, if a customer of mobile
79 telecommunications services believes that the amount of tax, the assignment of place of primary
80 use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the
81 home service provider, in writing, within three years from the date of the billing statement. The
82 customer shall include in such written notification the street address for the customer's place of
83 primary use, the account name and number for which the customer seeks a correction of the tax
84 assignment, a description of the error asserted by the customer and any other information the
85 home service provider reasonably requires to process the request;

86 (3) Within sixty days of receiving the customer's notice, the home service provider shall
87 review its records and the electronic database or enhanced zip code to determine the customer's
88 correct taxing jurisdiction. If the home service provider determines that the review shows that
89 the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home
90 service provider shall correct the error and, at its election, either refund or credit the amount of
91 tax erroneously collected to the customer for a period of up to three years from the last day of
92 the home service provider's sixty-day review period. If the home service provider determines
93 that the review shows that the amount of tax, the assignment of place of primary use or the taxing
94 jurisdiction is correct, the home service provider shall provide a written explanation of its
95 determination to the customer.

96 8. For all refund claims submitted to the department of revenue on or after September
97 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally
98 obligated to remit the tax levied under chapter 144 has received a refund of such taxes for a
99 specific issue and submits a subsequent claim for refund of such taxes on the same issue for a
100 tax period beginning on or after the date the original refund check issued to such person, no
101 refund shall be allowed. This subsection shall not apply and a refund shall be allowed if the
102 refund claim is filed by a purchaser under the provisions of subsection 4 of this section, the
103 refund claim is for use tax remitted by the purchaser, or an additional refund claim is filed by a
104 person legally obligated to remit the tax due to any of the following:

105 (1) Receipt of additional information or an exemption certificate from the purchaser of
106 the item at issue;

107 (2) A decision of a court of competent jurisdiction or the administrative hearing
108 commission; or

109 (3) Changes in regulations or policy by the department of revenue.

110 9. Notwithstanding any provision of law to the contrary, the director of revenue shall
111 respond to a request for a binding letter ruling filed in accordance with section 536.021 within
112 sixty days of receipt of such request. If the director of revenue fails to respond to such letter
113 ruling request within sixty days of receipt by the director, the director of revenue shall be barred
114 from pursuing collection of any assessment of sales or use tax with respect to the issue which is
115 the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling"
116 means a written interpretation of law by the director to a specific set of facts provided by a
117 specific taxpayer or his or her agent.

118 10. If any tax was paid more than once, was incorrectly collected, or was incorrectly
119 computed, such sum shall be credited on any taxes then due from the person legally obligated
120 to remit the tax under chapter 144 against any deficiency or tax due discovered through an audit
121 of the person by the department of revenue through adjustment during the same tax filing period
122 for which the audit applied.

123 **11. A cause of action against the seller by a purchaser for a tax erroneously or**
124 **illegally collected under this chapter does not accrue until a purchaser has provided**
125 **written notice to a seller and the seller has had sixty days to respond. Such notice to the**
126 **seller shall contain the information necessary to determine the validity of the request. A**
127 **seller shall be presumed to have a reasonable business practice if, in the collection of such**
128 **tax, the seller uses a provider or a system certified by the director and has remitted to the**
129 **state all tax collected less any deductions, credits, or allowances.**

144.210. 1. The burden of proving that a sale of tangible personal property, services,
2 substances or things was not a sale at retail shall be upon the person who made the sale, except
3 that with respect to sales, services, or transactions provided for in section 144.070. ~~[The seller~~
4 ~~shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence~~
5 ~~for any exempt sales claimed; provided, however, that before any administrative tribunal of this~~
6 ~~state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof~~
7 ~~admissible under the applicable rules of evidence; except that when a purchaser has purchased~~
8 ~~tangible personal property or services sales tax free under a claim of exemption which is found~~
9 ~~to be improper, the director of revenue may collect the proper amount of tax, interest, additions~~
10 ~~to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty~~

11 ~~collected by the director from the purchaser shall be credited against the amount otherwise due~~
12 ~~from the seller on the purchases or sales where the exemption was claimed.]~~

13 2. If the director of revenue is not satisfied with the return and payment of the tax made
14 by any person, he is hereby authorized and empowered to make an additional assessment of tax
15 due from such person, based upon the facts contained in the return or upon any information
16 within his possession or that shall come into his possession.

17 3. The director of revenue shall give to the person written notice of such additional or
18 revised assessment by certified or registered mail to the person at his, her, or its last known
19 address.

**144.212. 1. In addition to all other provisions of law provided for exemptions, if an
2 exemption is claimed by a purchaser:**

3 **(1) The seller shall obtain identifying information of the purchaser and the reason**
4 **for claiming a tax exemption at the time of the purchase;**

5 **(2) The purchaser shall not be required to provide a signature to claim an**
6 **exemption from tax unless a paper exemption certificate is used;**

7 **(3) The seller shall use the standard form for claiming an exemption electronically**
8 **prescribed by the director of revenue and acceptable to the streamlined sales and use tax**
9 **governing board;**

10 **(4) The seller shall obtain the same information for proof of a claimed exemption**
11 **regardless of the medium in which the transaction occurred;**

12 **(5) The seller shall maintain proper records of exempt transactions and provide**
13 **such records to the director of revenue or the director's designee upon request; and**

14 **(6) In the case of drop shipment sales, a third-party vendor such as a drop shipper**
15 **may claim a resale exemption based on an exemption certificate provided by its customer**
16 **or any other acceptable information available to the third-party vendor evidencing**
17 **qualification for a resale exemption, regardless of whether the customer is registered to**
18 **collect and remit sales and use tax in the state where the sale is sourced.**

19 **2. (1) Sellers that comply with the requirements of this section shall be relieved**
20 **from collecting and remitting tax otherwise applicable if it is determined that the**
21 **purchaser improperly claimed an exemption, and such purchaser shall be liable for the**
22 **nonpayment of tax. Relief from liability provided under this section shall not apply to a**
23 **seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate**
24 **in the unlawful claim of an exemption; to a seller who accepts an exemption certificate, if**
25 **the purchaser claims an entity-based exemption if the subject of the transaction sought to**
26 **be covered by the exemption certificate is actually received by the purchaser at a location**
27 **operated by the seller and the state in which that location resides provides an exemption**

28 certificate that clearly and affirmatively indicates that the claimed exemption is not
29 available in such state; or to a seller who accepts an exemption certificate claiming multiple
30 points of use for tangible personal property other than computer software for which an
31 exemption claiming multiple points of use is not permitted;

32 (2) A seller shall be relieved from collecting and remitting tax otherwise applicable
33 if the seller obtains a fully completed exemption certificate or captures the relevant data
34 elements required under the agreement within ninety days after the date of sale; and

35 (3) If a seller fails to obtain an exemption certificate or all relevant data elements
36 as provided in this section, the seller may, within one hundred twenty days after a request
37 for substantiation by the director of revenue or the director's designee, either prove that
38 the transaction was not subject to tax by other means or obtain a fully completed
39 exemption certificate from the purchaser, taken in good faith.

40 3. Nothing in this section shall affect the ability of the director of revenue or the
41 director's designee to require purchasers to update exemption certificate information or
42 to reapply with the state to claim certain exemptions.

43 4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the
44 director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket
45 exemption certificate for a purchaser with which the seller has a recurring business
46 relationship. The director shall not request from the seller renewal of blanket certificates
47 or updates of exemption certificate information or data elements if there is a recurring
48 business relationship between the purchaser and seller. For purposes of this section, a
49 recurring business relation exists if a period of no more than twelve months elapses
50 between sales transactions.

144.285. 1. ~~[In order to permit sellers required to collect and report the sales tax to
2 collect the amount required to be reported and remitted, but not to change the requirements of
3 reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of
4 pennies, the director of revenue shall establish brackets, showing the amounts of tax to be
5 collected on sales of specified amounts, which shall be applicable to all taxable transactions]~~
6 **When a seller is computing the amount of tax owed by the purchaser and remitted to the
7 state:**

8 (1) Tax computation shall be carried to the third decimal place; and

9 (2) The tax shall be rounded to a whole cent using a method that rounds up to the
10 next cent if the third decimal place is greater than four.

11 2. ~~[In all instances where statements covering taxable purchases are rendered to the
12 taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying
13 the applicable tax rate to the taxable purchases represented on the statement, rounded to the~~

14 ~~nearest whole cent, or by application of the brackets established by the director of revenue, at the~~
 15 ~~option of the retail vendor.] Sellers may elect to compute the tax due on a transaction on a~~
 16 **per-item or an invoice basis. The provisions of this subsection may be applied to the**
 17 **aggregated state and local taxes.**

18 3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax
 19 any sum in excess of the sums provided for in this section.

20 4. ~~[A vendor may, at his option, determine the amount charged to and received from each~~
 21 ~~purchaser by use of a formula which applies the applicable tax rate to each taxable purchase,~~
 22 ~~rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to~~
 23 ~~all purchases similarly situated.~~

24 ~~————5.]~~ Amounts which a vendor charges to and receives from the purchaser in accordance
 25 with this section shall not be includable in ~~[his]~~ **the vendor's** gross receipts if the amounts are
 26 separately charged or stated.

27 ~~[6.]~~ **5.** If sales tax for one or more local political subdivisions is owed by a taxpayer
 28 pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a
 29 filing period specified in section 144.080, the director of revenue shall deposit the tax remitted
 30 proportionately to each taxing jurisdiction in accordance with the percentage that each such
 31 jurisdiction's share of the tax due for the filing period bears to the total tax due from such
 32 taxpayer for such period. The unpaid balance due along with penalties and interest shall be
 33 similarly prorated among the state and all local jurisdictions for which tax was due during the
 34 filing period for which an underpayment occurs. The provisions of this subsection shall apply
 35 to all returns or remittances relating to sales made on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales
 2 Tax Holiday".

