

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR

# HOUSE BILL NO. 253

## 97TH GENERAL ASSEMBLY

0619S.05T

2013

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### AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

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

Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, and 644.032, RSMo, are repealed and seventy-nine new sections enacted in lieu thereof, to be known as sections 32.070, 32.086, 32.087, 32.383, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737,

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

11 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775,  
12 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011,  
13 143.021, 143.022, 143.071, 143.151, 143.221, 144.010, 144.014, 144.022, 144.030, 144.032,  
14 144.040, 144.041, 144.042, 144.043, 144.049, 144.054, 144.070, 144.080, 144.082, 144.083,  
15 144.084, 144.100, 144.105, 144.110, 144.123, 144.124, 144.125, 144.140, 144.210, 144.212,  
16 144.285, 144.522, 144.526, 144.605, 144.655, 144.710, 221.407, 238.235, 238.410, and 644.032,  
17 to read as follows:

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

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

**3. For the purposes of representing the state as a member of the agreement and, if  
14 necessary, amending the agreement, the state shall be represented by three delegates, one  
15 of whom shall be appointed by the governor, one shall be a member of the general  
16 assembly appointed by mutual agreement of the president pro tem of the senate and the  
17 speaker of the house of representatives, with the director of the department of revenue or  
18 the director's designee as the third delegate. The delegates shall recommend to the  
19 committees responsible for reviewing tax issues in the senate and the house of  
20 representatives each year any amendment of state statutes required to be substantially in  
21 compliance with the agreement. Such delegates shall make a written report by the fifteenth  
22 day of January each year regarding the status of the agreement.**

**4. The department of revenue shall promulgate rules necessary to implement the  
24 provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule,  
25 as that term is defined in section 536.010, that is created under the authority delegated in  
26 this section shall become effective only if it complies with and is subject to all of the  
27 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
28 are nonseverable and if any of the powers vested with the general assembly pursuant to  
29**

30 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
31 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
32 **proposed or adopted after August 28, 2013, shall be invalid and void.**

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

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

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

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

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

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

26 [6.] 5. On and after the effective date of any local sales tax imposed under the provisions  
27 of the local sales tax law, the director of revenue shall perform all functions incident to the  
28 administration, collection, enforcement, and operation of the tax, and the director of revenue  
29 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes  
30 authorized under the authority of the local sales tax law. All local sales taxes imposed under the  
31 local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri  
32 shall be collected together and reported upon such forms and under such administrative rules and  
33 regulations as may be prescribed by the director of revenue.

34 [7.] 6. All applicable provisions contained in sections 144.010 to 144.525 governing the  
35 state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the  
36 collection of any local sales tax imposed under the local sales tax law except as modified by the  
37 local sales tax law.

38 [8.] 7. All exemptions granted to agencies of government, organizations, persons and  
39 to the sale of certain articles and items of tangible personal property and taxable services under  
40 the provisions of sections 144.010 to 144.525, as these sections now read and as they may  
41 hereafter be amended, it being the intent of this general assembly to ensure that the same sales  
42 tax exemptions granted from the state sales tax law also be granted under the local sales tax law,  
43 are hereby made applicable to the imposition and collection of all local sales taxes imposed  
44 under the local sales tax law.

45 [9.] 8. The same sales tax permit, exemption certificate and retail certificate required  
46 by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall  
47 satisfy the requirements of the local sales tax law, and no additional permit or exemption  
48 certificate or retail certificate shall be required; except that the director of revenue may prescribe  
49 a form of exemption certificate for an exemption from any local sales tax imposed by the local  
50 sales tax law.

51 [10.] 9. All discounts allowed the retailer under the provisions of the state sales tax law  
52 for the collection of and for payment of taxes under the provisions of the state sales tax law are  
53 hereby allowed and made applicable to any local sales tax collected under the provisions of the  
54 local sales tax law.

55 [11.] 10. The penalties provided in section 32.057 and sections 144.010 to 144.525 for  
56 a violation of the provisions of those sections are hereby made applicable to violations of the  
57 provisions of the local sales tax law.

58 [12. (1)] 11. For the purposes of any local sales tax imposed by an ordinance or order  
59 under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and  
60 outboard motors, shall be deemed to be consummated at the place of business of the retailer  
61 unless the tangible personal property sold is delivered by the retailer or his agent to an

62 out-of-state destination. In the event a retailer has more than one place of business in this state  
63 which participates in the sale, the sale shall be deemed to be consummated at the place of  
64 business of the retailer where the initial order for the tangible personal property is taken, even  
65 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or  
66 billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place  
67 of business from which he works.

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

72 (3) For the purposes of any local tax imposed by an ordinance or under the local sales  
73 tax law on charges for mobile telecommunications services, all taxes of mobile  
74 telecommunications service shall be imposed as provided in the Mobile Telecommunications  
75 Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided**  
76 **by sections 144.040 to 144.043.**

77 [13.] **12.** Local sales taxes imposed pursuant to the local sales tax law on the purchase  
78 and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and  
79 remitted by the seller, but shall be collected by the director of revenue at the time application is  
80 made for a certificate of title, if the address of the applicant is within a taxing entity imposing  
81 a local sales tax under the local sales tax law.

82 [14.] **13.** The director of revenue and any of [his] **the director's** deputies, assistants and  
83 employees who have any duties or responsibilities in connection with the collection, deposit,  
84 transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come  
85 into the hands of the director of revenue under the provisions of the local sales tax law shall enter  
86 a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have  
87 been collected under the local sales tax law in the amount of one hundred thousand dollars for  
88 each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the**  
89 **director** and all such deputies, assistants and employees. The cost of any premium for such  
90 bonds shall be paid by the director of revenue from the share of the collections under the sales  
91 tax law retained by the director of revenue for the benefit of the state.

92 [15.] **14.** The director of revenue shall annually report on [his] **the director's**  
93 management of each trust fund which is created under the local sales tax law and administration  
94 of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide  
95 each taxing entity imposing one or more local sales taxes authorized by the local sales tax law  
96 with a detailed accounting of the source of all funds received by [him] **the director** for the taxing  
97 entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each

98 trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing  
99 entity imposing one or more local sales taxes.

100 [16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes  
101 have been imposed, if any person is delinquent in the payment of the amount required to be paid  
102 by [him] **such person** under the local sales tax law or in the event a determination has been made  
103 against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for  
104 bringing suit for the collection of the delinquent tax and penalty shall be the same as that  
105 provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit  
106 must be filed against any person for the collection of delinquent taxes due the state under the  
107 state sales tax law, and where such person is also delinquent in payment of taxes under the local  
108 sales tax law, the director of revenue shall notify the taxing entity in the event any person fails  
109 or refuses to pay the amount of any local sales tax due so that appropriate action may be taken  
110 by the taxing entity.

111 [17.] **16.** Where property is seized by the director of revenue under the provisions of any  
112 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax  
113 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any  
114 tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to  
115 join in any sale of property to pay the delinquent taxes and penalties due the state and to the  
116 taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to  
117 all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing  
118 entity.

119 [18.] **17.** If a local sales tax has been in effect for at least one year under the provisions  
120 of the local sales tax law and voters approve reimposition of the same local sales tax at the same  
121 rate at an election as provided for in the local sales tax law prior to the date such tax is due to  
122 expire, the tax so reimposed shall become effective the first day of the first calendar quarter after  
123 the director receives a certified copy of the ordinance, order or resolution accompanied by a map  
124 clearly showing the boundaries thereof and the results of such election, provided that such  
125 ordinance, order or resolution and all necessary accompanying materials are received by the  
126 director at least thirty days prior to the expiration of such tax. Any administrative cost or  
127 expense incurred by the state as a result of the provisions of this subsection shall be paid by the  
128 city or county reimposing such tax.

129 **18. If the boundaries of a city in which a sales tax or use tax has been imposed shall**  
130 **thereafter be changed or altered, the city clerk shall forward to the director of revenue by**  
131 **United States registered mail or certified mail a certified copy of the ordinance adding or**  
132 **detaching territory from the city within ten days of adoption of the ordinance. The**  
133 **ordinance shall reflect the effective date of the ordinance and shall be accompanied by a**

134 map of the city clearly showing the territory added or detached from the city boundaries.  
135 Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or  
136 local use tax law shall be effective in the added territory or abolished in the detached  
137 territory on the first day of a calendar quarter after one hundred twenty days' notice to  
138 sellers.

139 19. Any change to any local sales tax or local use tax boundary or rate shall be  
140 effective on the first day of a calendar quarter after one hundred twenty days' notice to  
141 sellers.

32.383. 1. Notwithstanding the provisions of any other law to the contrary, with  
2 respect to taxes administered by the department of revenue under this chapter and  
3 chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties,  
4 additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and  
5 owing reported and paid in full from August 1, 2013, to October 31, 2013, regardless of  
6 whether previously assessed, except for penalties, additions to tax, and interest paid before  
7 August 1, 2013. The amnesty shall apply only to tax liabilities due or due but unpaid on  
8 or before December 31, 2012, and shall not extend to any taxpayer who at the time of  
9 payment is a party to any criminal investigations or to any civil or criminal litigation that  
10 is pending in any court of the United States or this state for nonpayment, delinquency, or  
11 fraud in relation to any state tax imposed by this state.

12 2. Upon written application by the taxpayer, on forms prescribed by the director  
13 of revenue, and upon compliance with the provisions of this section, the department of  
14 revenue shall not seek to collect any penalty, addition to tax, or interest that may be  
15 applicable. The department of revenue shall not seek civil or criminal prosecution for any  
16 taxpayer for the taxable period for which the amnesty has been granted unless subsequent  
17 investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct  
18 in applying for amnesty.

19 3. Amnesty shall be granted only to those taxpayers who have applied for amnesty  
20 within the period stated in this section, who have filed a tax return for each taxable period  
21 for which amnesty is requested, who have paid the entire balance by October 31, 2013, and  
22 who agree to comply with state tax laws for the next eight years from the date of the  
23 agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or  
24 interest under this section unless full payment of the tax due is made in accordance with  
25 rules established by the director of revenue.

26 4. All taxpayers granted amnesty under this section shall in good faith comply with  
27 this state's tax laws for the eight years following the date of the amnesty agreement. If any  
28 such taxpayer fails to comply with all of this state's tax laws at any time during the eight

29 years following the date of the agreement, all penalties, additions to tax, and interest that  
30 were waived under the amnesty agreement shall become due and owing immediately.

31 **5. If a taxpayer is granted amnesty under this section, such taxpayer shall not be**  
32 **eligible to participate in any future amnesty for the same tax.**

33 **6. If a taxpayer elects to participate in the amnesty program established in this**  
34 **section as evidenced by full payment of the tax due as established by the director of**  
35 **revenue, that election shall constitute an express and absolute relinquishment of all**  
36 **administrative and judicial rights of appeal. No tax payment received under this section**  
37 **shall be eligible for refund or credit.**

38 **7. Nothing in this section shall be interpreted to disallow the department of revenue**  
39 **to adjust a taxpayer's tax return as a result of any state or federal audit.**

40 **8. All tax payments received as a result of the amnesty program established in this**  
41 **section, other than revenues earmarked by the Constitution of Missouri or this state's**  
42 **statutes, shall be deposited in the state general revenue fund.**

43 **9. The department may promulgate rules or issue administrative guidelines as are**  
44 **necessary to implement the provisions of this section. Any rule or portion of a rule, as that**  
45 **term is defined in section 536.010, that is created under the authority delegated in this**  
46 **section shall become effective only if it complies with and is subject to all of the provisions**  
47 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
48 **nonseverable and if any of the powers vested with the general assembly under chapter 536**  
49 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
50 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
51 **adopted after July 1, 2013, shall be invalid and void.**

52 **10. This section shall become effective on July 1, 2013, and shall expire on**  
53 **December 31, 2021.**

54 **11. If any provision of this section or its application to any person or circumstance**  
55 **is held invalid, the invalidity does not affect other provisions or applications of this section**  
56 **which can be given effect without the invalid provision or application, and to this end the**  
57 **provisions of this section are severable.**

66.620. 1. All county sales taxes collected by the director of revenue under sections  
2 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be  
3 deposited in the state's general revenue fund after payment of premiums for surety bonds as  
4 provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created,  
5 to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust  
6 fund shall not be deemed to be state funds and shall not be commingled with any funds of the  
7 state.] The director of revenue shall keep accurate records of the amount of money in the trust



8 fund which was collected in each county imposing a county sales tax, and the records shall be  
9 open to the inspection of officers of the county and the public. Not later than the tenth day of  
10 each month, the director of revenue shall distribute all moneys deposited in the trust fund during  
11 the preceding month to the county which levied the tax; such funds shall be deposited with the  
12 county treasurer of the county and all expenditures of funds arising from the county sales tax  
13 trust fund shall be by an appropriation act to be enacted by the legislative council of the county,  
14 and to the cities, towns and villages located wholly or partly within the county which levied the  
15 tax in the manner as set forth in sections 66.600 to 66.630.

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

37 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and  
38 villages in group A the taxes based on the location in which the sales were deemed consummated  
39 under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by  
40 section 66.630, after deducting the distribution to the cities, towns and villages in group A, the  
41 director of revenue shall distribute the remaining funds in the county sales tax trust fund to the  
42 cities, towns and villages and the county in group B as follows: To the county which levied the  
43 tax, a percentage of the distributable revenue equal to the percentage ratio that the population of

44 the unincorporated areas of the county bears to the total population of group B; and to each city,  
45 town or village in group B located wholly within the taxing county, a percentage of the  
46 distributable revenue equal to the percentage ratio that the population of such city, town or  
47 village bears to the total population of group B; and to each city, town or village located partly  
48 within the taxing county, a percentage of the distributable revenue equal to the percentage ratio  
49 that the population of that part of the city, town or village located within the taxing county bears  
50 to the total population of group B.

51 4. From and after January 1, 1994, the director of revenue shall distribute to the cities,  
52 towns and villages in group A a portion of the taxes based on the location in which the sales were  
53 deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance  
54 with the formula described in this subsection. After deducting the distribution to the cities,  
55 towns and villages in group A, the director of revenue shall distribute funds in the county sales  
56 tax trust fund to the cities, towns and villages and the county in group B as follows: To the  
57 county which levied the tax, ten percent multiplied by the percentage of the population of  
58 unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied  
59 by the total of all sales tax revenues countywide, and a percentage of the remaining distributable  
60 revenue equal to the percentage ratio that the population of unincorporated areas of the county  
61 bears to the total population of group B; and to each city, town or village in group B located  
62 wholly within the taxing county, a percentage of the remaining distributable revenue equal to the  
63 percentage ratio that the population of such city, town or village bears to the total population of  
64 group B; and to each city, town or village located partly within the taxing county, a percentage  
65 of the remaining distributable revenue equal to the percentage ratio that the population of that  
66 part of the city, town or village located within the taxing county bears to the total population of  
67 group B.

68 5. (1) For purposes of administering the distribution formula of subsection 4 of this  
69 section, the revenues arising each year from sales occurring within each group A city, town or  
70 village shall be distributed as follows: Until such revenues reach the adjusted county average,  
71 as hereinafter defined, there shall be distributed to the city, town or village all of such revenues  
72 reduced by the percentage which is equal to ten percent multiplied by the percentage of the  
73 population of unincorporated county which has been annexed or incorporated after April 1, 1993;  
74 and once revenues exceed the adjusted county average, total revenues shall be shared in  
75 accordance with the redistribution formula as defined in this subsection.

76 (2) For purposes of this subsection, the "adjusted county average" is the per capita  
77 countywide average of all sales tax distributions during the prior calendar year reduced by the  
78 percentage which is equal to ten percent multiplied by the percentage of the population of  
79 unincorporated county which has been annexed or incorporated after April 1, 1993; the

80 "redistribution formula" is as follows: During 1994, each group A city, town and village shall  
81 receive that portion of the revenues arising from sales occurring within the municipality that  
82 remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising  
83 from sales within the municipality multiplied by the percentage which is the sum of ten percent  
84 multiplied by the percentage of the population of unincorporated county which has been annexed  
85 or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product  
86 of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of  
87 cumulative per capita sales taxes arising from sales within the municipality less the adjusted  
88 county average. During 1995, each group A city, town and village shall receive that portion of  
89 the revenues arising from sales occurring within the municipality that remains after deducting  
90 therefrom an amount equal to the cumulative sales tax revenues arising from sales within the  
91 municipality multiplied by the percentage which is the sum of ten percent multiplied by the  
92 percentage of the population of unincorporated county which has been annexed or incorporated  
93 after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen  
94 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of  
95 cumulative per capita sales taxes arising from sales within the municipality less the adjusted  
96 county average. From January 1, 1996, until January 1, 2000, each group A city, town and  
97 village shall receive that portion of the revenues arising from sales occurring within the  
98 municipality that remains after deducting therefrom an amount equal to the cumulative sales tax  
99 revenues arising from sales within the municipality multiplied by the percentage which is the  
100 sum of ten percent multiplied by the percentage of the population of unincorporated county  
101 which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than  
102 zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035  
103 multiplied by the total of cumulative per capita sales taxes arising from sales within the  
104 municipality less the adjusted county average. From and after January 1, 2000, the distribution  
105 formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply,  
106 except that the percentage computed for sales arising within the municipalities shall be not less  
107 than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county  
108 average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the  
109 adjusted county average by at least twenty-five percent.

110 (3) For purposes of applying the redistribution formula to a municipality which is partly  
111 within the county levying the tax, the distribution shall be calculated alternately for the  
112 municipality as a whole, except that the factor for annexed portion of the county shall not be  
113 applied to the portion of the municipality which is not within the county levying the tax, and for  
114 the portion of the municipality within the county levying the tax. Whichever calculation results  
115 in the larger distribution to the municipality shall be used.

116 (4) Notwithstanding any other provision of this section, the fifty percent of additional  
117 sales taxes as described in section 99.845 arising from economic activities within the area of a  
118 redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865,  
119 while tax increment financing remains in effect shall be deducted from all calculations of  
120 countywide sales taxes, shall be distributed directly to the municipality involved, and shall be  
121 disregarded in calculating the amounts distributed or distributable to the municipality. Further,  
122 any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality  
123 and any other political subdivision which provides for an appropriation of incremental sales tax  
124 revenues to the special allocation fund of a tax increment financing project while tax increment  
125 financing remains in effect shall continue to be in full force and effect and the sales taxes so  
126 appropriated shall be deducted from all calculations of countywide sales taxes, shall be  
127 distributed directly to the municipality involved, and shall be disregarded in calculating the  
128 amounts distributed or distributable to the municipality. In addition, and notwithstanding any  
129 other provision of this chapter to the contrary, economic development funds shall be distributed  
130 in full to the municipality in which the sales producing them were deemed consummated.  
131 Additionally, economic development funds shall be deducted from all calculations of countywide  
132 sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the  
133 municipality. As used in this subdivision, the term "economic development funds" means the  
134 amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to  
135 chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as  
136 security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations  
137 under any agreement authorized by chapter 100, entered into or adopted prior to September 1,  
138 1993, between a municipality and another public body. The cumulative amount of economic  
139 development funds allowed under this provision shall not exceed the total amount necessary to  
140 amortize the obligations involved.

141 6. If the qualified voters of any city, town or village vote to change or alter its boundaries  
142 by annexing any unincorporated territory included in group B or if the qualified voters of one or  
143 more city, town or village in group A and the qualified voters of one or more city, town or village  
144 in group B vote to consolidate, the area annexed or the area consolidated which had been a part  
145 of group B shall remain a part of group B after annexation or consolidation. After the effective  
146 date of the annexation or consolidation, the annexing or consolidated city, town or village shall  
147 receive a percentage of the group B distributable revenue equal to the percentage ratio that the  
148 population of the annexed or consolidated area bears to the total population of group B and such  
149 annexed area shall not be classified as unincorporated area for determination of the percentage  
150 allocable to the county. If the qualified voters of any two or more cities, towns or villages in  
151 group A each vote to consolidate such cities, towns or villages, then such consolidated cities,

152 towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630,  
153 population shall be as determined by the last federal decennial census or the latest census that  
154 determines the total population of the county and all political subdivisions therein. For the  
155 purpose of calculating the adjustment based on the percentage of unincorporated county  
156 population which is annexed after April 1, 1993, the accumulated percentage immediately before  
157 each census shall be used as the new percentage base after such census. After any annexation,  
158 incorporation or other municipal boundary change affecting the unincorporated area of the  
159 county, the chief elected official of the county shall certify the new population of the  
160 unincorporated area of the county and the percentage of the population which has been annexed  
161 or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county  
162 sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its  
163 governing body cease to be a part of group A and become a part of group B. Within ten days  
164 after the adoption of the ordinance transferring the city, town or village from one group to the  
165 other, the clerk of the transferring city, town or village shall forward to the director of revenue,  
166 by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its  
167 former group shall cease and as a part of its new group shall begin on the first day of January of  
168 the year following notification to the director of revenue, provided such notification is received  
169 by the director of revenue on or before the first day of July of the year in which the transferring  
170 ordinance is adopted. If such notification is received by the director of revenue after the first day  
171 of July of the year in which the transferring ordinance is adopted, then distribution to such city  
172 as a part of its former group shall cease and as a part of its new group shall begin the first day  
173 of July of the year following such notification to the director of revenue. Once a group A city,  
174 town or village becomes a part of group B, such city may not transfer back to group A.

175         7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk  
176 of the municipality shall forward to the director of revenue, by registered mail, a certified copy  
177 of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect  
178 the effective date thereof, and shall be accompanied by a map of the municipality clearly  
179 showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and  
180 map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in  
181 accordance with the provisions of this section on the effective date of the change of the  
182 municipal boundary so that the proper percentage of group B distributable revenue is allocated  
183 to the municipality in proportion to any annexed territory. If any area of the unincorporated  
184 county elects to incorporate subsequent to the effective date of the county sales tax as set forth  
185 in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group  
186 B. The city clerk of such newly incorporated municipality shall forward to the director of  
187 revenue, by registered mail, a certified copy of the incorporation election returns and a map of

188 the municipality clearly showing the boundaries thereof. The certified copy of the incorporation  
189 election returns shall reflect the effective date of the incorporation. Upon receipt of the  
190 incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be  
191 distributed and allocated in accordance with the provisions of this section on the effective date  
192 of the incorporation.

193 8. The director of revenue may authorize the state treasurer to make refunds from the  
194 amounts in the trust fund and credited to any county for erroneous payments and overpayments  
195 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.  
196 If any county abolishes the tax, the county shall notify the director of revenue of the action at  
197 least ninety days prior to the effective date of the repeal and the director of revenue may order  
198 retention in the trust fund, for a period of one year, of two percent of the amount collected after  
199 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem  
200 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
201 after the effective date of abolition of the tax in such county, the director of revenue shall remit  
202 the balance in the account to the county and close the account of that county. The director of  
203 revenue shall notify each county of each instance of any amount refunded or any check redeemed  
204 from receipts due the county.

205 9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and  
206 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

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

15 2. The director of revenue may authorize the state treasurer to make refunds from the  
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments  
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.

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

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

67.525. 1. All county sales taxes collected by the director of revenue under sections  
2 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall  
3 be deposited in the state's general revenue fund after payment of premiums for surety bonds as  
4 provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust  
5 fund, which fund shall be separate and apart from the county sales tax trust fund established by  
6 section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state  
7 funds and shall not be commingled with any funds of the state.] The director of revenue shall  
8 keep accurate records of the amount of money in the trust fund which was collected in each  
9 county imposing a county sales tax, and the records shall be open to the inspection of officers  
10 of the county and to the public. Not later than the tenth day of each month the director of  
11 revenue shall distribute all moneys deposited in the trust fund during the preceding month by  
12 distributing to the county treasurer, or such other officer as may be designated by the county  
13 ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the  
14 sum due the county as certified by the director of revenue.

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

25 account of that county. The director of revenue shall notify each county of each instance of any  
26 amount refunded or any check redeemed from receipts due the county.

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

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

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

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

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

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

16  YES  NO

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

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

31 5. The governing body of any county which imposes a sales tax pursuant to this section  
32 may establish a museums and festivals board for the purpose of expending funds collected from



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

43 6. In the area of each county in which a sales tax has been imposed in the manner  
44 provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed  
45 by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the  
46 purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the  
47 purchase price.

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

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

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

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

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

9 2. The same sales tax permit, exemption certificate and retail certificate required by  
10 sections 144.010 to 144.510 for the administration and collection of the state sales tax shall  
11 satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption  
12 certificate or retail certificate shall be required; except that, the director of revenue may prescribe

13 a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to  
14 67.577.

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

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

21 5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to  
22 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer]  
23 **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087**  
24 **shall apply to the tax imposed under sections 67.571 to 67.577.**

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

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

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

20  YES  NO

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

23

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

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

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

59 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall  
60 be the same as that provided in sections 144.010 to 144.525.

