

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_**Offered By**

1 AMEND House Committee Substitute for House Bill Nos. 116 & 316, Section 32.058, Page 2, Lines 3, by inserting  
2 after all of said section the following:

3 “32.070. 1. The director of the department of revenue shall enter into the streamlined sales and use tax  
4 agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially  
5 reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined  
6 sales and use tax agreement, the director of the department of revenue may act jointly with other states that are  
7 members of the streamlined sales and use tax agreement to establish standards for certification of a certified service  
8 provider and certified automated system and establish performance standards for multistate sellers.

9 2. The director of the department of revenue may take other action reasonably required to implement the  
10 provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the  
11 promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the  
12 streamlined sales and use tax agreement.

13 3. The director of the department of revenue or the director's designee may represent this state before the  
14 other states that are signatories to the streamlined sales and use tax agreement.

15 4. The department of revenue shall promulgate rules necessary to implement the provisions of the  
16 streamlined sales and use tax agreement. Any rule or portion of a rule, as that term is defined in section 536.010, that  
17 is created under the authority delegated in this section shall become effective only if it complies with and is subject to  
18 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
19 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
21 and any rule proposed or adopted after January 1, 2012, shall be invalid and void.

22 32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the  
23 department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the  
24 amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in  
25 the local sales and use tax law. The department shall not commingle the remaining amounts collected with general  
26 revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits  
27 for erroneous payments, overpayments, and dishonored checks.”; and

28  
29 Further amend said bill, Section 32.087, Pages 2-5, Lines 1-125, by deleting all of said section and inserting in lieu  
30 thereof the following:

31 “32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local  
32 sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of  
33 such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified  
34 copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

35 2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after  
36 the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] 17 of

1 this section.

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

8 4. [The brackets required to be established by the director of revenue under the provisions of section  
9 144.285, RSMo, shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes  
10 imposed under the provisions of the local sales tax law.

11 5.] The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all  
12 sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable  
13 services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and  
14 regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the  
15 combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of  
16 the local sales tax law.

17 [6.] 5. On and after the effective date of any local sales tax imposed under the provisions of the local sales  
18 tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and  
19 operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all  
20 additional local sales taxes authorized under the authority of the local sales tax law. The director shall retain one  
21 percent of the amount of any local sales or use tax collected for cost of collection. All local sales taxes imposed under  
22 the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be  
23 collected together and reported upon such forms and under such administrative rules and regulations as may be  
24 prescribed by the director of revenue.

25 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and  
26 section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed  
27 under the local sales tax law except as modified by the local sales tax law.

28 [8.] 7. All exemptions granted to agencies of government, organizations, persons and to the sale of certain  
29 articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to  
30 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly  
31 to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales  
32 tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local  
33 sales tax law.

34 [9.] 8. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to  
35 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax  
36 law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of  
37 revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local  
38 sales tax law.

39 [10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of  
40 and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any  
41 local sales tax collected under the provisions of the local sales tax law.

42 [11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the  
43 provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

1 [12.] 11. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales  
2 tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be [deemed to be  
3 consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the  
4 retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this  
5 state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer  
6 where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere  
7 for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be  
8 consummated at the place of business from which he works] sourced as provided by sections 144.1034 and 144.1037.

9 (2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all  
10 sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of  
11 the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or  
12 employee works.

13 (3) For the purposes of any local tax imposed (3) by an ordinance or under the local sales tax law on charges for  
14 mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in  
15 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

16 [13.] 12. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor  
17 vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by  
18 the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within  
19 a taxing entity imposing a local sales tax under the local sales tax law.

20 [14.] 13. The director of revenue and any of his or her deputies, assistants and employees who have any  
21 duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping,  
22 accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the  
23 local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds  
24 have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but  
25 the director of revenue may enter into a blanket bond covering himself or herself and all such deputies, assistants and  
26 employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the  
27 collections under the sales tax law retained by the director of revenue for the benefit of the state.

28 [15.] 14. The director of revenue shall annually report on his or her management of each trust fund which is  
29 created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law.  
30 He or she shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law  
31 with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other  
32 provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual  
33 audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

34 [16.] 15. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed,  
35 if any person is delinquent in the payment of the amount required to be paid by him or her under the local sales tax  
36 law or in the event a determination has been made against him or her for taxes and penalty under the local sales tax  
37 law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that  
38 provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against  
39 any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is  
40 also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity  
41 in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be  
42 taken by the taxing entity.

43 [17.] 16. Where property is seized by the director of revenue under the provisions of any law authorizing

1 seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and  
2 where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of  
3 revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the  
4 state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all  
5 sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

6 [18.] 17. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax  
7 law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the  
8 local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day  
9 of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution  
10 accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such  
11 ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty  
12 days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the  
13 provisions of this subsection shall be paid by the city or county reimposing such tax.

14 18. If the boundaries of a city in which a sales tax has been imposed shall thereafter be changed or altered,  
15 the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy  
16 of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The  
17 ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly  
18 showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax  
19 imposed under the local sales tax law shall be effective in the added territory or abolished in the detached territory on  
20 the first day of the second calendar quarter after the director of revenue receives notice of the boundary change.”; and  
21

22 Further amend said bill, Section 32.460, Page 9, Line 11, by inserting after all of said section, the following:

23 “67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of  
24 sections 67.571 to 67.577:

25 (1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and  
26 section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the  
27 provisions of sections 67.571 to 67.577;

28 (2) All exemptions granted to agencies of government, organizations, and persons under the provisions of  
29 sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by  
30 sections 67.571 to 67.577.

31 2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to  
32 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to  
33 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the  
34 director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections  
35 67.571 to 67.577.

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

39 4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are  
40 hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

41 5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail  
42 sales shall be deemed to be consummated at the place of business of the retailer.] Except as provided in sections  
43 67.571 to 67.577, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 67.571 to

1 67.577.

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

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

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

13 Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for  
14 the purpose of providing law enforcement services for the county?

15  YES

NO

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

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

21 Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of  
22 forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount)  
23 to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any  
24 funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

25  YES

NO

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

29  
30 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal  
31 submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall  
32 be in effect on the first day of the second calendar quarter [immediately following the election approving the  
33 proposal] after the director of revenue receives notification of adoption of the local sales tax. If the constitutionally  
34 required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of  
35 this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the  
36 second calendar quarter [immediately following the election approving the proposal] after the director of revenue  
37 receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the  
38 governing body of the county shall have no power to impose the sales tax herein authorized unless and until the  
39 governing body of the county shall again have submitted another proposal to authorize the governing body of the  
40 county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the  
41 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the  
42 voters sooner than twelve months from the date of the last proposal pursuant to this section.

43 3. All revenue received by a county from the tax authorized under the provisions of this section shall be

1 deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so  
2 long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital  
3 improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued  
4 for said capital improvement projects.

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

9 5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one  
10 percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums  
11 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to  
12 be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales  
13 tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The  
14 director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each  
15 county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county  
16 and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys  
17 deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be  
18 deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law  
19 enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such  
20 county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or  
21 order adopted by the governing body submitting the law enforcement tax to the voters.

22 6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust  
23 fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks  
24 and drafts deposited to the credit of such counties. If any county abolishes the tax, the repeal of such tax shall become  
25 effective December thirty-first of the calendar year in which such abolishment was approved. The county shall notify  
26 the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of  
27 revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after  
28 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts  
29 deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in  
30 such county, the director of revenue shall remit the balance in the account to the county and close the account of that  
31 county. The director of revenue shall notify each county of each instance of any amount refunded or any check  
32 redeemed from receipts due the county.

33 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
34 imposed under this section.

35 67.584. 1. The governing body of any county of the first classification with more than one hundred  
36 ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to  
37 impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such  
38 county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law  
39 enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales  
40 taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective  
41 unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or  
42 special election, a proposal to authorize the governing body of the county to impose a tax.

43 2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the

1 ballot of submission shall contain, but need not be limited to, the following language:

2 "Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for  
3 the purpose of providing law enforcement services for the county?"

4  YES

NO

5  
6 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
7 an "X" in the box opposite "NO".  
8

9 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal  
10 submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on  
11 the first day of the second calendar quarter [immediately following the election approving the proposal] after the  
12 director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the  
13 required majority, then the governing body of the county shall have no power to impose the sales tax herein  
14 authorized unless and until the governing body of the county shall again have submitted another proposal to authorize  
15 the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by  
16 the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this  
17 section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this  
18 section.

19 3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this  
20 section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such  
21 county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law  
22 enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this  
23 section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement  
24 services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private  
25 contractor providing law enforcement services or for any private jail.

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

30 5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county, less  
31 one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of  
32 premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby  
33 created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law  
34 enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust  
35 funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of  
36 revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county  
37 imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county  
38 and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys  
39 deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be  
40 deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund  
41 shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made  
42 from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the  
43 tax to the voters.





1 condominiums, houseboats, and space rented in campgrounds;

2 (3) Or both.

3  
4 The tax may be imposed throughout or in any portion of the county for the promotion of tourism as provided in  
5 sections 67.671 to 67.685 but such tax shall not become effective unless the governing body of the county submits to  
6 the voters of the county, at a public election, a proposal to authorize the county to impose the tax.

7 5. The ballot of submission shall be in substantially the following form:

8 Shall the county of ..... (Insert name of county) impose a tourism [sales] tax of .....  
9 (Insert rate of percent) percent on the sale or rental of ..... (Insert type of property or service) in  
10 certain areas of the county?

11  YES

NO

12  
13 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then  
14 the tax shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal,  
15 then the governing body of the county shall have no power to impose the tax unless and until the governing body of  
16 the county shall again have submitted another proposal to authorize the governing body of the county to impose the  
17 tax, and such proposal is approved by a majority of the qualified voters voting thereon. The tourism tax may be  
18 imposed at a rate of not more than two percent on the receipts from the sale or rental at retail of certain tangible  
19 personal property or taxable services as provided in this subsection within that part of the county for which such tax  
20 has been adopted.

21 6. Within ten days after a vote in favor of the adoption of a tourism [sales] tax by the voters of any such  
22 county, the governing body of the county shall make its order imposing the tax. The tax shall become effective on the  
23 first day of the [first] second calendar quarter after [such order is made; provided that in any first class county with a  
24 population of at least eighty thousand but less than one hundred thousand, the tax shall become effective on the first  
25 day of the first month which begins more than thirty days after such order is made, and such tax shall be collected by  
26 the department of revenue in the same manner as prescribed in section 32.087, RSMo, except as otherwise provided  
27 in this section] the director of revenue receives notification of adoption of such tax.

28 7. In any county which has any part of a Corps of Engineers lake with a shoreline of at least eight hundred  
29 miles and not exceeding a shoreline of nine hundred miles, the tourism tax may be imposed at a rate of not more than  
30 two percent on the receipts from the sale at retail of certain tangible personal property or taxable services, subject to  
31 tax pursuant to chapter 144, within that portion of the county for which such tax has been adopted. All areas in such  
32 county imposing a tourism tax eligible to do so under the provisions of this section shall be contiguous with all other  
33 areas which adopt the tax.

34 8. All tourism [sales] tax collected pursuant to subsection [7] 4 of this section shall be collected and  
35 administered by the county collector as provided in section 67.680 and deposited in the "County Advertising and  
36 Tourism Sales Tax Trust Fund" created in such section.

37 9. All tourism tax collected pursuant to subsection 7 of this section shall be collected and administered as  
38 provided in subsection 6 of this section and deposited by the county in the county advertising and tourism sales tax  
39 trust fund created in such section.

40 67.678. 1. The following provisions shall govern the collection of the tax imposed by the provisions of  
41 sections 67.671 to 67.685:

42 (1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and  
43 section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the

1 provisions of sections 67.671 to 67.685, except as modified in sections 67.671 to 67.685;

2 (2) All exemptions granted to agencies of government, organizations, and persons under the provisions of  
3 sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by  
4 sections 67.671 to 67.685.

5 2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to  
6 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.671 to  
7 67.685, and no additional permit or exemption certificate or retail certificate shall be required; except that, the  
8 director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections  
9 67.671 to 67.685.

10 3. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and  
11 for payment of taxes under that act are hereby allowed and made applicable to any taxes collected under the  
12 provisions of sections 67.671 to 67.685.

13 4. The penalties provided in sections 32.057 and 144.010 to 144.510 for a violation of those acts are hereby  
14 made applicable to violations of the provisions of sections 67.671 to 67.685.

15 [5. For the purposes of the tourism sales tax imposed by an order pursuant to sections 67.671 to 67.685, all  
16 retail sales shall be deemed to be consummated at the place of business of the retailer.]

17 67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five  
18 hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than  
19 forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of  
20 any city within any county of the first classification with more than one hundred four thousand six hundred but less  
21 than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third  
22 classification without a township form of government and with more than forty thousand eight hundred but less than  
23 forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax  
24 on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the  
25 governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than  
26 eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand  
27 but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made  
28 in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be  
29 more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the  
30 governing body of the city or county submits to the voters of the city or county at a state general or primary election a  
31 proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall  
32 be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

34 Shall ..... (insert the name of the city or county) impose a sales tax at a rate of ..... (insert  
35 rate of percent) percent for economic development purposes?

