

FIRST REGULAR SESSION

# HOUSE BILL NO. 704

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOSKINS (80).

1719L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for personal property taxes paid on motor vehicles.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.037, to read as follows:

**135.037. 1. As used in this section, the following terms mean:**

(1) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(2) "Taxpayer", any individual who is seventy years of age or older as of December thirty-first of any taxable year for which the tax credit is claimed under this section, and who is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. Any married individual who is seventy years of age or older, or whose spouse is seventy years of age or older, as of December thirty-first of any taxable year for which the tax credit is claimed under this section shall be considered a "taxpayer" under this section.

2. For all taxable years beginning on or after January 1, 2010, a taxpayer shall be allowed a tax credit for personal property taxes paid on motor vehicles owned by the taxpayer. The tax credit amount shall be equal to fifty percent of the amount of personal property taxes paid on each motor vehicle owned by the taxpayer. If the allowable amount of the tax credit exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed after reduction by all other credits, then the excess amount shall

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.

17 be refundable. No tax credit issued under this section shall be transferred, sold, or assigned.

18       **3. The department of revenue may promulgate rules to implement the provisions**  
19 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**  
20 **RSMo, that is created under the authority delegated in this section shall become effective**  
21 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**  
22 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
23 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
24 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
25 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
26 **rule proposed or adopted after August 28, 2009, shall be invalid and void.**

27       **4. Under section 23.253, RSMo, of the Missouri Sunset Act:**

28       **(1) The provisions of the new program authorized under this section shall**  
29 **automatically sunset on December thirty-first six years after the effective date of this**  
30 **section unless reauthorized by an act of the general assembly; and**

31       **(2) If such program is reauthorized, the program authorized under this section**  
32 **shall automatically sunset on December thirty-first twelve years after the effective date of**  
33 **the reauthorization of this section; and**

34       **(3) This section shall terminate on September first of the calendar year immediately**  
35 **following the calendar year in which the program authorized under this section is sunset.**

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