61 5. The governing authority may authorize any museum board already existing in the  
62 county, or may establish a museum board, to expend revenue collected pursuant to this section.  
63 In the event that no museum board already exists, the board established pursuant to this section  
64 shall consist of six members who are appointed by the governing authority from a list of  
65 candidates supplied by the chair of each of the two major political parties of the county, with  
66 three members from each of the two parties. Members shall serve for three-year terms, but of  
67 the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be  
68 appointed for a term of two years, and two shall be appointed for a term of three years. Each  
69 member shall be a resident of the county. The members shall not receive compensation for  
70 service on the board, but shall be reimbursed from the revenues collected pursuant to this section  
71 for any reasonable and necessary expenses incurred in service on the board. The board shall  
72 determine in what manner the revenues will be expended, and disbursements of these moneys  
73 shall be made strictly in accordance with this section. Expenditures may be made for the  
74 employment of personnel selected by the board to assist in carrying out the duties of the board,  
75 and the board is expressly authorized to employ such personnel.

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

79 Shall the county of ..... (insert name of county) repeal the sales tax of ....  
80 (insert rate of percent) percent for the funding of museums?

81  YES  NO

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

84 [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
85 effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county  
2 of the first class having a charter form of government and having a population of nine hundred  
3 thousand or more may impose an additional countywide sales tax upon approval by a vote of the  
4 qualified voters of the county. The proposal may be submitted to the voters by the governing  
5 body of the county and shall be submitted to the voters at the next general election upon petitions  
6 signed by a number of qualified voters residing in the county equal to at least eight percent of  
7 the votes cast in the county in the next preceding gubernatorial election filed with the governing  
8 body of the county. The submission shall include the levying of a sales tax at a rate of not to  
9 exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale

10 at retail of all tangible personal property or taxable services within the county which are also  
11 taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution  
12 of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If  
13 either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this  
14 section is approved by the voters, then the alternative system of distribution may not be  
15 submitted to the voters for at least three years from the date of such voter approval.

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

17 Shall the County of ..... levy an additional sales tax at the rate of ..... (insert rate)  
18 and distribute the proceeds in the manner provided in ..... (insert proper reference)  
19 (subsection 4)(subsection 5) of section 67.581, RSMo?

20  YES  NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
22 of the proposal, the additional sales tax shall be levied and collected and the proceeds from the  
23 additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this  
24 section.

25  
26 If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal,  
27 then the governing body of the county shall have no power to impose the additional sales tax  
28 authorized by this section unless and until a proposal for the levy of such tax is submitted to and  
29 approved by the voters of the county.

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

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

46 the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county.  
47 Population of each municipality, of the unincorporated area of the county, and the total  
48 population of the county shall be determined on the basis of the most recent federal decennial  
49 census. For the purposes of this subsection, any city, town, village or the unincorporated area  
50 of the county shall be considered a municipality.

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

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

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

72  YES  NO

73 If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon  
74 are in favor of the proposal, the sales tax imposed by the county under the provisions of sections  
75 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the  
76 manner provided in subsection 2 of section 66.620.

77

78 If a majority of the votes cast by the qualified voters of the county voting thereon are opposed  
79 to the proposal, then the governing body of the county shall have no power to order the proceeds  
80 from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner  
81 provided in this subsection in lieu of the method provided in subsection 2 of section 66.620,

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

95 (1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages  
96 in group A and to the cities, towns and villages, and the county in group B as defined in section  
97 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the  
98 total amount distributed under section 66.620 for the twelve-month period immediately  
99 preceding the effective date of the tax levied pursuant to the provisions of this section has been  
100 distributed;

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

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

116 8. The county sales tax imposed pursuant to this section on the purchase and sale of  
117 motor vehicles shall not be collected and remitted by the seller, but shall be collected by the

118 director of revenue at the time application is made for a certificate of title, if the address of the  
119 applicant is within the county imposing the additional sales tax. [The amounts so collected, less  
120 one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed  
121 in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to  
122 be consummated at the address of the applicant for a certificate of title.]

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

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

67.582. 1. The governing body of any county, except a county of the first class with a  
2 charter form of government with a population of greater than four hundred thousand inhabitants,  
3 is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half  
4 of one percent on all retail sales made in such county which are subject to taxation under the  
5 provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services  
6 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  
8 of this section shall be effective unless the governing body of the county submits to the voters  
9 of the county, at a county or state general, primary or special election, a proposal to authorize the  
10 governing body of the county to impose a tax.

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

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



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

17  YES  NO

18 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed  
19 to the question, place an "X" in the box opposite "No"; or

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

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

28  YES  NO

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

31

32 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
33 of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or  
34 order and any amendments thereto shall be in effect [on the first day of the second quarter  
35 immediately following the election approving the proposal] **as provided by section 32.087**. If  
36 the constitutionally required percentage of the voters voting thereon are in favor of the proposal  
37 submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any  
38 amendments thereto shall be in effect [on the first day of the second quarter immediately  
39 following the election approving the proposal] **as provided by section 32.087**. If a proposal  
40 receives less than the required majority, then the governing body of the county shall have no  
41 power to impose the sales tax herein authorized unless and until the governing body of the  
42 county shall again have submitted another proposal to authorize the governing body of the county  
43 to impose the sales tax authorized by this section and such proposal is approved by the required  
44 majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant  
45 to this section be submitted to the voters sooner than twelve months from the date of the last  
46 proposal pursuant to this section.

47 3. All revenue received by a county from the tax authorized under the provisions of this  
48 section shall be deposited in a special trust fund and shall be used solely for providing law  
49 enforcement services for such county for so long as the tax shall remain in effect. Revenue  
50 placed in the special trust fund may also be utilized for capital improvement projects for law

51 enforcement facilities and for the payment of any interest and principal on bonds issued for said  
52 capital improvement projects.

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

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

74 6. The director of revenue may authorize the state treasurer to make refunds from the  
75 amounts in the trust fund and credited to any county for erroneous payments and overpayments  
76 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.  
77 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**  
78 **section 32.087.** The county shall notify the director of revenue of the action at least ninety days  
79 prior to the effective date of the repeal and the director of revenue may order retention in the trust  
80 fund, for a period of one year, of two percent of the amount collected after receipt of such notice  
81 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts  
82 deposited to the credit of such accounts. After one year has elapsed after the effective date of  
83 abolition of the tax in such county, the director of revenue shall remit the balance in the account  
84 to the county and close the account of that county. The director of revenue shall notify each  
85 county of each instance of any amount refunded or any check redeemed from receipts due the  
86 county.

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

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

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

13 Shall the county of ..... (county's name) impose a countywide sales tax of .....  
14 (insert amount) for the purpose of providing retirement and health care benefits for county  
15 employees and their dependents?

16  YES  NO

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

19  
20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
21 of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a  
22 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the  
23 governing body of the county shall have no power to impose the sales tax herein authorized  
24 unless and until the governing body of the county shall again have submitted another proposal  
25 to authorize the governing body of the county to impose the sales tax authorized by this section  
26 and such proposal is approved by a majority of the qualified voters voting thereon. However,  
27 in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve  
28 months from the date of the last proposal pursuant to this section.

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

32 4. All sales taxes collected by the director of revenue under this section on behalf of any  
33 county[, less one percent for cost of collection which shall be deposited in the state's general  
34 revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall

35 be deposited in a special trust fund, which is hereby created, to be known as the "County  
36 Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax  
37 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of  
38 the state.] The director of revenue shall keep accurate records of the amount of money in the trust  
39 and which was collected in each county imposing a sales tax under this section, and the records  
40 shall be open to the inspection of officers of the county and the public. Not later than the tenth  
41 day of each month, the director of revenue shall distribute all moneys deposited in the trust fund  
42 during the preceding month to the county which levied the tax. Such funds shall be deposited  
43 with the county treasurer of each such county, and all expenditures of funds arising from the  
44 county employee benefit sales tax trust fund shall be for the provision of retirement benefits or  
45 health care benefits for employees of the county and their dependents and for no other purpose.

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

58 6. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087  
59 shall apply to the tax imposed under this section.

60 67.584. 1. The governing body of any county of the first classification with more than  
2 one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred  
3 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of  
4 up to one-half percent on all retail sales made in such county which are subject to taxation  
5 pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services  
6 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 pursuant to this  
8 section shall be effective unless the governing body of the county submits to the voters of the  
9 county, at a county or state general, primary, or special election, a proposal to authorize the  
10 governing body of the county to impose a tax.

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

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

16                            YES    NO

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

19

20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
21 of the proposal submitted pursuant to this subsection, then the ordinance or order and any  
22 amendments thereto shall be in effect [on the first day of the second quarter immediately  
23 following the election approving the proposal] **as provided by section 32.087**. If a proposal  
24 receives less than the required majority, then the governing body of the county shall have no  
25 power to impose the sales tax herein authorized unless and until the governing body of the  
26 county shall again have submitted another proposal to authorize the governing body of the county  
27 to impose the sales tax authorized by this section and such proposal is approved by the required  
28 majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant  
29 to this section be submitted to the voters sooner than twelve months from the date of the last  
30 proposal pursuant to this section.

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

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

45           5. All sales taxes collected by the director of revenue pursuant to this section on behalf  
46 of any county[, less one percent for cost of collection which shall be deposited in the state's

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

61         6. The director of revenue may authorize the state treasurer to make refunds from the  
62 amounts in the trust funds and credited to any county for erroneous payments and overpayments  
63 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.  
64 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**  
65 **section 32.087.** The county shall notify the director of revenue of the action at least ninety days  
66 before the effective date of the repeal and the director of revenue may order retention in the  
67 appropriate trust fund, for a period of one year, of two percent of the amount collected after  
68 receipt of such notice to cover possible refunds or overpayments of the tax and to redeem  
69 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
70 after the effective date of abolition of the tax in such county, the director of revenue shall remit  
71 the balance in the account to the county and close the account of that county established pursuant  
72 to this section. The director of revenue shall notify each county of each instance of any amount  
73 refunded or any check redeemed from receipts due the county.

74         7. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087  
75 shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to  
2 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be  
3 deposited in the state's general revenue fund after payment of premiums for surety bonds as  
4 provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund,  
5 which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". [The  
6 moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall  
7 not be commingled with any funds of the state.] The director of revenue shall keep accurate

8 records of the amount of money in the trust fund which was collected in each county imposing  
9 a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of  
10 officers of each county and the general public. Not later than the tenth day of each month the  
11 director of revenue shall distribute all moneys deposited in the trust fund during the preceding  
12 month by distributing to the county treasurer, or such other officer as may be designated by the  
13 county ordinance or order, of each county imposing the tax authorized by sections 67.700 to  
14 67.727, the sum, as certified by the director of revenue, due the county.

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

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

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

14 of each month, the director of the department of revenue shall distribute all moneys deposited  
15 in the county-municipal storm water and public works sales tax trust fund during the preceding  
16 month to the county which levied the tax, and the municipalities which are located wholly or  
17 partially within such county as follows:

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

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

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

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

42 3. If the governing body of any municipality located wholly or partially within the county  
43 so requests by resolution, no funds shall be expended from the proceeds of any tax imposed  
44 under section 67.701 within the corporate boundaries of the requesting municipality for the  
45 construction, reconstruction or widening of any road established or to be established pursuant  
46 to section 137.558, the total cost of which exceeds one hundred thousand dollars unless:

47 (a) A public hearing is first held at a place near such proposed action; and



48 (b) Plans and specifications of such proposed action are prepared and a cost-benefit  
49 analysis prepared in accordance with accepted accounting principles of such proposed action is  
50 presented to such public hearing.

51

52 Such cost-benefit analysis and its work papers shall be a public document and subject to  
53 inspection as provided in chapter 610. The provisions of this subsection shall not apply to  
54 proposed projects in unincorporated areas of the county.

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

7 2. Notwithstanding the provisions of section 67.712 as to the disposition of any other  
8 sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by  
9 the director of revenue from the tax authorized by 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  
11 payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with  
12 the state treasurer in a special trust fund, which is hereby created, to be known as the "County  
13 Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water  
14 and public works sales tax trust fund shall not be deemed to be state funds and shall not be  
15 commingled with any funds of the state.] The director of revenue shall keep accurate records of  
16 the amount of money in the trust fund which was collected in each county imposing a sales tax  
17 under this section and the records shall be open to the inspection of officers of the county and  
18 the public. Not later than the tenth day of each month the director of revenue shall distribute all  
19 moneys deposited in the county storm water and public works sales tax trust fund during the  
20 preceding month to the county which levied the tax, and the municipalities which are located  
21 wholly or partially within such county as follows:

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

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

28 (3) Each municipality located partially within the county which levied the tax shall  
29 receive a percentage of the distributable revenue equal to the percentage ratio that the population

30 of that part of the municipality located within the county bears to the total population of the  
31 county.

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

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

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to  
2 67.739 on behalf of any county [, less one percent for the cost of collection, which shall be  
3 deposited in the state's general revenue fund after payment of premiums for surety bonds as  
4 provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund,  
5 which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust  
6 Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be  
7 deemed to be state funds and shall not be commingled with any funds of the state.] The director  
8 of revenue shall keep accurate records of the amount of money in the trust fund which was  
9 collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records  
10 shall be open to the inspection of officers of each county and the general public. Not later than  
11 the tenth day of each month the director of revenue shall distribute all moneys deposited in the  
12 trust fund during the preceding month by distributing to the county treasurer, or such other  
13 officer as may be designated by the county ordinance or order, of each county imposing the tax  
14 authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the  
15 county.

16 2. The director of revenue may authorize the state treasurer to make refund from the  
17 amounts in the trust fund and credited to any county for erroneous payments and overpayments  
18 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.

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

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

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

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

11  YES  NO

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

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

21 5. All revenue collected from the sales tax under this section by the director of revenue  
 22 on behalf of a county[, less one percent for the cost of collection which shall be deposited in the  
 23 state's general revenue fund after payment of premiums for surety bonds as provided in section  
 24 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby  
 25 created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall

26 not be deemed to be state funds and shall not be commingled with any funds of the state.] The  
27 director of revenue shall keep accurate records of the amount of money in the trust fund collected  
28 in each county imposing a sales tax under this section, and the records shall be open to the  
29 inspection of officers of such county and the general public. Not later than the tenth day of each  
30 calendar month, the director of revenue shall distribute all moneys deposited in the trust fund  
31 during the preceding calendar month by distributing to the county treasurer, or such officer as  
32 may be designated by county ordinance or order, of each county imposing the tax under this  
33 section the sum due the county as certified by the director of revenue.

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

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

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

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

56         10. Except as modified in this section, the provisions of sections 32.085 [and] **to** 32.087  
57 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand  
2 and less than fifteen thousand and any county of the second class having a population of more  
3 than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both  
4 counties making up the same judicial circuit, may jointly impose a sales tax throughout each of

5 their respective counties for public recreational purposes including the financing, acquisition,  
6 construction, operation and maintenance of recreational projects and programs, but the sales  
7 taxes authorized by this section shall not become effective unless the governing body of each  
8 such county submits to the voters of their respective counties a proposal to authorize the counties  
9 to impose the sales tax.

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

11 Shall the County of ..... impose a sales tax of ..... percent in conjunction  
12 with the county of ..... for the purpose of funding the financing, acquisition, construction,  
13 operation and maintenance of recreational projects and programs, including the acquisition of  
14 land for such purposes?

15  YES  NO

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

24 3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at  
25 retail of all tangible personal property or taxable service at retail within the county adopting such  
26 tax, if such property and services are subject to taxation by the state of Missouri under the  
27 provisions of sections 144.010 to 144.525.

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

40 imposing the tax authorized by this section, the sum, as certified by the director of revenue, due  
41 the county.

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

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

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

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

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

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

75 11. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087  
76 shall apply to the tax imposed under this section.

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

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

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

11  YES  NO

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

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

20 4. (1) A regional recreational district may, by a majority vote of its board of directors,  
21 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to  
22 sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance  
23 of public parks, recreational facilities and grounds within the boundaries of a regional  
24 recreational district. The tax authorized by this subsection shall be in addition to all other sales  
25 taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board  
26 of directors submits to the voters of the district, at a county or state general, primary or special  
27 election, a proposal to authorize the tax, and such tax shall become effective only after the  
28 majority of the voters voting on such tax approve such tax.

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

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

33  YES  NO

34 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
 35 of the proposal, then the tax shall become effective. If a majority of the votes cast by the  
 36 qualified voters voting are opposed to the proposal, then the board of directors shall have no  
 37 power to impose the tax unless and until another proposal to authorize the tax is submitted to the  
 38 voters of the district and such proposal is approved by a majority of the qualified voters voting  
 39 thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved  
 40 pursuant to this subsection.

41 5. As used in this section, "qualified voters" or "voters" means any individuals residing  
 42 within the proposed district who are eligible to be registered voters and who have registered to  
 43 vote under chapter 115 or, if no individuals eligible and registered to vote reside within the  
 44 proposed district, all of the owners of real property located within the proposed district who have  
 45 unanimously petitioned for or consented to the adoption of an ordinance by the governing body  
 46 imposing a tax authorized in this section. If the owner of the property within the proposed  
 47 district is a political subdivision or corporation of the state, the governing body of such political  
 48 subdivision or corporation shall be considered the owner for purposes of this section.

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

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

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



21 of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth  
22 programs provided by the county?

23  YES  NO

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

26

27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor  
28 of the question, then the tax shall become effective on the first day of the second calendar quarter  
29 immediately following the approval of the tax or notification to the department of revenue if such  
30 tax will be administered by the department of revenue. If a majority of the votes cast on the  
31 question by the qualified voters voting thereon are opposed to the question, then the tax shall not  
32 become effective unless and until the question is resubmitted under this section to the qualified  
33 voters and such question is approved by a majority of the qualified voters voting on the question.

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

51 4. [In order to permit sellers required to collect and report the sales tax to collect the  
52 amount required to be reported and remitted, but not to change the requirements of reporting or  
53 remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the  
54 governing body of the county may authorize the use of a bracket system similar to that authorized  
55 in section 144.285 and notwithstanding the provisions of that section, this new bracket system  
56 shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning

57 with the effective date of the tax, every retailer in the county shall add the sales tax to the sale  
58 price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be  
59 recoverable at law in the same manner as the purchase price. For purposes of this section, all  
60 retail sales shall be deemed to be consummated at the place of business of the retailer.

61 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,  
62 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[,  
63 and all exemptions granted to agencies of government, organizations, and persons under sections  
64 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The  
65 same sales tax permit, exemption certificate, and retail certificate required by sections 144.010  
66 to 144.525 for the administration and collection of the state sales tax shall satisfy the  
67 requirements of this section, and no additional permit or exemption certificate or retail certificate  
68 shall be required; except that, the director of revenue may prescribe a form of exemption  
69 certificate for an exemption from the tax. All discounts allowed the retailer under the state sales  
70 tax for the collection of and for payment of taxes are hereby allowed and made applicable to the  
71 tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are  
72 hereby made applicable to violations of this section. If any person is delinquent in the payment  
73 of the amount required to be paid under this section, or in the event a determination has been  
74 made against the person for taxes and penalty under this section, the limitation for bringing suit  
75 for the collection of the delinquent tax and penalty shall be the same as that provided in sections  
76 144.010 to 144.525].

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

80 Shall ..... (insert the name of the county) repeal the sales tax imposed  
81 at a rate of ..... (insert rate of percent) percent for the purpose of funding senior services and  
82 youth programs provided by the county?

83  YES  NO

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

86

87 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor  
88 of repeal, that repeal shall become effective [on December thirty-first of the calendar year in  
89 which such repeal was approved] **as provided by section 32.087.**

90 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed  
91 to the repeal, then the sales tax authorized in this section shall remain effective until the question

92 is resubmitted under this section to the qualified voters and the repeal is approved by a majority  
93 of the qualified voters voting on the question.

94 7. Whenever the governing body of any county that has adopted the sales tax authorized  
95 in this section receives a petition, signed by ten percent of the registered voters of the county  
96 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed  
97 under this section, the governing body shall submit to the voters of the county a proposal to  
98 repeal the tax. If a majority of the votes cast on the question by the qualified voters voting  
99 thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of  
100 the calendar year in which such repeal was approved] **as provided by section 32.087**. If a  
101 majority of the votes cast on the question by the qualified voters voting thereon are opposed to  
102 the repeal, then the sales tax authorized in this section shall remain effective until the question  
103 is resubmitted under this section to the qualified voters and the repeal is approved by a majority  
104 of the qualified voters voting on the question.

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

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

67.1300. 1. The governing body of any of the contiguous counties of the third  
2 classification without a township form of government enumerated in subdivisions (1) to (5) of  
3 this subsection or in any county of the fourth classification acting as a county of the second  
4 classification, having a population of at least forty thousand but less than forty-five thousand  
5 with a state university, and adjoining a county of the first classification with part of a city with  
6 a population of three hundred fifty thousand or more inhabitants or a county of the third  
7 classification with a township form of government and with a population of at least eight

8 thousand but less than eight thousand four hundred inhabitants or a county of the third  
9 classification with more than fifteen townships having a population of at least twenty-one  
10 thousand inhabitants or a county of the third classification without a township form of  
11 government and with a population of at least seven thousand four hundred but less than eight  
12 thousand inhabitants or any county of the third classification with a population greater than three  
13 thousand but less than four thousand or any county of the third classification with a population  
14 greater than six thousand one hundred but less than six thousand four hundred or any county of  
15 the third classification with a population greater than six thousand eight hundred but less than  
16 seven thousand or any county of the third classification with a population greater than seven  
17 thousand eight hundred but less than seven thousand nine hundred or any county of the third  
18 classification with a population greater than eight thousand four hundred sixty but less than eight  
19 thousand five hundred or any county of the third classification with a population greater than  
20 nine thousand but less than nine thousand two hundred or any county of the third classification  
21 with a population greater than ten thousand five hundred but less than ten thousand six hundred  
22 or any county of the third classification with a population greater than twenty-three thousand five  
23 hundred but less than twenty-three thousand seven hundred or a county of the third classification  
24 with a population greater than thirty-three thousand but less than thirty-four thousand or a county  
25 of the third classification with a population greater than twenty thousand eight hundred but less  
26 than twenty-one thousand or a county of the third classification with a population greater than  
27 fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the  
28 third classification with a population greater than twenty thousand eight hundred fifty but less  
29 than twenty-two thousand or a county of the third classification with a population greater than  
30 thirty-nine thousand but less than forty thousand or a county of the third classification with a  
31 township form of organization and a population greater than twenty-eight thousand but less than  
32 twenty-nine thousand or a county of the third classification with a population greater than fifteen  
33 thousand but less than fifteen thousand five hundred or a county of the third classification with  
34 a population greater than eighteen thousand but less than nineteen thousand seventy or a county  
35 of the third classification with a population greater than thirteen thousand nine hundred but less  
36 than fourteen thousand four hundred or a county of the third classification with a population  
37 greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county  
38 of the first classification without a charter form of government and a population of at least eighty  
39 thousand but not greater than eighty-three thousand or a county of the third classification with  
40 a population greater than fifteen thousand but less than fifteen thousand nine hundred without  
41 a township form of government which does not adjoin any county of the first, second or fourth  
42 classification or a county of the third classification with a population greater than twenty-three  
43 thousand but less than twenty-five thousand without a township form of government which does

44 not adjoin any county of the second or fourth classification and does adjoin a county of the first  
 45 classification with a population greater than one hundred twenty thousand but less than one  
 46 hundred fifty thousand or in any county of the fourth classification acting as a county of the  
 47 second classification, having a population of at least forty-eight thousand or any governing body  
 48 of a municipality located in any of such counties may impose, by ordinance or order, a sales tax  
 49 on all retail sales made in such county or municipality which are subject to taxation pursuant to  
 50 the provisions of sections 144.010 to 144.525:

51 (1) A county with a population of at least four thousand two hundred inhabitants but not  
 52 more than four thousand five hundred inhabitants;

53 (2) A county with a population of at least four thousand seven hundred inhabitants but  
 54 not more than four thousand nine hundred inhabitants;

55 (3) A county with a population of at least seven thousand three hundred inhabitants but  
 56 not more than seven thousand six hundred inhabitants;

57 (4) A county with a population of at least ten thousand one hundred inhabitants but not  
 58 more than ten thousand three hundred inhabitants; and

59 (5) A county with a population of at least four thousand three hundred inhabitants but  
 60 not more than four thousand five hundred inhabitants.

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

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

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

71 Shall the (city, town, village or county) of ..... impose a sales tax of ..... (insert  
 72 amount) for the purpose of economic development in the (city, town, village or county)?

73  YES  NO

74 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
 75 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the  
 76 first day of the second quarter after the director of revenue receives notice of adoption of the tax.

77 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the  
 78 governing body of the county or municipality shall not impose the sales tax authorized in this  
 79 section until the governing body of the county or municipality resubmits another proposal to

80 authorize the governing body of the county or municipality to impose the sales tax authorized  
81 by this section and such proposal is approved by a majority of the qualified voters voting  
82 thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months  
83 from the date of the submission of the last such proposal.

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

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

93         7. All sales taxes collected by the director of revenue pursuant to this section on behalf  
94 of any county or municipality[, less one percent for cost of collection which shall be deposited  
95 in the state's general revenue fund after payment of premiums for surety bonds as provided in  
96 section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known  
97 as the "Local Economic Development Sales Tax Trust Fund".

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

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

111         10. The director of revenue may authorize the state treasurer to make refunds from the  
112 amounts in the trust fund and credited to any county or municipality for erroneous payments and  
113 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of  
114 such counties and municipalities.