36  YES

NO

37  
38 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then  
39 the tax shall become effective on the first day of the second calendar quarter [following the calendar quarter in which  
40 the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are  
41 opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this  
42 section to the qualified voters and such question is approved by a majority of the qualified voters voting on the  
43 question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the

1 submission of the last proposal] after the director of revenue receives notification of adoption of the local sales tax. If  
2 a majority of the votes cast on the question by the qualified voters voting on the question are opposed, then the tax  
3 shall not become effective unless the question is resubmitted under this section to the qualified voters and such  
4 question is approved by a majority of the qualified voters voting on the question. No proposal shall be resubmitted to  
5 the voters sooner than twelve months from the date of the submission of the last proposal.

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

- 9 (1) Acquisition of land;
- 10 (2) Installation of infrastructure for industrial or business parks;
- 11 (3) Improvement of water and wastewater treatment capacity;
- 12 (4) Extension of streets;
- 13 (5) Providing matching dollars for state or federal grants;
- 14 (6) Marketing;
- 15 (7) Providing grants and low-interest loans to companies for job training, equipment acquisition, site

16 development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually  
17 for administrative purposes, including staff and facility costs.

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

23 5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust  
24 fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for  
25 erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of  
26 such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall  
27 become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or  
28 county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales  
29 tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one  
30 year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of  
31 such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has  
32 elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue  
33 shall remit the balance in the account to the city or county and close the account of that city or county. The director of  
34 revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts  
35 due the city or county.

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

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

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

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

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

4 (5) In each city, two members shall be appointed by the governing body of the county in which the city is  
5 located. In each county, two members shall be appointed by the governing body of the county.

6  
7 At the option of the members appointed by a city or county the members who are appointed by the school boards and  
8 other taxing districts may serve on the board for a term to coincide with the length of time an economic development  
9 project, plan, or designation of an economic development area is considered for approval by the board, or for the  
10 definite terms as provided in this subsection. If the members representing school districts and other taxing districts  
11 are appointed for a term coinciding with the length of time an economic development project, plan, or area is  
12 approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the  
13 governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the  
14 board within thirty days of receipt of written notice of a proposed economic development plan, economic  
15 development project, or designation of an economic development area, the remaining members may proceed to  
16 exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to  
17 serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members  
18 shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the  
19 members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled  
20 for unexpired terms in the same manner as were the original appointments.

21 [6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic  
22 development plans, economic development projects, or designations of an economic development area, and shall hold  
23 public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development  
24 plans, economic development projects, or designations of an economic development area, and amendments thereto,  
25 within thirty days following completion of the hearing on any such plan, project, or designation, and shall make  
26 recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment  
27 to economic development plans, economic development projects, or designations of an economic development area.

28 [7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the  
29 funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

30 [8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may  
31 submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The  
32 ballot of submission shall be in substantially the following form:

33 Shall ..... (insert the name of the city or county) repeal the sales tax imposed at a rate of  
34 ..... (insert rate of percent) percent for economic development purposes?

35  YES

NO

36  
37 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December  
38 thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by  
39 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain  
40 effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal  
41 is approved by a majority of the qualified voters voting on the question.

42 [9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this  
43 section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last

1 gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body  
2 shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified  
3 voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the  
4 calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified  
5 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted  
6 under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the  
7 question. If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at  
8 least one hundred twenty days prior to the effective date of the repeal.

9 11. After the effective date of any tax imposed under the provisions of this section, the director of revenue  
10 shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect,  
11 in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed  
12 under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and  
13 reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of  
14 revenue.

15 12. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
16 imposed under this section.

17 67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use  
18 tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525,  
19 except sales of motor vehicles, trailers, boats or outboard motors [and sales to or by public utilities and providers of  
20 communications, cable, or video services]. Any sales and use tax imposed pursuant to this section may be imposed in  
21 increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be  
22 imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except  
23 that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district  
24 submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to  
25 this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales  
26 tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax,  
27 then the resolution is void.

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

29 Shall the ..... (insert name of district) Community Improvement District impose a community  
30 improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of  
31 ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue  
32 for ..... (insert general description of the purpose)?

33  YES

NO

34  
35 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
36 an "X" in the box opposite "NO".

37 3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the  
38 district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use  
39 tax authorized by this section shall become effective on the first day of the second calendar quarter after the director  
40 of the department of revenue receives notice of the adoption of such tax.

41 4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant  
42 to section 32.087, RSMo.

43 5.] After the effective date of any tax imposed under the provisions of this section, the director of revenue

1 shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect,  
2 in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section.  
3 The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be  
4 collected together and reported upon such forms and under such administrative rules and regulations as may be  
5 prescribed by the director of revenue.

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

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

14 7.] 6. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

15 [8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is  
16 designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose.  
17 Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust  
18 fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified  
19 voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the  
20 board of directors pursuant to applicable laws relating to the investment of other district funds.

21 [9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the  
22 expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to  
23 repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to  
24 finance any improvements or services rendered for the district.

25 [10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this  
26 section shall be conducted in accordance with the provisions of this section.

27 10. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
28 imposed under this section.

29 67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more  
30 than one percent on all retail sales, except sales of [food as defined in section 144.014, RSMo, sales of] new or used  
31 motor vehicles[, trailers, boats, or other outboard motors, all utilities, telephone and wireless services, and sales of  
32 funeral services], made on or after January 1, 2012, within the district which are subject to taxation pursuant to the  
33 provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the  
34 county in which a majority of the area of the district is situated, such election authority shall submit a proposition to  
35 the residents of such district at a municipal or statewide primary or general election, or at a special election called for  
36 that purpose. Such election authority shall give legal notice as provided in chapter 115.

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

39 Shall the Tourism Community Enhancement District impose a sales tax of ..... (insert amount) for the  
40 purpose of promoting tourism in the district?

41  YES

NO

42  
43 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place

1 an "X" in the box opposite "NO".

2  
3 If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in  
4 favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the  
5 director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority,  
6 then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the  
7 board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this  
8 section and such proposal is approved by the required majority of the qualified voters of the district.

9 67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 petition shall contain the following information:

- 2 (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- 3 (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries;
- 4 and
- 5 (3) The name of the proposed district.

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

- 10 (1) A description of the boundaries of the proposed district;
- 11 (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- 12 (3) The proposed sales tax rate to be voted on within the proposed district; and
- 13 (4) The proposed uses for the revenue generated by the new sales tax.

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

- 16 (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation  
17 in each county located within the proposed district, with the first publication to occur not more than thirty days before  
18 the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;
- 19 (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- 20 (3) Rule upon all protests, which determinations shall be final.

21 6. Following the hearing, if the governing body of each county located within the proposed district decides  
22 to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located  
23 within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall  
24 not include that county. The order shall contain the following:

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

30 7. A district established pursuant to this section may, at a general, primary, or special election, submit to the  
31 qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed  
32 twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to  
33 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition  
34 center and recreational facilities. The ballot of submission shall be in substantially the following form:

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

38  YES  NO

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

41  
42 If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then  
43 the sales tax shall become effective in that portion of the county that is part of the proposed district on the first day of



1 the [first] second calendar quarter [immediately following the election] after the director of revenue receives  
2 notification of the adoption of the local sales tax. If a majority of the votes cast in the portion of a county that is a part  
3 of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized  
4 in this section until after the county governing body has submitted another such sales tax proposal and the proposal is  
5 approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the  
6 governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve  
7 months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more  
8 counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one  
9 district.

10 8. There is hereby created a board of trustees to administer any district created and the expenditure of  
11 revenue generated pursuant to this section consisting of four individuals to represent each county approving the  
12 district, as provided in this subsection. The governing body of each county located within the district, upon approval  
13 of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner  
14 of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a  
15 lodging facility located within the district, or their designee, and all members shall reside in the district except that  
16 one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside  
17 outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial  
18 trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years.  
19 Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of  
20 the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed,  
21 and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same  
22 manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation  
23 for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and  
24 other officers necessary for its membership. Trustees may be removed if:

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

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

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

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

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

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

39 (4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to  
40 issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of  
41 interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may  
42 be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue  
43 of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be

1 further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest  
2 granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the  
3 holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall  
4 be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or  
5 times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be  
6 in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as  
7 current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be  
8 issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may  
9 provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or  
10 private sale, at such interest rates, and at such price or prices as the district shall determine;

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

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

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

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

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

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

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

26 10. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund",  
27 which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be  
28 custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this  
29 section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of  
30 Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are  
31 invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes  
32 collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of  
33 collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as  
34 provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of  
35 the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section,  
36 and the records shall be open to the inspection of the officers of each district and the general public. Not later than  
37 the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the  
38 preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and  
39 credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts  
40 deposited to the credit of the district.

41 11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. After the  
42 effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all  
43 functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to

1 the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax  
2 imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected  
3 together and reported upon such forms and under such administrative rules and regulations as may be prescribed by  
4 the director of revenue.

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

7 [12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the  
8 voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the  
9 manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The  
10 ballot of submission for the extension shall be in substantially the following form:

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

14  YES

NO

15  
16 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
17 an "X" in the box opposite "NO".  
18

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

23 [13.] 14. Once the sales tax authorized by this section is abolished or terminated by any means, all funds  
24 remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales  
25 tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations  
26 outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an  
27 existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or  
28 more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided  
29 in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds  
30 in the trust fund which are not needed for current expenditures may be invested by the district in the securities  
31 described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such  
32 securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least  
33 ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund,  
34 for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds  
35 or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.  
36 After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue  
37 shall remit the balance in the account to the district and close the account of the district. The director of revenue shall  
38 notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

39 [14.] 15. In the event that the district is dissolved or terminated by any means, the governing bodies of the  
40 counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before  
41 beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the  
42 office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the  
43 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers

1 necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to  
2 the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the  
3 ratio the levy of each county bears to the total levy for the district in the previous three years or since the  
4 establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee  
5 shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds  
6 belonging to the dissolved district.

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

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

17 "Shall the city of ..... (city's name) impose a citywide sales tax of ..... (insert amount) for the purpose of  
18 promoting tourism in the city?"

19  YES

NO

20  
21 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
22 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 of the proposal, then  
25 the ordinance or order and any amendments thereto shall be in effect on the first day of the [first] second calendar  
26 quarter immediately [following notification to] after the director of the department of revenue [of the election  
27 approving the proposal] receives notification of adoption of the local sales tax. If a proposal receives less than the  
28 required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until  
29 the governing 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 voters voting  
31 thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve  
32 months from the date of the last proposal pursuant to this section.

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

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

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

1 collection.

2 4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and  
3 interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the  
4 last day of each quarter.] After the effective date of any tax imposed under the provisions of this section, the director  
5 of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax  
6 and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of  
7 this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri  
8 shall be collected together and reported upon such forms and under such administrative rules and regulations as may  
9 be prescribed by the director of revenue.

10 [5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall,  
11 upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in  
12 the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The  
13 ballot of submission shall be in substantially the following form:

14 Shall ..... (insert name of city) repeal the sales tax of ..... (insert rate of percent) percent for tourism purposes  
15 now in effect in ..... (insert name of city)?

16  YES

NO

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

19  
20 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December  
21 thirty-first of the calendar year in which such repeal was approved. If the city or county abolishes the tax, the city or  
22 county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of  
23 the repeal.

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

28 (3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of  
29 revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may  
30 order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two  
31 percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem  
32 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective  
33 date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close  
34 the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any  
35 check redeemed from receipts due the city.

36 (4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district,  
37 the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated.  
38 Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties  
39 of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of  
40 the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers  
41 necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to  
42 the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city  
43 treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and

1 deeds belonging to the dissolved district.

2 [6.] 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
3 imposed pursuant to this section.

4 67.2525. 1. Each member of the board of directors shall have the following qualifications:

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

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

9 2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be  
10 represented by one representative on the district board of directors. All board members shall have terms of four years,  
11 including the initial board of directors. All members shall take office upon being appointed and shall remain in office  
12 until a successor is appointed by the mayor or chairman 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 chairman of the city,  
15 town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to  
16 the board of directors.

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

25 5. The property owners, when assembled, shall organize by the election of a temporary chairman and  
26 secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the  
27 eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict  
28 shall represent one share, and each owner, including corporations and other entities, may have one vote in person or  
29 for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual  
30 shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of  
31 partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's  
32 vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run  
33 the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and  
34 secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit  
35 clerk if the district is established by a circuit court.

36 6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident  
37 registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners  
38 as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall  
39 be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors  
40 of the district.

41 7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if  
42 there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there  
43 are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an

1 interim director to complete any unexpired term of a director caused by resignation or disqualification.

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

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

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

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

8 9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and  
9 annually thereafter the board shall elect a chairman from its members.

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

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

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

16 13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the  
17 sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that  
18 approve the sales tax, the sales tax shall become effective on the first day of the [first] second calendar quarter  
19 [immediately following the action by the district board of directors imposing the tax] after the director of revenue  
20 receives notification of adoption of the local sales tax.

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

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

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

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

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

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

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

37 (6) To collect taxes and other revenues;

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

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

43 (9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary.

1 Officers shall not be required to be residents of the district, and one officer may hold more than one office;

2 (10) To hire and retain agents, employees, engineers, and attorneys;

3 (11) To enter into entertainment contracts binding the district and artists, agencies, or performers,  
4 management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other  
5 contracts which relate to the purposes of the district;

6 (12) To contract with a local government, a corporation, partnership, or individual regarding funding,  
7 promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such  
8 activity;

9 (13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost  
10 or encumbrance on such terms set forth by contract;

11 (14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which  
12 are not inconsistent with its express powers.