3 2. ~~[For purposes of this section, the following terms mean:~~

4 ~~————(1) "Appliance", clothes washers and dryers, water heaters, trash compactors,~~
 5 ~~dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and~~
 6 ~~freezers, and~~

7 ~~————(2) "Energy star certified", any appliance approved by both the United States~~
 8 ~~Environmental Protection Agency and the United States Department of Energy as eligible to~~
 9 ~~display the energy star label, as amended from time to time.~~

10 ~~————3.]~~ In each year beginning on or after January 1, 2009, there is hereby specifically
 11 exempted from state **and local** sales tax law all retail sales of any ~~[energy star certified]~~ new
 12 appliance **that is an Energy Star qualified product**, up to one thousand five hundred dollars
 13 per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending
 14 at midnight on April twenty-fifth. **When a purchaser and seller are located in two different**

15 **time zones, the time zone of the seller's location shall determine the authorized exemption**
16 **period.**

17 ~~[4. A political subdivision may allow the sales tax holiday under this section to apply to~~
18 ~~its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall~~
19 ~~notify the department of revenue not less than forty-five calendar days prior to the beginning date~~
20 ~~of the sales tax holiday occurring in that year of any such ordinance or order.~~

21 ~~5. This section may not apply to any retailer when less than two percent of the retailer's~~
22 ~~merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales~~
23 ~~tax refund in lieu of the sales tax holiday.]~~

24 **3. A sale of property that is eligible for an exemption under subsection 1 of this**
25 **section but is purchased under a layaway sale shall only qualify for an exemption if:**

26 **(1) Final payment on a layaway order is made by, and the property is given to, the**
27 **purchaser during the exemption period; or**

28 **(2) The purchaser selects the property and the seller accepts the order for the**
29 **property during the exemption period, for immediate delivery upon full payment, even if**
30 **delivery is made after the exemption period.**

31 **4. The exemption of a bundled transaction shall be calculated as provided by law**
32 **for all other bundled transactions.**

33 **5. (1) For any discount offered by a seller that is a reduction of the sales price of**
34 **the product, the discounted sales price shall determine whether the sales price falls below**
35 **the price threshold provided in subsection 1 of this section. A coupon that reduces the sales**
36 **price shall be treated as a discount only if the seller is not reimbursed for the coupon**
37 **amount by a third party.**

38 **(2) If a discount applies to the total amount paid by a purchaser rather than to the**
39 **sales price of a particular product and the purchaser has purchased both exempt property**
40 **and taxable property, the seller shall allocate the discount based on the total sales prices**
41 **of the taxable property compared to the total sales prices of all property sold in the same**
42 **transaction.**

43 **6. Items that are normally sold as a single unit shall continue to be sold in that**
44 **manner and shall not be priced separately and sold as individual items.**

45 **7. Items that are purchased during an exemption period but that are not delivered**
46 **to the purchaser until after the exemption period due to the item not being in stock shall**
47 **qualify for an exemption. The provisions of this subsection shall not apply to an item that**
48 **was delivered during an exemption period but was purchased prior to or after the**
49 **exemption period.**

50 **8. (1) If a purchaser purchases an item of eligible property during an exemption**
51 **period but later exchanges the item for a similar eligible item after the exemption period,**
52 **no additional tax shall be due on the new item.**

53 **(2) If a purchaser purchases an item of eligible property during an exemption**
54 **period but later returns the item after the exemption period and receives credit on the**
55 **purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale**
56 **of the newly purchased item.**

57 **(3) If a purchaser purchases an item of eligible property before an exemption**
58 **period but during the exemption period returns the item and receives credit on the**
59 **purchase of a different item of eligible property, no sales tax shall be due on the sale of the**
60 **new item if the new item is purchased during the exemption period.**

61 **(4) For a sixty-day period immediately following the end of the exemption period,**
62 **if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given**
63 **unless the purchaser provides a receipt or invoice that shows tax was paid, or the seller has**
64 **sufficient documentation to show that tax was paid on the item being returned.**

65 **9. For items that require delivery, an item shall be considered exempt if:**

66 **(1) The item is both delivered to and paid for by the purchaser during the**
67 **exemption period; or**

68 **(2) The purchaser orders and pays for the item and the seller accepts the order**
69 **during the exemption period for immediate shipment, even if delivery is made after the**
70 **exemption period. For the purposes of this subdivision, a seller shall be considered to have**
71 **accepted an order when the seller has taken action to fill the order for immediate shipment.**
72 **Actions to fill an order shall include placement of an "in date" stamp on a mail order or**
73 **the assignment of an "order number" to a telephone order. An order shall be considered**
74 **for immediate shipment when the purchaser does not request delayed shipment. An order**
75 **shall be considered for immediate shipment notwithstanding a shipment that may be**
76 **delayed because of a backlog of orders or because an item is currently unavailable or on**
77 **backorder.**

144.565. 1. For the purposes of this section, the following terms mean:

2 **(1) "Marketplace facilitator", a person who contracts with sellers to facilitate for**
3 **consideration, regardless of whether deducted as fees from the transaction, the sale of the**
4 **seller's products through an electronic marketplace operated by a person, and engages:**

5 **(a) Either directly or indirectly, through one or more affiliated persons, in any of**
6 **the following:**

7 **a. Transmitting or otherwise communicating the offer or acceptance between the**
8 **purchaser and marketplace seller;**

9 **b. Owning or operating the infrastructure, whether electronic or physical, or**
10 **technology that brings purchasers and marketplace sellers together;**

11 **c. Providing a virtual currency that purchasers are allowed or required to use to**
12 **purchase products from the marketplace seller; or**

13 **d. Software development or research and development activities related to any of**
14 **the activities described in paragraph (b) of this subdivision if such activities are directly**
15 **related to an electronic marketplace operated by a person or an affiliated person; and**

16 **(b) In any of the following activities with respect to the marketplace seller's**
17 **products:**

18 **a. Payment processing services;**

19 **b. Fulfillment or storage services;**

20 **c. Listing products for sale;**

21 **d. Setting prices;**

22 **e. Branding sales as those of the marketplace facilitator;**

23 **f. Order taking;**

24 **g. Advertising or promotion; or**

25 **h. Providing customer service or accepting or assisting with returns or exchanges;**

26

27 **A "marketplace facilitator" is a seller and shall comply with this chapter.**

28 **(2) "Marketplace seller", a seller that makes sales through any electronic**
29 **marketplace operated by a marketplace facilitator;**

30 **(3) "Person", any individual, firm, copartnership, joint venture, association,**
31 **corporation, municipal or private, whether organized for profit or not, state, county,**
32 **political subdivision, state department, commission, board, bureau or agency, except the**
33 **department of transportation, estate, trust, business trust, receiver or trustee appointed by**
34 **the state or a court, syndicate, or any other group or combination acting as a unit;**

35 **(4) "Purchaser", any person who is the recipient for a valuable consideration of**
36 **any sale of tangible personal property acquired for use, storage, or consumption in this**
37 **state;**

38 **(5) "Qualifying amount", one hundred thousand dollars or an amount as otherwise**
39 **prescribed by the department;**

40 **(6) "Retail sale", as defined in section 144.011, excluding motor vehicles, trailers,**
41 **motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled**
42 **under the laws of this state and subject to tax under subdivision (9) of subsection 1 of**
43 **section 144.020;**

44 (7) "Seller", a person selling or furnishing tangible personal property or rendering
45 services on the receipts from which a tax is imposed under section 144.020.

46 2. By no later than July 1, 2022, marketplace facilitators that reach the threshold
47 in subsection 4 of section 144.021 shall register with the department to collect and remit
48 sales tax on sales made through the marketplace facilitator's marketplace by or on behalf
49 of a marketplace seller that are delivered in this state, whether by the marketplace
50 facilitator or another person. Such retail sales shall include those made directly by the
51 marketplace facilitator and shall also include those retail sales made by marketplace sellers
52 through the marketplace facilitator's marketplace. The collection and reporting
53 requirements of this subsection shall not apply to retail sales other than those made
54 through a marketplace facilitator's marketplace.

55 3. Marketplace facilitators that collect sales tax under this section may report and
56 remit the tax in accordance with the provisions of this chapter and shall maintain records
57 of all sales delivered to a location in this state, including copies of invoices showing the
58 purchaser, address, purchase amount, and sales tax collected. Such records shall be made
59 available for review and inspection upon request by the department.

60 4. Marketplace facilitators that properly collect and then remit to the department
61 in a timely manner sales tax in accordance with the provisions of this section by or on
62 behalf of marketplace sellers shall be eligible for any discount provided under this chapter.

63 5. The marketplace facilitator shall provide the purchaser with a statement or
64 invoice showing that the sales tax was collected and shall be remitted on the purchaser's
65 behalf.

66 6. Any taxpayer who remits sales tax under this section shall be entitled to refunds
67 or credits to the same extent and in the same manner provided for in section 144.190 for
68 taxes collected and remitted through this section.

69 7. Marketplace facilitators shall be subject to the penalty provisions, procedures,
70 and reporting requirements of this chapter.

71 8. The distribution of the sales tax remitted by marketplace facilitators shall be
72 made in accordance with the provisions of this chapter.

144.600. 1. This law may be cited as the "Compensating Use Tax Law".

2 2. All provisions in sections 144.010 to 144.527 with respect to sales into this state
3 by out-of-state sellers shall apply to the compensating use tax law.