115           11. If any county or municipality abolishes the tax, the county or municipality shall  
116 notify the director of revenue of the action at least ninety days prior to the effective date of the  
117 repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue  
118 may order retention in the trust fund, for a period of one year, of two percent of the amount  
119 collected after receipt of such notice to cover possible refunds or overpayment of the tax and to  
120 redeem dishonored checks and drafts deposited to the credit of such accounts. After one year  
121 has elapsed after the effective date of abolition of the tax in such county or municipality, the  
122 director of revenue shall remit the balance in the account to the county or municipality and close  
123 the account of that county or municipality. The director of revenue shall notify each county or  
124 municipality of each instance of any amount refunded or any check redeemed from receipts due  
125 the county or municipality.

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

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

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

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

133           (3) Provision of infrastructure and sites for industrial development or for public  
134 infrastructure projects; and

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

67.1303. 1. The governing body of any home rule city with more than one hundred  
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred  
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than  
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any  
5 county of the first classification with more than one hundred four thousand six hundred but less  
6 than one hundred four thousand seven hundred inhabitants and the governing body of any county  
7 of the third classification without a township form of government and with more than forty  
8 thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within  
9 such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or  
10 county which are subject to sales tax under chapter 144. In addition, the governing body of any  
11 county of the first classification with more than eighty-five thousand nine hundred but less than  
12 eighty-six thousand inhabitants or the governing body of any home rule city with more than  
13 seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or  
14 ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax  
15 under chapter 144. The tax authorized in this section shall not be more than one-half of one

16 percent. The order or ordinance imposing the tax shall not become effective unless the  
 17 governing body of the city or county submits to the voters of the city or county at a state general  
 18 or primary election a proposal to authorize the governing body to impose a tax under this section.  
 19 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and  
 20 shall be stated separately from all other charges and taxes.

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

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

25  YES  NO

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

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

- 38 (1) Acquisition of land;
- 39 (2) Installation of infrastructure for industrial or business parks;
- 40 (3) Improvement of water and wastewater treatment capacity;
- 41 (4) Extension of streets;
- 42 (5) Providing matching dollars for state or federal grants;
- 43 (6) Marketing;
- 44 (7) Construction and operation of job training and educational facilities; and
- 45 (8) Providing grants and low-interest loans to companies for job training, equipment  
 46 acquisition, site development, and infrastructure. Not more than twenty-five percent of the  
 47 revenue generated may be used annually for administrative purposes, including staff and facility  
 48 costs.

49 4. All revenue generated by the tax shall be deposited in a special trust fund and shall  
 50 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the  
 51 special trust fund shall continue to be used solely for the designated purposes. Any funds in the



52 special trust fund which are not needed for current expenditures may be invested by the  
53 governing body in accordance with applicable laws relating to the investment of other city or  
54 county funds.

55 **5. The director of revenue may authorize the state treasurer to make refunds from**  
56 **the amounts in the trust fund and credited to any city or county for erroneous payments**  
57 **in the trust fund and credited to any city or county for erroneous payments and**  
58 **overpayments made, and may redeem dishonored checks and drafts deposited to the credit**  
59 **of such counties. If any city or county abolishes the tax authorized under this section, the**  
60 **repeal of such tax shall become effective December thirty-first of the calendar year in**  
61 **which such abolishment was approved. Each city or county shall notify the director of**  
62 **revenue at least ninety days prior to the effective date of the expiration of the sales tax**  
63 **authorized by this section, and the repeal shall be effective as provided by section 32.087.**  
64 **The director of revenue may order retention in the trust fund, for a period of one year, of**  
65 **two percent of the amount collected after receipt of such notice to cover possible refunds**  
66 **or overpayment of such tax and to redeem dishonored checks and drafts deposited to the**  
67 **credit of such accounts. After one year has elapsed after the date of expiration of the tax**  
68 **authorized by this section in such city or county, the director of revenue shall remit the**  
69 **balance in the account to the city or county and close the account of that city or county.**  
70 **The director of revenue shall notify each city or county of each instance of any amount**  
71 **refunded or any check redeemed from receipts due the city or county.**

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

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

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

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

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

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

88 body of the county. At the option of the members appointed by a city or county the members  
 89 who are appointed by the school boards and other taxing districts may serve on the board for a  
 90 term to coincide with the length of time an economic development project, plan, or designation  
 91 of an economic development area is considered for approval by the board, or for the definite  
 92 terms as provided in this subsection. If the members representing school districts and other  
 93 taxing districts are appointed for a term coinciding with the length of time an economic  
 94 development project, plan, or area is approved, such term shall terminate upon final approval of  
 95 the project, plan, or designation of the area by the governing body of the city or county. If any  
 96 school district or other taxing jurisdiction fails to appoint members of the board within thirty  
 97 days of receipt of written notice of a proposed economic development plan, economic  
 98 development project, or designation of an economic development area, the remaining members  
 99 may proceed to exercise the power of the board. Of the members first appointed by the city or  
 100 county, three shall be designated to serve for terms of two years, three shall be designated to  
 101 serve for a term of three years, and the remaining members shall be designated to serve for a term  
 102 of four years from the date of such initial appointments. Thereafter, the members appointed by  
 103 the city or county shall serve for a term of four years, except that all vacancies shall be filled for  
 104 unexpired terms in the same manner as were the original appointments.

105 [6.] 7. The board, subject to approval of the governing body of the city or county, shall  
 106 develop economic development plans, economic development projects, or designations of an  
 107 economic development area, and shall hold public hearings and provide notice of any such  
 108 hearings. The board shall vote on all proposed economic development plans, economic  
 109 development projects, or designations of an economic development area, and amendments  
 110 thereto, within thirty days following completion of the hearing on any such plan, project, or  
 111 designation, and shall make recommendations to the governing body within ninety days of the  
 112 hearing concerning the adoption of or amendment to economic development plans, economic  
 113 development projects, or designations of an economic development area.

114 [7.] 8. The board shall report at least annually to the governing body of the city or  
 115 county on the use of the funds provided under this section and on the progress of any plan,  
 116 project, or designation adopted under this section.

117 [8.] 9. The governing body of any city or county that has adopted the sales tax  
 118 authorized in this section may submit the question of repeal of the tax to the voters on any date  
 119 available for elections for the city or county. The ballot of submission shall be in substantially  
 120 the following form:

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

123  YES  NO

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

130 [9.] **10.** Whenever the governing body of any city or county that has adopted the sales  
131 tax authorized in this section receives a petition, signed by ten percent of the registered voters  
132 of the city or county voting in the last gubernatorial election, calling for an election to repeal the  
133 sales tax imposed under this section, the governing body shall submit to the voters a proposal  
134 to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting  
135 thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of  
136 the calendar year in which such repeal was approved] **as provided by section 32.087.** If a  
137 majority of the votes cast on the question by the qualified voters voting thereon are opposed to  
138 the repeal, then the tax shall remain effective until the question is resubmitted under this section  
139 to the qualified voters and the repeal is approved by a majority of the qualified voters voting on  
140 the question. **If the city or county abolishes the tax, the city or county shall notify the**  
141 **director of revenue of the action at least one hundred twenty days prior to the effective**  
142 **date of the repeal.**

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

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

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

3 2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the  
4 governing body of any city or county may impose, by order or ordinance, a sales tax on all retail  
5 sales made in the city or county which are subject to sales tax under chapter 144. The tax  
6 authorized in this section shall not be more than one-half of one percent. The order or ordinance  
7 imposing the tax shall not become effective unless the governing body of the city or county  
8 submits to the voters of the city or county at any citywide, county or state general, primary or

9 special election a proposal to authorize the governing body to impose a tax under this section.  
10 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and  
11 shall be stated separately from all other charges and taxes. The tax authorized in this section  
12 shall not be imposed by any city or county that has imposed a tax under section 67.1300 or  
13 67.1303 unless the tax imposed under those sections has expired or been repealed.

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

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

18  YES  NO

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

27 4. All sales taxes collected by the director of revenue under this section on behalf of any  
28 county or municipality[, less one percent for cost of collection which shall be deposited in the  
29 state's general revenue fund after payment of premiums for surety bonds as provided in section  
30 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the  
31 "Local Option Economic Development Sales Tax Trust Fund".

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

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

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

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

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

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

59 10. (1) No revenue generated by the tax authorized in this section shall be used for any  
60 retail development project, except for the redevelopment of downtown areas and historic  
61 districts. Not more than twenty-five percent of the revenue generated shall be used annually for  
62 administrative purposes, including staff and facility costs.

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

- 66 (a) Acquisition of land;
- 67 (b) Installation of infrastructure for industrial or business parks;
- 68 (c) Improvement of water and wastewater treatment capacity;
- 69 (d) Extension of streets;
- 70 (e) Public facilities directly related to economic development and job creation; and
- 71 (f) Providing matching dollars for state or federal grants relating to such long-term  
72 projects.

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

- 75 (a) Marketing;
- 76 (b) Providing grants and loans to companies for job training, equipment acquisition, site  
77 development, and infrastructures;
- 78 (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- 79 (d) Legal and accounting expenses directly associated with the economic development  
80 planning and preparation process;

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

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

88 12. (1) Any city or county imposing the tax authorized in this section shall establish an  
89 economic development tax board. The volunteer board shall receive no compensation or  
90 operating budget.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151 16. The board and the governing body of the city or county imposing the tax shall report

152 at least annually to the governing body of the city or county on the use of the funds provided  
153 under this section and on the progress of any plan, project, or designation adopted under this  
154 section and shall make such report available to the public.

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

158 (1) A statement of its primary economic development goals;

159 (2) A statement of the total economic development sales tax revenues received during  
160 the immediately preceding calendar year;

161 (3) A statement of total expenditures during the preceding calendar year in each of the  
162 following categories:

163 (a) Infrastructure improvements;

164 (b) Land and/or buildings;

165 (c) Machinery and equipment;

166 (d) Job training investments;

167 (e) Direct business incentives;

168 (f) Marketing;

169 (g) Administration and legal expenses; and

170 (h) Other expenditures.

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

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

177  YES

NO

178 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become  
179 effective [on December thirty-first of the calendar year in which such repeal was approved] as  
180 provided by section 32.087. If a majority of the votes cast on the question by the qualified voters  
181 voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain  
182 effective until the question is resubmitted under this section to the qualified voters of the city or  
183 county, and the repeal is approved by a majority of the qualified voters voting on the question.

184 19. Whenever the governing body of any city or county that has adopted the sales tax  
185 authorized in this section receives a petition, signed by ten percent of the registered voters of the  
186 city or county voting in the last gubernatorial election, calling for an election to repeal the sales  
187 tax imposed under this section, the governing body shall submit to the voters a proposal to repeal



188 the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are  
 189 in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar  
 190 year in which such repeal was approved. If a majority of the votes cast on the question by the  
 191 qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until  
 192 the question is resubmitted under this section to the qualified voters and the repeal is approved  
 193 by a majority of the qualified voters voting on the question.

194 20. If any provision of this section or section 67.1303 or the application thereof to any  
 195 person or circumstance is held invalid, the invalidity shall not affect other provisions or  
 196 application of this section or section 67.1303 which can be given effect without the invalid  
 197 provision or application, and to this end the provisions of this section and section 67.1303 are  
 198 declared severable.

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

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

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

23  YES  NO

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

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

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

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

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

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

50           [8.] 7. All revenue received by the district from a sales and use tax imposed pursuant  
51 to this section which is designated for a specific purpose shall be deposited into a special trust  
52 fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted  
53 pursuant to this section, all funds remaining in the special trust fund shall continue to be used  
54 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any  
55 funds in such special trust fund which are not needed for current expenditures may be invested  
56 by the board of directors pursuant to applicable laws relating to the investment of other district  
57 funds.

58           [9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this  
59 section before the expiration date of such sales and use tax unless the repeal of such sales and  
60 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys

61 the district has borrowed or obligation the district has issued to finance any improvements or  
62 services rendered for the district.

63 [10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales  
64 and use tax under this section shall be conducted in accordance with the provisions of this  
65 section.

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

67.1712. 1. The governing body of any county located within the proposed metropolitan  
2 district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail  
3 sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the  
4 creation, operation and maintenance of a metropolitan park and recreation district.

5 2. In addition to the tax authorized in subsection 1 of this section, the governing body  
6 of any county located within the metropolitan district as of January 1, 2012, is authorized to  
7 impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail  
8 sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the  
9 operation and maintenance of the metropolitan park and recreation district. Such incremental  
10 sales tax shall not be implemented unless approved by the voters of the county with the largest  
11 population within the district and at least one other such county under subsection 2 of section  
12 67.1715.

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

67.1775. 1. The governing body of a city not within a county, or any county of this state  
2 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent  
3 in the county or city, or city not within a county, for the purpose of providing services described  
4 in section 210.861, including counseling, family support, and temporary residential services to  
5 persons nineteen years of age or less. The question shall be submitted to the qualified voters of  
6 the county or city, or city not within a county, at a county or city or state general, primary or  
7 special election upon the motion of the governing body of the county or city, or city not within  
8 a county or upon the petition of eight percent of the qualified voters of the county or city, or city  
9 not within a county, determined on the basis of the number of votes cast for governor in such  
10 county at the last gubernatorial election held prior to the filing of the petition. The election

11 officials of the county or city, or city not within a county, shall give legal notice as provided in  
12 chapter 115. The question shall be submitted in substantially the following form:

13 Shall ..... County or City, solely for the purpose of establishing a community  
14 children's services fund for the purpose of providing services to protect the well-being and safety  
15 of children and youth nineteen years of age or less and to strengthen families, be authorized to  
16 levy a sales tax of ..... (not to exceed one-quarter of a cent) in the city or county?

17  YES  NO

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

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

35 3. All sales taxes collected by the director of revenue under this section on behalf of any  
36 city or county, or city not within a county[, less one percent for the cost of collection, which shall  
37 be deposited in the state's general revenue fund after payment of premiums for surety bonds as  
38 provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which  
39 is hereby created, to be known as the "Community Children's Services Fund". [The moneys in  
40 the city or county, or city not within a county, community children's services fund shall not be  
41 deemed to be state funds and shall not be commingled with any funds of the state.] The director  
42 of revenue shall keep accurate records of the amount of money in the fund which was collected  
43 in each city or county, or city not within a county, imposing a sales tax under this section, and  
44 the records shall be open to the inspection of officers of each city or county, or city not within  
45 a county, and the general public. Not later than the tenth day of each month, the director of  
46 revenue shall distribute all moneys deposited in the fund during the preceding month by

47 distributing to the city or county treasurer, or the treasurer of a city not within a county, or such  
48 other officer as may be designated by a city or county ordinance or order, or ordinance or order  
49 of a city not within a county, of each city or county, or city not within a county, imposing the tax  
50 authorized by this section, the sum, as certified by the director of revenue, due the city or county.

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

66 5. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087  
67 shall apply to the tax imposed under this section.

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

67.1959. 1. The board, by a majority vote, may submit to the residents of such district  
2 a tax of not more than one percent on all retail sales, except sales of [food as defined in section  
3 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all  
4 utilities, telephone and wireless services,] and sales of funeral services, made **on or after**  
5 **January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of  
6 sections 144.010 to 144.525. Upon the written request of the board to the election authority of  
7 the county in which a majority of the area of the district is situated, such election authority shall  
8 submit a proposition to the residents of such district at a municipal or statewide primary or  
9 general election, or at a special election called for that purpose. Such election authority shall  
10 give legal notice as provided in chapter 115.

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

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

15                                YES                                NO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) The name of the proposed district.

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

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

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

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

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

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

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

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

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

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

69 (1) The description of the boundaries of the district;

70 (2) A statement that an exhibition center and recreational facility district has been  
71 established;

72 (3) The name of the district;

73 (4) The uses for any revenue generated by a sales tax imposed pursuant to this section;  
74 and

75 (5) A declaration that the district is a political subdivision of the state.

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

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

86  YES  NO

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

89 If a majority of the votes cast in the portion of any county that is part of the proposed district  
90 favor the proposal, then the sales tax shall become effective in that portion of the county [that  
91 is part of the proposed district on the first day of the first calendar quarter immediately following  
92 the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a



93 county that is a part of the proposed district oppose the proposal, then that portion of such county  
94 shall not impose the sales tax authorized in this section until after the county governing body has  
95 submitted another such sales tax proposal and the proposal is approved by a majority of the  
96 qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing  
97 body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than  
98 twelve months from the date of the last proposal submitted pursuant to this section. If the  
99 qualified voters in two or more counties that have contiguous districts approve the sales tax  
100 proposal, the districts shall combine to become one district.

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

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

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

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

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

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

126 (3) To enter into contracts, franchises, and agreements with any person or entity, public  
127 or private, affecting the affairs of the district, including contracts with any municipality, district,  
128 or state, or the United States, and any of their agencies, political subdivisions, or

129 instrumentalities, for the funding, including without limitation interest rate exchange or swap  
130 agreements, planning, development, construction, acquisition, maintenance, or operation of a  
131 single exhibition center and recreational facilities or to assist in such activity. "Recreational  
132 facilities" means locations explicitly designated for public use where the primary use of the  
133 facility involves participation in hobbies or athletic activities;

134 (4) To borrow money and incur indebtedness and evidence the same by certificates,  
135 notes, or debentures, to issue bonds and use any one or more lawful funding methods the district  
136 may obtain for its purposes at such rates of interest as the district may determine. Any bonds,  
137 notes, and other obligations issued or delivered by the district may be secured by mortgage,  
138 pledge, or deed of trust of any or all of the property and income of the district. Every issue of  
139 such bonds, notes, or other obligations shall be payable out of property and revenues of the  
140 district and may be further secured by other property of the district, which may be pledged,  
141 assigned, mortgaged, or a security interest granted for such payment, without preference or  
142 priority of the first bonds issued, subject to any agreement with the holders of any other bonds  
143 pledging any specified property or revenues. Such bonds, notes, or other obligations shall be  
144 authorized by resolution of the district board, and shall bear such date or dates, and shall mature  
145 at such time or times, but not in excess of thirty years, as the resolution shall specify. Such  
146 bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or  
147 rates, be in such form, either coupon or registered, be issued as current interest bonds, compound  
148 interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such  
149 manner, be payable in such place or places, and be subject to redemption as such resolution may  
150 provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold  
151 at either public or private sale, at such interest rates, and at such price or prices as the district  
152 shall determine;

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

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

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

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

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

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

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

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

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

197 12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087  
198 apply to the sales tax imposed pursuant to this section.

199 [12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial  
200 term approved by the voters unless an extension of the sales tax is submitted to and approved by

201 the qualified voters in each county in the manner provided in this section. Each extension of the  
202 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the  
203 extension shall be in substantially the following form:

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

208                                    YES                                    NO

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

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

216         [13.] **14.** Once the sales tax authorized by this section is abolished or terminated by any  
217 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the  
218 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while  
219 the district has any financing or other obligations outstanding; provided that any new financing,  
220 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation  
221 incurred more than ten years after voter approval of the sales tax provided in this section or more  
222 than ten years after any voter-approved extension thereof shall not cause the extension of the  
223 sales tax provided in this section or cause the final maturity of any financing or other obligations  
224 outstanding to be extended. Any funds in the trust fund which are not needed for current  
225 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)  
226 of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the  
227 district abolishes the sales tax, the district shall notify the director of revenue of the action at  
228 least ninety days before the effective date of the repeal, and the director of revenue may order  
229 retention in the trust fund, for a period of one year, of two percent of the amount collected after  
230 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem  
231 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
232 after the effective date of abolition of the sales tax in the district, the director of revenue shall  
233 remit the balance in the account to the district and close the account of the district. The director  
234 of revenue shall notify the district of each instance of any amount refunded or any check  
235 redeemed from receipts due the district.

236 [14.] 15. In the event that the district is dissolved or terminated by any means, the  
 237 governing bodies of the counties in the district shall appoint a person to act as trustee for the  
 238 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall  
 239 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond  
 240 with sufficient security, approved by the governing bodies of the counties, to the use of the  
 241 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and  
 242 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining  
 243 obligations of the district, shall pay over to the county treasurer of each county in the district and  
 244 take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears  
 245 to the total levy for the district in the previous three years or since the establishment of the  
 246 district, whichever time period is shorter. Upon payment to the county treasurers, the trustee  
 247 shall deliver to the clerk of the governing body of any county in the district all books, papers,  
 248 records, and deeds belonging to the dissolved district.

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

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

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

15  YES  NO

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

18 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
 19 of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on  
 20 the first day of the first calendar quarter immediately following notification to the director of the  
 21 department of revenue of the election approving the proposal] **as provided by section 32.087.**

22 If a proposal receives less than the required majority, then the governing authority of the city  
 23 shall have no power to impose the sales tax unless and until the governing authority of the city

24 has submitted another proposal to authorize the imposition of the sales tax authorized by this  
 25 section and such proposal is approved by the required majority of the qualified voters voting  
 26 thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters  
 27 sooner than twelve months from the date of the last proposal pursuant to this section.

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

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

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

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

51 [5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant  
 52 to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at  
 53 least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax  
 54 to the qualified voters at any primary or general election. The ballot of submission shall be in  
 55 substantially the following form:

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

58  YES

NO

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

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

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

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

79 (4) In the event that the repeal of a sales tax pursuant to this section dissolves or  
80 terminates a taxing district, the governing authority of the city shall appoint a person to act as  
81 trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the  
82 trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall  
83 give bond with sufficient security, approved by the governing authority of the city, to the use of  
84 the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have  
85 and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining  
86 obligations of the district, shall pay over to the city treasurer or the equivalent official and take  
87 receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver  
88 to the clerk of the governing authority of the city all books, papers, records, and deeds belonging  
89 to the dissolved district.

90 [6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to  
91 32.087 shall apply to the tax imposed pursuant to this section.

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

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

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

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

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

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

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



38 chairman and secretary to the municipal clerk if the district is established by a municipality  
39 described in this section, or to the circuit clerk if the district is established by a circuit court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91           (6) To collect taxes and other revenues;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 The provisions of this subsection are applicable to the district notwithstanding the provisions of  
130 section 108.170.

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

11 2. Notes, bonds, or other indebtedness of the district shall be exclusively the  
12 responsibility of the district payable solely out of the district funds and property and shall not  
13 constitute a debt or liability of the state of Missouri or any agency or political subdivision of the

14 state. Any notes, bonds, or other indebtedness of the district shall state on their face that they  
15 are not obligations of the state of Missouri or any agency or political subdivision thereof other  
16 than the district.

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

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

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

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

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

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

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

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

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

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

77 10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing  
78 the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality  
79 provision, shall apply to the collection of the tax imposed by this section, except as modified in  
80 this section.

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

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

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

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

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

103 A sale by a retailer's employee shall be deemed to be consummated at the place of business from  
 104 which the employee works.

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

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

117  YES  NO

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

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

123 [11.] **9.** (1) There shall not be any election as provided for in this section while the  
124 district has any financing or other obligations outstanding.

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

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

132  YES  NO

133 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
134 to the question, place an "X" in the box opposite "NO". Such subsequent elections for the repeal  
135 of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that  
136 the district board of directors may place the question of the repeal of the sales tax before the  
137 voters of the district, and the municipal clerk of the city, town, or village which originally  
138 conducted the incorporation of the district, or the circuit clerk of the court which originally  
139 conducted the incorporation of the district, shall conduct the subsequent election. In subsequent  
140 elections the election judges shall certify the election results to the district board of directors.

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

147 [12.] **10.** (1) At such time as the board of directors of the district determines that further  
148 operation of the district is not in the best interests of the inhabitants of the district, and that the  
149 district should dissolve, the board shall submit for a vote in an election held throughout the  
150 district the question of whether the district should be abolished. The question shall be submitted  
151 in substantially the following form:

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

153  YES  NO

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

156 (2) The district board shall not propose the question to abolish the district while there  
157 are outstanding claims or causes of action pending against the district, while the district liabilities  
158 exceed its assets, while indebtedness of the district is outstanding, or while the district is  
159 insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting  
160 the question to abolish the district to a vote of the entire district, the state auditor shall audit the  
161 district to determine the financial status of the district, and whether the district may be abolished  
162 pursuant to law. The vote on the abolition of the district shall be conducted by the municipal  
163 clerk of the city, town, or village in which the district is located. The procedure shall be the same  
164 as in section 67.2520, except that the question shall be determined by the qualified voters of the  
165 entire district. No individual subdistrict may be abolished, except at such time as the district is  
166 abolished.

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

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

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

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

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

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

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

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

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body  
2 of any home rule city with more than one hundred fifty-one thousand five hundred but less than  
3 one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order



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

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

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

21  YES  NO

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

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

37 4. The director of revenue may authorize the state treasurer to make refunds from the  
 38 amounts in the trust fund and credited to any city for erroneous payments and overpayments  
 39 made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any

40 city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days  
 41 before the effective date of the repeal, and the director of revenue may order retention in the trust  
 42 fund, for a period of one year, of two percent of the amount collected after receipt of such notice  
 43 to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts  
 44 deposited to the credit of such accounts. After one year has elapsed after the effective date of  
 45 abolition of the tax in such city, the director of revenue shall remit the balance in the account to  
 46 the city and close the account of that city. The director of revenue shall notify each city of each  
 47 instance of any amount refunded.