13 16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or  
14 purposes. Such notes, bonds, or other obligations:

15 (1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

16 (2) Shall be payable out of all or any portion of the revenues or other assets of the district;

17 (3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise  
18 encumbered for payment;

19 (4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or  
20 dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

21 (5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest  
22 bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such  
23 manner, be payable in such place or places and subject to redemption as such resolution may provide; and

24 (6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the  
25 district shall determine.

26  
27 The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

28 67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district  
29 by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and  
30 shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the  
31 generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest,  
32 and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds  
33 to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the  
34 application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding  
35 bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

36 2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district  
37 payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri  
38 or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state  
39 on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other  
40 than the district.

41 3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail  
42 sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525.

43 Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which



1 the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors  
2 shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the  
3 question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective  
4 in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the  
5 passage of a resolution by the board of directors imposing the sales tax.

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

10 5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect  
11 the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to  
12 serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets  
13 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section  
14 144.285, RSMo.

15 6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a  
16 special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which  
17 are not needed for the district's current expenditures may be invested by the district board of directors in accordance  
18 with applicable laws relating to the investment of other district funds.

19 [7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale  
20 at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such  
21 property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to  
22 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform  
23 throughout the subdistricts approving the sales tax.

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

29 9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall  
30 perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax  
31 imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules  
32 and regulations as may be prescribed by the district.

33 (2)] 6. After the effective date of any tax imposed under the provisions of this section, the director of  
34 revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax  
35 and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of  
36 this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri  
37 shall be collected together and reported upon such forms and under such administrative rules and regulations as may  
38 be prescribed by the director of revenue.

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

43 [(3) The district may contract with the municipality that the district is within for the municipality to collect

1 any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of  
2 the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied  
3 by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a  
4 contract between the municipality and the district.

5 10. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales  
6 tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply  
7 to the collection of the tax imposed by this section, except as modified in this section.

8 (2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain  
9 articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to  
10 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

11 (3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to  
12 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this  
13 section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district  
14 may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

15 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection  
16 of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected  
17 pursuant to the provisions of this section.

18 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation  
19 of those sections are hereby made applicable to violations of this section.

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

28 (7) 8. Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the  
29 rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in  
30 this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the  
31 district board of directors may place the question of the increase of the sales tax before the voters of the district by  
32 resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the  
33 district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the  
34 subsequent election. In subsequent elections, the election judges shall certify the election results to the district board  
35 of directors. The ballot of submission shall be in substantially the following form:

36 Shall ..... (name of district) increase the ..... (insert amount) percent district sales tax now in  
37 effect to..... (insert amount) in the ..... (name of district)?

38  YES

NO

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

42  
43 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the

1 increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was  
2 approved] on the first day of the second calendar quarter after the director of revenue receives notification of the local  
3 sales tax increase.

4 [11.] 9. (1) There shall not be any election as provided for in this section while the district has any financing  
5 or other obligations outstanding.

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

10 Shall ..... (name of district) dissolve and repeal the ..... (insert amount) percent district sales  
11 tax now in effect in the ..... (name of district)?

12  YES

NO

13  
14 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
15 an "X" in the box opposite "NO".

16  
17 Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520;  
18 provided, however, that the district board of directors may place the question of the repeal of the sales tax before the  
19 voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation  
20 of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall  
21 conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the  
22 district board of directors.

23 (3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in  
24 favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was  
25 approved or after the repayment of the district's indebtedness, whichever occurs later. If the district abolishes the tax,  
26 the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date  
27 of the repeal.

28 [12.] 10. (1) At such time as the board of directors of the district determines that further operation of the  
29 district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall  
30 submit for a vote in an election held throughout the district the question of whether the district should be abolished.

31 The question shall be submitted in substantially the following form:

32 Shall the ..... theater, cultural arts, and entertainment district be abolished?

33  YES

NO

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

36 (2) The district board shall not propose the question to abolish the district while there are outstanding claims  
37 or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the  
38 district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy  
39 court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit  
40 the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

41 The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which  
42 the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be  
43 determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such

1 time as the district is abolished.

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

3 (4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in  
4 which the district is located that the majority of those voting within the entire district have voted to abolish the district,  
5 and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to  
6 law, then the board of directors of the district shall:

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

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

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

13 (d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or  
14 village in which the district is located.

15  
16 Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

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

19 11. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
20 imposed under this section.

21 94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule  
22 city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six  
23 hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within  
24 the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate  
25 of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall  
26 not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction,  
27 operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for  
28 the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized  
29 by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the  
30 voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the  
31 governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to  
32 all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

34 Shall ..... (insert the name of the city) impose a sales tax at a rate of .....(insert rate of  
35 percent) percent for [a] capital improvements purposes in the city's center city for a period of ..... (insert number  
36 of years, not to exceed three) years?

37  YES

NO

38  
39 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then  
40 the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives  
41 notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting  
42 thereon are opposed to the question, then the tax shall not become effective unless and until the question is  
43 resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified

1 voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than  
2 twelve months from the date of the proposal under this section.

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

9 4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust  
10 fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks  
11 and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of  
12 revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order  
13 retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice  
14 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the  
15 credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the  
16 director of revenue shall remit the balance in the account to the city and close the account of that city. The director of  
17 revenue shall notify each city of each instance of any amount refunded.

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

21 Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of .....  
22 (insert rate of percent) percent for capital improvements purposes in the city's center city?

23  YES

NO

24  
25 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December  
26 thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by  
27 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain  
28 effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a  
29 majority of the qualified voters voting on the question. If the city or county abolishes the tax, the city or county shall  
30 notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.

31 6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives  
32 a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for  
33 an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city  
34 a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are  
35 in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such  
36 repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed  
37 to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified  
38 voters and the repeal is approved by a majority of the qualified voters voting on the question.

39 7. Except as provided in this section, all provisions of sections 32.085 and 32.087 apply to the sales tax  
40 imposed under this section.

41 94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a  
42 sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

43 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale

1 at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such  
2 property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to  
3 144.525.

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

13 [4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or  
14 altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified  
15 mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the  
16 effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or  
17 detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be  
18 effective in the added territory or abolished in the detached territory on the effective date of the change of the city  
19 boundary.]

20 94.660. 1. The governing body of any city not within a county and any county of the first classification  
21 having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by  
22 ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at  
23 an authorized election date selected by the governing body.

24 2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all  
25 tangible personal property or taxable services within the city or county adopting the tax, if such property and services  
26 are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

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

28 Shall the county/city of .....(county's or city's name) impose a county/city-wide sales  
29 tax of.....percent for the purpose of providing a source of funds for public transportation purposes?

30  YES

NO

31  
32 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a  
33 county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into  
34 effect on the first day of the [next] second calendar quarter beginning after [its adoption and notice to] the director of  
35 revenue[, but no sooner than thirty days after such adoption and notice] receives notice of adoption of the local sales  
36 tax. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed  
37 to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and  
38 until the governing body of that county or city not within a county shall have submitted another proposal to authorize  
39 the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the  
40 qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner  
41 than twelve months from the date of the last proposal.

42 4. No tax shall go into effect under this section in any city not within a county or any county of the first  
43 classification having a charter form of government with a population over nine hundred thousand inhabitants unless

1 and until both such city and such county approve the tax.

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

6 6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less  
7 one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of  
8 premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created,  
9 to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in  
10 section 32.087. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with  
11 any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund  
12 which was collected in each city or county approving a sales tax under this section, and the records shall be open to  
13 inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of  
14 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which  
15 levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of  
16 funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the  
17 governing body of each such county or city not within a county.

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

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

32 94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation  
33 purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired  
34 by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in  
35 addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions  
36 of this section shall become effective unless the council or other governing body submits to the voters of the city, at a  
37 city or state general, primary, or special election, a proposal to authorize the council or other governing body of the  
38 city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to  
39 authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed  
40 and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall  
41 contain, but is not limited to, the following language:

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

1 Shall the city of ..... (city's name) impose a sales tax of ..... (insert amount) for transportation  
2 purposes?

3  YES

NO

4  
5 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
6 an "X" in the box opposite "NO";

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

9 Shall the city of ..... (city's name) issue bonds in the amount of ..... (insert amount) for  
10 transportation purposes and impose a sales tax of ..... (insert amount) to repay such bonds?

11  YES

NO

12  
13 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
14 an "X" in the box opposite "NO".

15  
16 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters  
17 voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the  
18 four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the  
19 proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by  
20 the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall  
21 be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the  
22 qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall  
23 have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other  
24 governing body of the city submits another proposal to authorize the council or other governing body of the city to  
25 impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than  
26 three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in  
27 subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other  
28 governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2)  
29 of this subsection unless and until the council or other governing body of the city submits another proposal to  
30 authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds  
31 and such proposal is approved by four-sevenths of the qualified voters voting thereon.

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

36 3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale  
37 at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such  
38 property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to  
39 144.525.

40 4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or  
41 altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a  
42 certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective  
43 date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached



1 therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in  
2 the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

3 5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section  
4 may be terminated until all of such bonds have been retired.”; and

5  
6 Further amend said bill, Section 140.910, Page 13, Line 92, by inserting after all of said section, the following:

7 “144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 and  
8 sections 144.1025 to 144.1076 have the meanings ascribed to them in this section, except when the context indicates a  
9 different meaning:

10 (1) "Agreement", the streamlined sales and use tax agreement, as amended from time to time;

11 (2) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and  
12 charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal  
13 government or by sections 144.010 to 144.525;

14 [(2)] (3) "Advertising and promotional direct mail", printed material that meets the definition of direct mail,  
15 the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt  
16 to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this  
17 subdivision, the word "product" means tangible personal property, a product transferred electronically or a service;

18 (4) "Air-to-ground radiotelephone service", a radio service, as that term is defined in 47 C.F.R. 22.99, in  
19 which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in  
20 aircraft;

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

23 (6) "Ancillary services", services that are associated with or incidental to the provisions of  
24 telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance,  
25 vertical service, and voice mail services;

26 (7) "Bundled transaction", the retail sale of two or more products, except real property and services to real  
27 property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized  
28 price. A "bundled transaction" shall not include the sale of any products in which the sales price varies, or is  
29 negotiable, based on the selection by the purchaser of the products included in the transaction. As used in this  
30 subdivision, the term "distinct and identifiable products" shall not include:

31 (a) Packaging, such as containers, boxes, sacks, bags, bottles, wrapping, labels, tags, instruction guides, or  
32 other materials that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

33 (b) A product provided free of charge with the required purchase of another product. A product is provided  
34 free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product  
35 provided free of charge;

36 (c) Items included in the definition of the term "sales price". As used in this subdivision, the term "one  
37 nonitemized price" shall not include a price that is separately identified by product on binding sales or other  
38 supporting sales-related documentation made available to the customer in paper or electronic form including, but not  
39 limited to, an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and  
40 services, rate card, or price list. A transaction that otherwise meets the definition of a bundled transaction as defined  
41 in this subdivision shall not constitute a bundled transaction if it is:

42 a. A retail sale of tangible personal property and a service where the tangible personal property is essential  
43 to the use of the service and is provided exclusively in connection with the service and the true object of the

1 transaction is the service; or

2 b. A retail sale of services where one service is provided that is essential to the use or receipt of a second  
3 service and the first service is provided exclusively in connection with the second service and the true object of the  
4 transaction is the second service; or

5 c. A transaction that includes taxable products and nontaxable products and the sales price of the taxable  
6 products is de minimis. "De minimis" means the sales price of the taxable product is ten percent or less of the total  
7 sales price of the bundled products.