144.612. 1. A vendor is required to register with the director of revenue under this
2 chapter for the collection and remittance of use tax if the vendor is engaged in business
3 activities within this state. For purposes of this chapter, "engaging in business activities
4 within this state" includes:

5 **(1) Maintaining or having a franchisee or licensee operating under the seller's trade**
6 **name in this state if the franchisee or licensee is required to collect sales tax under sections**
7 **144.010 to 144.527; and**

8 **(2) Soliciting sales or taking orders by sales agents or traveling representatives.**

9 **2. A vendor is presumed to engage in business activities within this state if any**
10 **person, other than a common carrier acting in its capacity as such, that has substantial**
11 **nexus with this state:**

12 **(1) Sells a similar line of products as the vendor and does so under the same or a**
13 **similar business name;**

14 **(2) Maintains an office, distribution facility, warehouse, or storage place, or similar**
15 **place of business in this state to facilitate the delivery of property or services sold by the**
16 **vendor to the vendor's customers;**

17 **(3) Delivers, installs, assembles, or performs maintenance services for the vendor's**
18 **customers within this state;**

19 **(4) Facilitates the vendor's delivery of property to customers in this state by**
20 **allowing the vendor's customers to pick up property sold by the vendor at an office,**
21 **distribution facility, warehouse, storage place, or similar place of business maintained by**
22 **the person in this state; or**

23 **(5) Conducts any other activities in this state that are significantly associated with**
24 **the vendor's ability to establish and maintain a market in this state for sales.**

25 **3. The presumption in subsection 2 may be rebutted by demonstrating that the**
26 **person's activities in this state are not significantly associated with the vendor's ability to**
27 **establish or maintain a market in this state for the vendor's sales.**

28 **4. Notwithstanding subsection 2 or 3 of this section, a vendor shall be presumed to**
29 **engage in business activities within this state if the vendor enters into an agreement with**
30 **one or more residents of this state under which the resident, for a commission or other**
31 **consideration, directly or indirectly refers potential customers, whether by a link on a**
32 **website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the**
33 **cumulative gross receipts from sales by the vendor to customers in this state who are**
34 **referred to the vendor by all residents with this type of an agreement with the vendor**
35 **exceeds ten thousand dollars during the preceding twelve months.**

36 **5. The presumption in subsection 4 may be rebutted by submitting proof that the**
37 **residents with whom the vendor has an agreement did not engage in any activity within**
38 **this state that was significantly associated with the vendor's ability to establish or maintain**
39 **the vendor's market in this state during the preceding twelve months. Such proof may**
40 **consist of sworn written statements from all of the residents with whom the vendor has an**

41 **agreement stating that they did not engage in any solicitation in this state on behalf of the**
42 **vendor during the preceding year, provided that such statements were provided and**
43 **obtained in good faith.**

144.655. 1. Every vendor, on or before the last day of the month following each calendar
2 quarterly period of three months, shall file with the director of revenue a return of all taxes
3 collected for the preceding quarter in the form prescribed by the director of revenue, showing the
4 total sales price of the tangible personal property sold by the vendor, the storage, use or
5 consumption of which is subject to the tax levied by this law, and other information the director
6 of revenue deems necessary. The return shall be accompanied by a remittance of the amount of
7 the tax required to be collected by the vendor during the period covered by the return. Returns
8 shall be signed by the vendor or the vendor's authorized agent. The director of revenue may
9 promulgate rules or regulations changing the filing and payment requirements of vendors, but
10 shall not require any vendor to file and pay more frequently than required in this section.

11 2. Where the aggregate amount of tax required to be collected by a vendor is in excess
12 of two hundred ~~and~~ fifty dollars for either the first or second month of a calendar quarter, the
13 vendor shall pay such aggregate amount for such months to the director of revenue by the
14 twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against
15 the liability shown on the vendor's quarterly return required by this section.

16 3. Where the aggregate amount of tax required to be collected by a vendor is less than
17 forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the
18 vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or
19 before January thirty-first of the succeeding year.

20 4. Except as provided in subsection 5 of this section, every person purchasing tangible
21 personal property, the storage, use or consumption of which is subject to the tax levied by
22 sections 144.600 to ~~[144.748]~~ **144.746**, who has not paid the tax due to a vendor registered in
23 accordance with the provisions of section 144.650, shall file with the director of revenue a return
24 for the preceding reporting period in the form and manner that the director of revenue prescribes,
25 showing the total sales price of the tangible property purchased during the preceding reporting
26 period and any other information that the director of revenue deems necessary for the proper
27 administration of sections 144.600 to ~~[144.748]~~ **144.746**. The return shall be accompanied by
28 a remittance of the amount of the tax required by sections 144.600 to ~~[144.748]~~ **144.746** to be
29 paid by the person. Returns shall be signed by the person liable for the tax or such person's duly
30 authorized agent. For purposes of this subsection, the reporting period shall be determined by
31 the director of revenue and may be a calendar quarter or a calendar year. Annual returns and
32 payments required by the director pursuant to this subsection shall be due on or before April
33 fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be

34 due on or before the last day of the month following each calendar period of three months. Upon
35 the taxpayer's request, the director may allow the filing of such returns and payments on a
36 monthly basis. If a taxpayer elects to file a monthly return and payment, such return and
37 payment shall be due on or before the twentieth day of the succeeding month.

38 5. Any person purchasing tangible personal property subject to the taxes imposed by
39 sections 144.600 to ~~[144.748]~~ **144.746** shall not be required to file a use tax return with the
40 director of revenue if such purchases on which such taxes were not paid do not exceed in the
41 aggregate two thousand dollars in any calendar year.

42 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the
43 tax imposed pursuant to sections 144.600 to ~~[144.748]~~ **144.746** on the total gross receipts of all
44 sales of tangible personal property used, stored or consumed in this state and to remit all taxes
45 collected to the director of revenue in accordance with the provisions of this section nor shall it
46 relieve a purchaser from paying such taxes to a vendor registered in accordance with the
47 provisions of section 144.650.

48 **7. Any out-of-state seller that is not legally required to register for use tax in this**
49 **state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a**
50 **return for the calendar year. The return shall be filed and the taxes paid on or before**
51 **January thirty-first of the succeeding year.**

144.710. ~~[From every remittance made by a vendor as required by sections 144.600 to~~
2 ~~144.745 to the director of revenue on or before the date when the remittance becomes due, the~~
3 ~~vendor may deduct and retain an amount equal to two percent thereof]~~ **Sections 144.210 and**
4 **144.212, relating to the allowance for timely remittance of payment, are applicable to the**
5 **tax levied by the compensating use tax law.**

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections
2 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of
3 collection, which shall be deposited in the state's general revenue fund after payment of
4 premiums for surety bonds as provided in section 32.087 shall be deposited with the state
5 treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales
6 tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds
7 and shall not be commingled with any funds of the state. The director of revenue shall keep
8 accurate records of the amount of money in the trust fund which was collected in each county
9 or municipality imposing a local use tax, and the records shall be open to the inspection of
10 officers of the county or municipality and to the public. No later than the tenth day of each
11 month, the director of revenue shall distribute all moneys deposited in the trust fund during the
12 preceding month, except as provided in subsection 2 of this section, to the county or municipality
13 treasurer, or such other officer as may be designated by the county or municipality ordinance or

14 order, of each county or municipality imposing the tax authorized by sections 144.757 to
15 144.761, the sum due the county or municipality as certified by the director of revenue.

16 2. The director of revenue shall distribute all moneys which would be due any county
17 having a charter form of government and having a population of nine hundred thousand or more
18 to the county treasurer or such other officer as may be designated by county ordinance, who shall
19 distribute such moneys as follows: the portion of the use tax imposed by the county which
20 equals one-half the rate of sales tax in effect for such county shall be disbursed to the county
21 treasurer for expenditure throughout the county for public safety, parks, and job creation, subject
22 to any qualifications and regulations adopted by ordinance of the county. Such ordinance shall
23 require an audited comprehensive financial report detailing the management and use of such
24 funds each year. Such ordinance shall also require that the county and the municipal league of
25 the county jointly prepare a strategy to guide expenditures of funds and conduct an annual review
26 of the strategy. The treasurer or such other officer as may be designated by county ordinance
27 shall distribute one-third of the balance to the county and to each city, town and village in group
28 B according to section 66.620 as modified by this section, a portion of the two-thirds remainder
29 of such balance equal to the percentage ratio that the population of each such city, town or
30 village bears to the total population of all such group B cities, towns and villages. For the
31 purposes of this subsection, population shall be determined by the last federal decennial census
32 or the latest census that determines the total population of the county and all political
33 subdivisions therein. For the purposes of this subsection, each city, town or village in group A
34 according to section 66.620 but whose per capita sales tax receipts during the preceding calendar
35 year pursuant to sections 66.600 to 66.630 were less than the per capita countywide average of
36 all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town
37 or village until the per capita amount distributed to such city, town or village equals the
38 difference between the per capita sales tax receipts during the preceding calendar year and the
39 per capita countywide average of all sales tax receipts during the preceding calendar year.

40 3. The director of revenue may authorize the state treasurer to make refunds from the
41 amounts in the trust fund and credited to any county or municipality for erroneous payments and
42 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
43 such counties or municipalities. If any county or municipality abolishes the tax, the county or
44 municipality shall notify the director of revenue of the action [~~at least ninety days~~] prior to the
45 effective date of the repeal, and **the repeal shall be effective as provided by subsection 19 of**
46 **section 32.087.** The director of revenue may order retention in the trust fund, for a period of one
47 year, of two percent of the amount collected after receipt of such notice to cover possible refunds
48 or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
49 such accounts. After one year has elapsed after the effective date of abolition of the tax in such

50 county or municipality, the director of revenue shall authorize the state treasurer to remit the
51 balance in the account to the county or municipality and close the account of that county or
52 municipality. The director of revenue shall notify each county or municipality of each instance
53 of any amount refunded or any check redeemed from receipts due the county or municipality.

54 4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085
55 ~~[and]~~ to 32.087 applicable to the local sales tax, except for subsection ~~[12]~~ 11 of section 32.087,
56 and all provisions of sections 144.600 to ~~[144.745]~~ **144.746** shall apply to the tax imposed
57 pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions
58 incident to the administration, collection, enforcement, and operation of the tax.

144.761. 1. No county or municipality imposing a local use tax pursuant to sections
2 144.757 to 144.761 may repeal or amend such local use tax unless such repeal or amendment is
3 submitted to and approved by the voters of the county or municipality in the manner provided
4 in section 144.757; provided, however, that the repeal of the local sales tax within the county or
5 municipality shall be deemed to repeal the local use tax imposed pursuant to sections 144.757
6 to 144.761.

7 2. Whenever the governing body of any county or municipality in which a local use tax
8 has been imposed in the manner provided by sections 144.757 to 144.761 receives a petition,
9 signed by fifteen percent of the registered voters of such county or municipality voting in the last
10 gubernatorial election, calling for an election to repeal such local use tax, the governing body
11 shall submit to the voters of such county or municipality a proposal to repeal the county or
12 municipality use tax imposed pursuant to sections 144.757 to 144.761. If a majority of the votes
13 cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal
14 the local use tax, then the ordinance or order imposing the local use tax, along with any
15 amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting
16 thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order
17 imposing the local use tax, along with any amendments thereto, shall remain in effect. **The**
18 **notice provision of section 32.087 shall apply to such repeal of this tax.**

184.845. 1. The board of the district may impose a museum and cultural district sales
2 tax by resolution on all retail sales made in such museum and cultural district which are subject
3 to ~~[taxation pursuant to the provisions of sections 144.010 to 144.525]~~ **sales tax under chapter**
4 **144.** Such museum and cultural district sales tax may be imposed for any museum or cultural
5 purpose designated by the board of the museum and cultural district. If the resolution is adopted
6 the board of the district may submit the question of whether to impose a sales tax authorized by
7 this section to the qualified voters, who shall have the same voting interests as with the election
8 of members of the board of the district.