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

51 Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of  
 52 ..... (insert rate of percent) percent for capital improvements purposes in the city's center city?  
 53  YES  NO

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

62 6. Whenever the governing body of any city that has adopted the sales tax authorized in  
 63 this section receives a petition, signed by ten percent of the registered voters of the city voting  
 64 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this  
 65 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If  
 66 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
 67 the repeal, that repeal shall become effective on December thirty-first of the calendar year in  
 68 which such repeal was approved. If a majority of the votes cast on the question by the qualified  
 69 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the  
 70 question is resubmitted under this section to the qualified voters and the repeal is approved by  
 71 a majority of the qualified voters voting on the question.

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

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

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

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

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

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

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

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

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

15                            YES    NO

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

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

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

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

48 appropriation act to be enacted by the governing body of each such county or city not within a  
49 county.

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

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

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

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

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

17  YES  NO

18 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed  
19 to the question, place an "X" in the box opposite "No";

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

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

25  YES  NO

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

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

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

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

57 4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter  
58 be changed or altered, the city clerk shall forward to the director of revenue by United States  
59 registered mail or certified mail a certified copy of the ordinance adding or detaching territory  
60 from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied  
61 by a map of the city clearly showing the territory added thereto or detached therefrom. Upon  
62 receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective  
63 in the added territory or abolished in the detached territory on the effective date of the change  
64 of the city boundary.

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

143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable  
2 income of every resident.

3 **(1) For all tax years beginning on or before the later of December 31, 2013, or the**  
4 **first calendar year after the amount of general revenue collected in the previous fiscal year**  
5 **exceeded the highest amount of general revenue collected in any of the three fiscal years**  
6 **prior to such year by at least one hundred million dollars, the tax shall be determined by**  
7 **applying the tax table or the rate provided in section 143.021, which is based upon the following**  
8 **rates:**

9 If the Missouri taxable income is:	The tax is:
10 Not over \$1,000.00. . . . .	1 1/2% of the Missouri taxable income
11 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
12 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
13 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
14 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
15 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
16 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
17 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
18 Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
19 Over \$9,000. . . . .	\$315 plus 6% of excess over \$9,000

20 **(2) For all calendar years after the provisions of subdivision (1) of this subsection**  
21 **have been met and until the provisions of subdivision (3) of this subsection are met,**  
22 **beginning with the calendar year after the amount of general revenue collected in the**

23 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
 24 three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax  
 25 for all tax years beginning in that calendar year and thereafter shall be determined by  
 26 applying the tax table or the rate provided in section 143.021, which is based upon the  
 27 following rates:

28 If the Missouri taxable income is:	The tax is:
29 Not over \$1,000.00. ....	1 1/2% of the Missouri taxable income
30 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
31 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
32 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
33 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
34 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
35 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
36 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
37 Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
38 Over \$9,000.....	\$315 plus 5 19/20% of excess over \$9,000

39 (3) For all calendar years after the provisions of subdivision (2) of this subsection  
 40 have been met and until the provisions of subdivision (4) of this subsection are met,  
 41 beginning with the calendar year after the amount of general revenue collected in the  
 42 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
 43 three fiscal years prior to such year by at least one hundred million dollars, the tax for all  
 44 tax years beginning in that calendar year and thereafter shall be determined by applying  
 45 the tax table or the rate provided in section 143.021, which is based upon the following  
 46 rates:

47 If the Missouri taxable income is:	The tax is:
48 Not over \$1,000.00. ....	1 1/2% of the Missouri taxable income
49 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
50 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
51 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
52 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
53 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
54 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
55 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
56 Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
57 Over \$9,000.....	\$315 plus 5 9/10% of excess over \$9,000



58 (4) For all calendar years after the provisions of subdivision (3) of this subsection  
 59 have been met and until the provisions of subdivision (5) of this subsection are met,  
 60 beginning with the calendar year after the amount of general revenue collected in the  
 61 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
 62 three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax  
 63 for all tax years beginning in that calendar year and thereafter shall be determined by  
 64 applying the tax table or the rate provided in section 143.021, which is based upon the  
 65 following rates:

66 If the Missouri taxable income is:	The tax is:
67 Not over \$1,000.00. ....	1 1/2% of the Missouri taxable income
68 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
69 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
70 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
71 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
72 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
73 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
74 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
75 Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
76 Over \$9,000.....	\$315 plus 5 17/20% of excess over \$9,000

77 (5) For all calendar years after the provisions of subdivision (4) of this subsection  
 78 have been met and until the provisions of subdivision (6) of this subsection are met,  
 79 beginning with the calendar year after the amount of general revenue collected in the  
 80 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
 81 three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax  
 82 for all tax years beginning in that calendar year and thereafter shall be determined by  
 83 applying the tax table or the rate provided in section 143.021, which is based upon the  
 84 following rates:

85 If the Missouri taxable income is:	The tax is:
86 Not over \$1,000.00. ....	1 1/2% of the Missouri taxable income
87 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
88 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
89 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
90 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
91 Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
92 Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
93 Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000

94 **Over \$8,000 but not over \$9,000**                    **\$260 plus 5 1/2% of excess over \$8,000**  
 95 **Over \$9,000.....** **\$315 plus 5 8/10% of excess over \$9,000**

96       **(6) For all calendar years after the provisions of subdivision (5) of this subsection**  
 97 **have been met and until the provisions of subdivision (7) of this subsection are met,**  
 98 **beginning with the calendar year after the amount of general revenue collected in the**  
 99 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
 100 **three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax**  
 101 **for all tax years beginning in that calendar year and thereafter shall be determined by**  
 102 **applying the tax table or the rate provided in section 143.021, which is based upon the**  
 103 **following rates:**

104 <b>If the Missouri taxable income is:</b>	<b>The tax is:</b>
105 <b>Not over \$1,000.00. ....</b>	<b>1 1/2% of the Missouri taxable income</b>
106 <b>Over \$1,000 but not over \$2,000</b>	<b>\$15 plus 2% of excess over \$1,000</b>
107 <b>Over \$2,000 but not over \$3,000</b>	<b>\$35 plus 2 1/2% of excess over \$2,000</b>
108 <b>Over \$3,000 but not over \$4,000</b>	<b>\$60 plus 3% of excess over \$3,000</b>
109 <b>Over \$4,000 but not over \$5,000</b>	<b>\$90 plus 3 1/2% of excess over \$4,000</b>
110 <b>Over \$5,000 but not over \$6,000</b>	<b>\$125 plus 4% of excess over \$5,000</b>
111 <b>Over \$6,000 but not over \$7,000</b>	<b>\$165 plus 4 1/2% of excess over \$6,000</b>
112 <b>Over \$7,000 but not over \$8,000</b>	<b>\$210 plus 5% of excess over \$7,000</b>
113 <b>Over \$8,000 but not over \$9,000</b>	<b>\$260 plus 5 1/2% of excess over \$8,000</b>
114 <b>Over \$9,000.....</b>	<b>\$315 plus 5 15/20% of excess over \$9,000</b>

115       **(7) For all calendar years after the provisions of subdivision (6) of this subsection**  
 116 **have been met and until the provisions of subdivision (8) of this subsection are met,**  
 117 **beginning with the calendar year after the amount of general revenue collected in the**  
 118 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
 119 **three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax**  
 120 **for all tax years beginning in that calendar year and thereafter shall be determined by**  
 121 **applying the tax table or the rate provided in section 143.021, which is based upon the**  
 122 **following rates:**

123 <b>If the Missouri taxable income is:</b>	<b>The tax is:</b>
124 <b>Not over \$1,000.00. ....</b>	<b>1 1/2% of the Missouri taxable income</b>
125 <b>Over \$1,000 but not over \$2,000</b>	<b>\$15 plus 2% of excess over \$1,000</b>
126 <b>Over \$2,000 but not over \$3,000</b>	<b>\$35 plus 2 1/2% of excess over \$2,000</b>
127 <b>Over \$3,000 but not over \$4,000</b>	<b>\$60 plus 3% of excess over \$3,000</b>
128 <b>Over \$4,000 but not over \$5,000</b>	<b>\$90 plus 3 1/2% of excess over \$4,000</b>
129 <b>Over \$5,000 but not over \$6,000</b>	<b>\$125 plus 4% of excess over \$5,000</b>

130	<b>Over \$6,000 but not over \$7,000</b>	<b>\$165 plus 4 1/2% of excess over \$6,000</b>
131	<b>Over \$7,000 but not over \$8,000</b>	<b>\$210 plus 5% of excess over \$7,000</b>
132	<b>Over \$8,000 but not over \$9,000</b>	<b>\$260 plus 5 1/2% of excess over \$8,000</b>
133	<b>Over \$9,000.....</b>	<b>\$315 plus 5 7/10% of excess over \$9,000</b>

134       **(8) For all calendar years after the provisions of subdivision (7) of this subsection**  
135 **have been met and until the provisions of subdivision (9) of this subsection are met,**  
136 **beginning with the calendar year after the amount of general revenue collected in the**  
137 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
138 **three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax**  
139 **for all tax years beginning in that calendar year and thereafter shall be determined by**  
140 **applying the tax table or the rate provided in section 143.021, which is based upon the**  
141 **following rates:**

142	<b>If the Missouri taxable income is:</b>	<b>The tax is:</b>
143	<b>Not over \$1,000.00. ....</b>	<b>1 1/2% of the Missouri taxable income</b>
144	<b>Over \$1,000 but not over \$2,000</b>	<b>\$15 plus 2% of excess over \$1,000</b>
145	<b>Over \$2,000 but not over \$3,000</b>	<b>\$35 plus 2 1/2% of excess over \$2,000</b>
146	<b>Over \$3,000 but not over \$4,000</b>	<b>\$60 plus 3% of excess over \$3,000</b>
147	<b>Over \$4,000 but not over \$5,000</b>	<b>\$90 plus 3 1/2% of excess over \$4,000</b>
148	<b>Over \$5,000 but not over \$6,000</b>	<b>\$125 plus 4% of excess over \$5,000</b>
149	<b>Over \$6,000 but not over \$7,000</b>	<b>\$165 plus 4 1/2% of excess over \$6,000</b>
150	<b>Over \$7,000 but not over \$8,000</b>	<b>\$210 plus 5% of excess over \$7,000</b>
151	<b>Over \$8,000 but not over \$9,000</b>	<b>\$260 plus 5 1/2% of excess over \$8,000</b>
152	<b>Over \$9,000.....</b>	<b>\$315 plus 5 13/20% of excess over \$9,000</b>

153       **(9) For all calendar years after the provisions of subdivision (8) of this subsection**  
154 **have been met and until the provisions of subdivision (10) of this subsection are met,**  
155 **beginning with the calendar year after the amount of general revenue collected in the**  
156 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
157 **three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax**  
158 **for all tax years beginning in that calendar year and thereafter shall be determined by**  
159 **applying the tax table or the rate provided in section 143.021, which is based upon the**  
160 **following rates:**

161	<b>If the Missouri taxable income is:</b>	<b>The tax is:</b>
162	<b>Not over \$1,000.00. ....</b>	<b>1 1/2% of the Missouri taxable income</b>
163	<b>Over \$1,000 but not over \$2,000</b>	<b>\$15 plus 2% of excess over \$1,000</b>
164	<b>Over \$2,000 but not over \$3,000</b>	<b>\$35 plus 2 1/2% of excess over \$2,000</b>
165	<b>Over \$3,000 but not over \$4,000</b>	<b>\$60 plus 3% of excess over \$3,000</b>

166	<b>Over \$4,000 but not over \$5,000</b>	<b>\$90 plus 3 1/2% of excess over \$4,000</b>
167	<b>Over \$5,000 but not over \$6,000</b>	<b>\$125 plus 4% of excess over \$5,000</b>
168	<b>Over \$6,000 but not over \$7,000</b>	<b>\$165 plus 4 1/2% of excess over \$6,000</b>
169	<b>Over \$7,000 but not over \$8,000</b>	<b>\$210 plus 5% of excess over \$7,000</b>
170	<b>Over \$8,000 but not over \$9,000</b>	<b>\$260 plus 5 1/2% of excess over \$8,000</b>
171	<b>Over \$9,000.....</b>	<b>\$315 plus 5 6/10% of excess over \$9,000</b>

172       **(10) For all calendar years after the provisions of subdivision (9) of this subsection**  
 173 **have been met and until the provisions of subdivision (11) of this subsection are met,**  
 174 **beginning with the calendar year after the amount of general revenue collected in the**  
 175 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
 176 **three fiscal years prior to such fiscal year by at least one hundred million dollars, the tax**  
 177 **for all tax years beginning in that calendar year and thereafter shall be determined by**  
 178 **applying the tax table or the rate provided in section 143.021, which is based upon the**  
 179 **following rates:**

180	<b>If the Missouri taxable income is:</b>	<b>The tax is:</b>
181	<b>Not over \$1,000.00. ....</b>	<b>1 1/2% of the Missouri taxable income</b>
182	<b>Over \$1,000 but not over \$2,000</b>	<b>\$15 plus 2% of excess over \$1,000</b>
183	<b>Over \$2,000 but not over \$3,000</b>	<b>\$35 plus 2 1/2% of excess over \$2,000</b>
184	<b>Over \$3,000 but not over \$4,000</b>	<b>\$60 plus 3% of excess over \$3,000</b>
185	<b>Over \$4,000 but not over \$5,000</b>	<b>\$90 plus 3 1/2% of excess over \$4,000</b>
186	<b>Over \$5,000 but not over \$6,000</b>	<b>\$125 plus 4% of excess over \$5,000</b>
187	<b>Over \$6,000 but not over \$7,000</b>	<b>\$165 plus 4 1/2% of excess over \$6,000</b>
188	<b>Over \$7,000 but not over \$8,000</b>	<b>\$210 plus 5% of excess over \$7,000</b>
189	<b>Over \$8,000 but not over \$9,000</b>	<b>\$260 plus 5 1/2% of excess over \$8,000</b>
190	<b>Over \$9,000.....</b>	<b>\$315 plus 5 11/20% of excess over \$9,000</b>

191       **(11) For all calendar years after the provisions of subdivision (10) of this subsection**  
 192 **have been met, beginning with the calendar year after the amount of general revenue**  
 193 **collected in the previous fiscal year exceeded the highest amount of general revenue**  
 194 **collected in any of the three fiscal years prior to such fiscal year by at least one hundred**  
 195 **million dollars, the tax for all tax years beginning in that calendar year and thereafter shall**  
 196 **be determined by applying the tax table or the rate provided in section 143.021, which is**  
 197 **based upon the following rates:**

198	<b>If the Missouri taxable income is:</b>	<b>The tax is:</b>
199	<b>Not over \$1,000.00. ....</b>	<b>1 1/2% of the Missouri taxable income</b>
200	<b>Over \$1,000 but not over \$2,000</b>	<b>\$15 plus 2% of excess over \$1,000</b>
201	<b>Over \$2,000 but not over \$3,000</b>	<b>\$35 plus 2 1/2% of excess over \$2,000</b>

202	<b>Over \$3,000 but not over \$4,000</b>	<b>\$60 plus 3% of excess over \$3,000</b>
203	<b>Over \$4,000 but not over \$5,000</b>	<b>\$90 plus 3 1/2% of excess over \$4,000</b>
204	<b>Over \$5,000 but not over \$6,000</b>	<b>\$125 plus 4% of excess over \$5,000</b>
205	<b>Over \$6,000 but not over \$7,000</b>	<b>\$165 plus 4 1/2% of excess over \$6,000</b>
206	<b>Over \$7,000 but not over \$8,000</b>	<b>\$210 plus 5% of excess over \$7,000</b>
207	<b>Over \$8,000.....</b>	<b>\$260 plus 5 1/2% of excess over \$8,000</b>

208           **2. If the federal Marketplace Fairness Act of 2013 or similar legislation providing**  
 209 **for a uniform method of collection of sales and use tax on purchases shipped into this state**  
 210 **becomes federal law, the director of the department of revenue shall, by rule, adjust the**  
 211 **tax tables of subsection 1 of this section to decrease the maximum rate of tax by one-half**  
 212 **of a percent.**

          143.021. **1. For all tax years beginning before the provisions of subdivision (11) of**  
 2 **subsection 1 of section 143.011 are met,** every resident having a taxable income of less than  
 3 nine thousand dollars shall determine his tax from a tax table prescribed by the director of  
 4 revenue and based upon the rates provided in section 143.011. The tax table shall be on the basis  
 5 of one hundred dollar increments of taxable income below nine thousand dollars. The tax  
 6 provided in the table shall be the amount rounded to the nearest whole dollar by applying the  
 7 rates in section 143.011 to the taxable income at the midpoint of each increment, except there  
 8 shall be no tax on a taxable income of less than one hundred dollars. Every resident having a  
 9 taxable income of nine thousand dollars or more shall determine his tax from the rate provided  
 10 in section 143.011.

11           **2. For all tax years beginning on or after the beginning of the calendar year in**  
 12 **which the provisions of subdivision (11) of subsection 1 of section 143.011 are met, every**  
 13 **resident having a taxable income of less than eight thousand dollars shall determine his tax**  
 14 **from a tax table prescribed by the director of revenue and based upon the rates provided**  
 15 **in section 143.011. The tax table shall be on the basis of one hundred dollar increments of**  
 16 **taxable income below eight thousand dollars. The tax provided in the table shall be the**  
 17 **amount rounded to the nearest whole dollar by applying the rates in section 143.011 to the**  
 18 **taxable income at the midpoint of each increment, except there shall be no tax on a taxable**  
 19 **income of less than one hundred dollars. Every resident having a taxable income of eight**  
 20 **thousand dollars or more shall determine his tax from the rate provided in section 143.011.**

21           **3. The department of revenue may, by rule, make adjustments to the dollar**  
 22 **amounts in this section based on the provisions in subsection 2 of section 143.011.**

          143.022. **1. As used in this section, "business income" means the Missouri source**  
 2 **net profit from business determined under the provisions of the Internal Revenue Code**  
 3 **and partnership income as determined by sections 143.401 and 143.471. Business income**

4 shall not include "compensation" as such term is defined under subsection 1 of Article IV  
5 of section 32.200 or "guaranteed payments" as defined by the Internal Revenue Code.

6       **2. In addition to all other modifications allowed by law, there shall be subtracted**  
7 **from the federal adjusted gross income of an individual taxpayer, the following amounts**  
8 **to the extent included in federal adjusted gross income when determining the taxpayer's**  
9 **Missouri adjusted gross income:**

10       **(1) For all tax years beginning on or after January 1, 2014, but before January 1,**  
11 **2015, ten percent of the amount of business income;**

12       **(2) For all tax years beginning on or after January 1, 2015, but before January 1,**  
13 **2016, twenty percent of the amount of business income;**

14       **(3) For all tax years beginning on or after January 1, 2016, but before January 1,**  
15 **2017, thirty percent of the amount of business income;**

16       **(4) For all tax years beginning on or after January 1, 2017, but before January 1,**  
17 **2018, forty percent of the amount of business income;**

18       **(5) For all tax years beginning on or after January 1, 2018, fifty percent of the**  
19 **amount of business income.**

20       **3. In the case of a small corporation described in section 143.471 or a partnership,**  
21 **computing the deduction allowed under subsection 2 of this section, taxpayers described**  
22 **in subdivisions (1) or (2) of this subsection shall be allowed such deduction apportioned in**  
23 **proportion to their share of ownership of the business on the last day of the taxpayer's tax**  
24 **period for which such deduction is being claimed when determining the Missouri adjusted**  
25 **gross income of:**

26       **(1) The shareholders of a small corporation as described in section 143.471;**

27       **(2) The partners in a partnership.**

143.071. 1. For all tax years beginning before September 1, 1993, a tax is hereby  
2 imposed upon the Missouri taxable income of corporations in an amount equal to five percent  
3 of Missouri taxable income.

4       2. For all tax years beginning on or after September 1, 1993, **but before the later of**  
5 **December 31, 2013, or the first calendar year after the amount of general revenue collected**  
6 **in the previous fiscal year exceeded the highest amount of general revenue collected in any**  
7 **of the three fiscal years prior to such fiscal year by at least one hundred million dollars, a**  
8 tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to  
9 six and one-fourth percent of Missouri taxable income.

10       **3. (1) Beginning with the first calendar year after the amount of general revenue**  
11 **collected in the previous fiscal year exceeded the highest amount of general revenue**  
12 **collected in any of the three fiscal years prior to such fiscal year by at least one hundred**

13 million dollars, for all tax years beginning in that calendar year and thereafter, until the  
14 provisions of subdivision (2) of this subsection are met, a tax is hereby imposed upon the  
15 Missouri taxable income of corporations in an amount equal to five and nineteen-  
16 twentieths percent of Missouri taxable income.

17 (2) For all calendar years after the provisions of subdivision (1) of this subsection  
18 have been met and until the provisions of subdivision (3) of this subsection are met,  
19 beginning with the calendar year after the amount of general revenue collected in the  
20 previous fiscal year exceed the highest amount of general revenue collected in any of the  
21 three fiscal years prior to such fiscal year by at least one hundred million dollars, for all  
22 tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the  
23 Missouri taxable income of corporations in an amount equal to five and thirteen-twentieths  
24 percent of Missouri taxable income.

25 (3) For all calendar years after the provisions of subdivision (2) of this subsection  
26 have been met and until the provisions of subdivision (4) of this subsection are met,  
27 beginning with the calendar year after the amount of general revenue collected in the  
28 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
29 three fiscal years prior to such fiscal year by at least one hundred million dollars, for all  
30 tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the  
31 Missouri taxable income of corporations in an amount equal to five and seven-twentieths  
32 percent of Missouri taxable income.

33 (4) For all calendar years after the provisions of subdivision (3) of this subsection  
34 have been met and until the provisions of subdivision (5) of this subsection are met,  
35 beginning with the calendar year after the amount of general revenue collected in the  
36 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
37 three fiscal years prior to such fiscal year by at least one hundred million dollars, for all  
38 tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the  
39 Missouri taxable income of corporations in an amount equal to five and one-twentieth  
40 percent of Missouri taxable income.

41 (5) For all calendar years after the provisions of subdivision (4) of this subsection  
42 have been met and until the provisions of subdivision (6) of this subsection are met,  
43 beginning with the calendar year after the amount of general revenue collected in the  
44 previous fiscal year exceeded the highest amount of general revenue collected in any of the  
45 three fiscal years prior to such fiscal year by at least one hundred million dollars, for all  
46 tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the  
47 Missouri taxable income of corporations in an amount equal to four and three-quarters  
48 percent of Missouri taxable income.

49           **(6) For all calendar years after the provisions of subdivision (5) of this subsection**  
50 **have been met and until the provisions of subdivision (7) of this subsection are met,**  
51 **beginning with the calendar year after the amount of general revenue collected in the**  
52 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
53 **three fiscal years prior to such fiscal year by at least one hundred million dollars, for all**  
54 **tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the**  
55 **Missouri taxable income of corporations in an amount equal to four and nine-twentieths**  
56 **percent of Missouri taxable income.**

57           **(7) For all calendar years after the provisions of subdivision (6) of this subsection**  
58 **have been met and until the provisions of subdivision (8) of this subsection are met,**  
59 **beginning with the calendar year after the amount of general revenue collected in the**  
60 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
61 **three fiscal years prior to such fiscal year by at least one hundred million dollars, for all**  
62 **tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the**  
63 **Missouri taxable income of corporations in an amount equal to four and three-twentieths**  
64 **percent of Missouri taxable income.**

65           **(8) For all calendar years after the provisions of subdivision (7) of this subsection**  
66 **have been met and until the provisions of subdivision (9) of this subsection are met,**  
67 **beginning with the calendar year after the amount of general revenue collected in the**  
68 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
69 **three fiscal years prior to such fiscal year by at least one hundred million dollars, for all**  
70 **tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the**  
71 **Missouri taxable income of corporations in an amount equal to three and seventeen-**  
72 **twentieths percent of Missouri taxable income.**

73           **(9) For all calendar years after the provisions of subdivision (8) of this subsection**  
74 **have been met and until the provisions of subdivision (10) of this subsection are met,**  
75 **beginning with the calendar year after the amount of general revenue collected in the**  
76 **previous fiscal year exceeded the highest amount of general revenue collected in any of the**  
77 **three fiscal years prior to such fiscal year by at least one hundred million dollars, for all**  
78 **tax years beginning in that calendar year and thereafter, a tax is hereby imposed upon the**  
79 **Missouri taxable income of corporations in an amount equal to three and eleven-twentieths**  
80 **percent of Missouri taxable income.**

81           **(10) For all calendar years after the provisions of subdivision (9) of this subsection**  
82 **have been met, beginning with the calendar year after the amount of general revenue**  
83 **collected in the previous fiscal year exceeded the highest amount of general revenue**  
84 **collected in any of the three fiscal years prior to such fiscal year by at least one hundred**



85 **million dollars, for all tax years beginning in that calendar year and thereafter, a tax is**  
86 **hereby imposed upon the Missouri taxable income of corporations in an amount equal to**  
87 **three and one-quarter percent of Missouri taxable income.**

143.151. For all taxable years beginning before January 1, 1999, a resident shall be  
2 allowed a deduction of one thousand two hundred dollars for himself or herself and one thousand  
3 two hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal  
4 exemptions for federal income tax purposes. For all taxable years beginning on or after January  
5 1, 1999, a resident shall be allowed a deduction of two thousand one hundred dollars for himself  
6 or herself and two thousand one hundred dollars for his or her spouse if he or she is entitled to  
7 a deduction for such personal exemptions for federal income tax purposes. **For all tax years**  
8 **beginning on or after January 1, 2014, a resident with a Missouri adjusted gross income**  
9 **of less than twenty thousand dollars shall be allowed an additional deduction of one**  
10 **thousand dollars for himself or herself and an additional one thousand dollars for his or**  
11 **her spouse if he or she is entitled to a deduction for such personal exemptions for federal**  
12 **income tax purposes and his or her spouse's Missouri adjusted gross income is less than**  
13 **twenty thousand dollars.**

143.221. 1. Every employer required to deduct and withhold tax under sections 143.011  
2 to 143.996 shall, for each calendar quarter, on or before the last day of the month following the  
3 close of such calendar quarter, file a withholding return as prescribed by the director of revenue  
4 and pay over to the director of revenue or to a depository designated by the director of revenue  
5 the taxes so required to be deducted and withheld.