8  
9 Sellers shall use the sales price of the products to determine if the taxable products are de minimis. Sellers shall use  
10 the full term of a service contract to determine if the taxable products are de minimis; or

11 d. A retail sale of exempt tangible personal property and taxable tangible personal property where:

12 i. The transaction included food and food ingredients, drugs, durable medical equipment, mobility  
13 enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

14 ii. The seller's purchase price or sales price of the taxable tangible personal property is fifty percent or less  
15 of the total sales price of the bundled tangible personal property;

16 (8) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the  
17 object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such  
18 character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible  
19 personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging  
20 in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such  
21 sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course  
22 of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars  
23 in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is  
24 exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

25 [(3)] (9) "Call-by-call basis", any method of charging for telecommunications services where the price is  
26 measured by individual calls;

27 (10) "Certified automated system" or "CAS", software certified under the streamlined sales and use tax  
28 agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to  
29 the appropriate state, and maintain a record of the transaction;

30 (11) "Certified service provider" or "CSP", an agent certified under the streamlined sales and use tax  
31 agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its  
32 own purchases;

33 (12) "Communications channel", a physical or virtual path of communications over which signals are  
34 transmitted between or among customer channel termination points;

35 (13) "Computer software", a set of coded instructions designed to cause a computer or automatic data  
36 processing equipment to perform a task;

37 (14) "Customer", the person or entity that contracts with the seller of telecommunications services. If the  
38 end user of telecommunications services is not the contracting party, the end user of the telecommunications service is  
39 the customer of the telecommunication service, but this subdivision only applies to the purpose of sourcing sales of  
40 telecommunications under chapter 314. "Customer" shall not include a reseller of telecommunications service or for  
41 mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home  
42 service provider's licensed service area;

43 (15) "Customer channel termination point", the location where the customer either inputs or receives the

1 communication;

2 (16) "Delivered electronically", delivered to the purchaser by means other than tangible storage media;

3 (17) "Delivery charges", charges by the seller of personal property or services for preparation and delivery  
4 to a location designated by the purchaser of personal property or services including, but not limited to, transportation,  
5 shipping, postage, handling, crating, and packing;

6 (18) "Dietary supplement", any product, other than tobacco, intended to supplement the diet that contains  
7 one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a  
8 dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate,  
9 metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in  
10 tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not  
11 represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is  
12 required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as  
13 required pursuant to 21 C.F.R. Section 101.36;

14 (19) "Direct mail", printed material delivered or distributed by United States mail or other delivery service  
15 to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser  
16 when the cost of the items are not billed directly to the recipients. The term "direct mail" shall include tangible  
17 personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package  
18 containing the printed material. "Direct mail" shall not include multiple items of printed material delivered to a single  
19 address;

20 (20) "Drug", a compound, substance, or preparation, and any component of a compound, substance, or  
21 preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene  
22 products:

23 (a) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
24 United States, or official National Formulary, and supplement to any of them;

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

26 (c) Intended to affect the structure or any function of the body;

27 (21) "Durable medical equipment", equipment including repair and replacement parts for same, excluding  
28 mobility enhancing equipment. Durable medical equipment:

29 (a) Can withstand repeated use;

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

31 (c) Generally is not useful to a person in the absence of illness or injury;

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

33 (e) Is for home use;

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

35 (g) Shall not include:

36 a. Oxygen delivery equipment not worn in or on the body, including repair and replacement parts;

37 b. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

38 c. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

39  
40 As used in this subdivision, the term "repair and replacement parts" shall include all components or attachments used  
41 in conjunction with the durable medical equipment;

42 (22) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical,  
43 electromagnetic, or similar capabilities;

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

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

6 (25) "Food sold through vending machines", food dispensed from a machine or other mechanical device that  
7 accepts payment;

8 (26) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash,  
9 antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-  
10 counter-drugs;

11 (27) "Gross receipts" or "sales price", except as provided in section 144.012, [means the total amount of the  
12 sale price of the sales at retail including any services other than charges incident to the extension of credit that are a  
13 part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in  
14 money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by  
15 customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under  
16 sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically  
17 exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall  
18 be deemed to be the amount received. It shall also include the lease or rental consideration where the right to  
19 continuous possession or use of any article of tangible personal property is granted under a lease or contract and such  
20 transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if  
21 outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee  
22 upon the rentals paid] applies to the measure subject to sales tax and means the total amount of consideration,  
23 including cash, credit, property, and services, for which personal property or services are sold, leased, or rented,  
24 valued in money, whether received in money or otherwise, without any deduction for the following:

25 (a) The seller's cost of the property sold;

26 (b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller,  
27 all taxes imposed on the seller, and any other expense of the seller;

28 (c) Charges by the seller for any services necessary to complete the sale, other than delivery and installation  
29 charges;

30 (d) Delivery charges;

31 (e) Installation charges; and

32 (f) Credit for any trade-in, as determined by state law;

33 (28) "Home service provider", the same as that term is defined in Section 124(5) of Public Law 106-252,  
34 Mobile Telecommunications Sourcing Act;

35 (29) "Lease or rental", any transfer of possession or control of tangible personal property for a fixed or  
36 indeterminate term for consideration. A lease or rental may include future options to purchase or extend. The term  
37 "lease or rental" shall not include:

38 (a) A transfer of possession or control of property under a security agreement or deferred payment plan that  
39 requires the transfer of title upon completion of the required payments;

40 (b) A transfer of possession or control of property under an agreement that requires the transfer of title upon  
41 completion of required payments and payment of an option price does not exceed the greater of one hundred dollars  
42 or one percent of the total required payments;

43 (c) Providing tangible personal property along with an operator for a fixed or indeterminate period of time

1 provided that the operator is necessary for the equipment to perform as designed and the operator does more than  
2 maintain, inspect, or set up the tangible personal property;

3 (d) Agreements covering motor vehicles and trailers where the amount of consideration may be increased or  
4 decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C.  
5 7701(h)(1), as amended;

6 [4.] (30) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu,  
7 aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal  
8 source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

9 [(5)] (31) "Load and leave", delivery to the purchaser by use of a tangible storage media where the tangible  
10 storage media is not physically transferred to the purchaser;

11 (32) "Mobile telecommunications service", the same as that term is defined in Section 124(7) of Public Law  
12 106-252, Mobile Telecommunications Sourcing Act;

13 (33) "Mobility enhancing equipment", equipment, including repair and replacement parts to same, which:

14 (a) Is primarily and customarily used to provide or increase the ability to move from one place to another  
15 and which is appropriate for use either in a home or a motor vehicle; and

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

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

18  
19 The term "mobility enhancement equipment" shall not include durable medical equipment or any motor vehicle or  
20 equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

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

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

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

31 (37) "Motor vehicle leasing company" [shall be], a company obtaining a permit from the director of revenue  
32 to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to  
33 obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions  
34 of subsection 5 of section 144.070, as hereinafter provided;

35 [6.] (38) "Other direct mail", any direct mail that is not advertising and promotional direct mail regardless of  
36 whether advertising and promotional direct mail is included in the same mailing. The term "other direct mail" shall  
37 include, but not be limited to:

38 (a) Transactional direct mail that contains personal information specific to the one addressee including, but  
39 not limited to, invoices, bills, statements of account, and payroll advices;

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

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

1 The term "other direct mail" shall not include the development of billing information or the provision of any data  
2 processing service that is more than incidental;

3 (39) "Over-the-counter-drug", a drug, excluding grooming and hygiene products, that contains a label that  
4 identifies the product as a drug as required by 21 C.F.R. Section 201.66 and includes:

5 (a) A drug facts panel; or

6 (b) A statement of the active ingredients with a list of those ingredients contained in the compound,  
7 substance, or preparation;

8 (40) "Person" [includes], any individual, firm, copartnership, joint adventure, association, corporation,  
9 municipal or private, and whether organized for profit or not, state, county, political subdivision, state department,  
10 commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver  
11 or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the  
12 plural as well as the singular number;

13 [7.] (41) "Place of primary use", the street address representative of where the customer's use of the  
14 telecommunications service primarily occurs, which must be the residential street address or the primary business  
15 street address of the customer. In Streamlined Sales and Use Tax Agreement, Page 29, January 13, 2006, the case of  
16 mobile telecommunications services, place of primary use must be within the licensed service area of the home  
17 service provider;

18 (42) "Post-paid calling service", the telecommunications service obtained by making a payment on a call-by-  
19 call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or  
20 debit card, or by charge made to a telephone number which is not associated with the origination or termination of the  
21 telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid  
22 wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications  
23 service;

24 (43) "Prepaid calling service", the right to access exclusively telecommunications services, which must be  
25 paid for in advance and which enable the origination of calls using an access number or authorization code, whether  
26 manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with  
27 use in a known amount;

28 (44) "Prepaid wireless calling service", a telecommunications service that provides the right to utilize  
29 mobile wireless services as well as other nontelecommunications services, including the download of digital products  
30 delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in  
31 predetermined units or dollars of which the number declines with use in a known amount; (45) "Prepared food", food  
32 sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as  
33 a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses,  
34 cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. "Prepared  
35 food" shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and  
36 foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug  
37 Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

38 (46) "Prescription", an order, formula, or recipe issued in any form of oral, written, electronic, or other  
39 means of transmission by a duly licensed practitioner authorized by the laws of the state;

40 (47) "Prewritten computer software", computer software, including prewritten upgrades, which is not  
41 designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of  
42 two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to  
43 be other than prewritten computer software. Prewritten computer software shall include software designed and

1 developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other  
2 than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the  
3 author or creator, the person shall be deemed to be the author or creator only of such person's modifications or  
4 enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any  
5 degree, where such modification or enhancement is designed and developed to the specifications of a specific  
6 purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately  
7 stated charge or an invoice or other statement of the price given to the purchaser for such modification or  
8 enhancement, such modification or enhancement shall not constitute prewritten computer software;

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

13 (49) "Product-based exemption", an exemption based on the description of the product and not based on  
14 who purchases the product or how the purchaser intends to use the product;

15 (50) "Product which is intended to be sold ultimately for final use or consumption", tangible personal  
16 property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to  
17 these taxes, in this state or any other state;

18 (51) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement  
19 parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical  
20 deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not  
21 include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO  
22 HealthNet and Medicare reimbursement;

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

24 (53) "Purchaser" [means], a person who purchases tangible personal property or to whom are rendered  
25 services, receipts from which are taxable under sections 144.010 to 144.525;

26 [(8)] (54) "Receive" or "receipt", taking possession of tangible personal property; making first use of  
27 services; or taking possession or making first use of digital goods, whichever comes first. The terms "receive" and  
28 "receipt" shall not include possession by a shipping company on behalf of the purchaser;

29 (55) "Research or experimentation activities" [are], the development of an experimental or pilot model,  
30 plant process, formula, invention or similar property, and the improvement of existing property of such type.

31 Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or  
32 products for quality control, efficiency surveys, advertising promotions or research in connection with literary,  
33 historical or similar projects;

34 [(9)] (56) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale  
35 thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter,  
36 conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable  
37 consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and  
38 services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

39 (10)] (56) "Sale at retail" [means any transfer made by any person engaged in business as defined herein of  
40 the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in  
41 any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010  
42 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed  
43 physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be

1 purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or  
2 microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain  
3 for his or her own use the desired information contained in such computer printouts, computer output on microfilm or  
4 microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of  
5 tangible personal property], any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.  
6 Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians  
7 and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for  
8 resale. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the  
9 term "sale at retail" shall be construed to embrace:

10 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment  
11 and recreation, games and athletic events;

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

14 (c) Sales of local and long distance telecommunications service to telecommunications subscribers and to  
15 others through equipment of telecommunications subscribers for the transmission of messages and conversations, and  
16 the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

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

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

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

24 (57) "Sales price", applies to the measure subject to sales tax and means the total amount of consideration,  
25 including cash, credit, property, and services, for which personal property or services are sold, leased, or rented,  
26 valued in money, whether received in money or otherwise, without any deduction for the following:

27 (a) The seller's cost of the property sold;

28 (b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller,  
29 all taxes imposed on the seller, and any other expense of the seller;

30 (c) Charges by the seller for any services necessary to complete the sale, other than delivery and installation  
31 charges;

32 (d) Delivery charges;

33 (e) Installation charges; or

34 (f) Credit for any trade-in, as determined by state law;

35 [(11)] (58) "Seller" means a person selling or furnishing tangible personal property or rendering services, on  
36 the receipts from which a tax is imposed pursuant to section 144.020;

37 [(12)] (59) "Service address", the location of the telecommunications equipment to which a customer's call  
38 is charged and from which the call originates or terminates, regardless of where the call is billed or paid. If the  
39 location of the telecommunications equipment to which a customer's call is charged and from which the call originates  
40 or terminates is not known, the service address shall be the location of the customer's place of primary use;

41 (60) "Tangible personal property", personal property that can be seen, weighed, measured, felt, or touched,  
42 or that is in any other manner perceptible to the senses. "Tangible personal property" shall include electricity, water,  
43 gas, steam, and prewritten computer software;



1 \_\_\_\_\_ (61) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax,  
2 or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he  
3 or she is required to report his or her collections, as the context may require;

4 [(13)] (62) "Telecommunications service", [for the purpose of this chapter, the transmission of information  
5 by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition,  
6 "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or  
7 any other symbols. Telecommunications service does not include the following if such services are separately stated  
8 on the customer's bill or on records of the seller maintained in the ordinary course of business:

9 (a) Access to the Internet, access to interactive computer services or electronic publishing services, except  
10 the amount paid for the telecommunications service used to provide such access;

11 (b) Answering services and one-way paging services;

12 (c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless  
13 telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to  
14 federal law; or

15 (d) Cable or satellite television or music services; and

16 (14) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal  
17 property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent  
18 thereto, in this state or any other state.] the electronic transmission, conveyance, or routing of voice, data, audio,  
19 video, or any other information or signals to a point, or between or among points. The term "telecommunications  
20 service" shall include such transmission, conveyance, or routing in which computer processing applications are used  
21 to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without  
22 regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal  
23 Communications Commission as enhanced or value added. "Telecommunications service" shall include air-to-ground  
24 radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid  
25 wireless calling service, and private communication service. "Telecommunications service" shall not include:

26 (a) Data processing and information services that allow data to be generated, acquired, stored, processed, or  
27 retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the  
28 underlying transaction is the processed data or information;

29 (b) Installation or maintenance of wiring or equipment on a customer's premises;

30 (c) Tangible personal property;

31 (d) Advertising, including but not limited to directory advertising;

32 (e) Billing and collection services provided to third parties;

33 (f) Internet access service;

34 (g) Radio and television audio and video programming services, regardless of the medium, including the  
35 furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and  
36 television audio and video programming services shall include but not be limited to cable service, as defined in 47  
37 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as  
38 defined in 47 C.F.R. 20.3;

39 (h) Ancillary services; or

40 (i) Digital products delivered electronically, including, but not limited to, software, music, video, reading  
41 materials, or ringtones;

42 (63) "Transportation equipment", any of the following:

43 (a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

1 (b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or  
2 greater, trailers, semi-trailers, or passenger buses that are:

3 a. Registered through the International Registration Plan; and

4 b. Operated under authority of a carrier authorized and certificated by the United States Department of  
5 Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

6 c. Aircraft that are operated by air carriers authorized and certificated by the United States Department of  
7 Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or  
8 foreign commerce;

9 (c) Containers designed for use on and component parts attached or secured on the items set forth in  
10 subparagraphs a. to c. of paragraph (b) of this subdivision;

11 (64) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

12 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law  
13 pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term  
14 "manufactured homes" shall have the same meaning given it in section 700.010.