9 2. The sales tax authorized by this section shall become effective ~~[on the first day of the~~
10 ~~second calendar quarter following adoption of the tax by the board or qualified voters]~~ **as**
11 **provided in subsection 19 of section 32.087**, if the board elects to submit the question of
12 whether to impose a sales tax to the qualified voters.

13 3. In each museum and cultural district in which a sales tax has been imposed in the
14 manner provided by this section, every retailer shall add the tax imposed by the museum and
15 cultural district pursuant to this section to the retailer's sale price, and when so added such tax
16 shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and
17 shall be recoverable at law in the same manner as the purchase price.

18 4. In order to permit sellers required to collect and report the sales tax authorized by this
19 section to collect the amount required to be reported and remitted, but not to change the
20 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
21 fractions of pennies, the ~~[museum and cultural district may establish appropriate brackets which~~
22 ~~shall be used in the district imposing a tax pursuant to this section in lieu of those brackets~~
23 ~~provided in]~~ **tax shall be calculated as authorized under the provisions of** section 144.285.

24 5. All revenue received by a museum and cultural district from the tax authorized by this
25 section which has been designated for a certain museum or cultural purpose shall be deposited
26 in a special trust fund and shall be used solely for such designated purpose. All funds remaining
27 in the special trust fund shall continue to be used solely for such designated museum or cultural
28 purpose. Any funds in such special trust fund which are not needed for current expenditures may
29 be invested by the board of directors in accordance with applicable laws relating to the
30 investment of other museum or cultural district funds.

31 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one
32 percent or one percent on the receipts from the sale at retail of all tangible personal property or
33 taxable services at retail within the museum and cultural district adopting such tax, if such
34 property and services are subject to ~~[taxation by the state of Missouri pursuant to the provisions~~
35 ~~of sections 144.010 to 144.525]~~ **state sales tax under chapter 144**. Any museum and cultural
36 district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform
37 throughout the district.

38 7. On and after the effective date of any tax imposed pursuant to this section, the
39 ~~[museum and cultural district]~~ **director of revenue** shall perform all functions incident to the
40 administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to
41 this section shall be collected and reported upon such forms and under such administrative rules
42 and regulations as may be prescribed by the ~~[museum and cultural district]~~ **director of revenue**.

43 8. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ **chapter 144**
44 governing the state sales tax, sections 32.085 ~~[and]~~ to 32.087, and section 32.057, the uniform

45 confidentiality provision, shall apply to the collection of the tax imposed by this section, except
46 as modified in this section. All revenue collected under this section by the director of the
47 department of revenue on behalf of the museum and cultural districts [~~except for one percent~~
48 ~~for the cost of collection which shall be deposited in the state's general revenue fund,~~] shall be
49 deposited in a special trust fund, which is hereby created and shall be known as the "Missouri
50 Museum Cultural District Tax Fund", and shall be used solely for such designated purpose.
51 [~~Monies in the fund shall not be deemed to be state funds, and shall not be commingled with any~~
52 ~~funds of the state.~~] The director may make refunds from the amounts in the fund and credited to
53 the district for erroneous payments and overpayments made, and may redeem dishonored checks
54 and drafts deposited to the credit of such county.

55 9. All exemptions granted to agencies of government, organizations, persons and to the
56 sale of certain articles and items of tangible personal property and taxable services [~~pursuant to~~
57 ~~the provisions of sections 144.010 to 144.525~~] **under chapter 144** are hereby made applicable
58 to the imposition and collection of the tax imposed by this section.

59 10. The same sales tax permit, exemption certificate and retail certificate required [~~by~~
60 ~~sections 144.010 to 144.525~~] **under chapter 144** for the administration and collection of the
61 state sales tax shall satisfy the requirements of this section, and no additional permit or
62 exemption certificate or retail certificate shall be required; except that the museum and cultural
63 district may prescribe a form of exemption certificate for an exemption from the tax imposed by
64 this section.

65 11. The penalties provided in section 32.057 and [~~sections 144.010 to 144.525~~] **chapter**
66 **144** for violation of those sections are hereby made applicable to violations of this section.

67 12. [~~For the purpose of a sales tax imposed by a resolution pursuant to this section, all~~
68 ~~retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place~~
69 ~~of business of the retailer unless the tangible personal property sold is delivered by the retailer~~
70 ~~or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an~~
71 ~~out-of-state destination. In the event a retailer has more than one place of business in this state~~
72 ~~which participates in the sale, the sale shall be deemed to be consummated at the place of~~
73 ~~business of the retailer where the initial order for the tangible personal property is taken, even~~
74 ~~though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or~~
75 ~~billing. A sale by a retailer's employee shall be deemed to be consummated at the place of~~
76 ~~business from which the employee works.~~

77 ~~———13.]~~ All sales taxes collected by the museum and cultural district shall be deposited by
78 the museum and cultural district in a special fund to be expended for the purposes authorized in
79 this section. The museum and cultural district shall keep accurate records of the amount of
80 money which was collected pursuant to this section, and the records shall be open to the

81 inspection by the officers and directors of each museum and cultural district and the Missouri
82 department of revenue. Tax returns filed by businesses within the district shall otherwise be
83 considered as confidential in the same manner as sales tax returns filed with the Missouri
84 department of revenue.

85 [14.] 13. No museum and cultural district imposing a sales tax pursuant to this section
86 may repeal or amend such sales tax unless such repeal or amendment will not impair the district's
87 ability to repay any liabilities which it has incurred, money which it has borrowed or revenue
88 bonds, notes or other obligations which it has issued or which have been issued to finance any
89 project or projects.

90 **14. Except as modified in this section, all provisions under sections 32.085 to 32.087**
91 **shall apply to the tax imposed under this section.**

221.407. 1. The commission of any regional jail district may impose, by order, a sales
2 tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one
3 percent, or one-half of one percent on all retail sales made in such region which are subject to
4 taxation ~~[pursuant to the provisions of sections 144.010 to 144.525]~~ **under chapter 144** for the
5 purpose of providing jail services and court facilities and equipment for such region. The tax
6 authorized by this section shall be in addition to any and all other sales taxes allowed by law,
7 except that no order imposing a sales tax pursuant to this section shall be effective unless the
8 commission submits to the voters of the district, on any election date authorized in chapter 115,
9 a proposal to authorize the commission to impose a tax.

10 2. The ballot of submission shall contain, but need not be limited to, the following
11 language:

12
13 Shall the regional jail district of _____ (counties' names) impose a region-wide
14 sales tax of _____ (insert ~~[amount]~~ **rate of percent**) for the purpose of
15 providing jail services and court facilities and equipment for the region?

16 YES NO

17
18 If you are in favor of the question, place an "X" in the box opposite "YES". If you
19 are opposed to the question, place an "X" in the box opposite "NO".

20
21 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon
22 are in favor of the proposal, then the order and any amendment to such order shall be in effect
23 ~~[on the first day of the second quarter immediately following the election approving the~~
24 ~~proposal]~~ **as provided by subsection 19 of section 32.087.** If the proposal receives less than
25 the required majority, the commission shall have no power to impose the sales tax authorized

26 pursuant to this section unless and until the commission shall again have submitted another
27 proposal to authorize the commission to impose the sales tax authorized by this section and such
28 proposal is approved by the required majority of the qualified voters of the district voting on such
29 proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters
30 sooner than twelve months from the date of the last submission of a proposal pursuant to this
31 section.

32 3. All revenue received by a district from the tax authorized pursuant to this section shall
33 be deposited in a special trust fund and shall be used solely for providing jail services and court
34 facilities and equipment for such district for so long as the tax shall remain in effect.

35 4. Once the tax authorized by this section is abolished or terminated by any means, all
36 funds remaining in the special trust fund shall be used solely for providing jail services and court
37 facilities and equipment for the district. Any funds in such special trust fund which are not
38 needed for current expenditures may be invested by the commission in accordance with
39 applicable laws relating to the investment of other county funds.

40 5. All sales taxes collected by the director of revenue pursuant to this section on behalf
41 of any district~~], less one percent for cost of collection which shall be deposited in the state's~~
42 ~~general revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~
43 shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional
44 Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund
45 shall not be deemed to be state funds and shall not be commingled with any funds of the state.
46 The director of revenue shall keep accurate records of the amount of money in the trust fund
47 which was collected in each district imposing a sales tax pursuant to this section, and the records
48 shall be open to the inspection of officers of each member county and the public. Not later than
49 the tenth day of each month the director of revenue shall distribute all moneys deposited in the
50 trust fund during the preceding month to the district which levied the tax. Such funds shall be
51 deposited with the treasurer of each such district, and all expenditures of funds arising from the
52 regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the
53 commission and shall be approved by the commission. Expenditures may be made from the fund
54 for any function authorized in the order adopted by the commission submitting the regional jail
55 district tax to the voters.

56 6. The director of revenue may make refunds from the amounts in the trust fund and
57 credited to any district for erroneous payments and overpayments made, and may redeem
58 dishonored checks and drafts deposited to the credit of such districts. If any district abolishes
59 the tax, the commission shall notify the director of revenue of the action ~~[at least ninety days]~~
60 prior to the effective date of the repeal, and **the repeal shall be effective as provided by**
61 **subsection 19 of section 32.087.** The director of revenue may order retention in the trust fund,

62 for a period of one year, of two percent of the amount collected after receipt of such notice to
 63 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
 64 deposited to the credit of such accounts. After one year has elapsed after the effective date of
 65 abolition of the tax in such district, the director of revenue shall remit the balance in the account
 66 to the district and close the account of that district. The director of revenue shall notify each
 67 district in each instance of any amount refunded or any check redeemed from receipts due the
 68 district.

69 7. Except as provided in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
 70 shall apply to the tax imposed pursuant to this section.

71 8. The provisions of this section shall expire September 30, 2028.