6 2. Where the aggregate amount required to be deducted and withheld by any employer  
7 exceeds fifty dollars for at least two of the preceding twelve months, the director, by regulation,  
8 may require a monthly return. The due dates of the monthly return and the monthly payment or  
9 deposit for the first two months of each quarter shall be by the fifteenth day of the succeeding  
10 month. The due dates of the monthly return and the monthly payment or deposit for the last  
11 month of each quarter shall be by the last day of the succeeding month. The director may  
12 increase the amount required for making a monthly employer withholding payment and return  
13 to more than fifty dollars or decrease such required amount, however, the decreased amount shall  
14 not be less than fifty dollars.

15 3. Where the aggregate amount required to be deducted and withheld by any employer  
16 is less than [twenty] **one hundred** dollars in each of the four preceding quarters, **and to the**  
17 **extent the employer does not meet the requirements in subsection 1 or 2 of this section for**  
18 **filing a withholding return on a quarterly or monthly basis,** the employer shall file a  
19 withholding return for a calendar year. The director, by regulation, may also allow other  
20 employers to file annual returns. The return shall be filed and the taxes if any paid on or before

21 January thirty-first of the succeeding year. The director may increase the amount required for  
22 making an annual employer withholding payment and return to more than [twenty] **one hundred**  
23 dollars or decrease such required amount, however, the decreased amount shall not be less than  
24 [twenty] **one hundred** dollars.

25 4. If the director of revenue finds that the collection of taxes required to be deducted and  
26 withheld by an employer may be jeopardized by delay, he may require the employer to pay over  
27 the tax or make a return at any time. A lien outstanding with regard to any tax administered by  
28 the director shall be a sufficient basis for this action.

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

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

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

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

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

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

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

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

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

31           **(a) Antimicrobial agents;**

32           **(b) Fluoride;**

33           **(c) Carbonation;**

34           **(d) Vitamins, minerals, and electrolytes;**

35           **(e) Oxygen;**

36           **(f) Preservatives; and**

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

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

40           **(9) "Bundled transaction":**

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

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

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

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

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

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

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

62           **(i) A retail sale of tangible personal property and a service where the tangible**  
63 **personal property is essential to the use of the service, and is provided exclusively in**  
64 **connection with the service, and the true object of the transaction is the service; or**

65           **(ii) A retail sale of services where one service is provided that is essential to the use**  
66 **of receipt of a second service and the first service is provided exclusively in connection with**  
67 **the second service and the true object of the transaction is the second service; or**

68           **(iii) A transaction that includes taxable products and nontaxable products and the**  
69 **sales price of the taxable products is de minimis.**

70           **b. "De minimis" means the sales price of the taxable product is ten percent or less**  
71 **of the total sales price of the bundled products.**

72           **c. Sellers shall use the sales price of the products to determine if the taxable**  
73 **products are de minimis.**

74           **d. (i) Sellers shall use the full term of a service contract to determine if the taxable**  
75 **products are de minimis; or**

76           **(ii) A retail sale of exempt tangible personal property and taxable tangible personal**  
77 **property where:**

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

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

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

96           **[(3)] (11) "Calendar quarter", the period of three consecutive calendar months**  
97 **ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;**

98           **(12) "Call-by-call basis", any method of charging for telecommunications services**  
99 **where the price is measured by individual calls;**

100           **(13) "Candy", a preparation of sugar, honey, or other natural or artificial**  
101 **sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings**  
102 **in the form of bars, drops, or pieces. Candy shall not include any preparation containing**  
103 **flour and shall require no refrigeration;**

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

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

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

116           **(17) "Clothing":**

117           **(a) All human wearing apparel suitable for general use;**

118           **(b) Clothing shall include:**

119           **a. Aprons, household and shop;**

120           **b. Athletic supporters;**

121           **c. Baby receiving blankets;**

122           **d. Bathing suits and caps;**

123           **e. Beach capes and coats;**

124           **f. Belts and suspenders;**

125           **g. Boots;**

126           **h. Coats and jackets;**

127           **i. Costumes;**

128           **j. Diapers, children and adult, including disposable diapers;**

129           **k. Ear muffs;**

130           **l. Footlets;**

131           **m. Formal wear;**

132           **n. Garters and garter belts;**

133           **o. Girdles;**

- 134           **p. Gloves and mittens for general use;**  
135           **q. Hats and caps;**  
136           **r. Hosiery;**  
137           **s. Insoles for shoes;**  
138           **t. Lab coats;**  
139           **u. Neckties;**  
140           **v. Overshoes;**  
141           **w. Pantyhose;**  
142           **x. Rainwear;**  
143           **y. Rubber pants;**  
144           **z. Sandals;**  
145           **aa. Scarves;**  
146           **bb. Shoes and shoe laces;**  
147           **cc. Slippers;**  
148           **dd. Sneakers;**  
149           **ee. Socks and stockings;**  
150           **ff. Steel toed shoes;**  
151           **gg. Underwear;**  
152           **hh. Uniforms, athletic and nonathletic; and**  
153           **ii. Wedding apparel;**  
154           **(c) Clothing shall not include:**  
155           **a. Belt buckles sold separately;**  
156           **b. Costume masks sold separately;**  
157           **c. Patches and emblems sold separately;**  
158           **d. Sewing equipment and supplies, including but not limited to, knitting needles,**  
159 **patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**  
160           **e. Sewing materials that become part of clothing, including but not limited to**  
161 **buttons, fabric, lace, thread, yarn, and zippers;**  
162           **(18) "Clothing accessories and equipment", incidental items worn on the person**  
163 **or in conjunction with clothing. Clothing accessories or equipment are mutually exclusive**  
164 **of clothing, sport or recreational equipment, and protective equipment;**  
165           **(19) "Coin-operated telephone service", a telecommunications service paid for by**  
166 **inserting money into a telephone accepting direct deposits of money to operate;**  
167           **(20) "Communications channel", a physical or virtual path of communications over**  
168 **which signals are transmitted between or among customer channel termination points;**

- 169           (21) "Computer", an electronic device that accepts information in digital or similar  
170 form and manipulates it for a result based on a sequence of instructions;
- 171           (22) "Computer software", a set of coded instructions designed to cause a computer  
172 or automatic data processing equipment to perform a task. Computer software shall not  
173 include specified digital products, digital audio-visual works, digital audio works, or digital  
174 books;
- 175           (23) "Conference bridging service", an ancillary service that links two or more  
176 participants of an audio or video conference call and may include the provision of a  
177 telephone number. Conference bridging service does not include the telecommunications  
178 services used to reach the conference bridge;
- 179           (24) "Customer channel termination point", the location where the  
180 telecommunications customer either inputs or receives the communication;
- 181           (25) "Delivered electronically", delivered to the purchaser by means other than  
182 tangible storage media;
- 183           (26) "Delivery charges", charges by the seller of personal property or services for  
184 preparation and delivery to a location designated by the purchaser of personal property  
185 or services, including but not limited to transportation, shipping, postage, handling,  
186 crating, and packing;
- 187           (27) "Detailed telecommunications billing service", an ancillary service of  
188 separately stating information pertaining to individual calls on a telecommunications  
189 customer's billing statement;
- 190           (28) "Dietary supplement", any product, other than tobacco, intended to  
191 supplement the diet that contains one or more of the following dietary ingredients: a  
192 vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use  
193 by humans to supplement the diet by increasing the total dietary intake; or a concentrate,  
194 metabolite, constituent, extract, or combination of any ingredient described above; and  
195 that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or  
196 if not intended for ingestion in such a form, is not represented as a conventional food and  
197 is not represented for use as a sole item of a meal or of the diet; and that is required to be  
198 labeled as a dietary supplement, identifiable by the supplemental facts box found on the  
199 label and as required under 21 CFR Section 101.36;
- 200           (29) "Digital audio works", works that result from the fixation of a series of  
201 musical, spoken, or other sounds, including ringtones;
- 202           (30) "Digital audio-visual works", a series of related images which, when shown  
203 in succession, impart an impression of motion, together with accompanying sounds, if any;

204           **(31) "Digital books", works that are generally recognized in the ordinary and usual**  
205 **sense as books;**

206           **(32) "Direct mail", printed material delivered or distributed by United States mail**  
207 **or other delivery service to a mass audience or to addressees on a mailing list provided by**  
208 **the purchaser or at the direction of the purchaser when the cost of the items are not billed**  
209 **directly to the recipients. Direct mail shall include tangible personal property supplied**  
210 **directly or indirectly by the purchaser to the direct mail seller for inclusion in the package**  
211 **containing the printed material. Direct mail shall not include multiple items of printed**  
212 **material delivered to a single address;**

213           **(33) "Directory assistance", an ancillary service of providing telephone number**  
214 **information, or address information;**

215           **(34) "Drug":**

216           **(a) A compound, substance, or preparation, and any component of a compound,**  
217 **substance, or preparation, other than food and food ingredients, dietary supplements,**  
218 **alcoholic beverages, or grooming and hygiene products:**

219           **a. Recognized in the official United States Pharmacopoeia, official Homeopathic**  
220 **Pharmacopoeia of the United States, or official National Formulary, and supplement to any**  
221 **of them;**

222           **b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of**  
223 **disease; or**

224           **c. Intended to affect the structure or any function of the body;**

225           **(b) Drug shall include insulin and medical oxygen;**

226           **(35) "Durable medical equipment", equipment including repair and replacement**  
227 **parts for same, excluding mobility enhancing equipment. Durable medical equipment:**

228           **(a) Can withstand repeated use;**

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

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

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

232           **(e) Is for home use;**

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

235           **(g) Shall not include:**

236           **a. Kidney dialysis equipment not worn in or on the body, including repair and**  
237 **replacement parts; and**

238           **b. Enteral feeding systems not worn in or on the body, including repair and**  
239 **replacement parts.**



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

242 (36) "Electronic", relating to technology having electrical, digital, magnetic,  
243 wireless, optical, electromagnetic, or similar capabilities;

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

246 (38) "Energy star qualified product", a product that meets the energy efficient  
247 guidelines set by the United States Environmental Protection Agency and the United States  
248 Department of Energy that are authorized to carry the Energy Star label. Covered  
249 products are those listed at [www.energystar.gov](http://www.energystar.gov) or successor address;

250 (39) "Engages in business activities within this state", includes:

251 (a) Maintaining or having a franchisee or licensee operating under the seller's trade  
252 name in this state if the franchisee or licensee is required to collect sales tax under sections  
253 144.010 to 144.525;

254 (b) Soliciting sales or taking orders by sales agents or traveling representatives;

255 (c) A vendor is presumed to "engage in business activities within this state" if any  
256 person, other than a common carrier acting in its capacity as such, that has substantial  
257 nexus with this state:

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

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

263 c. Delivers, installs, assembles, or performs maintenance services for the vendor's  
264 customers within the state;

265 d. Facilitates the vendor's delivery of property to customers in the state by allowing  
266 the vendor's customers to pick up property sold by the vendor at an office, distribution  
267 facility, warehouse, storage place, or similar place of business maintained by the person in  
268 the state; or

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

271 (d) The presumption in paragraph (c) may be rebutted by demonstrating that the  
272 person's activities in the state are not significantly associated with the vendor's ability to  
273 establish or maintain a market in this state for the vendor's sales;

274 (e) Notwithstanding paragraph (c), a vendor shall be presumed to engage in  
275 business activities within this state if the vendor enters into an agreement with one or more

276 residents of this state under which the resident, for a commission or other consideration,  
277 directly or indirectly refers potential customers, whether by a link on an internet website,  
278 an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative  
279 gross receipts from sales by the vendor to customers in the state who are referred to the  
280 vendor by all residents with this type of an agreement with the vendor is in excess of ten  
281 thousand dollars during the preceding twelve months;

282 (f) The presumption in paragraph (e) may be rebutted by submitting proof that the  
283 residents with whom the vendor has an agreement did not engage in any activity within the  
284 state that was significantly associated with the vendor's ability to establish or maintain the  
285 vendor's market in the state during the preceding twelve months. Such proof may consist  
286 of sworn written statements from all of the residents with whom the vendor has an  
287 agreement stating that they did not engage in any solicitation in the state on behalf of the  
288 vendor during the preceding year provided that such statements were provided and  
289 obtained in good faith;

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

294 (41) "Food sold through vending machines", food dispensed from a machine or  
295 other mechanical device that accepts payment;

296 (42) "Grooming and hygiene products", soaps and cleaning solutions, shampoo,  
297 toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of  
298 whether the items meet the definition of over-the-counter-drugs;

299 [(4)] (43) "Gross receipts"[.] or "sales price":

300 (a) Except as provided in section 144.012, [means the total amount of the sale price of  
301 the sales at retail including any services other than charges incident to the extension of credit that  
302 are a part of such sales made by the businesses herein referred to, capable of being valued in  
303 money, whether received in money or otherwise; except that, the term "gross receipts" shall not  
304 include the sale price of property returned by customers when the full sale price thereof is  
305 refunded either in cash or by credit. In determining any tax due under sections 144.010 to  
306 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically  
307 exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price  
308 above mentioned shall be deemed to be the amount received. It shall also include the lease or  
309 rental consideration where the right to continuous possession or use of any article of tangible  
310 personal property is granted under a lease or contract and such transfer of possession would be  
311 taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale

312 were made and considered as a sale of such article, and the tax shall be computed and paid by  
313 the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the**  
314 **total amount of consideration, including cash, credit, property, and services, for which**  
315 **personal property or services are sold, leased, or rented, valued in money, whether received**  
316 **in money or otherwise, without any deduction for the following:**

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

318       **b. The cost of materials used, labor or service cost, interest, losses, all costs of**  
319 **transportation to the seller, all taxes imposed on the seller, and any other expense of the**  
320 **seller;**

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

323       **d. Delivery charges; and**

324       **e. Credit for any trade-in;**

325       **(b) Shall not include:**

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

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

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

333       **(c) Shall include consideration received by the seller from third parties if:**

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

336       **b. The seller has an obligation to pass the price reduction or discount through to**  
337 **the purchaser;**

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

340       **d. One of the following criteria is met:**

341       **(i) The purchaser presents a coupon, certificate or other documentation to the seller**  
342 **to claim a price reduction or discount where the coupon, certificate or documentation is**  
343 **authorized, distributed, or granted by a third party with the understanding that the third**  
344 **party will reimburse any seller to whom the coupon, certificate or documentation is**  
345 **presented;**

346 (ii) The purchaser identifies himself or herself to the seller as a member of a group  
347 or organization entitled to a price reduction or discount (a preferred customer card that  
348 is available to any patron does not constitute membership in such a group); or

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

352 (44) "Home service provider", the same as such term is defined in Section 124(5)  
353 of Public Law 106-252, Mobile Telecommunications Sourcing Act;

354 (45) "Lease or rental":

355 (a) Any transfer of possession or control of tangible personal property for a fixed  
356 or indeterminate term for consideration. A lease or rental may include future options to  
357 purchase or extend;

358 (b) Lease or rental shall not include:

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

362 b. A transfer of possession or control of property under an agreement that requires  
363 the transfer of title upon completion of required payments and where any payment of an  
364 option price does not exceed the greater of one hundred dollars or one percent of the total  
365 required payments;

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

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

374 (46) "Light aircraft", a light airplane that seats no more than four persons, with  
375 a gross weight of three thousand pounds or less, which is primarily used for recreational  
376 flying or flight training;

377 (47) "Light aircraft kit", factory manufactured light aircraft parts and  
378 components, including engine, propeller, instruments, wheels, brakes, and air frame parts  
379 which make up a complete aircraft kit or partial kit designed to be assembled into a light  
380 aircraft and then operated by a qualified light aircraft purchaser for recreational and  
381 educational purposes;

382           **(48) "Light aircraft parts and components", manufactured light aircraft parts,**  
383 **including air frame and engine parts, that are required by the qualified light aircraft**  
384 **purchaser to complete a light aircraft kit, or spare or replacement parts for an already**  
385 **completed light aircraft;**

386           **[(5)] (49) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited**  
387 **to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk**  
388 **documented as obtained from a legal source and not from the wild, goats, horses, other equine,**  
389 **or rabbits raised in confinement for human consumption;**

390           **[(6)] (50) "Load and leave", delivery to the purchaser by use of a tangible storage**  
391 **media where the tangible storage media is not physically transferred to the purchaser;**

392           **(51) "Maintains a place of business in this state", includes maintaining, occupying,**  
393 **or using, permanently or temporarily, directly or indirectly, by whatever name called, an**  
394 **office, place of distribution, sales or sample room or place, warehouse or storage place, or**  
395 **other place of business in this state, whether owned or operated by the vendor or by any**  
396 **other person other than a common carrier acting in its capacity as such;**

397           **(52) "Mobile telecommunications service", the same as such term is defined in**  
398 **Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;**

399           **(53) "Mobility enhancing equipment", equipment, including repair and**  
400 **replacement parts to same, which:**

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

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

405           **(c) Is within the classification of devices eligible for Mo HealthNet and Medicare**  
406 **reimbursement.**

407 **Mobility enhancement equipment shall not include durable medical equipment or any**  
408 **motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle**  
409 **manufacturer;**

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

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

416           **(56) "Model 3 seller", a seller registered under the agreement that has sales in at**  
417 **least five member states, has total annual sales revenue of at least five hundred million**

418 **dollars, has a proprietary system that calculates the amount of tax due each jurisdiction,**  
419 **and has entered into a performance agreement with the member states that establishes a**  
420 **tax performance standard for the seller. As used in this subdivision, a seller shall include**  
421 **an affiliated group of sellers using the same proprietary system;**

422 **(57) "Model 4 seller", a seller that is registered under the agreement and is not a**  
423 **Model 1 Seller, a Model 2 Seller or a Model 3 Seller;**

424 **(58) "Motor vehicle leasing company" [shall be] , a company obtaining a permit from**  
425 **the director of revenue to operate as a motor vehicle leasing company. Not all persons renting**  
426 **or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to**  
427 **obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section**  
428 **144.070, as hereinafter provided;**

429 **[(7)] (59) "Other direct mail", any direct mail that is not advertising and**  
430 **promotional direct mail regardless of whether advertising and promotional direct mail is**  
431 **included in the same mailing. Other direct mail includes, but is not limited to:**

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

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

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

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

442 **(60) "Over-the-counter drug", a drug, excluding grooming and hygiene products,**  
443 **that contains a label that identifies the product as a drug as required by 21 CFR Section**  
444 **201.66 and includes:**

445 **(a) A drug facts panel; or**

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

448 **(61) "Person" includes any individual, firm, copartnership, joint adventure, association,**  
449 **corporation, municipal or private, and whether organized for profit or not, state, county, political**  
450 **subdivision, state department, commission, board, bureau or agency, [except the state**  
451 **transportation department,] estate, trust, business trust, receiver or trustee appointed by the state**  
452 **or federal court, syndicate, or any other group or combination acting as a unit, and the plural as**  
453 **well as the singular number, or any other legal entity;**

454            [(8)] (62) "Place of primary use", the street address representative of where the  
455 telecommunications customer's use of the telecommunications service primarily occurs,  
456 which shall be the residential street address or the primary business street address of the  
457 telecommunications customer. In the case of mobile telecommunications services, place of  
458 primary use shall be within the licensed service area of the home service provider;

459            (63) "Post-paid calling service", the telecommunications service obtained by  
460 making a payment on a call-by-call basis either through the use of a credit card or payment  
461 mechanism such as a bank card, travel card, credit card, or debit card, or by charge made  
462 to a telephone number which is not associated with the origination or termination of the  
463 telecommunications service. A post-paid calling service includes a telecommunications  
464 service, except a prepaid wireless calling service, that would be a prepaid calling service  
465 except it is not exclusively a telecommunications service;

466            (64) "Prepaid calling service", the right to access exclusively telecommunications  
467 services, which must be paid for in advance and which enables the origination of calls using  
468 an access number or authorization code, whether manually or electronically dialed, and  
469 that is sold in predetermined units or dollars of which the number declines with use in a  
470 known amount;

471            (65) "Prepaid wireless calling service", a telecommunications service that provides  
472 the right to utilize mobile wireless services as well as other nontelecommunications services,  
473 including the download of digital products delivered electronically, content and ancillary  
474 services, which must be paid for in advance and that is sold in predetermined units or  
475 dollars of which the number declines with use in a known amount;

476            (66) "Prepared food", food sold in a heated state or heated by the seller; two or  
477 more food ingredients mixed or combined by the seller for sale as a single item; or food  
478 sold with eating utensils provided by the seller, including plates, knives, forks, spoons,  
479 glasses, cups, napkins, or straws. A plate shall not include a container or packaging used  
480 to transport the food. Prepared food shall not include food that is only cut, repackaged,  
481 or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw  
482 animal foods requiring cooking by the consumer as recommended by the Food and Drug  
483 Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne  
484 illnesses;

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

488            (68) "Prewritten computer software", computer software, including prewritten  
489 upgrades, which is not designed and developed by the author or other creator to the

490 specifications of a specific purchaser. The combining of two or more prewritten computer  
491 software programs or prewritten portions thereof shall not cause the combination to be  
492 other than prewritten computer software. Prewritten computer software shall include  
493 software designed and developed by the author or other creator to the specifications of a  
494 specific purchaser when it is sold to a person other than the specific purchaser. Where a  
495 person modifies or enhances computer software of which the person is not the author or  
496 creator, the person shall be deemed to be the author or creator only of such person's  
497 modifications or enhancements. Prewritten computer software or a prewritten portion  
498 thereof that is modified or enhanced to any degree, where such modification or  
499 enhancement is designed and developed to the specifications of a specific purchaser,  
500 remains prewritten computer software; provided, however, that where there is a  
501 reasonable, separately stated charge or an invoice or other statement of the price given to  
502 the purchaser for such modification or enhancement, such modification or enhancement  
503 shall not constitute prewritten computer software;

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

510 (70) "Product-based exemption", an exemption based on the description of the  
511 product and not based on who purchases the product or how the purchaser intends to use  
512 the product;

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

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

522 (73) "Protective equipment", items for human wear and designed as protection of  
523 the wearer against injury or disease or as protections against damage or injury of other  
524 persons or property but not suitable for general use. Protective equipment are mutually



525 **exclusive of clothing, clothing accessories or equipment, and sport or recreational**  
526 **equipment;**

527 **(74) "Purchase", the acquisition of the ownership of, or title to, tangible personal**  
528 **property, through a sale, as defined herein, for the purpose of storage, use or consumption**  
529 **in this state;**

530 **(75) "Purchase price", applies to the measure subject to use tax and has the same**  
531 **meaning as sales price;**

532 **(76) "Purchaser" [means] , a person [who purchases tangible] to whom a sale of**  
533 **personal property is made or to whom [are rendered services, receipts from which are taxable**  
534 **under sections 144.010 to 144.525] a service is furnished;**

535 **[(9)] (77) "Qualified light aircraft purchaser", a purchaser of a light aircraft, light**  
536 **aircraft kit, light aircraft parts or components who is a nonresident of this state, who will**  
537 **transport the light aircraft, light aircraft kit, light aircraft parts or components outside this**  
538 **state within ten days after the date of purchase, and who will register any light aircraft so**  
539 **purchased in another state or country. Such purchaser shall not base such aircraft in this**  
540 **state and such purchaser shall not be a resident of the state unless such purchaser has paid**  
541 **sales or use tax on such aircraft in another state;**

542 **(78) "Receive" or "receipt", taking possession of tangible personal property;**  
543 **making first use of services; or taking possession or making first use of digital goods,**  
544 **whichever comes first. Receive and receipt shall not include possession by a shipping**  
545 **company on behalf of the purchaser;**

546 **(79) "Registered under the agreement", registration by a seller with the member**  
547 **states under the central registration system provided in Article IV of the agreement;**

548 **(80) "Research or experimentation activities" are the development of an experimental**  
549 **or pilot model, plant process, formula, invention or similar property, and the improvement of**  
550 **existing property of such type. Research or experimentation activities do not include activities**  
551 **such as ordinary testing or inspection of materials or products for quality control, efficiency**  
552 **surveys, advertising promotions or research in connection with literary, historical or similar**  
553 **projects;**

554 **[(10) "Sale" or "sales" includes installment and credit sales, and the exchange of**  
555 **properties as well as the sale thereof for money, every closed transaction constituting a sale, and**  
556 **means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means**  
557 **whatsoever, of tangible personal property for valuable consideration and the rendering,**  
558 **furnishing or selling for a valuable consideration any of the substances, things and services**  
559 **herein designated and defined as taxable under the terms of sections 144.010 to 144.525;**

560 (11) (81) "Sale at retail" [means any transfer made by any person engaged in business  
561 as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for  
562 use or consumption and not for resale in any form as tangible personal property, for a valuable  
563 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed  
564 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,  
565 optometrists and veterinarians and used in the practice of their professions shall be deemed to  
566 be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,  
567 computer output or microfilm or microfiche and computer-assisted photo compositions to a  
568 purchaser to enable the purchaser to obtain for his or her own use the desired information  
569 contained in such computer printouts, computer output on microfilm or microfiche and  
570 computer-assisted photo compositions shall be considered as the sale of a service and not as the  
571 sale of tangible personal property] or "**retail sale**", **any sale, lease, or rental for any purpose**  
572 **other than for resale, sublease, or subrent. Purchases of tangible personal property made**  
573 **by duly licensed physicians, dentists, optometrists, and veterinarians and used in the**  
574 **practice of their professions shall be deemed to be purchases for use or consumption and**  
575 **not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and  
576 the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

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

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

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

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

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

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

593 (82) "**School art supply**":

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

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

598 a. Clay and glazes;

599 b. Paints, acrylic, tempera, and oil;

600 c. Paintbrushes for artwork;

601 d. Sketch and drawing pads; and

602 e. Watercolors;

603 (83) "School computer supply":

604 (a) An item commonly used by a student in a course of study in which a computer  
605 is used. The term is mutually exclusive of the terms school supply, school art supply, and  
606 school instructional material.