15 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

16 144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax  
17 levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of  
18 food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall  
19 be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section  
20 144.701.

21 2. For the purposes of this section, the term "food" shall include only [those products and types of food for  
22 which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7  
23 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by  
24 or through vending machines] food and food ingredients; food sold through vending machines; and prepared food  
25 sold in an unheated state by weight or volume as a single item without eating utensils, food sold by a seller whose  
26 proper primary NAICS classification is manufacturing in sector 311 and bakery items, including bread, rolls, buns,  
27 biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas. For  
28 the purpose of this section, except for vending machine sales, the term "food" shall not include food or drink sold by  
29 any establishment where the gross receipts derived from the sale of food prepared by such establishment for  
30 immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total  
31 gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that  
32 establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating  
33 house, or café.

34 144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and  
35 from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales  
36 as may be made in commerce between this state and any other state of the United States, or between this state and any  
37 foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution  
38 or laws of the United States of America, and such retail sales of tangible personal property which the general  
39 assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

40 2. There are also specifically exempted from the provisions of the local sales tax law as defined in section  
41 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the  
42 tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and  
43 sections 144.010 to 144.525 and 144.600 to 144.745:

1 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is  
2 refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating  
3 gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or  
4 poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed,  
5 limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at  
6 retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons  
7 registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which  
8 are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or  
9 after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to  
10 be sold ultimately in processed form at retail;

11 (2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing,  
12 compounding, mining, producing or fabricating become a component part or ingredient of the new personal property  
13 resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new  
14 personal property is intended to be sold ultimately for final use or consumption; and materials, including without  
15 limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are  
16 ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole  
17 or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or  
18 consumption;

19 (3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and  
20 maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common  
21 carriers of persons or property;

22 (4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the  
23 installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing,  
24 mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and  
25 machinery and equipment, and the materials and supplies required solely for the operation, installation or construction  
26 of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material  
27 recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant"  
28 means a facility that has as its primary purpose the recovery of materials into a useable product or a different form  
29 which is used in producing a new product and shall include a facility or equipment which are used exclusively for the  
30 collection of recovered materials for delivery to a material recovery processing plant but shall not include motor  
31 vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same  
32 meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process  
33 or the use of a product previously recovered. The material recovery processing plant shall qualify under the  
34 provisions of this section regardless of ownership of the material being recovered;

35 (5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or  
36 construction of such machinery and equipment, purchased and used to establish new or to expand existing  
37 manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in  
38 manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

39 (6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or  
40 assembling of products sold to the United States government or to any agency of the United States government;

41 (7) Animals or poultry used for breeding or feeding purposes;

42 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery,  
43 equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the

1 general public;

2 (9) The rentals of films, records or any type of sound or picture transcriptions for public commercial  
3 display;

4 (10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common  
5 carriers;

6 (11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor  
7 vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as  
8 defined in section 390.020, in the transportation of persons or property;

9 (12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or  
10 producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a  
11 material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the  
12 taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either  
13 primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing  
14 contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable  
15 presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five  
16 percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or  
17 series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment  
18 necessary to maintain or preserve such processing by the producer at the production facility;

19 (13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or  
20 fabricating and which have a useful life of less than one year;

21 (14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of  
22 preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation,  
23 construction or reconstruction of such machinery, equipment, appliances and devices;

24 (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of  
25 preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation,  
26 construction or reconstruction of such machinery, equipment, appliances and devices;

27 (16) Tangible personal property purchased by a rural water district;

28 (17) All amounts paid or charged for admission or participation or other fees paid by or other charges to  
29 individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including  
30 museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all  
31 the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private  
32 person, firm, or corporation;

33 (18) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal  
34 Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section  
35 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs  
36 which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to  
37 administer those items, including samples and materials used to manufacture samples which may be dispensed by a  
38 practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and  
39 accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway  
40 lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more  
41 physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines,  
42 electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items  
43 used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales

1 of over-the-counter or nonprescription drugs to individuals with disabilities] drugs, durable medical equipment,  
2 prosthetic devices, and mobility enhancing equipment;

3 (19) All sales made by or to religious and charitable organizations and institutions in their religious,  
4 charitable or educational functions and activities and all sales made by or to all elementary and secondary schools  
5 operated at public expense in their educational functions and activities;

6 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made  
7 by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have  
8 been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as  
9 amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions  
10 and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise  
11 excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public  
12 funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

13 (21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster,  
14 encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of  
15 animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to  
16 the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any  
17 fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290  
18 to 262.530;

19 (22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives,  
20 medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides  
21 used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of  
22 livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for  
23 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in  
24 section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible  
25 new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other  
26 than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible  
27 personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or  
28 poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting  
29 agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to  
30 mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this  
31 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used  
32 farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively,  
33 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for  
34 producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel  
35 fuel therefor which is:

36 (a) Used exclusively for agricultural purposes;

37 (b) Used on land owned or leased for the purpose of producing farm products; and

38 (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or  
39 in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

40 (23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity,  
41 electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city  
42 not within a county, all sales of metered or unmetered water service for domestic use:

43 (a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural,

1 artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered  
2 water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or  
3 nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums,  
4 including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each  
5 seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

6 (b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based  
7 upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri  
8 public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and  
9 purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or  
10 master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for  
11 domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of  
12 purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service  
13 thereunder shall be conclusive as to whether or not the utility must charge sales tax;

14 (c) Each person making domestic use purchases of services or property and who uses any portion of the  
15 services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the  
16 year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of  
17 nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any  
18 portion of the services or property so purchased for domestic use, and each person making domestic purchases on  
19 behalf of occupants of residential apartments or condominiums through a single or master meter, including service for  
20 common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between  
21 the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for  
22 credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the  
23 domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential  
24 apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

25 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is  
26 at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the  
27 annual gross income of the seller;

28 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161,  
29 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant  
30 to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

31 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used  
32 primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers  
33 bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or  
34 waterborne vessel while it is afloat upon such river;

35 (27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or  
36 sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the  
37 compact;

38 (28) Computers, computer software and computer security systems purchased for use by architectural or  
39 engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state"  
40 means the office for the administrative management of at least four integrated facilities operated by the taxpayer is  
41 located in the state of Missouri;

42 (29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such  
43 livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

- 1 (30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate  
2 waterways;
- 3 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are  
4 ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery  
5 processing plant as defined in subdivision (4) of this subsection;
- 6 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the  
7 production of crops, aquaculture, livestock or poultry;
- 8 (33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the  
9 research and development of agricultural/biotechnology and plant genomics products and prescription  
10 pharmaceuticals consumed by humans or animals;
- 11 (34) All sales of grain bins for storage of grain for resale;
- 12 (35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial  
13 breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to  
14 sections 273.325 to 273.357;
- 15 (36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is  
16 authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws.  
17 For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the  
18 entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
19 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as  
20 evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later  
21 determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in  
22 good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty  
23 due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales  
24 and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used  
25 in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:
- 26 (a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption  
27 certificates in accordance with the provisions of section 144.062; or
- 28 (b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption  
29 certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this  
30 section;
- 31 (37) All sales or other transfers of tangible personal property to a lessor who leases the property under a  
32 lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact  
33 agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;
- 34 (38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated  
35 by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state  
36 or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably  
37 be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site  
38 that is not located on the campus of a conference member institution participating in the event;
- 39 (39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by  
40 such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to  
41 a professional sports team;
- 42 (40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment  
43 purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft

1 power plants, and aircraft accessories;

2 (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of  
3 business for use in the normal course of business and money received by a shooting range or similar places of  
4 business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the  
5 conclusion of a shooting event.

6 144.049. 1. For purposes of this section, the following terms mean:

7 (1) "Clothing", [any article of wearing apparel, including footwear, intended to be worn on or about the  
8 human body. The term shall include but not be limited to cloth and other material used to make school uniforms or  
9 other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall  
10 not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt  
11 buckles; and] all human-wearing apparel suitable for general use. "Clothing" shall not include:

12 (a) Belt buckles sold separately;

13 (b) Costume masks sold separately;

14 (c) Patches and emblems sold separately;

15 (d) Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors,  
16 sewing machines, sewing needles, tape measures, and thimbles; and

17 (e) Sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace,  
18 thread, yarn, and zippers;

19 (2) ["Personal computers", a laptop, desktop, or tower computer system which consists of a central  
20 processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for  
21 use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive,  
22 daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner,  
23 single-user hardware, single-user operating system, soundcard, or video card;

24 (3) "School supplies", [any item normally used by students in a standard classroom for educational  
25 purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers,  
26 book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD  
27 players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture,  
28 or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars  
29 or less] items commonly used by a student in a course of study which shall be limited to: binders; book bags;  
30 calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; expandable, pocket,  
31 plastic, and manila folders; glue; paste; paste sticks; highlighters; index cards; index card boxes; legal pads; lunch  
32 boxes; markers; notebooks; paper; loose leaf ruled notebook paper; copy paper; graph paper; tracing paper; manila  
33 paper; colored paper; poster board; construction paper; pencil boxes and other school supply boxes; pencil  
34 sharpeners; pencils; pens; prewritten computer software; protractors; scissors; writing tablets; school art supplies;  
35 school instructional materials; and school computer supplies;

36 (4) "School art supplies", items commonly used by a student in a course of study for artwork and shall only  
37 include:

38 (a) Clay and glazes;

39 (b) Paints, acrylic, tempora, and oil;

40 (c) Paintbrushes for artwork;

41 (d) Sketch and drawing pads;

42 (e) Watercolors;

43 (5) "School instructional materials", written materials commonly used by a student in a course of study as a



1 reference and to learn the subject being taught which shall only include:

- 2 (a) Reference books;  
3 (b) Reference maps and globes;  
4 (c) Textbooks; and  
5 (d) Workbooks;  
6 (6) "School computer supplies", items commonly used by a student in a course of study in which a computer  
7 is used, which shall be limited to:  
8 (a) Computer storage media, diskettes, compact disks;  
9 (b) Handheld electronic schedulers, except devices that are cellular phones;  
10 (c) Personal digital assistants, except devices that are cellular phones; and  
11 (d) Computer printers and printer supplies for computers, printer paper, and printer ink.

12 2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales  
13 tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of  
14 school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred  
15 fifty dollars or less, and all retail sales of [personal] computers [or computer peripheral devices] not to exceed three  
16 thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and  
17 ending at midnight on the Sunday following.

18 3. [If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax  
19 holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political  
20 subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales  
21 tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may  
22 enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must  
23 notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax  
24 holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

25 4.] This section shall not apply to any sales which take place within the Missouri state fairgrounds.

26 [5.] 4. This section applies to sales of items bought for personal use only.

27 [6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order,  
28 choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political  
29 subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not  
30 less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any  
31 ordinance or order rescinding an ordinance or order to opt out.

32 7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered  
33 for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]”;  
34 and  
35

36 Further amend said bill, Section 144.083, Page 14, Line 41, by inserting after all of said section, the following:

37 “144.100. 1. Every person making any taxable sales of property or service, except transactions provided for  
38 in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written  
39 return with the director of revenue in such manner as he may prescribe.

40 2. The returns shall be on blanks designed and furnished by the director of the department of revenue and  
41 shall be filed at the times provided in sections 144.080 and 144.090. The returns shall show the amount of gross  
42 receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person  
43 during and for the period covered by the return. The director shall only require a single tax return for each taxing

1 period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With  
2 each return, the person shall remit to the director of revenue the full amount of the tax due.

3 3. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and  
4 when payments are received by the person, without any deduction therefrom whatsoever.

5 4. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error  
6 may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing  
7 period immediately following the filing period in which the error was made or the omission occurred, as prescribed by  
8 law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based  
9 upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended  
10 return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional  
11 return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the  
12 date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier.  
13 Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the  
14 payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit  
15 results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or  
16 credit is properly completed and submitted to the director pursuant to section 144.190.

17 5. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all  
18 matters contained in the return, is subject to review and revision in the manner herein provided for the correction of  
19 the returns.

20 6. The director of revenue may require any seller to file and remit sales tax electronically through a  
21 simplified electronic return.

22 144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board  
23 for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax  
24 agreement. Such review shall include a review to determine that the program adequately classifies the state's product-  
25 based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the  
26 classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from  
27 liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model  
28 2 seller's reliance on the certification provided by the state.

29 2. The streamlined sales and use tax governing board and this state shall not be responsible for classification  
30 of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall  
31 not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based  
32 exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a  
33 product definition approved by the governing board or the state.

34 3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify  
35 the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the  
36 classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or  
37 model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

38 144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

39 2. For purposes of this section, the following terms mean:

40 (1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional  
41 ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

42 (2) "Energy star certified", any appliance approved by both the United States Environmental Protection  
43 Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time

1 to time.

2 3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales  
3 tax law all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars per  
4 appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April  
5 twenty-fifth.

6 [4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes  
7 by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less  
8 than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such  
9 ordinance or order.