238.235. 1. (1) Any transportation development district may by resolution impose a
 2 transportation development district sales tax on all retail sales made in such transportation
 3 development district which are subject to taxation ~~[pursuant to the provisions of sections 144.010~~
 4 ~~to 144.525]~~ **under chapter 144**, except such transportation development district sales tax shall
 5 not apply to the sale or use of motor vehicles, trailers, boats, ~~[or]~~ outboard motors ~~[nor to all~~
 6 ~~sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service~~
 7 ~~to telephone subscribers, either local or long distance]~~ , **electricity, piped natural or artificial**
 8 **gas, or other fuels delivered by the seller.** Such transportation development district sales tax
 9 may be imposed for any transportation development purpose designated by the transportation
 10 development district in its ballot of submission to its qualified voters, except that no resolution
 11 enacted pursuant to the authority granted by this section shall be effective unless:

12 (a) The board of directors of the transportation development district submits to the
 13 qualified voters of the transportation development district a proposal to authorize the board of
 14 directors of the transportation development district to impose or increase the levy of an existing
 15 tax pursuant to the provisions of this section; or

16 (b) The voters approved the question certified by the petition filed pursuant to subsection
 17 5 of section 238.207.

18 (2) If the transportation district submits to the qualified voters of the transportation
 19 development district a proposal to authorize the board of directors of the transportation
 20 development district to impose or increase the levy of an existing tax pursuant to the provisions
 21 of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but
 22 need not be limited to, the following language:

23

24 Shall the transportation development district of _____
 25 (transportation development district's name) impose a transportation development
 26 district-wide sales tax at the rate of _____ (insert ~~[amount]~~ **rate of**

63 are not needed for current expenditures may be invested by the board of directors in accordance
64 with applicable laws relating to the investment of other transportation development district
65 funds.

66 ~~[(7)]~~ (4) The sales tax may be imposed in increments of one-eighth of one percent, up
67 to a maximum of one percent on the receipts from the sale at retail of all tangible personal
68 property or taxable services at retail within the transportation development district adopting such
69 tax, if such property and services are subject to taxation by ~~[the state of Missouri pursuant to the~~
70 ~~provisions of sections 144.010 to 144.525]~~ **this state under chapter 144**, except such
71 transportation development district sales tax shall not apply to the sale or use of motor vehicles,
72 trailers, boats or outboard motors ~~[nor to public utilities]~~. Any transportation development
73 district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform
74 throughout the district.

75 2. The resolution imposing the sales tax pursuant to this section shall impose upon all
76 sellers a tax for the privilege of engaging in the business of selling tangible personal property or
77 rendering taxable services at retail to the extent and in the manner provided ~~[in sections 144.010~~
78 ~~to 144.525]~~ **under chapter 144**, and the rules and regulations of the director of revenue issued
79 pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the
80 sales tax and the tax shall be reported and returned to and collected by the transportation
81 development district.

82 3. ~~[On and after the effective date of any tax imposed pursuant to this section, the~~
83 ~~director of revenue shall perform all functions incident to the administration, collection,~~
84 ~~enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all~~
85 ~~other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax~~
86 ~~imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of~~
87 ~~Missouri shall be collected together and reported upon such forms and pursuant to such~~
88 ~~administrative rules and regulations as may be prescribed by the director of revenue.~~

89 ~~4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the~~
90 ~~state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality~~
91 ~~provision, shall apply to the collection of the tax imposed by this section, except as modified in~~
92 ~~this section.~~

93 ~~(2) All exemptions granted to agencies of government, organizations, persons and to the~~
94 ~~sale of certain articles and items of tangible personal property and taxable services pursuant to~~
95 ~~the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and~~
96 ~~collection of the tax imposed by this section.~~

97 ~~(3) The same sales tax permit, exemption certificate and retail certificate required by~~
98 ~~sections 144.010 to 144.525 for the administration and collection of the state sales tax shall~~

99 ~~satisfy the requirements of this section, and no additional permit or exemption certificate or retail~~
100 ~~certificate shall be required; except that the transportation development district may prescribe~~
101 ~~a form of exemption certificate for an exemption from the tax imposed by this section.~~

102 ~~—— (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws~~
103 ~~for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made~~
104 ~~applicable to any taxes collected pursuant to the provisions of this section.~~

105 ~~—— (5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for~~
106 ~~violation of those sections are hereby made applicable to violations of this section.~~

107 ~~—— (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all~~
108 ~~retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place~~
109 ~~of business of the retailer unless the tangible personal property sold is delivered by the retailer~~
110 ~~or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an~~
111 ~~out-of-state destination. In the event a retailer has more than one place of business in this state~~
112 ~~which participates in the sale, the sale shall be deemed to be consummated at the place of~~
113 ~~business of the retailer where the initial order for the tangible personal property is taken, even~~
114 ~~though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or~~
115 ~~billing. A sale by a retailer's employee shall be deemed to be consummated at the place of~~
116 ~~business from which the employee works.~~

117 ~~—— 5.] All sales taxes received by the transportation development district shall be deposited~~
118 ~~by the director of revenue in a special fund to be expended for the purposes authorized in this~~
119 ~~section. The director of revenue shall keep accurate records of the amount of money which was~~
120 ~~collected pursuant to this section, and the records shall be open to the inspection of officers of~~
121 ~~each transportation development district and the general public.~~

122 ~~[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this~~
123 ~~section may repeal or amend such sales tax unless such repeal or amendment will not impair the~~
124 ~~district's ability to repay any liabilities which it has incurred, money which it has borrowed or~~
125 ~~revenue bonds, notes or other obligations which it has issued or which have been issued by the~~
126 ~~commission or any local transportation authority to finance any project or projects.~~

127 ~~(2) Whenever the board of directors of any transportation development district in which~~
128 ~~a transportation development sales tax has been imposed in the manner provided by this section~~
129 ~~receives a petition, signed by ten percent of the qualified voters calling for an election to repeal~~
130 ~~such transportation development sales tax, the board of directors shall, if such repeal will not~~
131 ~~impair the district's ability to repay any liabilities which it has incurred, money which it has~~
132 ~~borrowed or revenue bonds, notes or other obligations which it has issued or which have been~~
133 ~~issued by the commission or any local transportation authority to finance any project or projects,~~
134 ~~submit to the qualified voters of such transportation development district a proposal to repeal the~~

135 transportation development sales tax imposed pursuant to the provisions of this section. If a
 136 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 137 the proposal to repeal the transportation development sales tax, then the resolution imposing the
 138 transportation development sales tax, along with any amendments thereto, is repealed **as**
 139 **provided by subsection 19 of section 32.087**. If a majority of the votes cast by the qualified
 140 voters voting thereon are opposed to the proposal to repeal the transportation development sales
 141 tax, then the ordinance or resolution imposing the transportation development sales tax, along
 142 with any amendments thereto, shall remain in effect.

143 ~~[7.]~~ **5.** Notwithstanding any provision of sections 99.800 to 99.865 and this section to
 144 the contrary, the sales tax imposed by a district whose project is a public mass transportation
 145 system shall not be considered economic activity taxes as such term is defined under sections
 146 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of
 147 section 99.845, or subsection 4 of section 99.957.

148 **6. After the effective date of any tax imposed under the provisions of this section,**
 149 **the director of revenue shall perform all functions incident to the administration,**
 150 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**
 151 **the state of Missouri, the additional tax authorized under the authority of this section. The**
 152 **tax imposed under this section and the tax imposed under the sales tax law of the state of**
 153 **Missouri shall be collected together and reported upon such forms and under such**
 154 **administrative rules and regulations as may be prescribed by the director of revenue.**

155 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall**
 156 **apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established pursuant to section 238.400 may
 2 impose a sales tax of up to one percent on all retail sales made in such county which are subject
 3 to taxation under ~~[the provisions of sections 144.010 to 144.525]~~ **chapter 144**. The tax
 4 authorized by this section shall be in addition to any and all other sales taxes allowed by law,
 5 except that no sales tax imposed under the provisions of this section shall be effective unless the
 6 governing body of the county, on behalf of the transit authority, submits to the voters of the
 7 county, at a county or state general, primary or special election, a proposal to authorize the transit
 8 authority to impose a tax.

9 2. The ballot of submission shall contain, but need not be limited to, the following
 10 language:

11
 12 Shall the _____ Transit Authority impose a countywide sales
 13 tax of _____ (insert ~~[amount]~~ **rate of percent**) in order to provide revenues
 14 for the operation of transportation facilities operated by the transit authority?

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YES NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective ~~[on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax]~~ **as provided by subsection 19 of section 32.087**. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed **as provided by subsection 19 of section 32.087**. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided ~~[in sections 144.010 to 144.525]~~ **under chapter 144** and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section.

51 The amount reported and returned to the director of revenue by the seller shall be computed on
52 the basis of the combined rate of the tax imposed [~~by sections 144.010 to 144.525~~] **under**
53 **chapter 144** and the tax imposed by this section, plus any amounts imposed under other
54 provisions of law.

55 6. After the effective date of any tax imposed under the provisions of this section, the
56 director of revenue shall perform all functions incident to the administration, collection,
57 enforcement, and operation of the tax, and the director of revenue shall collect in addition to the
58 sales tax for the state of Missouri the additional tax authorized under the authority of this section.
59 The tax imposed under this section and the tax imposed under the sales tax law of the state of
60 Missouri shall be collected together and reported upon such forms and under such administrative
61 rules and regulations as may be prescribed by the director of revenue. In order to permit sellers
62 required to collect and report the sales tax to collect the amount required to be reported and
63 remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy
64 of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285
65 shall apply to all taxable transactions.

66 7. All applicable provisions contained in [~~sections 144.010 to 144.525~~] **chapter 144**
67 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall
68 apply to the collection of the tax imposed by this section, except as modified in this section. All
69 exemptions granted to agencies of government, organizations, persons and to the sale of certain
70 articles and items of tangible personal property and taxable services under the provisions of
71 [~~sections 144.010 to 144.525~~] **chapter 144** are hereby made applicable to the imposition and
72 collection of the tax imposed by this section. The same sales tax permit, exemption certificate
73 and retail certificate required [~~by sections 144.010 to 144.525~~] **under chapter 144** for the
74 administration and collection of the state sales tax shall satisfy the requirements of this section,
75 and no additional permit or exemption certificate or retail certificate shall be required; except
76 that the director of revenue may prescribe a form of exemption certificate for an exemption from
77 the tax imposed by this section. All discounts allowed the retailer under the provisions of the
78 state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby
79 allowed and made applicable to any taxes collected under the provisions of this section. The
80 penalties provided in section 32.057 and [~~sections 144.010 to 144.525~~] **chapter 144** for a
81 violation of those sections are hereby made applicable to violations of this section.