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

608 a. Computer storage media, diskettes, compact disks;

609 b. Handheld electronic schedulers, except devices that are cellular phones;

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

611 d. Computer printers and printer supplies for computers, printer paper, and  
612 printer ink;

613 (84) "School instructional material":

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

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

618 a. Reference books;

619 b. Reference maps and globes;

620 c. Textbooks; and

621 d. Workbooks;

622 (85) "School supply":

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

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

627 a. Binders;

628 b. Book bags;

629 c. Calculators;

- 630           **d. Cellophane tape;**  
631           **e. Blackboard chalk;**  
632           **f. Compasses;**  
633           **g. Composition books;**  
634           **h. Crayons;**  
635           **i. Erasers;**  
636           **j. Folders, expandable, pocket, plastic, and manila;**  
637           **k. Glue, paste, and paste sticks;**  
638           **l. Highlighters;**  
639           **m. Index cards;**  
640           **n. Index card boxes;**  
641           **o. Legal pads;**  
642           **p. Lunch boxes;**  
643           **q. Markers;**  
644           **r. Notebooks;**  
645           **s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila**  
646 **paper, colored paper, poster board, and construction paper;**  
647           **t. Pencil boxes and other school supply boxes;**  
648           **u. Pencil sharpeners;**  
649           **v. Pencils;**  
650           **w. Pens;**  
651           **x. Protractors;**  
652           **y. Rulers;**  
653           **z. Scissors; and**  
654           **aa. Writing tablets;**  
655           **[(12)] (86) "Seller" means a person [selling or furnishing tangible] making sales, leases,**  
656 **or rentals of personal property or [rendering services, on the receipts from which a tax is**  
657 **imposed pursuant to section 144.020] service;**  
658           **(87) "Selling agent", every person acting as a representative of a principal, when**  
659 **such principal is not registered with the director of revenue of the state of Missouri for the**  
660 **collection of the taxes imposed under this chapter and who receives compensation by**  
661 **reason of the sale of tangible personal property of the principal, if such property is to be**  
662 **stored, used, or consumed in this state;**  
663           **(88) "Service address":**

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

667           **(b) If the location in paragraph (a) of this subdivision is not known, "service**  
668 **address" means the origination point of the signal of the telecommunications services first**  
669 **identified by either the seller's telecommunications system or in information received by**  
670 **the seller from its service provider, where the system used to transport such signals is not**  
671 **that of the seller;**

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

674           **(89) "Specified digital products", electronically transferred digital audio-visual**  
675 **works, digital audio works, and digital books;**

676           **(90) "Sport or recreational equipment", items designed for human use and worn**  
677 **in conjunction with an athletic or recreational activity that are not suitable for general use.**  
678 **Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or**  
679 **equipment, and protective equipment;**

680           **(91) "State", any state of the United States, the District of Columbia, and the**  
681 **Commonwealth of Puerto Rico;**

682           **(92) "Storage", any keeping or retention in this state of tangible personal property**  
683 **purchased from a vendor, except property for sale or property that is temporarily kept or**  
684 **retained in this state for subsequent use outside the state;**

685           **(93) "Tangible personal property", personal property that can be seen, weighed,**  
686 **measured, felt, or touched, or that is in any other manner perceptible to the senses.**  
687 **Tangible personal property shall include electricity, water, gas, steam, and prewritten**  
688 **computer software. Tangible personal property shall not include specified digital**  
689 **products, digital audio-visual works, digital audio works, or digital books;**

690           **[(13) The noun] (94) "Tax" [means] , either the tax payable by the purchaser of a**  
691 **commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of**  
692 **such commodities or services during the period for which he or she is required to report his or**  
693 **her collections, as the context may require;**

694           **(95) "Taxpayer", any person remitting the tax or who should remit the tax levied**  
695 **by this chapter;**

696           **(96) "Telecommunications customer", the person or entity that contracts with the**  
697 **seller of telecommunications services. If the end user of telecommunications services is not**  
698 **the contracting party, the end user of the telecommunications service is the**  
699 **telecommunications customer of the telecommunication service, but this definition only**

700 **applies to the purpose of sourcing sales of telecommunications services under section**  
701 **144.043. Telecommunications customer shall not include a reseller of telecommunications**  
702 **service or for mobile telecommunications service of a serving carrier under an agreement**  
703 **to serve the telecommunications customer outside the home service provider's licensed**  
704 **service area;**

705 **(97) "Telecommunications nonrecurring charges", an amount billed for the**  
706 **installation, connection, change or initiation of telecommunications service received by the**  
707 **customer;**

708 [(14)] **(98) "Telecommunications service"**[, for the purpose of this chapter, the  
709 transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or  
710 other similar means. As used in this definition, "information" means knowledge or intelligence  
711 represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.  
712 Telecommunications service does not include the following if such services are separately stated  
713 on the customer's bill or on records of the seller maintained in the ordinary course of business:

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

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

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

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

721 (15) "Product which is intended to be sold ultimately for final use or consumption"  
722 means tangible personal property, or any service that is subject to state or local sales or use taxes,  
723 or any tax that is substantially equivalent thereto, in this state or any other state.] :

724 **(a) The electronic transmission, conveyance, or routing of voice, data, audio, video,**  
725 **or any other information or signals to a point, or between or among points;**

726 **(b) Telecommunications service shall include such transmission, conveyance, or**  
727 **routing in which computer processing applications are used to act on the form, code, or**  
728 **protocol of the content for purposes of transmission, conveyance, or routing without regard**  
729 **to whether such service is referred to as voice over internet protocol services or is classified**  
730 **by the Federal Communications Commission as enhanced or value added;**

731 **(c) Telecommunications service shall include air-to-ground radiotelephone service,**  
732 **mobile telecommunications service, post-paid calling service, prepaid calling service,**  
733 **prepaid wireless calling service, and private communication service;**

734 **(d) Telecommunications service shall not include:**

- 735           **a. Data processing and information services that allow data to be generated,**  
736 **acquired, stored, processed, or retrieved and delivered by an electronic transmission to a**  
737 **purchaser where such purchaser's primary purpose for the underlying transaction is the**  
738 **processed data or information;**
- 739           **b. Installation or maintenance of wiring or equipment on a customer's premises;**
- 740           **c. Tangible personal property;**
- 741           **d. Advertising, including but not limited to directory advertising;**
- 742           **e. Billing and collection services provided to third parties;**
- 743           **f. Internet access service;**
- 744           **g. Radio and television audio and video programming services, regardless of the**  
745 **medium, including the furnishing of transmission, conveyance, and routing of such services**  
746 **by the programming service provider. Radio and television audio and video programming**  
747 **services shall include but not be limited to cable service, as defined in 47 U.S.C. Section**  
748 **522(6), as amended, and audio and video programming services delivered by commercial**  
749 **mobile radio service providers, as defined in 47 CFR 20.3;**
- 750           **h. Ancillary services; or**
- 751           **i. Digital products delivered electronically, including, but not limited to, software,**  
752 **music, video, reading materials, or ring tones;**
- 753           **(99) "Transportation equipment", any of the following:**
- 754           **(a) Locomotives and railcars that are utilized for the carriage of persons or**  
755 **property in interstate commerce;**
- 756           **(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten**  
757 **thousand one pounds or greater, trailers, semi-trailers, or passenger buses that are:**
- 758           **a. Registered through the International Registration Plan; and**
- 759           **b. Operated under authority of a carrier authorized and certificated by the United**  
760 **States Department of Transportation or another federal authority to engage in the carriage**  
761 **of persons or property in interstate commerce;**
- 762           **(c) Aircraft that are operated by air carriers authorized and certificated by the**  
763 **United States Department of Transportation or another federal or a foreign authority to**  
764 **engage in the carriage of persons or property in interstate or foreign commerce;**
- 765           **(d) Containers designed for use on and component parts attached or secured on the**  
766 **items set forth in paragraphs (a) to (c) of this subdivision;**
- 767           **(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that**  
768 **contains tobacco;**
- 769           **(101) "Use", the exercise of any right or power over tangible personal property**  
770 **incident to the ownership or control of that property, except that it does not include the**

771 temporary storage of property in this state for subsequent use outside the state, or the sale  
772 of the property in the regular course of business;

773 (102) "Use-based exemption", an exemption based on a specified use of the product  
774 by the purchaser;

775 (103) "Vendor", every person engaged in making sales of tangible personal  
776 property by mail order, by advertising, by agent or peddling tangible personal property,  
777 soliciting or taking orders for sales of tangible personal property, for storage, use or  
778 consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees,  
779 peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors,  
780 principals or employers under whom they operate or from whom they obtain the tangible  
781 personal property sold by them, and every person who maintains a place of business in this  
782 state, maintains a stock of goods in this state, or engages in business activities within this  
783 state and every person who engages in this state in the business of acting as a selling agent  
784 for persons not otherwise vendors as defined in this subdivision. Irrespective of whether  
785 they are making sales on their own behalf or on behalf of the dealers, distributors,  
786 consignors, supervisors, principals or employers, they shall be regarded as vendors and the  
787 dealers, distributors, consignors, supervisors, principals or employers shall be regarded  
788 as vendors for the purposes of sections 144.600 to 144.745.

789 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other  
790 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections  
791 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning  
792 given it in section 700.010.

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

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October  
2 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections  
3 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one  
4 percent. The revenue derived from the one percent rate pursuant to this section shall be  
5 deposited by the state treasurer in the school district trust fund and shall be distributed as  
6 provided in section 144.701.

7 2. [For the purposes of this section, the term "food" shall include only those products and  
8 types of food for which food stamps may be redeemed pursuant to the provisions of the Federal  
9 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it  
10 may be amended hereafter, and shall include food dispensed by or through vending machines.  
11 For the purpose of this section,] Except for **food sold through** vending [machine sales, the term  
12 "food"] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold  
13 by any establishment where the gross receipts derived from the sale of food prepared by such



14 establishment for immediate consumption on or off the premises of the establishment constitutes  
15 more than eighty percent of the total gross receipts of that establishment, regardless of whether  
16 such prepared food is consumed on the premises of that establishment, including, but not limited  
17 to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

**144.022. 1. In the case of a bundled transaction that includes any of the following:  
2 telecommunication service, ancillary service, internet access, or audio or video  
3 programming service:**

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

9 **(2) If the price is attributable to products that are subject to tax at different tax**  
10 **rates, the total price shall be treated as attributable to the products subject to tax at the**  
11 **highest tax rate unless the provider can identify by reasonable and verifiable standards the**  
12 **portion of the price attributable to the products subject to tax at the lower rate from its**  
13 **books and records that are kept in the regular course of business for other purposes,**  
14 **including, but not limited to, nontax purposes;**

15 **2. In the case of a transaction that includes an optional computer software**  
16 **maintenance contract for prewritten computer software, the following provisions apply:**

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

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

23 **(3) If an optional computer software maintenance contract is a bundled transaction**  
24 **including both taxable and nontaxable or exempt products that are not separately itemized**  
25 **on the invoice or similar billing document, the purchase price under the contract shall be**  
26 **taxable.**

27

28 **The provisions of this section shall apply unless otherwise provided by federal law.**

144.030. 1. There is hereby specifically exempted from the provisions of sections  
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to  
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and  
4 any other state of the United States, or between this state and any foreign country, and any retail

5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws  
6 of the United States of America, and such retail sales of tangible personal property which the  
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the  
8 constitution of this state.

9         2. There are also specifically exempted from the provisions of the local sales tax law as  
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to  
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local  
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and  
13 144.600 to 144.745:

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

26         (2) Materials, manufactured goods, machinery and parts which when used in  
27 manufacturing, processing, compounding, mining, producing or fabricating become a component  
28 part or ingredient of the new personal property resulting from such manufacturing, processing,  
29 compounding, mining, producing or fabricating and which new personal property is intended to  
30 be sold ultimately for final use or consumption; and materials, including without limitation,  
31 gases and manufactured goods, including without limitation slagging materials and firebrick,  
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting  
33 with or by becoming, in whole or in part, component parts or ingredients of steel products  
34 intended to be sold ultimately for final use or consumption;

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

38         (4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers  
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul  
40 property on the public highways of the state, and that are capable of hauling loads commensurate

41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment  
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such  
43 vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the  
44 meaning as ascribed in section 390.020;

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely  
46 required for the installation or construction of such replacement machinery, equipment, and  
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is  
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and  
49 the materials and supplies required solely for the operation, installation or construction of such  
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,  
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material  
52 recovery processing plant" means a facility that has as its primary purpose the recovery of  
53 materials into a useable product or a different form which is used in producing a new product and  
54 shall include a facility or equipment which are used exclusively for the collection of recovered  
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles  
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have  
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials  
58 within a manufacturing process or the use of a product previously recovered. The material  
59 recovery processing plant shall qualify under the provisions of this section regardless of  
60 ownership of the material being recovered;

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

66 (7) Tangible personal property which is used exclusively in the manufacturing,  
67 processing, modification or assembling of products sold to the United States government or to  
68 any agency of the United States government;

69 (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and  
71 other machinery, equipment, replacement parts and supplies used in producing newspapers  
72 published for dissemination of news to the general public;

73 (10) The rentals of films, records or any type of sound or picture transcriptions for public  
74 commercial display;

75 (11) Pumping machinery and equipment used to propel products delivered by pipelines  
76 engaged as common carriers;

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

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

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

95 (15) Machinery, equipment, appliances and devices purchased or leased and used solely  
96 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies  
97 solely required for the installation, construction or reconstruction of such machinery, equipment,  
98 appliances and devices;

99 (16) Machinery, equipment, appliances and devices purchased or leased and used solely  
100 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies  
101 solely required for the installation, construction or reconstruction of such machinery, equipment,  
102 appliances and devices;

103 (17) Tangible personal property purchased by a rural water district;

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

110 (19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1,  
111 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of  
112 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically

113 including hearing aids and hearing aid supplies and all sales of drugs which may be legally  
114 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to  
115 administer those items, including samples and materials used to manufacture samples which may  
116 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of  
117 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and  
118 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille  
119 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with  
120 one or more physical or mental disabilities to enable them to function more independently, all  
121 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic  
122 alternative and augmentative communication devices, and items used solely to modify motor  
123 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of]  
124 over-the-counter [or nonprescription] drugs to individuals with disabilities **all sales of kidney**  
125 **dialysis equipment and enteral feeding systems, all sales of durable medical equipment,**  
126 **prosthetic devices, and mobility enhancing equipment,** and [drugs required by the Food and  
127 Drug Administration to meet the] **all sales of** over-the-counter [drug product labeling  
128 requirements in 21 CFR 201.66, or its successor,] **drugs** as prescribed by a health care  
129 practitioner licensed to prescribe;

130 (20) All sales made by or to religious and charitable organizations and institutions in  
131 their religious, charitable or educational functions and activities and all sales made by or to all  
132 elementary and secondary schools operated at public expense in their educational functions and  
133 activities;

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

143 (22) All ticket sales made by benevolent, scientific and educational associations which  
144 are formed to foster, encourage, and promote progress and improvement in the science of  
145 agriculture and in the raising and breeding of animals, and by nonprofit summer theater  
146 organizations if such organizations are exempt from federal tax pursuant to the provisions of the  
147 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any

148 fair conducted by a county agricultural and mechanical society organized and operated pursuant  
149 to sections 262.290 to 262.530;

150 (23) All sales made to any private not-for-profit elementary or secondary school, all sales  
151 of feed additives, medications or vaccines administered to livestock or poultry in the production  
152 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for  
153 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,  
154 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying  
155 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as  
156 defined in section 142.028, natural gas, propane, and electricity used by an eligible new  
157 generation cooperative or an eligible new generation processing entity as defined in section  
158 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and  
159 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed  
160 additives" means tangible personal property which, when mixed with feed for livestock or  
161 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term  
162 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted  
163 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark  
164 the application of pesticides and herbicides for the production of crops, livestock or poultry. As  
165 used in this subdivision, the term "farm machinery and equipment" means new or used farm  
166 tractors and such other new or used farm machinery and equipment and repair or replacement  
167 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary  
168 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,  
169 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
170 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and  
171 one-half of each purchaser's purchase of diesel fuel therefor which is:

172 (a) Used exclusively for agricultural purposes;  
173 (b) Used on land owned or leased for the purpose of producing farm products; and  
174 (c) Used directly in producing farm products to be sold ultimately in processed form or  
175 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
176 ultimately in processed form at retail;

177 (24) Except as otherwise provided in section 144.032, all sales of metered water service,  
178 electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil]  
179 **piped natural or artificial gas, or other fuels delivered by the seller** for domestic use [and  
180 in any city not within a county, all sales of metered or unmetered water service for domestic use]:

181 (a) "Domestic use" means that portion of metered water service, electricity, [electrical  
182 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not  
183 within a county, metered or unmetered water service,] **piped natural or artificial gas, or other**

184 **fuels delivered by the seller** which an individual occupant of a residential premises uses for  
185 nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or  
186 master meter for residential apartments or condominiums, including service for common areas  
187 and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish  
188 and maintain a system whereby individual purchases are determined as exempt or nonexempt;

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

199 (c) Each person making domestic use purchases of [services or property] **electricity,**  
200 **piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion  
201 of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the  
202 fourth month following the year of purchase, and without assessment, notice or demand, file a  
203 return and pay sales tax on that portion of nondomestic purchases. Each person making  
204 nondomestic purchases of [services or property] **electricity, piped natural or artificial gas, or**  
205 **other fuels delivered by the seller** and who uses any portion of the [services or property]  
206 **electricity, piped natural or artificial gas, or other fuels delivered by the seller** so purchased  
207 for domestic use, and each person making domestic purchases on behalf of occupants of  
208 residential apartments or condominiums through a single or master meter, including service for  
209 common areas and facilities and vacant units, under a nonresidential utility service rate  
210 classification may, between the first day of the first month and the fifteenth day of the fourth  
211 month following the year of purchase, apply for credit or refund to the director of revenue and  
212 the director shall give credit or make refund for taxes paid on the domestic use portion of the  
213 purchase. The person making such purchases on behalf of occupants of residential apartments  
214 or condominiums shall have standing to apply to the director of revenue for such credit or refund;

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

218 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071,  
219 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director

220 of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales  
221 taxes on such excise taxes;

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

227 (28) All sales made to an interstate compact agency created pursuant to sections 70.370  
228 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such  
229 agency as provided pursuant to the compact;

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

234 (30) All livestock sales when either the seller is engaged in the growing, producing or  
235 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering  
236 or leasing of such livestock;

237 (31) All sales of barges which are to be used primarily in the transportation of property  
238 or cargo on interstate waterways;

239 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other  
240 utilities which are ultimately consumed in connection with the manufacturing of cellular glass  
241 products or in any material recovery processing plant as defined in subdivision (5) of this  
242 subsection;

243 (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or  
244 herbicides used in the production of crops, aquaculture, livestock or poultry;

245 (34) Tangible personal property and utilities purchased for use or consumption directly  
246 or exclusively in the research and development of agricultural/biotechnology and plant genomics  
247 products and prescription pharmaceuticals consumed by humans or animals;

248 (35) All sales of grain bins for storage of grain for resale;

249 (36) All sales of feed which are developed for and used in the feeding of pets owned by  
250 a commercial breeder when such sales are made to a commercial breeder, as defined in section  
251 273.325, and licensed pursuant to sections 273.325 to 273.357;

252 (37) All purchases by a contractor on behalf of an entity located in another state,  
253 provided that the entity is authorized to issue a certificate of exemption for purchases to a  
254 contractor under the provisions of that state's laws. For purposes of this subdivision, the term  
255 "certificate of exemption" shall mean any document evidencing that the entity is exempt from



256 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
257 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's  
258 exemption certificate as evidence of the exemption. If the exemption certificate issued by the  
259 exempt entity to the contractor is later determined by the director of revenue to be invalid for any  
260 reason and the contractor has accepted the certificate in good faith, neither the contractor or the  
261 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result  
262 of use of the invalid exemption certificate. Materials shall be exempt from all state and local  
263 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible  
264 personal property which is used in fulfilling a contract for the purpose of constructing, repairing  
265 or remodeling facilities for the following:

266 (a) An exempt entity located in this state, if the entity is one of those entities able to issue  
267 project exemption certificates in accordance with the provisions of section 144.062; or

268 (b) An exempt entity located outside the state if the exempt entity is authorized to issue  
269 an exemption certificate to contractors in accordance with the provisions of that state's law and  
270 the applicable provisions of this section;

271 (38) All sales or other transfers of tangible personal property to a lessor who leases the  
272 property under a lease of one year or longer executed or in effect at the time of the sale or other  
273 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections  
274 238.010 to 238.100;

275 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility  
276 owned or operated by a governmental authority or commission, a quasi-governmental agency,  
277 a state university or college or by the state or any political subdivision thereof, including a  
278 municipality, and that is played on a neutral site and may reasonably be played at a site located  
279 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that  
280 is not located on the campus of a conference member institution participating in the event;

281 (40) All purchases by a sports complex authority created under section 64.920, and all  
282 sales of utilities by such authority at the authority's cost that are consumed in connection with  
283 the operation of a sports complex leased to a professional sports team;

284 (41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement  
285 parts, and equipment purchased for use directly upon, and for the modification, replacement,  
286 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

287 (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or  
288 similar places of business for use in the normal course of business and money received by a  
289 shooting range or similar places of business from patrons and held by a shooting range or similar  
290 place of business for redistribution to patrons at the conclusion of a shooting event;

291           **(43) All sales of new light aircraft, light aircraft kits, or light aircraft parts or**  
292 **components manufactured or substantially completed within this state, when such new**  
293 **light aircraft, light aircraft kits, or light aircraft parts or components are sold by the**  
294 **manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner**  
295 **in which to determine whether a purchaser of a light aircraft, light aircraft kit, or light**  
296 **aircraft parts or components is a qualified purchaser and is eligible for the exemption**  
297 **established in this section;**

298           **(44) All sales of computer printouts, computer output on microfilm or microfiche,**  
299 **and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain**  
300 **for his or her own use the desired information contained in such computer printouts,**  
301 **computer output on microfilm or microfiche, and computer-assisted photo compositions.**

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city  
2 imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing  
3 a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax  
4 under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax  
5 under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of  
6 [metered water services,] electricity, [electrical current and natural, artificial or propane gas,  
7 wood, coal, or home heating oil] **pip ed natural or artificial gas, or other fuels delivered by**  
8 **the seller** for domestic use only. Such tax shall be administered by the department of revenue  
9 and assessed by the retailer in the same manner as any other city, county, or hospital district sales  
10 tax. Domestic use shall be determined in the same manner as the determination of domestic use  
11 for exemption of such sales from the state sales tax under the provisions of section 144.030.

**144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible**  
2 **personal property or digital goods shall be sourced to the location where the order is**  
3 **received by the seller.**

4           **(2) This subsection shall apply only if:**

5           **(a) The location where receipt of the product by the purchaser occurs is inside this**  
6 **state as determined in accordance with subsection 2 of this section; and**

7           **(b) At the time the order is received, the recordkeeping system of the seller used to**  
8 **calculate the proper amount of sales or use tax to be imposed captures the location where**  
9 **the order is received.**

10           **(3) When the sale is sourced under this section to the location where the order is**  
11 **received by the seller, only the sales tax for the location where the order is received by the**  
12 **seller may be levied. No additional sales or use tax based on the location where the product**  
13 **is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled**

14 to any refund if the combined state and local rate or rates at the location where the product  
15 is received by the purchaser is lower than the rate where the order is received by the seller.