10 5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered  
11 for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

12 144.625. To secure the payment of the tax, interest and penalties, which may become due from a vendor as  
13 provided in sections 144.600 to 144.745, the director of revenue may, where necessary to secure the payment of the  
14 tax, interest, and penalties require [all vendors] a vendor to file a bond or a letter of credit in an amount to be  
15 determined by the director, under the same requirements as provided in section 144.087.

16 144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period  
17 of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the  
18 form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the  
19 vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the  
20 director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax  
21 required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor  
22 or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and  
23 payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in  
24 this section.

25 2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and  
26 fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for  
27 such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be  
28 allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

29 3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a  
30 calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The  
31 return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

32 4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property,  
33 the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid  
34 the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of  
35 revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes,  
36 showing the total sales price of the tangible property purchased during the preceding reporting period and any other  
37 information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748.  
38 The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to  
39 be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent.  
40 For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a  
41 calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection  
42 shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and  
43 payments shall be due on or before the last day of the month following each calendar period of three months. Upon

1 the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a  
2 taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth  
3 day of the succeeding month.

4 5. [Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to  
5 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such  
6 taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

7 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed  
8 pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used,  
9 stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the  
10 provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance  
11 with the provisions of section 144.650.] Any out-of-state seller which is not legally required to register for use tax in  
12 this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar  
13 year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event  
14 that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and  
15 remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to  
16 one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the  
17 accumulated state and local use tax funds equal or exceed one thousand dollars.

18 6. The director of revenue may require any seller to file and remit use tax electronically.

19 144.1025. 1. The director shall participate in an online registration system that will allow sellers to register  
20 in this state and other member states.

21 2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state  
22 as well as the other member states, including member states joining after the seller's registration. Withdrawal or  
23 revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or  
24 subsequently collected on behalf of this state.

25 3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain  
26 a retail sales license under section 144.083 and register under section 144.650.

27 4. Registration with the central registration system and the collection of sales and use taxes in this state shall  
28 not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

29 144.1028. 1. The director shall provide and maintain a database that describes boundary changes for all  
30 taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

31 2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions.  
32 For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal  
33 Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For  
34 the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the  
35 director.

36 3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the  
37 proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the  
38 area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not  
39 available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit  
40 zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or  
41 CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable  
42 presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip  
43 code designation by utilizing software approved by the secretary that makes this designation from the street address

1 and the five-digit zip code applicable to a purchase.

2 4. The director may provide address-based boundary database records for assigning taxing jurisdictions and  
3 associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records  
4 shall be in the same approved format as the database records required under subsection 3 of this section and shall  
5 meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section  
6 119(a). If the director develops address-based assignment database records pursuant to the agreement, sellers that  
7 register under the agreement shall be required to use such database. A seller or CSP shall use such database records  
8 in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or  
9 CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after  
10 exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If  
11 a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the  
12 nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation,  
13 the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a  
14 rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine  
15 the tax rate and jurisdiction by utilizing software approved by the director makes the assignment from the address and  
16 zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this  
17 section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and  
18 jurisdictions. The databases shall be in the same approved format as the database records pursuant to this section and  
19 meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.A.  
20 Section 119(a). If the director certifies a vendor address-based database, a seller or CSP may use such database in  
21 place of the database provided for in this subsection.

22 5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in  
23 downloadable format as determined by the director. The databases may be directly provided by the director or  
24 provided by a vendor as designated by the director. A database provided by a vendor as designated by the director  
25 shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be  
26 provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply  
27 when the purchased product is received by the purchaser at the business location of the seller.

28 6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates,  
29 boundaries, or taxing jurisdiction assignments.

30 144.1031. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be  
31 provided and maintained by the director in a database that is in a downloadable format.

32 2. The director shall provide reasonable notice of changes in the taxability of the products or services listed  
33 in the taxability matrix.

34 3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing  
35 jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such  
36 seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

37 144.1034. 1. The retail sale of a product shall be sourced in accordance with section 144.1037. The  
38 provisions of section 144.1037 shall apply regardless of the characterization of a product as tangible personal  
39 property, a digital good, or a service. The provisions of section 144.1037 shall only apply to determine a seller's  
40 obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The  
41 provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the  
42 product to the taxing jurisdictions of that use.

43 2. Section 144.1037 shall not apply to sales or use taxes levied on the following:

1 (1) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes;

2 (2) Retail sales, excluding lease or rental, of motor vehicles, trailers, semi-trailers, or aircraft that do not  
3 qualify as transportation equipment; and

4 (3) Telecommunications services and ancillary services.

5 144.1037. 1. Except as provided in section 144.1034, the retail sale, excluding lease or rental, of a product  
6 shall be sourced as follows:

7 (1) When the product is received by the purchaser at a business location of the seller, the sale shall be  
8 sourced to such business location;

9 (2) When the product is not received by the purchaser at a business location of the seller, the sale shall be  
10 sourced to the location where receipt by the purchaser, or the purchaser's donee, designated as such by the purchaser,  
11 occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

12 (3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location  
13 indicated by an address for the purchaser that is available from the business records of the seller maintained in the  
14 ordinary course of the seller's business when use of this address does not constitute bad faith;

15 (4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the  
16 location indicated by an address for the purchaser obtained during the consummation of the sale, including the address  
17 of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad  
18 faith;

19 (5) When none of the previous rules of subdivisions (1), (2), (3), or (4) of this subsection apply, including  
20 the circumstance in which the seller is without sufficient information to apply the previous rules, then the location  
21 shall be determined by the address from which tangible personal property was shipped, from which the digital good or  
22 the computer software delivered electronically was first available for transmission by the seller, or from which the  
23 service was provided (disregarding for these purposes any location that merely provided the digital transfer of the  
24 product sold).

25 2. The lease or rental of tangible personal property, other than property identified in subsection 3 or  
26 subsection 4 of this section, shall be sourced as follows:

27 (1) For a lease or rental that requires recurring periodic payments, the first periodic payment shall be  
28 sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments  
29 made subsequent to the first payment shall be sourced to the primary property location for each period covered by the  
30 payment. The primary property location shall be as indicated by an address for the property provided by the lessee  
31 that is available to the lessor from its records maintained in the ordinary course of business, when use of this address  
32 does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such  
33 as use of business property that accompanies employees on business trips and service calls;

34 (2) For a lease or rental that does not require recurring periodic payments, the payment shall be sourced the  
35 same as a retail sale in accordance with the provisions of subsection 1 of this section.

36  
37 The provisions of this subsection shall not affect the imposition or computation of sales or use tax on leases or rentals  
38 based on a lump sum or accelerated basis, or on the acquisition of property for lease.

39 3. The lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation  
40 equipment, as defined in subsection 4 of this section, shall be sourced as follows:

41 (1) For a lease or rental that requires recurring periodic payments, each periodic payment shall be sourced to  
42 the primary property location. The primary property location shall be as indicated by an address for the property  
43 provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business,

1 when use of this address does not constitute bad faith. This location shall not be altered by intermittent use at  
2 different locations;

3 (2) For a lease or rental that does not require recurring periodic payments, the payment shall be sourced the  
4 same as a retail sale in accordance with the provisions of subsection 1 of this section.

5  
6 The provisions of this subsection shall not affect the imposition or computation of sales or use tax on leases or rentals  
7 based on a lump sum or accelerated basis, or on the acquisition of property for lease.

8 4. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail  
9 sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental  
10 in subsection 1 of this section.

11 5. Provisions of subsection 1 of this section to the contrary notwithstanding, retail sales, excluding lease or  
12 rental, of tangible personal property or digital goods shall be sourced to the location where the order is received by  
13 the seller if:

14 (1) The order is received by the seller in the state where the purchaser or the purchaser's donee, as  
15 designated by the purchaser, receives the product;

16 (2) The location where the purchaser receives the product is determined pursuant to subdivisions (2), (3), or  
17 (4) of subsection 1 of this section; and

18 (3) At the time the order is received, the recordkeeping system of the seller used to calculate the proper  
19 amount of sales or use tax to be imposed captures the location where the order is received.

20 144.1040. 1. Notwithstanding provisions of section 144.1037 to the contrary, the following provisions shall  
21 apply to sales of advertising and promotional direct mail:

22 (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

23 (a) A direct pay permit;

24 (b) An agreement certificate of exemption claiming direct mail, or other written statement approved,  
25 authorized, or accepted by the state; or

26 (c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be  
27 delivered to recipients;

28 (2) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a) or (b) of  
29 subdivision (1) of this subsection, the seller, in the absence of bad faith, shall be relieved of all obligations to collect,  
30 pay, or remit any tax on any transaction involving advertising and promotional direct mail to which such permit,  
31 certificate, or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and  
32 promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due;

33 (3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and  
34 promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the  
35 advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the  
36 absence of bad faith, a seller shall be relieved of any further obligation to collect any additional tax on the sale of  
37 advertising and promotional direct mail where the seller has sourced the sale according to the delivery information  
38 provided by the purchaser;

39 (4) If a purchaser does not provide the seller with any of the items listed in paragraphs (a), (b), or (c) of  
40 subdivision (1) of this subsection, the sale shall be sourced according to subdivision (5) of subsection 1 of section  
41 144.1037.

42 2. Provisions of section 144.1037 to the contrary notwithstanding, the following provisions shall apply to  
43 sales of other direct mail:

1 (1) Sales of other direct mail shall be sourced in accordance with subdivision (3) of subsection 1 of section  
2 144.1037;

3 (2) A purchaser of other direct mail may provide the seller with either:

4 (a) A direct pay permit; or

5 (b) An agreement certificate of exemption claiming direct mail or other written statement approved,  
6 authorized, or accepted by the state;

7 (3) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a) or (b) of  
8 subdivision (2) of subsection 2 of this section, the seller, in the absence of bad faith, shall be relieved of all  
9 obligations to collect, pay, or remit any tax on any transaction involving other direct mail to which the permit,  
10 certificate, or statement applies. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the  
11 jurisdictions to which the other direct mail is to be delivered to the recipients, and the purchaser shall report and pay  
12 applicable tax due.

13 3. (1) The provisions of this section shall apply to any transaction characterized under the laws of this state  
14 as the sale of services only if such service is an integral part of the production and distribution of printed material that  
15 meets the definition of direct mail. This section shall not apply to any transaction that includes the development of  
16 billing information or the provision of any data processing service that is more than incidental regardless of whether  
17 advertising and promotional direct mail is included in the same mailing.

18 (2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section  
19 shall apply, only if the primary purpose of the transaction is the sale of products or services that meet the definition of  
20 advertising and promotional direct mail.

21 (3) Nothing in this section shall be construed to limit any purchaser's:

22 (a) Obligation for sales or use tax to any state to which the direct mail is delivered;

23 (b) Right under local, state, federal, or constitutional law, to a credit for sales or use taxes legally due and  
24 paid to other jurisdictions; or

25 (c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

26 (4) This section shall apply for purposes of uniformly sourcing direct mail transactions and shall not impose  
27 requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of  
28 sales for resale or other exemptions.

29 4. Notwithstanding subsections 1, 2, and 3 of this section, all direct mail delivered or distributed from a  
30 location within the state and delivered or distributed to a location within the state shall be sourced as follows:

31 (1) If the purchaser provides the seller with a direct pay permit or an agreement certificate of exemption  
32 claiming direct mail, or other written statement approved, authorized, or accepted by the director, the seller, in the  
33 absence of bad faith, shall be relieved of all obligations to collect, pay, or remit the applicable tax on any transaction  
34 involving direct mail. The purchaser shall report and pay any applicable tax due. An agreement certificate of  
35 exemption claiming direct mail shall remain in effect for all future sales of direct mail by the seller to the purchaser  
36 until it is revoked in writing;

37 (2) Except as provided in subdivision (1) of subsection 3 of this section, the seller shall collect the tax  
38 according to subdivision (5) of subsection 1 of section 144.1037. To the extent the seller knows that a portion of the  
39 sale of direct mail will be delivered or distributed to a location in another state, the seller shall collect the tax on that  
40 portion according to subsections 1, 2, and 3 of this section;

41 (3) Notwithstanding subdivision (2) of subsection 3 of this section, a seller may elect to use the provisions of  
42 subsections 1, 2, and 3 of this section to source all sales of advertising and promotional direct mail;

43 (4) Nothing in this subsection shall be construed to limit a purchaser's obligation for sales or use tax to any



1 state to which the direct mail is delivered, except that a purchaser whose direct mail is sourced under the provisions of  
2 subsection 3 of this section shall owe no additional sales or use tax to that state based on where the purchaser uses or  
3 delivers the direct mail in the state.

4 144.1043. 1. The sale of telecommunication service sold on a call-by-call basis shall be sourced to each  
5 level of taxing jurisdiction where the call originates and terminates in that jurisdiction or each level of taxing  
6 jurisdiction where the call either originates or terminates and in which the service address is also located.

7 2. A sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to  
8 the customer's place of primary use.