82 8. [~~For the purposes of a sales tax imposed pursuant to this section, all retail sales shall~~
83 ~~be deemed to be consummated at the place of business of the retailer, except for tangible~~
84 ~~personal property sold which is delivered by the retailer or his agent to an out-of-state destination~~
85 ~~or to a common carrier for delivery to an out-of-state destination and except for the sale of motor~~
86 ~~vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this~~

87 ~~section. In the event a retailer has more than one place of business in this state which~~
88 ~~participates in the sale, the sale shall be deemed to be consummated at the place of business of~~
89 ~~the retailer where the initial order for the tangible personal property is taken, even though the~~
90 ~~order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A~~
91 ~~sale by a retailer's employee shall be deemed to be consummated at the place of business from~~
92 ~~which he works.~~

93 ~~——9.] All sales taxes collected by the director of revenue under this section on behalf of any~~
94 ~~transit authority[; less one percent for cost of collection which shall be deposited in the state's~~
95 ~~general revenue fund after payment of premiums for surety bonds as provided in this section,]~~
96 ~~shall be deposited in the state treasury in a special trust fund, which is hereby created, to be~~
97 ~~known as the "County Transit Authority Sales Tax Trust Fund". [The moneys in the county~~
98 ~~transit authority sales tax trust fund shall not be deemed to be state funds and shall not be~~
99 ~~commingled with any funds of the state.] The director of revenue shall keep accurate records of~~
100 ~~the amount of money in the trust fund which was collected in each transit authority imposing a~~
101 ~~sales tax under this section, and the records shall be open to the inspection of officers of the~~
102 ~~county and the public. Not later than the tenth day of each month the director of revenue shall~~
103 ~~distribute all moneys deposited in the trust fund during the preceding month to the transit~~
104 ~~authority which levied the tax.~~

105 ~~[10.]~~ **9.** The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from
106 the amounts in the trust fund and credited to any transit authority for erroneous payments and
107 overpayments made, and may ~~[authorize the state treasurer to]~~ redeem dishonored checks and
108 drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax,
109 the transit authority shall notify the director of revenue of the action ~~[at least ninety days]~~ prior
110 to the effective date of the repeal, and **the repeal shall be effective as provided by subsection**
111 **19 of section 32.087.** The director of revenue may order retention in the trust fund, for a period
112 of one year, of two percent of the amount collected after receipt of such notice to cover possible
113 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the
114 credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
115 in such transit authority, the director of revenue shall ~~[authorize the state treasurer to]~~ remit the
116 balance in the account to the transit authority and close the account of that transit authority. The
117 director of revenue shall notify each transit authority of each instance of any amount refunded
118 or any check redeemed from receipts due the transit authority. The director of revenue shall
119 annually report on his management of the trust fund and administration of the sales taxes
120 authorized by this section. He shall provide each transit authority imposing the tax authorized
121 by this section with a detailed accounting of the source of all funds received by him for the
122 transit authority.

123 ~~[11.]~~ **10.** The director of revenue and any of his deputies, assistants and employees who
124 shall have any duties or responsibilities in connection with the collection, deposit, transfer,
125 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the
126 hands of the director of revenue under the provisions of this section shall enter a surety bond or
127 bonds payable to any and all transit authorities in whose behalf such funds have been collected
128 under this section in the amount of one hundred thousand dollars; but the director of revenue
129 may enter into a blanket bond or bonds covering himself and all such deputies, assistants and
130 employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by
131 the director of revenue from the share of the collection retained by the director of revenue for the
132 benefit of the state.

133 ~~[12.]~~ **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and
134 sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted
135 by the seller, but shall be collected by the director of revenue at the time application is made for
136 a certificate of title, if the address of the applicant is within a county where a sales tax is imposed
137 under this section. The amounts so collected, less the one percent collection cost, shall be
138 deposited in the county transit authority sales tax trust fund. The purchase or sale of motor
139 vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address
140 of the applicant. As used in this subsection, the term "boat" shall only include motorboats and
141 vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

142 ~~[13.]~~ **12.** In any county where the transit authority sales tax has been imposed, if any
143 person is delinquent in the payment of the amount required to be paid by him under this section
144 or in the event a determination has been made against him for taxes and penalty under this
145 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
146 be the same as that provided ~~[in sections 144.010 to 144.525]~~ **under chapter 144.** Where the
147 director of revenue has determined that suit must be filed against any person for the collection
148 of delinquent taxes due the state under the state sales tax law, and where such person is also
149 delinquent in payment of taxes under this section, the director of revenue shall notify the transit
150 authority to which delinquent taxes are due under this section by United States registered mail
151 or certified mail at least ten days before turning the case over to the attorney general. The transit
152 authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment
153 for the delinquent taxes and penalty due such transit authority. In the event any person fails or
154 refuses to pay the amount of any sales tax due under this section, the director of revenue shall
155 promptly notify the transit authority to which the tax would be due so that appropriate action may
156 be taken by the transit authority.

157 ~~[14.]~~ **13.** Where property is seized by the director of revenue under the provisions of any
158 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax

159 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any
160 tax imposed by this section, the director of revenue shall permit the transit authority to join in
161 any sale of property to pay the delinquent taxes and penalties due the state and to the transit
162 authority under this section. The proceeds from such sale shall first be applied to all sums due
163 the state, and the remainder, if any, shall be applied to all sums due such transit authority under
164 this section.

165 ~~[15. The transit authority created under the provisions of sections 238.400 to 238.412~~
166 ~~shall notify any and all affected businesses of the change in tax rate caused by the imposition of~~
167 ~~the tax authorized by sections 238.400 to 238.412.~~

168 ~~—————16.]~~ **14.** In the event that any transit authority in any county with a charter form of
169 government and with more than two hundred fifty thousand but fewer than three hundred fifty
170 thousand inhabitants submits a proposal in any election to increase the sales tax under this
171 section, and such proposal is approved by the voters, the county shall be reimbursed for the costs
172 of submitting such proposal from the funds derived from the tax levied under this section.

173 **15. Except as otherwise provided in sections 238.400 to 238.412, all provisions of**
174 **sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 and 238.412.**

644.032. 1. The governing body of any municipality or county may impose, by
2 ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail
3 sales made in such municipality or county which are subject to taxation under the provisions of
4 ~~[sections 144.010 to 144.525]~~ **chapter 144.** The tax authorized by this section and section
5 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no
6 ordinance or order imposing a sales tax under the provisions of this section and section 644.033
7 shall be effective unless the governing body of the municipality or county submits to the voters
8 of the municipality or county, at a municipal, county or state general, primary or special election,
9 a proposal to authorize the governing body of the municipality or county to impose a tax,
10 provided, that the tax authorized by this section shall not be imposed on the sales of food, as
11 defined in section 144.014, when imposed by any county with a charter form of government and
12 with more than one million inhabitants.

13 2. The ballot of submission shall contain, but need not be limited to, the following
14 language:

15
16 Shall the municipality (county) of _____ impose a sales tax of
17 _____ (insert ~~amount~~ **rate of percent**) for the purpose of providing funding for
18 _____ (insert either storm water control, or local parks, or
19 storm water control and local parks) for the municipality (county)?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal, then the ordinance or order and any amendments thereto shall ~~[be in effect on~~
23 ~~the first day of the second quarter after the director of revenue receives notice of adoption of the~~
24 ~~tax]~~ **become effective as provided in subsection 19 of section 32.087.** If a majority of the votes
25 cast by the qualified voters voting are opposed to the proposal, then the governing body of the
26 municipality or county shall not impose the sales tax authorized in this section and section
27 644.033 until the governing body of the municipality or county resubmits another proposal to
28 authorize the governing body of the municipality or county to impose the sales tax authorized
29 by this section and section 644.033 and such proposal is approved by a majority of the qualified
30 voters voting thereon; however, in no event shall a proposal pursuant to this section and section
31 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal
32 pursuant to this section and section 644.033.

33 3. All revenue received by a municipality or county from the tax authorized under the
34 provisions of this section and section 644.033 shall be deposited in a special trust fund and shall
35 be used to provide funding for storm water control or for local parks, or both, within such
36 municipality or county, provided that such revenue may be used for local parks outside such
37 municipality or county if the municipality or county is engaged in a cooperative agreement
38 pursuant to section 70.220.

39 4. Any funds in such special trust fund which are not needed for current expenditures
40 may be invested by the governing body in accordance with applicable laws relating to the
41 investment of other municipal or county funds.

42 **5. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall**
43 **apply to the tax imposed under this section.**

2 ~~[66.601. The duties of the director of revenue with respect to the~~
3 ~~allocation, division and distribution of sales and use tax proceeds determined to~~
4 ~~be due any county of the first classification having a charter form of government~~
5 ~~and having a population of nine hundred thousand or more inhabitants and all~~
6 ~~municipalities within such county, resulting from taxes levied or imposed under~~
7 ~~the authority of sections 66.600 to 66.630, section 144.748, 144.748 and sections~~
8 ~~94.850 to 94.857, may be delegated to the county levying the county sales tax~~
9 ~~under sections 66.600 to 66.630, at the discretion of the director of revenue and~~
10 ~~with the consent of the county. Notwithstanding the provisions of section 32.057~~
11 ~~to the contrary, if such duties are so assigned, the director of revenue shall furnish~~
12 ~~the county with sufficient information to perform such duties in such form as may~~
13 ~~be agreed upon by the director and the county at no cost to the county. The~~
14 ~~county shall be bound by the provisions of section 32.057, and shall use any~~
15 ~~information provided by the director of revenue under the provisions of this~~
16 ~~section solely for the purpose of allocating, dividing and distributing such sales~~
~~and use tax revenues. The county shall exercise all of the director's powers and~~

17 ~~duties with respect to such allocation, division and distribution, and shall receive~~
18 ~~no fee for carrying out such powers and duties.]~~

19

2 ~~[67.1713. Beginning January 1, 2002, there is hereby specifically~~
3 ~~exempted from the tax imposed pursuant to section 67.1712 all sales of food as~~
4 ~~defined by section 144.014.]~~