16 (4) A purchaser shall have no additional liability to the state for tax, penalty or  
17 interest on a sale for which the purchaser remits tax to the seller in the amount invoiced  
18 by the seller if such invoice amount is calculated at either the rate applicable to the location  
19 where receipt by the purchaser occurs or at the rate applicable to the location where the  
20 order is received by the seller. A purchaser may rely on a written representation by the  
21 seller as to the location where the order for such sale was received by the seller. When the  
22 purchaser does not have a written representation by the seller as to the location where the  
23 order for such sale was received by the seller, the purchaser may use a location indicated  
24 by a business address for the seller that is available from the business records of the  
25 purchaser that are maintained in the ordinary course of the purchaser's business to  
26 determine the rate applicable to the location where the order was received.

27 (5) The location where the order is received by or on behalf of the seller means the  
28 physical location of a seller or third party such as an established outlet, office location or  
29 automated order receipt system operated by or on behalf of the seller where an order is  
30 initially received by or on behalf of the seller and not where the order may be subsequently  
31 accepted, completed or fulfilled. An order is received when all of the information from the  
32 purchaser necessary to the determination of whether the order can be accepted has been  
33 received by or on behalf of the seller. The location from which a product is shipped shall  
34 not be used in determining the location where the order is received by the seller.

35 (6) When taxable services are sold with tangible personal property or digital  
36 products pursuant to a single contract or in the same transaction, are billed on the same  
37 billing statement or statements, and, because of the application of this section, would be  
38 sourced to different jurisdictions, this subsection shall apply to determine the source for  
39 tax.

40 2. Except as provided in section 144.041, when the location where the order is  
41 received by the seller and the location where the receipt of the product by the purchaser  
42 (or the purchaser's donee, designated as such by the purchaser) occurs are in different  
43 states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

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

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

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

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

58           **(5) When the previous rules of subdivisions (1), (2), (3), and (4) of this subsection**  
59 **do not apply, including the circumstances in which the seller is without sufficient**  
60 **information to apply the previous rules, then the location will be determined by the address**  
61 **from which tangible personal property was shipped, from which the digital good or**  
62 **computer software delivered electronically was first available for transmission from the**  
63 **seller, or from which the service was provided (disregarding for these purposes any**  
64 **location that merely provided the digital transfer of the product sold).**

65           **3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles,**  
66 **trailers, semi-trailers, watercraft and aircraft that do not qualify as transportation**  
67 **equipment shall be sourced to the address of the owner thereof.**

68           **4. The lease or rental of tangible personal property, other than property identified**  
69 **in subsection 2 or 3 of this section, or transactions regulated pursuant to sections 407.660**  
70 **to 407.665 shall be sourced as follows:**

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

80           **(2) For a lease or rental that does not require recurring periodic payments, the**  
81 **payment is sourced the same as a retail sale in accordance with the provisions of subsection**  
82 **1 of this section;**

83           **(3) This subsection does not affect the imposition or computation of sales or use tax**  
84 **on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of**  
85 **property for lease.**

86           **5. The lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do**  
87 **not qualify as transportation equipment, as defined in section 144.010, shall be sourced as**  
88 **follows:**

89           **(1) For a lease or rental that requires recurring periodic payments, each periodic**  
90 **payment is sourced to the primary property location. The primary property location shall**  
91 **be as indicated by an address for the property provided by the lessee that is available to**  
92 **the lessor from its records maintained in the ordinary course of business, when use of such**  
93 **address does not constitute bad faith. Such location shall not be altered by intermittent use**  
94 **at different locations;**

95           **(2) For a lease or rental that does not require recurring periodic payments, the**  
96 **payment is sourced the same as a retail sale in accordance with the provisions of subsection**  
97 **1 of this section;**

98           **(3) This subsection does not affect the imposition or computation of sales or use tax**  
99 **on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of**  
100 **property for lease.**

101           **6. The retail sale, including lease or rental, of transportation equipment shall be**  
102 **sourced the same as a retail sale in accordance with the provisions of subsection 1 of this**  
103 **section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.**

**144.041. 1. The retail sale of a product shall be sourced in accordance with section**  
2 **144.040. The provisions of section 144.040 shall apply regardless of the characterization**  
3 **of a product as tangible personal property, a digital good, or a service. The provisions of**  
4 **section 144.040 shall apply only to determine a seller's obligation to pay or collect and**  
5 **remit sales or use tax with respect to the seller's retail sale of a product. The provisions of**  
6 **this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the**  
7 **use of the product to the taxing jurisdictions of that use.**

8           **2. Section 144.040 shall not apply to sales or use taxes levied on the following:**

9           **(1) Retail sales or transfers of watercraft, modular homes, manufactured homes,**  
10 **or mobile homes; and**

11           **(2) Telecommunications services and ancillary services.**

**144.042. 1. (1) A purchaser of advertising and promotional direct mail may**  
2 **provide the seller with either:**

3           **(a) A direct pay permit;**

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

6           **(c) Information showing the jurisdictions to which the advertising and promotional**  
7 **direct mail is to be delivered to recipients.**

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

15           **(3) If the purchaser provides the seller information showing the jurisdictions to**  
16 **which the advertising and promotional direct mail is to be delivered to recipients, the seller**  
17 **shall source the sale to the jurisdictions to which the advertising and promotional direct**  
18 **mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad**  
19 **faith, the seller is relieved of any further obligation to collect any additional tax on the sale**  
20 **of advertising and promotional direct mail if the seller has sourced the sale according to**  
21 **the delivery information provided by the purchaser.**

22           **(4) If the purchaser does not provide the seller with any of the items listed in**  
23 **paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be**  
24 **sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which**  
25 **the advertising and promotional direct mail is delivered may disallow credit for tax paid**  
26 **on sales sourced under this subdivision.**

27           **(5) Notwithstanding section 144.040, this subsection shall apply to sales of**  
28 **advertising and promotional direct mail.**

29           **2. (1) Except as otherwise provided in this subsection, sales of other direct mail are**  
30 **sourced in accordance with subdivision (3) of subsection 2 of section 144.040.**

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

32           **(a) A direct pay permit; or**

33           **(b) An agreement certificate of exemption claiming direct mail (or other written**  
34 **statement approved, authorized or accepted by the state).**

35           **(3) If the purchaser provides the permit, certificate or statement referred to in**  
36 **paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad**  
37 **faith, is relieved of all obligations to collect, pay or remit any tax on any transaction**  
38 **involving other direct mail to which the permit, certificate or statement applies.**  
39 **Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the**  
40 **jurisdictions to which the other direct mail is to be delivered to the recipients and the**  
41 **purchaser shall report and pay applicable tax due.**

42           **(4) Notwithstanding section 144.040, this subsection shall apply to sales of other**  
43 **direct mail.**

44           **3. (1) (a) This section applies to a transaction characterized under state law as the**  
45 **sale of services only if the service is an integral part of the production and distribution of**  
46 **printed material that meets the definition of direct mail.**

47           **(b) This section does not apply to any transaction that includes the development of**  
48 **billing information or the provision of any data processing service that is more than**  
49 **incidental regardless of whether advertising and promotional direct mail is included in the**  
50 **same mailing.**

51           **(2) If a transaction is a bundled transaction that includes advertising and**  
52 **promotion direct mail, this section applies only if the primary purpose of the transaction**  
53 **is the sale of products or services that meet the definition of advertising and promotional**  
54 **direct mail.**

55           **(3) Nothing in this section shall limit any purchaser's:**

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

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

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

60           **(4) This section applies for purposes of uniformly sourcing direct mail transactions**  
61 **and does not impose requirements on states regarding the taxation of products that meet**  
62 **the definition of direct mail or to the application of sales for resale or other exemptions.**

144.043. 1. [As used in this section, the following terms mean:

2           (1) "Light aircraft", a light airplane that seats no more than four persons, with a gross  
3 weight of three thousand pounds or less, which is primarily used for recreational flying or flight  
4 training;

5           (2) "Light aircraft kit", factory manufactured parts and components, including engine,  
6 propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit  
7 or partial kit designed to be assembled into a light aircraft and then operated by a qualified  
8 purchaser for recreational and educational purposes;

9           (3) "Parts and components", manufactured light aircraft parts, including air frame and  
10 engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare  
11 or replacement parts for an already completed light aircraft;

12           (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or  
13 components who is nonresident of this state, who will transport the light aircraft, light aircraft  
14 kit, parts or components outside this state within ten days after the date of purchase, and who will  
15 register any light aircraft so purchased in another state or country. Such purchaser shall not base  
16 such aircraft in this state and such purchaser shall not be a resident of the state unless such  
17 purchaser has paid sales or use tax on such aircraft in another state.

18           2. In addition to the exemptions granted under the provisions of section 144.030, there  
19 shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections  
20 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as  
21 defined in section 32.085, and from the computation of the tax levied, assessed or payable under  
22 sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local  
23 sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts  
24 or components manufactured or substantially completed within this state, when such new light  
25 aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified  
26 purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft,  
27 light aircraft kit, parts or components to establish that such person is a qualified purchaser and  
28 is eligible for the exemption established in this section.] **Except for the defined**  
29 **telecommunication services in subsection 3 of this section, the sale of telecommunication**  
30 **service sold on a call-by-call basis shall be sourced to:**

31           (1) **Each level of taxing jurisdiction where the call originates and terminates in that**  
32 **jurisdiction; or**

33           (2) **Each level of taxing jurisdiction where the call either originates or terminates**  
34 **and in which the service address is also located.**

35           **2. Except for the defined telecommunication services in subsection 3 of this section,**  
36 **a sale of telecommunications services sold on a basis other than a call-by-call basis, is**  
37 **sourced to the customer's place of primary use.**

38           **3. The sale of the following telecommunication services shall be sourced to each**  
39 **level of taxing jurisdiction as follows:**

40           (1) **A sale of mobile telecommunications services other than air-to-ground**  
41 **radiotelephone service and prepaid calling service, is sourced to the customer's place of**  
42 **primary use as required by the Mobile Telecommunications Sourcing Act;**

43           (2) **A sale of post-paid calling service is sourced to the origination point of the**  
44 **telecommunications signal as first identified by either:**

45           (a) **The seller's telecommunications system; or**

46           (b) **Information received by the seller from its service provider, where the system**  
47 **used to transport such signals is not that of the seller;**

48           (3) **A sale of prepaid calling service or a sale of a prepaid wireless calling service**  
49 **is sourced in accordance with section 144.040, provided however, in the case of a sale of**  
50 **prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of**  
51 **section 144.040 shall include as an option the location associated with the mobile telephone**  
52 **number;**

53           (4) **A sale of a private communication service is sourced as follows:**



54           **(a) Service for a separate charge related to a customer channel termination point**  
55 **is sourced to each level of jurisdiction in which such customer channel termination point**  
56 **is located;**

57           **(b) Service where all customer termination points are located entirely within one**  
58 **jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer**  
59 **channel termination points are located;**

60           **(c) Service for segments of a channel between two customer channel termination**  
61 **points located in different jurisdictions and which segments of channels are separately**  
62 **charged is sourced fifty percent in each level of jurisdiction in which the customer channel**  
63 **termination points are located; and**

64           **(d) Service for segments of a channel located in more than one jurisdiction or levels**  
65 **of jurisdiction and which segments are not separately billed is sourced in each jurisdiction**  
66 **based on the percentage determined by dividing the number of customer channel**  
67 **termination points in such jurisdiction by the total number of customer channel**  
68 **termination points.**

69           **4. The sale of internet access service is sourced to the customer's place of primary**  
70 **use.**

71           **5. The sale of an ancillary service is sourced to the customer's place of primary use.**

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

2           (1) "Clothing", any article of wearing apparel, including footwear, intended to be worn  
3 on or about the human body. The term shall include but not be limited to cloth and other  
4 material used to make school uniforms or other school clothing. Items normally sold in pairs  
5 shall not be separated to qualify for the exemption. The term shall not include watches,  
6 watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt  
7 buckles; and

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

14           (3) "School supplies", any item normally used by students in a standard classroom for  
15 educational purposes, including but not limited to textbooks, notebooks, paper, writing  
16 instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk,  
17 maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting  
18 equipment, portable or desktop telephones, copiers or other office equipment, furniture, or

19 fixtures. School supplies shall also include computer software having a taxable value of three  
20 hundred fifty dollars or less.

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

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

38 4.] 2. This section shall not apply to any sales which take place within the Missouri state  
39 fairgrounds.

40 [5.] 3. This section applies to sales of items bought for personal use only.

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

47 7.] 4. This section may not apply to any retailer when less than two percent of the  
48 retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer  
49 a sales tax refund in lieu of the sales tax holiday.

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

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials  
3 to transform or reduce them to a different state or thing, including treatment necessary to  
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from  
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent  
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby  
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to  
10 144.761, **section 238.235, and the local sales tax law as described in section 32.085**, and from  
11 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and  
12 144.600 to 144.761, **section 238.235, and the local sales tax law as described in section**  
13 **32.085**, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy  
14 sources, chemicals, machinery, equipment, and materials used or consumed in the  
15 manufacturing, processing, compounding, mining, or producing of any product, or used or  
16 consumed in the processing of recovered materials, or used in research and development related  
17 to manufacturing, processing, compounding, mining, or producing any product. The exemptions  
18 granted in this subsection shall not apply to local sales **or use** taxes as defined in section 32.085  
19 **and levied on electricity, piped natural or artificial gas, or other fuels delivered by the**  
20 **seller**, and the provisions of this subsection shall be in addition to any state and local sales tax  
21 exemption provided in section 144.030.

22 3. In addition to all other exemptions granted under this chapter, there is hereby  
23 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to  
24 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from  
25 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and  
26 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085,  
27 all utilities, machinery, and equipment used or consumed directly in television or radio  
28 broadcasting and all sales and purchases of tangible personal property, utilities, services, or any  
29 other transaction that would otherwise be subject to the state or local sales or use tax when such  
30 sales are made to or purchases are made by a contractor for use in fulfillment of any obligation  
31 under a defense contract with the United States government, and all sales and leases of tangible  
32 personal property by any county, city, incorporated town, or village, provided such sale or lease  
33 is authorized under chapter 100, and such transaction is certified for sales tax exemption by the  
34 department of economic development, and tangible personal property used for railroad  
35 infrastructure brought into this state for processing, fabrication, or other modification for use  
36 outside the state in the regular course of business.

37 4. In addition to all other exemptions granted under this chapter, there is hereby  
38 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to  
39 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from  
40 the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and

41 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085,  
42 all sales and purchases of tangible personal property, utilities, services, or any other transaction  
43 that would otherwise be subject to the state or local sales or use tax when such sales are made  
44 to or purchases are made by a private partner for use in completing a project under sections  
45 227.600 to 227.669.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or  
2 outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales  
3 tax law makes application to the director of revenue for an official certificate of title and the  
4 registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law,  
5 the owner shall present to the director of revenue evidence satisfactory to the director of revenue  
6 showing the purchase price exclusive of any charge incident to the extension of credit paid by  
7 or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard  
8 motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its  
9 acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax  
10 provided by the Missouri sales tax law in addition to the registration fees now or hereafter  
11 required according to law, and the director of revenue shall not issue a certificate of title for any  
12 new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the  
13 Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to  
14 144.510 has been paid as provided in this section or is registered under the provisions of  
15 subsection [5] 4 of this section.

16 2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total  
17 amount of the contract price agreed upon between the seller and the applicant in the acquisition  
18 of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment  
19 therefor.

20 3.] In the event that the purchase price is unknown or undisclosed, or that the evidence  
21 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by  
22 the director.

23 [4.] 3. The director of the department of revenue shall endorse upon the official  
24 certificate of title issued by the director upon such application an entry showing that such sales  
25 tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such  
26 certificate is exempt from sales tax and state the ground for such exemption.

27 [5.] 4. Any person, company, or corporation engaged in the business of renting or leasing  
28 motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental  
29 or lease purposes, and not for resale, may apply to the director of revenue for authority to operate  
30 as a leasing company. Any company approved by the director of revenue may pay the tax due  
31 on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time

32 of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010,  
33 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company  
34 which does not exercise the option of paying in accordance with section 144.020, on the amount  
35 charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard  
36 motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is  
37 leased as the result of a contract executed in this state shall be presumed to be domiciled in this  
38 state.

39 [6.] 5. Any corporation may have one or more of its divisions separately apply to the  
40 director of revenue for authorization to operate as a leasing company, provided that the  
41 corporation:

42 (1) Has filed a written consent with the director authorizing any of its divisions to apply  
43 for such authority;

44 (2) Is authorized to do business in Missouri;

45 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from  
46 one of its divisions to another of its divisions as a sale at retail;

47 (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230  
48 each of its divisions doing business in Missouri as a leasing company; and

49 (5) Operates each of its divisions on a basis separate from each of its other divisions.

50 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a  
51 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to  
52 sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

53 [7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to  
54 charge and collect sales tax as provided in this section, the owner shall make application to the  
55 director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor  
56 leasing company. The director of revenue shall promulgate rules and regulations determining the  
57 qualifications of such a company, and the method of collection and reporting of sales tax charged  
58 and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or  
59 outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing  
60 companies under the provisions of subsection [5] 4 of this section, and no motor vehicle renting  
61 or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can  
62 come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers,  
63 boats, and outboard motors held for renting and leasing are included.

64 [8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560  
65 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue  
66 for authority to collect and remit the sales tax required under this section on all motor vehicles  
67 sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit

68 the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer  
69 authorized to collect and remit sales taxes on motor vehicles under this subsection shall be  
70 entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax  
71 pursuant to section 144.140. Any amount of the tax collected under this subsection that is  
72 retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue.  
73 In no event shall revenues from the general revenue fund or any other state fund be utilized to  
74 compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor  
75 vehicles. In the event this subsection or any portion thereof is held to violate article IV, section  
76 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and  
77 remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek  
78 compensation from the state of Missouri or its agencies if a court of competent jurisdiction  
79 declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and  
80 orders the return of such revenues.

144.080. 1. Every person receiving any payment or consideration upon the sale of  
2 property or rendering of service, subject to the tax imposed by the provisions of sections 144.010  
3 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at  
4 retail and is subject to the tax levied in section 144.020. The person shall be responsible not only  
5 for the collection of the amount of the tax imposed on the sale or service to the extent possible  
6 under the provisions of section 144.285, but shall, on or before the last day of the month  
7 following each calendar quarterly period of three months, file a return with the director of  
8 revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for  
9 the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied  
10 in section 144.020, except as provided in subsections 2 and 3 of this section. The director of  
11 revenue may promulgate rules or regulations changing the filing and payment requirements of  
12 sellers, but shall not require any seller to file and pay more frequently than required in this  
13 section.

14 2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is  
15 in excess of two hundred and fifty dollars for either the first or second month of a calendar  
16 quarter, the seller shall file a return and pay such aggregate amount for such months to the  
17 director of revenue by the twentieth day of the succeeding month.

18 3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is  
19 less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit  
20 the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or  
21 before January thirty-first of the succeeding year.

22 [4.] 3. The seller of any property or person rendering any service, subject to the tax  
23 imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property

24 or the recipient of the service to the extent possible under the provisions of section 144.285, but  
25 the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation  
26 to pay to the state the tax imposed by section 144.020; except that the collection of the tax  
27 imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided  
28 in sections 144.070 and 144.440.

29 [5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public  
30 or to any customer directly or indirectly that the tax or any part thereof imposed by sections  
31 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by  
32 the person, or that it will not be separately stated and added to the selling price of the property  
33 sold or service rendered, or if added, that it or any part thereof will be refunded. Any person  
34 violating any of the provisions of this section shall be guilty of a misdemeanor.

**144.082. 1. The director shall participate in an online registration system that will  
2 allow sellers to register in this state and other member states.**

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

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

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

144.083. 1. The director of revenue shall require all persons who are responsible for the  
2 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no  
3 cost to the licensee which shall be prominently displayed at the licensee's place of business, and  
4 the license is valid until revoked by the director or surrendered by the person to whom issued  
5 when sales are discontinued. The director shall issue the retail sales license within ten working  
6 days following the receipt of a properly completed application. Any person applying for a retail  
7 sales license or reinstatement of a revoked sales tax license who owes any tax under sections  
8 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and  
9 penalties before the department may issue the applicant a license or reinstate the revoked license.  
10 All persons beginning business subsequent to August 13, 1986, and who are required to collect  
11 the sales tax shall secure a retail sales license prior to making sales at retail. Such license may,  
12 after ten days' notice, be revoked by the director of revenue only in the event the licensee shall

13 be in default for a period of sixty days in the payment of any taxes levied under section 144.020  
14 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event  
15 of revocation, the director of revenue may publish the status of the business account including  
16 the date of revocation in a manner as determined by the director.

17         2. The possession of a retail sales license and a statement from the department of revenue  
18 that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to  
19 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation  
20 license or any state license which is required for conducting any business where goods are sold  
21 at retail. The date of issuance on the statement that the licensee owes no tax due shall be no  
22 more than ninety days before the date of submission for application or renewal of the local  
23 license. The revocation of a retailer's license by the director shall render the occupational license  
24 or the state license null and void.

25         3. No person responsible for the collection of taxes under section 144.080 shall make  
26 sales at retail unless such person is the holder of a valid retail sales license. After all appeals  
27 have been exhausted, the director of revenue may notify the county or city law enforcement  
28 agency representing the area in which the former licensee's business is located that the retail sales  
29 license of such person has been revoked, and that any county or city occupation license of such  
30 person is also revoked. The county or city may enforce the provisions of this section, and may  
31 prohibit further sales at retail by such person.

32         4. In addition to the provisions of subsection 2 of this section, beginning January 1,  
33 2009, the possession of a statement from the department of revenue stating no tax is due under  
34 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the  
35 issuance or renewal of any city or county occupation license or any state license required for  
36 conducting any business where goods are sold at retail. The statement of no tax due shall be  
37 dated no longer than ninety days before the date of submission for application or renewal of the  
38 city or county license.

39         [5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale  
40 price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts  
41 or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

**144.084. 1. The director shall promulgate rules and regulations for remittance of  
2 returns. Such rules shall:**

3         **(1) Allow for electronic payments by all remitters by both ACH credit and ACH  
4 debit;**

5         **(2) Provide an alternative method for making "same day" payments if an electronic  
6 funds transfer fails;**



7           **(3) Provide that if a due date falls on a legal banking holiday in the state, the taxes**  
8 **shall be due on the next succeeding business day; and**

9           **(4) Require that any data that accompanies a remittance be formatted using**  
10 **uniform tax type and payment type codes approved by the streamlined sales and use tax**  
11 **governing board.**

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

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

5           2. The returns shall be on blanks designed and furnished by the director of the  
6 department of revenue and shall be filed at the times provided in sections 144.080 and 144.090.  
7 The returns shall [show the amount of gross receipts from sales of taxable property and services  
8 by the person and the amount of tax due thereon by that person during and for the period covered  
9 by the return] **state:**

10           **(1) The name and address of the retailer;**

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

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

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

19           **(5) Receipts during the period for which the return is made from the total amount**  
20 **of sales of tangible personal property and taxable services rendered during such period in**  
21 **the course of such business, after deductions allowed by law have been made;**

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

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

28           **(8) Such other pertinent information as the director may require.**

29           **3. In making such return, the retailer shall determine the market value of any**  
30 **consideration, other than money, received in connection with the sale of any tangible**  
31 **personal property in the course of the business and shall include such value in the return.**  
32 **Such value shall be subject to review and revision by the director as hereinafter provided.**  
33 **Refunds made by a retailer during the period for which the return is made on account of**  
34 **tangible personal property returned to the retailer shall be allowed as a deduction under**  
35 **subdivision (4) of subsection 2 of this section in case the retailer has included the receipts**  
36 **from such sale in a return made by such retailer and paid taxes on such sale. The retailer**  
37 **shall, at the time of making such return, pay to the director the amount of tax owed, except**  
38 **as otherwise provided in this section. The director may extend the time for making returns**  
39 **and paying the tax required by this section for any period not to exceed sixty days under**  
40 **such rules and regulations as the director of revenue may prescribe.**

41           **4. The director shall only require a single tax return for each taxing period and**  
42 **such return shall include only the taxing jurisdictions in which the seller makes sales**  
43 **within the state.** With each return, the person shall remit to the director of revenue the full  
44 amount of the tax due.

45           [3.] **5.** In case of charge and time sales the gross receipts thereof shall be included as  
46 sales in the returns as and when payments are received by the person, without any deduction  
47 therefrom whatsoever.

48           [4.] **6.** If an error or omission is discovered in a return or a change be necessary to show  
49 the true facts, the error may be corrected, the omission supplied, or the change made in the return  
50 next filed with the director for the filing period immediately following the filing period in which  
51 the error was made or the omission occurred, as prescribed by law, except that no refund under  
52 this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges  
53 incident to credit card discounts. Any other omission or error must be corrected by filing an  
54 amended return for the erroneously reported period if the amount of tax is less than that  
55 originally reported, or an additional return if the amount of tax is greater than that originally  
56 reported. An additional return shall be deemed filed on the date the envelope in which it is  
57 mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment  
58 of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope  
59 containing the payment is postmarked or the date the payment is received by the director,  
60 whichever is earlier. If a refund or credit results from the filing of an amended return, no refund  
61 or credit shall be allowed unless an application for refund or credit is properly completed and  
62 submitted to the director pursuant to section 144.190.