9 3. Provisions of subsections 1 and 2 of this section to the contrary notwithstanding, the sale of the following  
10 telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

11 (1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and  
12 prepaid calling service shall be sourced to the customer's place of primary use as required by the Mobile  
13 Telecommunications Sourcing Act;

14 (2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications  
15 signal as first identified by either the seller's telecommunications system or information received by the seller from its  
16 service provider, where the system used to transport such signals is not that of the seller;

17 (3) A sale of prepaid calling service or a sale of a prepaid wireless calling service shall be sourced in  
18 accordance with section 144.1037. Provided, however, in the case of a sale of prepaid wireless calling service, the  
19 rule provided under subdivision (5) of section 1 of section 144.1037 shall include as an option the location associated  
20 with the mobile telephone number;

21 (4) A sale of a private communication service shall be sourced as follows:

22 (a) Service for a separate charge related to a customer channel termination point shall be sourced to each  
23 level of jurisdiction in which such customer channel termination point is located;

24 (b) Service where all customer termination points are located entirely within one jurisdiction or levels of  
25 jurisdiction shall be sourced in such jurisdiction in which the customer channel termination points are located;

26 (c) Service for segments of a channel between two customer channel termination points located in different  
27 jurisdictions and which segment of channel are separately charged shall be sourced fifty percent in each level of  
28 jurisdiction in which the customer channel termination points are located;

29 (d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and  
30 which segments are not separately billed shall be sourced in each jurisdiction based on the percentage determined by  
31 dividing the number of customer channel termination points in such jurisdiction by the total number of customer  
32 channel termination points.

33 4. The sale of Internet access service shall be sourced to the customer's place of primary use.

34 5. The sale of an ancillary service shall be sourced to the customer's place of primary use.

35 144.1046. 1. In addition to all other provisions of law provided for exemptions, when an exemption is  
36 claimed by a purchaser:

37 (1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax  
38 exemption at the time of the purchase;

39 (2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper  
40 exemption certificate is used;

41 (3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director  
42 of the department of revenue and acceptable to the streamlined sales and use tax governing board;

43 (4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium

1 in which the transaction occurred;

2 (5) The seller shall maintain proper records of exempt transactions and provide such records to the director  
3 of the department of revenue or the director's designee upon request;

4 (6) In the case of drop shipment sales, a third party vendor, such as a drop shipper, may claim a resale  
5 exemption based on an exemption certificate provided by its customer or any other acceptable information available  
6 to the third party vendor evidencing qualification for a resale exemption, regardless of whether the customer is  
7 registered to collect and remit sales and use tax in the state where the sale is sourced.

8 2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting  
9 tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser  
10 shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller  
11 who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an  
12 exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption  
13 when the subject of the transaction sought to be covered by the exemption certificate is actually received by the  
14 purchaser at a location operated by the seller and the state in which that location resides provides an exemption  
15 certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a  
16 seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than  
17 computer software for which an exemption claiming multiple points of use.

18 (1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a  
19 fully completed exemption certificate or captures the relevant data elements required under the agreement within  
20 ninety days subsequent to the date of sale.

21 (2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section,  
22 the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the  
23 department of revenue or the director's designee, either prove that the transaction was not subject to tax by other  
24 means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

25 3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's  
26 designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain  
27 exemptions.

28 4. Notwithstanding provisions of subsection 2 of this section to the contrary, the director shall relieve a  
29 seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which  
30 the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket  
31 certificates or updates of exemption certificate information or data elements when there is a recurring business  
32 relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a  
33 period of no more than twelve months elapses between sales transactions.

34 144.1049. 1. Retailers shall make returns to the director at the times prescribed by this section upon forms  
35 prescribed and furnished by the director stating:

36 (1) The name and address of the retailer;

37 (2) The total amount of gross sales of all tangible personal property and taxable services rendered by the  
38 retailer during the period for which the return is made;

39 (3) The total amount received during the period for which the return is made on charge and time sales of  
40 tangible personal property made and taxable services rendered prior to the period for which the return is made;

41 (4) Deductions allowed by law from such total amount of gross sales and from total amount received during  
42 the period for which the return is made on such charge and time sales;

43 (5) Receipts during the period for which the return is made from the total amount of sales of tangible

1 personal property and taxable services rendered during such period in the course of such business, after deductions  
2 allowed by law have been made;

3 (6) Receipts during the period for which the return is made from charge and time sales of tangible personal  
4 property made and taxable services rendered prior to such period in the course of such business, after deductions  
5 allowed by law have been made;

6 (7) Gross receipts during the period for which the return is made from sales of tangible personal property  
7 and taxable services rendered in the course of such business upon the basis of which the tax is imposed.

8  
9 The return shall include such other pertinent information as the director may require. In making such return, the  
10 retailer shall determine the market value of any consideration, other than money, received in connection with the sale  
11 of any tangible personal property in the course of the business and shall include such value in the return. Such value  
12 shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the  
13 period for which the return is made on account of tangible personal property returned to the retailer shall be allowed  
14 as a deduction under subdivision (4) of this subsection in case the retailer has included the receipts from such sale in a  
15 return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to  
16 the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time  
17 for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules  
18 and regulations as the director of revenue may prescribe. The director of the department of revenue shall promulgate  
19 rules establishing a filing schedule for returns made by retailers based upon the liabilities of such retailers.

20 Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be  
21 made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by  
22 estimates in cases of retailers having no previous sales tax histories. The director may modify the filing schedule for  
23 any retailer when it is apparent that the original determination was inaccurate.

24 2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or  
25 model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times  
26 as may be prescribed by the director.

27 144.1052. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- 28 (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;  
29 (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;  
30 (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next  
31 succeeding business day; and  
32 (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment  
33 type codes approved by the streamlines sales and use tax governing board.

34 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority  
35 delegated in this section shall become effective only if it complies with and is subject to all of the provisions of  
36 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
37 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
38 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
39 rule proposed or adopted after January 1, 2012, shall be invalid and void.

40 144.1055. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable  
41 sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not  
42 include interest.

43 2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), except

1 that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase  
2 price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is  
3 paid, and expenses incurred in attempting to collect any debt or repossessed property.

4 3. Bad debts may be deducted on the return for the period during which the bad debt is written off as  
5 uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For  
6 purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a  
7 return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and  
8 would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal  
9 income tax return.

10 4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on  
11 the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

12 5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad  
13 debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund  
14 claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt  
15 could first be claimed.

16 6. Where filing responsibilities have been assumed by a certified service provider, such service provider  
17 may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider  
18 shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

19 7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made  
20 on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales  
21 tax thereon, and secondly to interest, service charges, and any other charges.

22 8. In situations where the books and records of the seller, or certified service provider on behalf of the seller,  
23 claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation  
24 shall be permitted.

25 144.1058. 1. When the seller is computing the amount of tax owed by the purchaser and remitted to the  
26 state:

27 (1) Tax computation shall be carried to the third decimal place; and

28 (2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the  
29 third decimal place is greater than four.

30 2. Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The rounding  
31 rule may be applied to the aggregated state and local taxes.

32 144.1061. The effective date of state or local sales or use tax rate changes for services covering a period  
33 starting before and ending after the statutory effective date shall be as follows:

34 (1) For a rate increase, the new rate shall apply to the first billing period starting on or after the effective  
35 date; and

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

37 144.1064. 1. In the case of a bundled transaction that includes any of the following: telecommunication  
38 service, ancillary service, internet access, or audio or video programming service:

39 (1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the  
40 price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and  
41 verifiable standards such portion from its books and records that are kept in the regular course of business for other  
42 purposes, including, but not limited to, nontax purposes;

43 (2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be

1 treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by  
2 reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate  
3 from its books and records that are kept in the regular course of business for other purposes, including, but not limited  
4 to, nontax purposes;

5 (3) The provisions of this section shall apply unless otherwise provided by federal law.

6 2. In the case of a transaction that includes an optional computer software maintenance contract for  
7 prewritten computer software and the state otherwise has not specifically imposed tax on the retail sale of computer  
8 software maintenance contracts, the following provisions apply:

9 (1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades  
10 and updates, it shall be characterized as a sale of prewritten computer software;

11 (2) If an optional computer software maintenance contract only obligates the vendor to provide support  
12 services, it shall be characterized as a sale of services and not a sale of tangible personal property;

13 (3) If an optional computer software maintenance contract is a bundled transaction in which both taxable  
14 and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the  
15 contract shall be characterized as all taxable.

16 144.1070. 1. Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to  
17 pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the  
18 terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period  
19 preceding the effective date of this state's participation in the agreement.

20 (1) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or  
21 interest for sales made during the period the seller was not registered in this state, provided registration occurs within  
22 twelve months of the effective date of this state's participation in the agreement.

23 (2) Amnesty shall be provided if this state joins the agreement after the seller has registered.

24 2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller  
25 received notice of the commencement of an audit and which audit is not yet finally resolved including any related  
26 administrative and judicial processes. The amnesty shall not available for sales or use taxes already paid or remitted  
27 to this state or to taxes collected by the seller.

28 3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional  
29 misrepresentation of a material fact, as long as the seller continues registration and payment or collection and  
30 remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations  
31 applicable to asserting a tax liability during this thirty-six-month period shall be tolled.

32 4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its  
33 capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

34 5. The provisions of this section shall become effective as of the date that the state joins and becomes a  
35 member state of the agreement.

36 144.1073. 1. If the director of the department of revenue enters into the streamlined sales and use tax  
37 agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of  
38 the following:

39 (1) A certified service provider, in accordance with the agreement and under the terms of the contract signed  
40 with the provider, provided that such allowance shall not exceed two percent of the amount collected;

41 (2) Any vendor registered under the agreement that selects a certified automated system to perform part of  
42 its sales or use tax functions;

43 (3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has

1 entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

2 2. The monetary allowance provided for vendors in subdivisions (2) or (3) of this section shall be in an  
3 amount equal to two percent of the taxes collected.

4 3. Any vendor receiving an allowance under this section shall not be entitled simultaneously to deduct the  
5 amount provided for in section 144.140.

6 144.1076. For the purposes of representing the state as a member of the agreement and, if necessary,  
7 amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the  
8 governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of  
9 the senate and the speaker of the house of representatives, with the director of the department of revenue or the  
10 director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing  
11 tax issues in the senate and the house of representatives each year any amendment of state statutes required to be  
12 substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of  
13 January each year regarding the status of the agreement.”; and

14  
15 Further amend said bill, Section 168.071, Page 17, Line 114, by inserting after all of said section, the following:

16 “221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of  
17 one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all  
18 retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to  
19 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax  
20 authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order  
21 imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the  
22 district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

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

24 Shall the regional jail district of ..... (counties' names) impose a region-wide sales tax of  
25 ..... (insert amount) for the purpose of providing jail services and court facilities and equipment for the  
26 region?

27  YES

NO

28  
29 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place  
30 an "X" in the box opposite "No".

31  
32 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the  
33 proposal, then the order and any amendment to such order shall be in effect on the first day of the second calendar  
34 quarter [immediately following the election approving the proposal] after the director of revenue receives notification  
35 of adoption of the local sales tax. If the proposal receives less than the required majority, the commission shall have  
36 no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have  
37 submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such  
38 proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however,  
39 in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the  
40 date of the last submission of a proposal pursuant to this section.

41 3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a  
42 special trust fund and shall be used solely for providing jail services and court facilities and equipment for such  
43 district for so long as the tax shall remain in effect.

1 4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in  
2 the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district.  
3 Any funds in such special trust fund which are not needed for current expenditures may be invested by the  
4 commission in accordance with applicable laws relating to the investment of other county funds.

5 5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less  
6 one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of  
7 premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby  
8 created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district  
9 sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The  
10 director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each  
11 district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each  
12 member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all  
13 moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall  
14 be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district  
15 sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the  
16 commission. Expenditures may be made from the fund for any function authorized in the order adopted by the  
17 commission submitting the regional jail district tax to the voters.

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

28 7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
29 imposed pursuant to this section.

30 8. The provisions of this section shall expire September 30, 2015.

31 238.235. 1. (1) Any transportation development district may by resolution impose a transportation  
32 development district sales tax on all retail sales made in such transportation development district which are subject to  
33 taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district  
34 sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to all sales of  
35 electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers,  
36 either local or long distance]. Such transportation development district sales tax may be imposed for any  
37 transportation development purpose designated by the transportation development district in its ballot of submission  
38 to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be  
39 effective unless:

40 (a) The board of directors of the transportation development district submits to the qualified voters of the  
41 transportation development district a proposal to authorize the board of directors of the transportation development  
42 district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

43 (b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section

1 238.207.

2 (2) If the transportation district submits to the qualified voters of the transportation development district a  
3 proposal to authorize the board of directors of the transportation development district to impose or increase the levy  
4 of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of  
5 submission shall contain, but need not be limited to, the following language:

6 Shall the transportation development district of ..... (transportation development district's name) impose  
7 a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert  
8 number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation  
9 development purpose)?

10  YES

NO

11  
12 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
13 an "X" in the box opposite "NO".

14  
15 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then  
16 the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters  
17 voting are opposed to the proposal, then the board of directors of the transportation development district shall have no  
18 power to impose the sales tax authorized by this section unless and until the board of directors of the transportation  
19 development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the  
20 provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

21 (3) [The sales tax authorized by this section shall become effective on the first day of the second calendar  
22 quarter after the department of revenue receives notification of the tax.

23 (4) In each transportation development district in which a sales tax has been imposed in the manner  
24 provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant  
25 to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt  
26 of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

27 (5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect  
28 the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to  
29 serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may  
30 establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those  
31 brackets provided in section 144.285.

32 (6)] All revenue received by a transportation development district from the tax authorized by this section  
33 which has been designated for a certain transportation development purpose shall be deposited in a special trust fund  
34 and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the  
35 qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed  
36 pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely  
37 for such designated transportation development purpose. Any funds in such special trust fund which are not needed  
38 for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the  
39 investment of other transportation development district funds.