4

2 ~~[67.1971. All entities remitting the sales tax authorized pursuant to~~
3 ~~section 67.1959 shall have their liability reduced by an amount equal to~~
4 ~~twenty-five percent of any taxes collected and remitted pursuant to sections~~
5 ~~94.802 to 94.805.]~~

5

2 ~~[144.043. 1. As used in this section, the following terms mean:~~
3 ~~(1) "Light aircraft", a light airplane that seats no more than four persons;~~
4 ~~with a gross weight of three thousand pounds or less, which is primarily used for~~
5 ~~recreational flying or flight training;~~
6 ~~(2) "Light aircraft kit", factory manufactured parts and components;~~
7 ~~including engine, propeller, instruments, wheels, brakes, and air frame parts~~
8 ~~which make up a complete aircraft kit or partial kit designed to be assembled into~~
9 ~~a light aircraft and then operated by a qualified purchaser for recreational and~~
10 ~~educational purposes;~~
11 ~~(3) "Parts and components", manufactured light aircraft parts, including~~
12 ~~air frame and engine parts, that are required by the qualified purchaser to~~
13 ~~complete a light aircraft kit, or spare or replacement parts for an already~~
14 ~~completed light aircraft;~~
15 ~~(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit,~~
16 ~~parts or components who is nonresident of this state, who will transport the light~~
17 ~~aircraft, light aircraft kit, parts or components outside this state within ten days~~
18 ~~after the date of purchase, and who will register any light aircraft so purchased~~
19 ~~in another state or country. Such purchaser shall not base such aircraft in this~~
20 ~~state and such purchaser shall not be a resident of the state unless such purchaser~~
21 ~~has paid sales or use tax on such aircraft in another state.~~

22 ~~2. In addition to the exemptions granted under the provisions of section~~
23 ~~144.030, there shall also be specifically exempted from the provisions of sections~~
24 ~~144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the~~
25 ~~provisions of any local sales tax law, as defined in section 32.085, and from the~~
26 ~~computation of the tax levied, assessed or payable under sections 144.010 to~~
27 ~~144.525, sections 144.600 to 144.748, section 238.235, and under any local sales~~
28 ~~tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft~~
29 ~~kits, parts or components manufactured or substantially completed within this~~
30 ~~state, when such new light aircraft, light aircraft kits, parts or components are~~
31 ~~sold by the manufacturer to a qualified purchaser. The director of revenue shall~~
~~prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or~~

32 components to establish that such person is a qualified purchaser and is eligible
 33 for the exemption established in this section.]

34
 [144.069. All sales taxes associated with the titling of motor vehicles,
 2 trailers, boats and outboard motors under the laws of Missouri shall be imposed
 3 at the rate in effect at the location of the address of the owner thereof, and all
 4 sales taxes associated with the titling of vehicles under leases of over sixty-day
 5 duration of motor vehicles, trailers, boats and outboard motors shall be imposed
 6 at the rate in effect, unless the vehicle, trailer, boat or motor has been registered
 7 and sales taxes have been paid prior to the consummation of the lease agreement
 8 at the location of the address of the lessee thereof on the date the lease is
 9 consummated, and all applicable sales taxes levied by any political subdivision
 10 shall be collected and remitted on such sales from the purchaser or lessee by the
 11 state department of revenue on that basis.]

12
 [144.517. In addition to the exemptions granted pursuant to section
 2 144.030, there shall also be exempted from state sales and use taxes all sales of
 3 textbooks, as defined by section 170.051, when such textbook is purchased by a
 4 student who possesses proof of current enrollment at any Missouri public or
 5 private university, college or other postsecondary institution of higher learning
 6 offering a course of study leading to a degree in the liberal arts, humanities or
 7 sciences or in a professional, vocational or technical field, provided that the
 8 books which are exempt from state sales tax are those required or recommended
 9 for a class. Upon request the institution or department must provide at least one
 10 list of textbooks to the bookstore each semester. Alternately, the student may
 11 provide to the bookstore a list from the instructor, department or institution of his
 12 or her required or recommended textbooks. This exemption shall not apply to
 13 any locally imposed sales or use tax.]

14
 [144.605. The following words and phrases as used in sections 144.600
 2 to 144.745 mean and include:

- 3 ~~_____ (1) "Calendar quarter", the period of three consecutive calendar months~~
 4 ~~ending on March thirty-first, June thirtieth, September thirtieth or December~~
 5 ~~thirty-first;~~
- 6 ~~_____ (2) "Engages in business activities within this state" includes:~~
 - 7 ~~_____ (a) Maintaining or having a franchisee or licensee operating under the~~
 8 ~~seller's trade name in this state if the franchisee or licensee is required to collect~~
 9 ~~sales tax pursuant to sections 144.010 to 144.525;~~
 - 10 ~~_____ (b) Soliciting sales or taking orders by sales agents or traveling~~
 11 ~~representatives;~~
 - 12 ~~_____ (c) A vendor is presumed to engage in business activities within this state~~
 13 ~~if any person, other than a common carrier acting in its capacity as such, that has~~
 14 ~~substantial nexus with this state:~~

- 15 ~~a. Sells a similar line of products as the vendor and does so under the~~
16 ~~same or a similar business name;~~
- 17 ~~b. Maintains an office, distribution facility, warehouse, or storage place,~~
18 ~~or similar place of business in the state to facilitate the delivery of property or~~
19 ~~services sold by the vendor to the vendor's customers;~~
- 20 ~~c. Delivers, installs, assembles, or performs maintenance services for the~~
21 ~~vendor's customers within the state;~~
- 22 ~~d. Facilitates the vendor's delivery of property to customers in the state~~
23 ~~by allowing the vendor's customers to pick up property sold by the vendor at an~~
24 ~~office, distribution facility, warehouse, storage place, or similar place of business~~
25 ~~maintained by the person in the state; or~~
- 26 ~~e. Conducts any other activities in the state that are significantly~~
27 ~~associated with the vendor's ability to establish and maintain a market in the state~~
28 ~~for the sales;~~
- 29 ~~(d) The presumption in paragraph (c) may be rebutted by demonstrating~~
30 ~~that the person's activities in the state are not significantly associated with the~~
31 ~~vendor's ability to establish or maintain a market in this state for the vendor's~~
32 ~~sales;~~
- 33 ~~(e) Notwithstanding paragraph (c), a vendor shall be presumed to engage~~
34 ~~in business activities within this state if the vendor enters into an agreement with~~
35 ~~one or more residents of this state under which the resident, for a commission or~~
36 ~~other consideration, directly or indirectly refers potential customers, whether by~~
37 ~~a link on an internet website, an in-person oral presentation, telemarketing, or~~
38 ~~otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor~~
39 ~~to customers in the state who are referred to the vendor by all residents with this~~
40 ~~type of an agreement with the vendor is in excess of ten thousand dollars during~~
41 ~~the preceding twelve months;~~
- 42 ~~(f) The presumption in paragraph (c) may be rebutted by submitting proof~~
43 ~~that the residents with whom the vendor has an agreement did not engage in any~~
44 ~~activity within the state that was significantly associated with the vendor's ability~~
45 ~~to establish or maintain the vendor's market in the state during the preceding~~
46 ~~twelve months. Such proof may consist of sworn written statements from all of~~
47 ~~the residents with whom the vendor has an agreement stating that they did not~~
48 ~~engage in any solicitation in the state on behalf of the vendor during the~~
49 ~~preceding year provided that such statements were provided and obtained in good~~
50 ~~faith;~~
- 51 ~~(3) "Maintains a place of business in this state" includes maintaining,~~
52 ~~occupying, or using, permanently or temporarily, directly or indirectly, by~~
53 ~~whatever name called, an office, place of distribution, sales or sample room or~~
54 ~~place, warehouse or storage place, or other place of business in this state, whether~~
55 ~~owned or operated by the vendor or by any other person other than a common~~
56 ~~carrier acting in its capacity as such;~~

57 ~~(4) "Person", any individual, firm, copartnership, joint venture,~~
58 ~~association, corporation, municipal or private, and whether organized for profit~~
59 ~~or not, state, county, political subdivision, state department, commission, board,~~
60 ~~bureau or agency, except the state transportation department, estate, trust,~~
61 ~~business trust, receiver or trustee appointed by the state or federal court,~~
62 ~~syndicate, or any other group or combination acting as a unit, and the plural as~~
63 ~~well as the singular number;~~

64 ~~(5) "Purchase", the acquisition of the ownership of, or title to, tangible~~
65 ~~personal property, through a sale, as defined herein, for the purpose of storage,~~
66 ~~use or consumption in this state;~~

67 ~~(6) "Purchaser", any person who is the recipient for a valuable~~
68 ~~consideration of any sale of tangible personal property acquired for use, storage~~
69 ~~or consumption in this state;~~

70 ~~(7) "Sale", any transfer, barter or exchange of the title or ownership of~~
71 ~~tangible personal property, or the right to use, store or consume the same, for a~~
72 ~~consideration paid or to be paid, and any transaction whether called leases,~~
73 ~~rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that~~
74 ~~the title or possession of the property or both is retained for security. For the~~
75 ~~purpose of this law the place of delivery of the property to the purchaser, user,~~
76 ~~storer or consumer is deemed to be the place of sale, whether the delivery be by~~
77 ~~the vendor or by common carriers, private contractors, mails, express, agents,~~
78 ~~salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers~~
79 ~~or otherwise;~~

80 ~~(8) "Sales price", the consideration including the charges for services,~~
81 ~~except charges incident to the extension of credit, paid or given, or contracted to~~
82 ~~be paid or given, by the purchaser to the vendor for the tangible personal~~
83 ~~property, including any services that are a part of the sale, valued in money,~~
84 ~~whether paid in money or otherwise, and any amount for which credit is given to~~
85 ~~the purchaser by the vendor, without any deduction therefrom on account of the~~
86 ~~cost of the property sold, the cost of materials used, labor or service cost, losses~~
87 ~~or any other expenses whatsoever, except that cash discounts allowed and taken~~
88 ~~on sales shall not be included and "sales price" shall not include the amount~~
89 ~~charged for property returned by customers upon rescission of the contract of~~
90 ~~sales when the entire amount charged therefor is refunded either in cash or credit~~
91 ~~or the amount charged for labor or services rendered in installing or applying the~~
92 ~~property sold, the use, storage or consumption of which is taxable pursuant to~~
93 ~~sections 144.600 to 144.745. The sales price shall not include usual and~~
94 ~~customary delivery charges that are separately stated. In determining the amount~~
95 ~~of tax due pursuant to sections 144.600 to 144.745, any charge incident to the~~
96 ~~extension of credit shall be specifically exempted;~~

