

SENATE BILL NO. 1132

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3870S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 92, RSMo, by adding thereto one new section relating to earnings tax.

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

Section A. Chapter 92, RSMo, is amended by adding thereto
2 one new section, to be known as section 92.114, to read as
3 follows:

92.114. 1. Notwithstanding any provision of law to
2 the contrary, a city not within a county shall not continue
3 to impose or levy an earnings tax pursuant to sections
4 92.105 to 92.200 without complying with the provisions of
5 this section.

2. Beginning on September 30, 2024, the city shall
7 prepare a quarterly report stating the following:

8 (1) The total receipts from the earnings tax for the
9 quarter and for the calendar year-to-date;

10 (2) The receipts from the earnings tax, sorted by zip
11 code of the residence of the individual paying the tax for
12 the quarter and the year-to-date;

13 (3) All refunds paid, sorted by zip code of the
14 residence of the individual paying the tax for the quarter
15 and the year-to-date; and

16 (4) All earnings tax payments remitted for work
17 performed or rendered through telecommuting or otherwise
18 performed or rendered remotely unless the location where

19 such remote work or services are performed is located in the
20 city.

21 3. The reports required by this section shall be open
22 records pursuant to chapter 610. The city shall post each
23 report required by this section on the main pages of the
24 website of the city and its collector of revenue, and the
25 reports posted shall be clearly identified in a manner
26 designed to make them easily accessible to the public. The
27 city shall submit each report required by this section to
28 the state auditor, to the secretary of the Missouri senate,
29 to the chair of the senate appropriations committee, to the
30 clerk of the house of representatives, and to the chair of
31 the house of representatives budget committee.

32 4. For all tax returns filed on or after January 1,
33 2025, the term "work done or services performed or rendered
34 in the city", as used in sections 92.105 to 92.200, shall
35 not include any work or services performed or rendered
36 through telecommuting or otherwise performed or rendered
37 remotely unless the location where such remote work or
38 services are performed is located in the city. Any taxpayer
39 denied a refund for taxes paid for such work or services not
40 performed or rendered in the city may bring a cause of
41 action in a court of competent jurisdiction to recover the
42 amount of the refund owed, and such taxpayer shall recover
43 reasonable attorney's fees resulting from such cause of
44 action. The cause of action permitted by this section may
45 be brought as a class action, as provided for by rule 52.08
46 of the Missouri supreme court rules, notwithstanding any
47 prior decision of a Missouri appellate court. Paying the
48 earnings tax under protest shall not be a prerequisite to
49 maintaining the cause of action permitted by this subsection.

50 5. By no later than September 30, 2024, any city not
51 within a county that levies an earnings tax pursuant to
52 sections 92.105 to 92.200 shall establish a process for
53 taxpayers to request a refund for any earnings tax levied on
54 work or services performed or rendered through telecommuting
55 or otherwise performed or rendered remotely, unless the
56 location where such remote work or services were performed
57 is located in the city, which shall include a sample
58 reimbursement form that is accessible to taxpayers on the
59 city's website.

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