40 [(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one  
41 percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the  
42 transportation development district adopting such tax, if such property and services are subject to taxation by the state  
43 of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district



1 sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to public utilities].  
2 Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall  
3 be uniform throughout the district.

4 2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the  
5 privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the  
6 extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of  
7 revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales  
8 tax and the tax shall be reported and returned to and collected by the transportation development district.

9 3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall  
10 perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director  
11 of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to  
12 this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of  
13 Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and  
14 regulations as may be prescribed by the director of revenue.

15 4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales  
16 tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply  
17 to the collection of the tax imposed by this section, except as modified in this section.

18 (2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain  
19 articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to  
20 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

21 (3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to  
22 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this  
23 section, and no additional permit or exemption certificate or retail certificate shall be required; except that the  
24 transportation development district may prescribe a form of exemption certificate for an exemption from the tax  
25 imposed by this section.

26 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection  
27 of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected  
28 pursuant to the provisions of this section.

29 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation  
30 of those sections are hereby made applicable to violations of this section.

31 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except  
32 retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the  
33 tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a  
34 common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business  
35 in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the  
36 retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded  
37 elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to  
38 be consummated at the place of business from which the employee works.

39 5.] All sales taxes received by the transportation development district shall be deposited by the director of  
40 revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall  
41 keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be  
42 open to the inspection of officers of each transportation development district and the general public.

43 [6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or

1 amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities  
2 which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued  
3 or which have been issued by the commission or any local transportation authority to finance any project or projects.

4 (2) Whenever the board of directors of any transportation development district in which a transportation  
5 development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten  
6 percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of  
7 directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money  
8 which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by  
9 the commission or any local transportation authority to finance any project or projects, submit to the qualified voters  
10 of such transportation development district a proposal to repeal the transportation development sales tax imposed  
11 pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting  
12 thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing  
13 the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes  
14 cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales  
15 tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments  
16 thereto, shall remain in effect.

17 5. After the effective date of any tax imposed under the provisions of this section, the director of revenue  
18 shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect,  
19 in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section.  
20 The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be  
21 collected together and reported upon such forms and under such administrative rules and regulations as may be  
22 prescribed by the director of revenue.

23 6. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax  
24 imposed under this section.

25 238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of  
26 up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections  
27 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by  
28 law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body  
29 of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general,  
30 primary or special election, a proposal to authorize the transit authority to impose a tax.

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

32 Shall the . . . . . Transit Authority impose a countywide sales tax of . . . . . (insert amount) in order to  
33 provide revenues for the operation of transportation facilities operated by the transit authority?

34  YES

NO

35  
36 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place  
37 an "X" in the box opposite "NO".

38  
39 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then  
40 the tax shall become effective on the first day of the second calendar quarter following notification to the department  
41 of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the  
42 proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and  
43 until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been

1 submitted and such proposal is approved by a majority of the qualified voters voting thereon.

2 3. All revenue received by the transit authority from the tax authorized under the provisions of this section  
3 shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase,  
4 lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall  
5 remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested  
6 by the transit authority in accordance with applicable laws relating to the investment of county funds.

7 4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax  
8 unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as  
9 provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in  
10 which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of  
11 the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales  
12 tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the  
13 provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in  
14 favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the  
15 registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in  
16 effect.

17 5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the  
18 privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the  
19 extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of  
20 revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The  
21 amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined  
22 rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts imposed  
23 under other provisions of law.

24 6. After the effective date of any tax imposed under the provisions of this section, the director of revenue  
25 shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the  
26 director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized  
27 under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of  
28 the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and  
29 regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report  
30 the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of  
31 reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable  
32 provisions of section 144.285 shall apply to all taxable transactions.

33 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and  
34 section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section,  
35 except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to  
36 the sale of certain articles and items of tangible personal property and taxable services under the provisions of  
37 sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this  
38 section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to  
39 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no  
40 additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue  
41 may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts  
42 allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under  
43 chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The

1 penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby  
2 made applicable to violations of this section.

3 8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be  
4 consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by  
5 the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination  
6 and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12  
7 of this section. In the event a retailer has more than one place of business in this state which participates in the sale,  
8 the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the  
9 tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of  
10 credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of  
11 business from which he works.

12 9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority,  
13 less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of  
14 premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund,  
15 which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the  
16 county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with  
17 any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund  
18 which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to  
19 the inspection of officers of the county and the public. Not later than the tenth day of each month the director of  
20 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority  
21 which levied the tax.

22 [10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the  
23 trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the  
24 state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit  
25 authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days  
26 prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period  
27 of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or  
28 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After  
29 one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue  
30 shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of  
31 that transit authority. The director of revenue shall notify each transit authority of each instance of any amount  
32 refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report  
33 on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide  
34 each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds  
35 received by him for the transit authority.

36 [11.] 10. The director of revenue and any of his deputies, assistants and employees who shall have any  
37 duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping,  
38 accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this  
39 section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have  
40 been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter  
41 into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the  
42 premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the  
43 collection retained by the director of revenue for the benefit of the state.

1 [12.] 11. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor  
2 vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by  
3 the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within  
4 a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection  
5 cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles,  
6 trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in  
7 this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are  
8 defined in section 306.010.

9 [13.] 12. In any county where the transit authority sales tax has been imposed, if any person is delinquent in  
10 the payment of the amount required to be paid by him under this section or in the event a determination has been  
11 made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the  
12 delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of  
13 revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state  
14 under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the  
15 director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United  
16 States registered mail or certified mail at least ten days before turning the case over to the attorney general. The  
17 transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the  
18 delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of  
19 any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax  
20 would be due so that appropriate action may be taken by the transit authority.

21 [14.] 13. Where property is seized by the director of revenue under the provisions of any law authorizing  
22 seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and  
23 where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall  
24 permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to  
25 the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state,  
26 and the remainder, if any, shall be applied to all sums due such transit authority under this section.

27 [15.] 13. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and  
28 all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to  
29 238.412.

30 [16.] 14. In the event that any transit authority in any county with a charter form of government and with  
31 more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in  
32 any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall  
33 be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

34 15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 and 32.087 shall  
35 apply to the tax imposed under sections 238.410 to 238.412.

36 644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales  
37 tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which  
38 are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and  
39 section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order  
40 imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing  
41 body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state  
42 general, primary or special election, a proposal to authorize the governing body of the municipality or county to  
43 impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in

1 section 144.014, RSMo, when imposed by any county with a charter form of government and with more than one  
2 million inhabitants].

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

4 Shall the municipality (county) of ..... impose a sales tax of ..... (insert amount) for the purpose of  
5 providing funding for ..... (insert either storm water control, or local parks, or storm water control and local  
6 parks) for the municipality (county)?

7  YES

NO

8  
9 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then  
10 the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the  
11 director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting  
12 are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax  
13 authorized in this section and section 644.033 until the governing body of the municipality or county resubmits  
14 another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by  
15 this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon;  
16 however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner  
17 than twelve months from the date of the last proposal pursuant to this section and section 644.033.

18 3. All revenue received by a municipality or county from the tax authorized under the provisions of this  
19 section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm  
20 water control or for local parks, or both, within such municipality or county, provided that such revenue may be used  
21 for local parks outside such municipality or county if the municipality or county is engaged in a cooperative  
22 agreement pursuant to section 70.220, RSMo.

23 4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the  
24 governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

25 [67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their  
26 liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted  
27 pursuant to sections 94.802 to 94.805, RSMo.]

28  
29 [144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified  
30 Sales and Use Tax Administration Act".]

31  
32 [144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

- 33 (1) "Agreement", the streamlined sales and use tax agreement;  
34 (2) "Certified automated system", software certified jointly by the states that are signatories to the  
35 agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount  
36 of tax to remit to the appropriate state and maintain a record of the transaction;  
37 (3) "Certified service provider", an agent certified jointly by the states that are signatories to the  
38 agreement to perform all of the seller's sales tax functions;  
39 (4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited  
40 liability partnership, corporation or any other legal entity;  
41 (5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, RSMo, or any other  
42 sales tax authorized by statute and levied by this state or its political subdivisions;  
43 (6) "Seller", any person making sales, leases or rentals of personal property or services;  
44 (7) "State", any state of the United States and the District of Columbia;  
45 (8) "Use tax", the use tax levied pursuant to this chapter.]

46  
47 [144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying  
48 the simplification recommendations contained in section 144.1015, the state may enter into

1 multistate discussions. For purposes of such discussions, the state shall be represented by seven  
2 delegates, one of whom shall be appointed by the governor, two members appointed by the speaker  
3 of the house of representatives, one member appointed by the minority leader of the house of  
4 representatives, two members appointed by the president pro tempore of the senate and one member  
5 appointed by the minority leader of the senate. The delegates need not be members of the general  
6 assembly and at least one of the delegates appointed by the speaker of the house of representatives  
7 and one member appointed by the president pro tempore of the senate shall be from the private  
8 sector and represent the interests of Missouri businesses. The delegates shall recommend to the  
9 committees responsible for reviewing tax issues in the senate and the house of representatives each  
10 year any amendment of state statutes required to be substantially in compliance with the agreement.  
11 Such delegates shall make a written report by the fifteenth day of January each year regarding the  
12 status of the multistate discussions and upon final adoption of the terms of the sales and use tax  
13 agreement by the multistate body.]

14  
15 [144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole  
16 or in part invalidates or amends any provision of the law of this state. Implementation of any  
17 condition of this agreement in this state, whether adopted before, at, or after membership of this  
18 state in the agreement, must be by action of the general assembly. Such report shall be delivered to  
19 the governor, the secretary of state, the president pro tempore of the senate and the speaker of the  
20 house of representatives and shall simultaneously be made publicly available by the secretary of  
21 state to any person requesting a copy.]

22  
23 [144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for  
24 any streamlined sales and use tax agreement that:

- 25 (1) Requires adoption of a definition of any term that would cause any item or transaction that is  
26 now excluded or exempted from sales or use tax to become subject to sales or use tax;  
27 (2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or  
28 any other item;  
29 (3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact  
30 one or more local taxes on one or more items without application of the tax to all sales within the  
31 taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August  
32 28, 2002, may be supported;  
33 (4) Provides for adoption of any uniform rate structure that would result in a tax increase for any  
34 Missouri taxpayer;  
35 (5) Affects the sourcing of sales tax transactions; or  
36 (6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any  
37 current sales or use tax exemption in the state of Missouri, including exemptions that are based on  
38 the value of the transaction or item.]

39  
40 [144.1015. In addition to the requirements of section 144.1012, the delegates should consider the  
41 following features when deciding whether or not to enter into any streamlined sales and use tax  
42 agreement:

- 43 (1) The agreement should address the limitation of the number of state rates over time;  
44 (2) The agreement should establish uniform standards for administration of exempt sales and the  
45 form used for filing sales and use tax returns and remittances;  
46 (3) The agreement should require the state to provide a central, electronic registration system that  
47 allows a seller to register to collect and remit sales and use taxes for all signatory states;  
48 (4) The agreement should provide that registration with the central registration system and the  
49 collection of sales and use taxes in the signatory states will not be used as a factor in determining  
50 whether the seller has nexus with a state for any tax;  
51 (5) The agreement should provide for reduction of the burdens of complying with local sales and  
52 use taxes through the following so long as they do not conflict with the provisions of section  
53 144.1012:  
54 (a) Restricting variances between the state and local tax bases;  
55 (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the

1 state so that sellers collecting and remitting these taxes will not have to register or file returns with,  
2 remit funds to, or be subject to independent audits from local taxing jurisdictions;  
3 (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective  
4 dates for the application of local jurisdictional boundary changes to local sales and use taxes; and  
5 (d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of  
6 local taxing jurisdictions;  
7 (6) The agreement should outline any monetary allowances that are to be provided by the states to  
8 sellers or certified service providers. The agreement must allow for a joint public and private sector  
9 study of the compliance cost on sellers and certified service providers to collect sales and use taxes  
10 for state and local governments under various levels of complexity to be completed by July 1, 2003;  
11 (7) The agreement should require each state to certify compliance with the terms of the agreement  
12 prior to joining and to maintain compliance, under the laws of the member state, with all provisions  
13 of the agreement while a member, only if the agreement and any amendment thereto complies with  
14 the provisions of section 144.1012;  
15 (8) The agreement should require each state to adopt a uniform policy for certified service  
16 providers that protects the privacy of consumers and maintains the confidentiality of tax  
17 information; and  
18 (9) The agreement should provide for the appointment of an advisory council of private sector  
19 representatives and an advisory council of nonmember state representatives to consult with in the  
20 administration of the agreement.]"; and

21  
22 Further amend said bill, Section B, Page 17, Line 1, by inserting after the words, "Section B." the following:

23 "The provisions of the streamlined sales tax in sections 32.070, 32.086, 32.087, 67.576, 67.582, 67.584,  
24 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705,  
25 144.010, 144.014, 144.030, 144.049, 144.100, 144.105, 144.526, 144.625, 144.655, 144.1025, 144.1028, 144.1031,  
26 144.1034, 144.1037, 144.1040, 144.1043, 144.1046, 144.1049, 144.1052, 144.1055, 144.1058, 144.1061, 144.1064,  
27 144.1070, 144.1073, 144.1076, 221.407, 238.235, 238.410, and 644.032 of section A of this act shall become  
28 effective on January 1, 2012.

29 Section C."; and

30  
31 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.