97 ~~(9) "Selling agent", every person acting as a representative of a principal,~~
98 ~~when such principal is not registered with the director of revenue of the state of~~
99 ~~Missouri for the collection of the taxes imposed pursuant to sections 144.010 to~~

100 ~~144.525 or sections 144.600 to 144.745 and who receives compensation by~~
 101 ~~reason of the sale of tangible personal property of the principal, if such property~~
 102 ~~is to be stored, used, or consumed in this state;~~
 103 ~~————— (10) "Storage", any keeping or retention in this state of tangible personal~~
 104 ~~property purchased from a vendor, except property for sale or property that is~~
 105 ~~temporarily kept or retained in this state for subsequent use outside the state;~~
 106 ~~————— (11) "Tangible personal property", all items subject to the Missouri sales~~
 107 ~~tax as provided in subdivisions (1) and (3) of section 144.020;~~
 108 ~~————— (12) "Taxpayer", any person remitting the tax or who should remit the tax~~
 109 ~~levied by sections 144.600 to 144.745;~~
 110 ~~————— (13) "Use", the exercise of any right or power over tangible personal~~
 111 ~~property incident to the ownership or control of that property, except that it does~~
 112 ~~not include the temporary storage of property in this state for subsequent use~~
 113 ~~outside the state, or the sale of the property in the regular course of business;~~
 114 ~~————— (14) "Vendor", every person engaged in making sales of tangible personal~~
 115 ~~property by mail order, by advertising, by agent or peddling tangible personal~~
 116 ~~property, soliciting or taking orders for sales of tangible personal property, for~~
 117 ~~storage, use or consumption in this state, all salesmen, solicitors, hawkers,~~
 118 ~~representatives, consignees, peddlers or canvassers, as agents of the dealers,~~
 119 ~~distributors, consignors, supervisors, principals or employers under whom they~~
 120 ~~operate or from whom they obtain the tangible personal property sold by them;~~
 121 ~~and every person who maintains a place of business in this state, maintains a~~
 122 ~~stock of goods in this state, or engages in business activities within this state and~~
 123 ~~every person who engages in this state in the business of acting as a selling agent~~
 124 ~~for persons not otherwise vendors as defined in this subdivision. Irrespective of~~
 125 ~~whether they are making sales on their own behalf or on behalf of the dealers,~~
 126 ~~distributors, consignors, supervisors, principals or employers, they must be~~
 127 ~~regarded as vendors and the dealers, distributors, consignors, supervisors,~~
 128 ~~principals or employers must be regarded as vendors for the purposes of sections~~
 129 ~~144.600 to 144.745.]~~
 130

2 ~~[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred~~
 3 ~~to as the "Simplified Sales and Use Tax Administration Act".]~~

2 ~~[144.1003. As used in sections 144.1000 to 144.1015, the following terms~~
 3 ~~shall mean:~~

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

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

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

- 10 ~~(4) "Person", an individual, trust, estate, fiduciary, partnership, limited~~
- 11 ~~liability company, limited liability partnership, corporation or any other legal~~
- 12 ~~entity;~~
- 13 ~~(5) "Sales tax", any sales tax levied pursuant to this chapter, section~~
- 14 ~~32.085, or any other sales tax authorized by statute and levied by this state or its~~
- 15 ~~political subdivisions;~~
- 16 ~~(6) "Seller", any person making sales, leases or rentals of personal~~
- 17 ~~property or services;~~
- 18 ~~(7) "State", any state of the United States and the District of Columbia;~~
- 19 ~~(8) "Use tax", the use tax levied pursuant to this chapter.]~~

20
 2 ~~[144.1006. For the purposes of reviewing and, if necessary, amending the~~

3 ~~agreement embodying the simplification recommendations contained in section~~

4 ~~144.1015, the state may enter into multistate discussions. For purposes of such~~

5 ~~discussions, the state shall be represented by seven delegates, one of whom shall~~

6 ~~be appointed by the governor, two members appointed by the speaker of the~~

7 ~~house of representatives, one member appointed by the minority leader of the~~

8 ~~house of representatives, two members appointed by the president pro tempore~~

9 ~~of the senate and one member appointed by the minority leader of the senate.~~

10 ~~The delegates need not be members of the general assembly and at least one of~~

11 ~~the delegates appointed by the speaker of the house of representatives and one~~

12 ~~member appointed by the president pro tempore of the senate shall be from the~~

13 ~~private sector and represent the interests of Missouri businesses. The delegates~~

14 ~~shall recommend to the committees responsible for reviewing tax issues in the~~

15 ~~senate and the house of representatives each year any amendment of state statutes~~

16 ~~required to be substantially in compliance with the agreement. Such delegates~~

17 ~~shall make a written report by the fifteenth day of January each year regarding the~~

18 ~~status of the multistate discussions and upon final adoption of the terms of the~~

19 ~~sales and use tax agreement by the multistate body.]~~

2 ~~[144.1009. No provision of the agreement authorized by sections~~

3 ~~144.1000 to 144.1015 in whole or in part invalidates or amends any provision of~~

4 ~~the law of this state. Implementation of any condition of this agreement in this~~

5 ~~state, whether adopted before, at, or after membership of this state in the~~

6 ~~agreement, must be by action of the general assembly. Such report shall be~~

7 ~~delivered to the governor, the secretary of state, the president pro tempore of the~~

8 ~~senate and the speaker of the house of representatives and shall simultaneously~~

9 ~~be made publicly available by the secretary of state to any person requesting a~~

10 ~~copy.]~~

2 ~~[144.1012. Unless five of the seven delegates agree, the delegates shall~~

not enter into or vote for any streamlined sales and use tax agreement that:

- 3 ~~————— (1) Requires adoption of a definition of any term that would cause any~~
 4 ~~item or transaction that is now excluded or exempted from sales or use tax to~~
 5 ~~become subject to sales or use tax;~~
- 6 ~~————— (2) Requires the state of Missouri to fully exempt or fully apply sales~~
 7 ~~taxes to the sale of food or any other item;~~
- 8 ~~————— (3) Restricts the ability of local governments under statutes in effect on~~
 9 ~~August 28, 2002, to enact one or more local taxes on one or more items without~~
 10 ~~application of the tax to all sales within the taxing jurisdiction, however,~~
 11 ~~restriction of any such taxes allowed by statutes effective after August 28, 2002,~~
 12 ~~may be supported;~~
- 13 ~~————— (4) Provides for adoption of any uniform rate structure that would result~~
 14 ~~in a tax increase for any Missouri taxpayer;~~
- 15 ~~————— (5) Affects the sourcing of sales tax transactions; or~~
- 16 ~~————— (6) Prohibits limitations or thresholds on the application of sales and use~~
 17 ~~tax rates or prohibits any current sales or use tax exemption in the state of~~
 18 ~~Missouri, including exemptions that are based on the value of the transaction or~~
 19 ~~item.]~~

20
 2 ~~[144.1015. In addition to the requirements of section 144.1012, the~~
 3 ~~delegates should consider the following features when deciding whether or not~~
 4 ~~to enter into any streamlined sales and use tax agreement:~~

- 4 ~~————— (1) The agreement should address the limitation of the number of state~~
 5 ~~rates over time;~~
- 6 ~~————— (2) The agreement should establish uniform standards for administration~~
 7 ~~of exempt sales and the form used for filing sales and use tax returns and~~
 8 ~~remittances;~~
- 9 ~~————— (3) The agreement should require the state to provide a central, electronic~~
 10 ~~registration system that allows a seller to register to collect and remit sales and~~
 11 ~~use taxes for all signatory states;~~
- 12 ~~————— (4) The agreement should provide that registration with the central~~
 13 ~~registration system and the collection of sales and use taxes in the signatory states~~
 14 ~~will not be used as a factor in determining whether the seller has nexus with a~~
 15 ~~state for any tax;~~
- 16 ~~————— (5) The agreement should provide for reduction of the burdens of~~
 17 ~~complying with local sales and use taxes through the following so long as they~~
 18 ~~do not conflict with the provisions of section 144.1012:~~
- 19 ~~————— (a) Restricting variances between the state and local tax bases;~~
- 20 ~~————— (b) Requiring states to administer any sales and use taxes levied by local~~
 21 ~~jurisdictions within the state so that sellers collecting and remitting these taxes~~
 22 ~~will not have to register or file returns with, remit funds to, or be subject to~~
 23 ~~independent audits from local taxing jurisdictions;~~

- 24 ~~_____ (c) Restricting the frequency of changes in the local sales and use tax~~
- 25 ~~rates and setting effective dates for the application of local jurisdictional~~
- 26 ~~boundary changes to local sales and use taxes; and~~
- 27 ~~_____ (d) Providing notice of changes in local sales and use tax rates and of~~
- 28 ~~changes in the boundaries of local taxing jurisdictions;~~
- 29 ~~_____ (6) The agreement should outline any monetary allowances that are to be~~
- 30 ~~provided by the states to sellers or certified service providers. The agreement~~
- 31 ~~must allow for a joint public and private sector study of the compliance cost on~~
- 32 ~~sellers and certified service providers to collect sales and use taxes for state and~~
- 33 ~~local governments under various levels of complexity to be completed by July 1,~~
- 34 ~~2003;~~
- 35 ~~_____ (7) The agreement should require each state to certify compliance with~~
- 36 ~~the terms of the agreement prior to joining and to maintain compliance, under the~~
- 37 ~~laws of the member state, with all provisions of the agreement while a member;~~
- 38 ~~only if the agreement and any amendment thereto complies with the provisions~~
- 39 ~~of section 144.1012;~~
- 40 ~~_____ (8) The agreement should require each state to adopt a uniform policy for~~
- 41 ~~certified service providers that protects the privacy of consumers and maintains~~
- 42 ~~the confidentiality of tax information; and~~
- 43 ~~_____ (9) The agreement should provide for the appointment of an advisory~~
- 44 ~~council of private sector representatives and an advisory council of nonmember~~
- 45 ~~state representatives to consult with in the administration of the agreement.]~~
- 46

Section B. Unless otherwise provided, the provisions of Section A of this act shall
 2 become effective on January 1, 2022.