63 [5.] 7. The amount of gross receipts from sales and the amount of tax due returned by  
64 the person, as well as all matters contained in the return, is subject to review and revision in the  
65 manner herein provided for the correction of the returns.

**144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts  
2 attributable to taxable sales of such seller that have become uncollectable. Any deduction  
3 taken that is attributed to bad debts shall not include interest.**

4 **2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C.  
5 Section 166(b), as amended, except that such amount shall be adjusted to exclude financing  
6 charges or interest, sales, or use taxes charged on the purchase price, uncollectable  
7 amounts on property that remain in the possession of the seller until the full purchase price  
8 is paid, and expenses incurred in attempting to collect any debt or repossessed property.**

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

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

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

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

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

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

**144.110. 1. The state shall review software submitted to the streamlined sales and**  
2 **use tax governing board for certification as a certified automated system (CAS) under**  
3 **Section 501 of the streamlined sales and use tax agreement. Such review shall include a**  
4 **determination whether the program adequately classifies the state's product-based**  
5 **exemptions. Upon completion of the review, the state shall certify to the governing board**  
6 **its acceptance of the classifications made by the system. The state shall relieve a certified**  
7 **service provider (CSP) or model 2 seller from liability to this state and its local**  
8 **jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2**  
9 **seller's reliance on the certification provided by the state.**

10           **2. The streamlined sales and use tax governing board and this state shall not be**  
11 **responsible for classification of an item or transaction with the product-based exemptions.**  
12 **The relief from liability provided in this section shall not be available for a CSP or model**  
13 **2 seller that has incorrectly classified an item or transaction into a product-based**  
14 **exemption certified by this state. This subsection shall apply to the individual listing of**  
15 **items or transactions within a product definition approved by the governing board or the**  
16 **state.**

17           **3. If the state determines that an item or transaction is incorrectly classified as to**  
18 **its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The**  
19 **CSP or model 2 seller shall have ten days to revise the classification after receipt of notice**  
20 **from the state of the determination. Upon expiration of the ten days, such CSP or model**  
21 **2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and**  
22 **owing to the state.**

**144.123. 1. The director shall provide and maintain a database that describes**  
2 **boundary changes for all taxing jurisdictions and the effective dates of such changes for**  
3 **sales and use tax purposes.**

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

10           **3. The director shall provide and maintain a database that assigns each five- and**  
11 **nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax**

12 rate imposed in the zip code area shall apply if the area includes more than one tax rate in  
13 any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a  
14 street address, or if a seller or a certified service provider (CSP) is unable to determine the  
15 nine-digit zip code designation applicable to a purchase after exercising due diligence to  
16 determine the designation, the seller or CSP may apply the rate for the five-digit zip code  
17 area. For purposes of this section, there shall be a rebuttable presumption that a seller or  
18 CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip  
19 code designation by utilizing software approved by the secretary that makes this  
20 designation from the street address and the five-digit zip code applicable to a purchase.

21 4. The director may provide address-based boundary database records for  
22 assigning taxing jurisdictions and associated rates which shall be in addition to the  
23 requirements of subsection 3 of this section. The database records shall be in the same  
24 approved format as the database records required under subsection 3 of this section and  
25 shall meet the requirements developed pursuant to the federal Mobile Telecommunications  
26 Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based  
27 assignment database records pursuant to the agreement, sellers that register under the  
28 agreement shall be required to use such database. A seller or CSP shall use such database  
29 records in place of the five- and nine-digit zip code database records provided for in  
30 subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate  
31 and jurisdiction using an address-based database record after exercising due diligence, the  
32 seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a  
33 nine-digit zip code designation is not available for a street address or if a seller or CSP is  
34 unable to determine the nine-digit zip code designation applicable to a purchase after  
35 exercising due diligence to determine the designation, the seller or CSP may apply the rate  
36 for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable  
37 presumption that a seller or CSP has exercised due diligence if the seller or CSP has  
38 attempted to determine the tax rate and jurisdiction by utilizing software approved by the  
39 director and makes the assignment from the address and zip code information applicable  
40 to the purchase. If the director has met the requirements of subsection 3 of this section, the  
41 director may also elect to certify vendor provided address-based databases for assigning  
42 tax rates and jurisdictions. The databases shall be in the same approved format as the  
43 database records under this section and meet the requirements developed pursuant to the  
44 federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If  
45 the director certifies a vendor address-based database, a seller or CSP may use such  
46 database in place of the database provided for in this subsection.

47           **5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section**  
48 **shall be in a downloadable format as determined by the director. The databases may be**  
49 **directly provided by the director or provided by a vendor as designated by the director.**  
50 **A database provided by a vendor as designated by the director shall be applicable and**  
51 **subject to the provisions of section 144.1031 and this section. The databases shall be**  
52 **provided at no cost to the user of the database. The provisions of subsections 3 and 4 of**  
53 **this section shall not apply when the purchased product is received by the purchaser at the**  
54 **business location of the seller.**

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

**144.124. 1. The director shall complete a taxability matrix. The state's entries in**  
2 **the matrix shall be provided and maintained by the director in a database that is in a**  
3 **downloadable format.**

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

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

**144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax**  
2 **to a seller who registers to pay or to collect and remit applicable sales or use tax on sales**  
3 **made to purchasers in this state in accordance with the terms of the agreement, provided**  
4 **that the seller was not so registered in this state in the twelve-month period preceding the**  
5 **effective date of this state's participation in the agreement.**

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

10          **(3) Amnesty shall be provided if this state joins the agreement after the seller has**  
11 **registered.**

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

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

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

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

144.140. 1. From every remittance to the director of revenue made on or before the date  
2 when the same becomes due, the person required to remit the same shall be entitled to deduct and  
3 retain an amount equal to two percent thereof.

4           **2. If the director of the department of revenue enters into the streamlined sales and**  
5 **use tax agreement under section 32.070, the director shall provide a monetary allowance**  
6 **from the taxes collected to each of the following:**

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

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

12           **(3) Any vendor registered under the agreement that uses a proprietary system to**  
13 **calculate taxes due and has entered into a performance agreement with states that are**  
14 **members of the streamlined sales and use tax agreement.**

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

17           **4. Any vendor receiving an allowance under subsection 2 of this section shall not**  
18 **be entitled simultaneously to deduct the allowance provided for in subsection 1 of this**  
19 **section.**

144.210. 1. The burden of proving that a sale of tangible personal property, services,  
2 substances or things was not a sale at retail shall be upon the person who made the sale, except  
3 that with respect to sales, services, or transactions provided for in section 144.070. [The seller  
4 shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence  
5 for any exempt sales claimed; provided, however, that before any administrative tribunal of this  
6 state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof  
7 admissible under the applicable rules of evidence; except that when a purchaser has purchased

8 tangible personal property or services sales tax free under a claim of exemption which is found  
9 to be improper, the director of revenue may collect the proper amount of tax, interest, additions  
10 to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty  
11 collected by the director from the purchaser shall be credited against the amount otherwise due  
12 from the seller on the purchases or sales where the exemption was claimed.]

13 2. If the director of revenue is not satisfied with the return and payment of the tax made  
14 by any person, he is hereby authorized and empowered to make an additional assessment of tax  
15 due from such person, based upon the facts contained in the return or upon any information  
16 within his possession or that shall come into his possession.

17 3. The director of revenue shall give to the person written notice of such additional or  
18 revised assessment by certified or registered mail to the person at his or its last known address.

**144.212. 1. In addition to all other provisions of law provided for exemptions, when  
2 an exemption is claimed by a purchaser:**

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

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

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

10 **(4) The seller shall obtain the same information for proof of a claimed exemption  
11 regardless of the medium in which the transaction occurred;**

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

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

20 **2. (1) Sellers that comply with the requirements of this section shall be relieved  
21 from collecting and remitting tax otherwise applicable if it is determined that the  
22 purchaser improperly claimed an exemption and such purchaser shall be liable for the  
23 nonpayment of tax. Relief from liability provided under this section shall not apply to a  
24 seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate  
25 in the unlawful claim of an exemption; to a seller who accepts an exemption certificate**



26 **when the purchaser claims an entity-based exemption when the subject of the transaction**  
27 **sought to be covered by the exemption certificate is actually received by the purchaser at**  
28 **a location operated by the seller and the state in which that location resides provides an**  
29 **exemption certificate that clearly and affirmatively indicates that the claimed exemption**  
30 **is not available in such state; or to a seller who accepts an exemption certificate claiming**  
31 **multiple points of use for tangible personal property other than computer software for**  
32 **which an exemption claiming multiple points of use not available in such state.**

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

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

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

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

144.285. 1. [In order to permit sellers required to collect and report the sales tax to  
2 collect the amount required to be reported and remitted, but not to change the requirements of  
3 reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of  
4 pennies, the director of revenue shall establish brackets, showing the amounts of tax to be  
5 collected on sales of specified amounts, which shall be applicable to all taxable transactions]  
6 **When the seller is computing the amount of tax owed by the purchaser and remitted to the**  
7 **state:**

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

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

11           2. [In all instances where statements covering taxable purchases are rendered to the  
12 taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying  
13 the applicable tax rate to the taxable purchases represented on the statement, rounded to the  
14 nearest whole cent, or by application of the brackets established by the director of revenue, at the  
15 option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an  
16 item or an invoice basis. The provision of this subsection may be applied to the aggregated  
17 state and local taxes.**

18           3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax  
19 any sum in excess of the sums provided for in this section.

20           4. [A vendor may, at his option, determine the amount charged to and received from each  
21 purchaser by use of a formula which applies the applicable tax rate to each taxable purchase,  
22 rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to  
23 all purchases similarly situated.

24           5.] Amounts which a vendor charges to and receives from the purchaser in accordance  
25 with this section shall not be includable in his gross receipts if the amounts are separately  
26 charged or stated.

27           [6.] **5.** If sales tax for one or more local political subdivisions is owed by a taxpayer  
28 pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a  
29 filing period specified in section 144.080, the director of revenue shall deposit the tax remitted  
30 proportionately to each taxing jurisdiction in accordance with the percentage that each such  
31 jurisdiction's share of the tax due for the filing period bears to the total tax due from such  
32 taxpayer for such period. The unpaid balance due along with penalties and interest shall be  
33 similarly prorated among the state and all local jurisdictions for which tax was due during the  
34 filing period for which an underpayment occurs. The provisions of this subsection shall apply  
35 to all returns or remittances relating to sales made on or after January 1, 1984.

**144.522. Any ruling, agreement, or contract, whether written or oral, express or  
2 implied, between a person and this state's executive branch or any other state agency or  
3 department stating, agreeing, or ruling that such person is not required to collect sales and  
4 use tax in this state despite the presence of a warehouse, distribution center, or fulfillment  
5 center in this state that is owned or operated by the person or an affiliated person shall be  
6 null and void unless it is specifically approved by a majority vote of each of the houses of  
7 the general assembly. For purposes of this subsection, an "affiliated person" means any  
8 person that is a member of the same "controlled group of corporations" as defined in  
9 Section 1563(a) of the Internal Revenue Code as the vendor or any other entity that,  
10 notwithstanding its form of organization, bears the same ownership relationship to the**

11 **vendor as a corporation that is a member of the same "controlled group of corporations"**  
12 **as defined in Section 1563(a) of the Internal Revenue Code.**

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

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

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

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

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

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

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

144.605. 1. The following words and phrases as used in sections 144.600 to 144.745  
2 mean and include:

3 (1) "Calendar quarter", the period of three consecutive calendar months ending on March  
4 thirty-first, June thirtieth, September thirtieth or December thirty-first;

5 (2) "Engages in business activities within this state" includes:

6 (a) [Purposefully or systematically exploiting the market provided by this state by any  
7 media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct  
8 mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television,  
9 radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

10 (b) Being owned or controlled by the same interests which own or control any seller  
11 engaged in the same or similar line of business in this state; or

12 (c)] Maintaining or having a franchisee or licensee operating under the seller's trade  
13 name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections  
14 144.010 to 144.525; [or]

15 [(d)] **(b) Soliciting sales or taking orders by sales agents or traveling representatives;**

16 **(c) A vendor is presumed to "engage in business activities within this state" if any**  
17 **person, other than a common carrier acting in its capacity as such, that has substantial**  
18 **nexus with this state:**

19 **a. Sells a similar line of products as the vendor and does so under the same or a**  
20 **similar business name;**

21 **b. Maintains an office, distribution facility, warehouse, storage place, or similar**  
22 **place of business in the state to facilitate the delivery of property or services sold by the**  
23 **vendor to the vendor's customers;**

24 **c. Delivers, installs, assembles, or performs maintenance services for the vendor's**  
25 **customers within the state;**

26 **d. Facilitates the vendor's delivery of property to customers in the state by allowing**  
27 **the vendor's customers to pick up property sold by the vendor at an office, distribution**  
28 **facility, warehouse, storage place, or similar place of business maintained by the person in**  
29 **the state; or**

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

32 **(d) The presumption in paragraph (c) may be rebutted by demonstrating that the**  
33 **person's activities in the state are not significantly associated with the vendor's ability to**  
34 **establish or maintain a market in this state for the vendor's sales;**

35 **(e) Notwithstanding paragraph (c), a vendor shall be presumed to engage in**  
36 **business activities within this state if the vendor enters into an agreement with one or more**  
37 **residents of this state under which the resident, for a commission or other consideration,**  
38 **directly or indirectly refers potential customers, whether by a link on an internet website,**  
39 **an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative**  
40 **gross receipts from sales by the vendor to customers in the state who are referred to the**  
41 **vendor by all residents with this type of an agreement with the vendor are in excess of ten**  
42 **thousand dollars during the preceding twelve months;**

43 **(f) The presumption in paragraph (e) may be rebutted by submitting proof that the**  
44 **residents with whom the vendor has an agreement did not engage in any activity within the**  
45 **state that was significantly associated with the vendor's ability to establish or maintain the**  
46 **vendor's market in the state during the preceding twelve months. Such proof may consist**  
47 **of sworn written statements from all of the residents with whom the vendor has an**

48 **agreement stating that they did not engage in any solicitation in the state on behalf of the**  
49 **vendor during the preceding year provided that such statements were provided and**  
50 **obtained in good faith;**

51 (3) "Maintains a place of business in this state" includes maintaining, occupying, or  
52 using, permanently or temporarily, directly or indirectly, [or through a subsidiary, or agent,] by  
53 whatever name called, an office, place of distribution, sales or sample room or place, warehouse  
54 or storage place, or other place of business **in this state, whether owned or operated by the**  
55 **vendor or by any other person other than a common carrier acting in its capacity as such;**

56 (4) "Person", any individual, firm, copartnership, joint venture, association, corporation,  
57 municipal or private, and whether organized for profit or not, state, county, political subdivision,  
58 state department, commission, board, bureau or agency, except the state transportation  
59 department, estate, trust, business trust, receiver or trustee appointed by the state or federal court,  
60 syndicate, or any other group or combination acting as a unit, and the plural as well as the  
61 singular number;

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

64 (6) "Purchaser", any person who is the recipient for a valuable consideration of any sale  
65 of tangible personal property acquired for use, storage or consumption in this state;

66 (7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal  
67 property, or the right to use, store or consume the same, for a consideration paid or to be paid,  
68 and any transaction whether called leases, rentals, bailments, loans, conditional sales or  
69 otherwise, and notwithstanding that the title or possession of the property or both is retained for  
70 security. For the purpose of this law the place of delivery of the property to the purchaser, user,  
71 storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or  
72 by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers,  
73 representatives, consignors, peddlers, canvassers or otherwise;

74 (8) "Sales price", the consideration including the charges for services, except charges  
75 incident to the extension of credit, paid or given, or contracted to be paid or given, by the  
76 purchaser to the vendor for the tangible personal property, including any services that are a part  
77 of the sale, valued in money, whether paid in money or otherwise, and any amount for which  
78 credit is given to the purchaser by the vendor, without any deduction therefrom on account of the  
79 cost of the property sold, the cost of materials used, labor or service cost, losses or any other  
80 expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included  
81 and "sales price" shall not include the amount charged for property returned by customers upon  
82 rescission of the contract of sales when the entire amount charged therefor is refunded either in  
83 cash or credit or the amount charged for labor or services rendered in installing or applying the

84 property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600  
85 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any  
86 charge incident to the extension of credit shall be specifically exempted;

87 (9) "Selling agent", every person acting as a representative of a principal, when such  
88 principal is not registered with the director of revenue of the state of Missouri for the collection  
89 of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and  
90 who receives compensation by reason of the sale of tangible personal property of the principal,  
91 if such property is to be stored, used, or consumed in this state;

92 (10) "Storage", any keeping or retention in this state of tangible personal property  
93 purchased from a vendor, except property for sale or property that is temporarily kept or retained  
94 in this state for subsequent use outside the state;

95 (11) "Tangible personal property", all items subject to the Missouri sales tax as provided  
96 in subdivisions (1) and (3) of section 144.020;

97 (12) "Taxpayer", any person remitting the tax or who should remit the tax levied by  
98 sections 144.600 to 144.745;

99 (13) "Use", the exercise of any right or power over tangible personal property incident  
100 to the ownership or control of that property, except that it does not include the temporary storage  
101 of property in this state for subsequent use outside the state, or the sale of the property in the  
102 regular course of business;

103 (14) "Vendor", every person engaged in making sales of tangible personal property by  
104 mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking  
105 orders for sales of tangible personal property, for storage, use or consumption in this state, all  
106 salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of  
107 the dealers, distributors, consignors, supervisors, principals or employers under whom they  
108 operate or from whom they obtain the tangible personal property sold by them, and every person  
109 who maintains a place of business in this state, maintains a stock of goods in this state, or  
110 engages in business activities within this state and every person who engages in this state in the  
111 business of acting as a selling agent for persons not otherwise vendors as defined in this  
112 subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of  
113 the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded  
114 as vendors and the dealers, distributors, consignors, supervisors, principals or employers must  
115 be regarded as vendors for the purposes of sections 144.600 to 144.745. [A person shall not be  
116 considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

117 (a) The person's total gross receipts did not exceed five hundred thousand dollars in this  
118 state, or twelve and one-half million dollars in the entire United States, in the immediately  
119 preceding calendar year;

120 (b) The person maintains no place of business in this state; and

121 (c) The person has no selling agents in this state.]

122 **2. This section shall terminate on January 1, 2015.**

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

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

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

20 4. Except as provided in subsection 5 of this section, every person purchasing tangible  
21 personal property, the storage, use or consumption of which is subject to the tax levied by  
22 sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance  
23 with the provisions of section 144.650, shall file with the director of revenue a return for the  
24 preceding reporting period in the form and manner that the director of revenue prescribes,  
25 showing the total sales price of the tangible property purchased during the preceding reporting  
26 period and any other information that the director of revenue deems necessary for the proper  
27 administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance  
28 of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person.  
29 Returns shall be signed by the person liable for the tax or such person's duly authorized agent.  
30 For purposes of this subsection, the reporting period shall be determined by the director of  
31 revenue and may be a calendar quarter or a calendar year. Annual returns and payments required  
32 by the director pursuant to this subsection shall be due on or before April fifteenth of the year  
33 for the preceding calendar year and quarterly returns and payments shall be due on or before the

34 last day of the month following each calendar period of three months. Upon the taxpayer's  
35 request, the director may allow the filing of such returns and payments on a monthly basis. If  
36 a taxpayer elects to file a monthly return and payment, such return and payment shall be due on  
37 or before the twentieth day of the succeeding month.

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

42 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the  
43 tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of  
44 tangible personal property used, stored or consumed in this state and to remit all taxes collected  
45 to the director of revenue in accordance with the provisions of this section nor shall it relieve a  
46 purchaser from paying such taxes to a vendor registered in accordance with the provisions of  
47 section 144.650.

48 **7. Any out-of-state seller which is not legally required to register for use tax in this**  
49 **state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a**  
50 **return for the calendar year. The return shall be filed and the taxes paid on or before**  
51 **January thirty-first of the succeeding year. In the event that any out-of-state seller which**  
52 **is not legally required to register for use tax in this state but chooses to collect and remit**  
53 **use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in**  
54 **an amount equal to one thousand dollars or more, such vendor shall file a return and remit**  
55 **the amount due for the month in which the accumulated state and local use tax funds equal**  
56 **or exceed one thousand dollars.**

144.710. [From every remittance made by a vendor as required by sections 144.600 to  
2 144.745 to the director of revenue on or before the date when the remittance becomes due, the  
3 vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and**  
4 **144.212, pertaining to the allowance for timely remittance of payment, are applicable to**  
5 **the tax levied by this law.**

221.407. 1. The commission of any regional jail district may impose, by order, a sales  
2 tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one  
3 percent, or one-half of one percent on all retail sales made in such region which are subject to  
4 taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing  
5 jail services and court facilities and equipment for such region. The tax authorized by this  
6 section shall be in addition to any and all other sales taxes allowed by law, except that no order  
7 imposing a sales tax pursuant to this section shall be effective unless the commission submits



8 to the voters of the district, on any election date authorized in chapter 115, a proposal to  
9 authorize the commission to impose a tax.

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

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

15  YES  NO

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

18 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon  
19 are in favor of the proposal, then the order and any amendment to such order shall be in effect  
20 on the first day of the second **calendar** quarter [immediately following the election approving  
21 the proposal] **after the director of revenue receives notification of adoption of the local sales**  
22 **tax**. If the proposal receives less than the required majority, the commission shall have no power  
23 to impose the sales tax authorized pursuant to this section unless and until the commission shall  
24 again have submitted another proposal to authorize the commission to impose the sales tax  
25 authorized by this section and such proposal is approved by the required majority of the qualified  
26 voters of the district voting on such proposal; however, in no event shall a proposal pursuant to  
27 this section be submitted to the voters sooner than twelve months from the date of the last  
28 submission of a proposal pursuant to this section.

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

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

37 5. All sales taxes collected by the director of revenue pursuant to this section on behalf  
38 of any district, less one percent for cost of collection which shall be deposited in the state's  
39 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,  
40 shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional  
41 Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund  
42 shall not be deemed to be state funds and shall not be commingled with any funds of the state.  
43 The director of revenue shall keep accurate records of the amount of money in the trust fund

44 which was collected in each district imposing a sales tax pursuant to this section, and the records  
45 shall be open to the inspection of officers of each member county and the public. Not later than  
46 the tenth day of each month the director of revenue shall distribute all moneys deposited in the  
47 trust fund during the preceding month to the district which levied the tax. Such funds shall be  
48 deposited with the treasurer of each such district, and all expenditures of funds arising from the  
49 regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the  
50 commission and shall be approved by the commission. Expenditures may be made from the fund  
51 for any function authorized in the order adopted by the commission submitting the regional jail  
52 district tax to the voters.

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

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

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

238.235. 1. (1) Any transportation development district may by resolution impose a  
2 transportation development district sales tax on all retail sales made in such transportation  
3 development district which are subject to taxation pursuant to the provisions of sections 144.010  
4 to 144.525, except such transportation development district sales tax shall not apply to the sale  
5 or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or  
6 electrical current, water and gas, natural or artificial, nor to sales of service to telephone  
7 subscribers, either local or long distance] **fuels used to power motor vehicles, aircraft,**  
8 **locomotives, or watercraft; electricity, piped natural or artificial gas, or other fuels**  
9 **delivered by the seller; and the retail sales or transfer of motor vehicles, aircraft,**  
10 **watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation  
11 development district sales tax may be imposed for any transportation development purpose  
12 designated by the transportation development district in its ballot of submission to its qualified

13 voters, except that no resolution enacted pursuant to the authority granted by this section shall  
14 be effective unless:

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

19 (b) The voters approved the question certified by the petition filed pursuant to subsection  
20 5 of section 238.207.

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

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

30  YES  NO

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

33 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
34 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority  
35 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of  
36 directors of the transportation development district shall have no power to impose the sales tax  
37 authorized by this section unless and until the board of directors of the transportation  
38 development district shall again have submitted another proposal to authorize it to impose the  
39 sales tax pursuant to the provisions of this section and such proposal is approved by a majority  
40 of the qualified voters voting thereon.

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

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

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

54 (6) All revenue received by a transportation development district from the tax  
55 authorized by this section which has been designated for a certain transportation development  
56 purpose shall be deposited in a special trust fund and shall be used solely for such designated  
57 purpose. Upon the expiration of the period of years approved by the qualified voters pursuant  
58 to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant  
59 to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be  
60 used solely for such designated transportation development purpose. Any funds in such special  
61 trust fund which are not needed for current expenditures may be invested by the board of  
62 directors in accordance with applicable laws relating to the investment of other transportation  
63 development district funds.

64 (7) (4) The sales tax may be imposed in increments of one-eighth of one percent, up  
65 to a maximum of one percent on the receipts from the sale at retail of all tangible personal  
66 property or taxable services at retail within the transportation development district adopting such  
67 tax, if such property and services are subject to taxation by the state of Missouri pursuant to the  
68 provisions of sections 144.010 to 144.525, except such transportation development district sales  
69 tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to  
70 public utilities. Any transportation development district sales tax imposed pursuant to this  
71 section shall be imposed at a rate that shall be uniform throughout the district.

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

78 3. [On and after the effective date of any tax imposed pursuant to this section, the  
79 director of revenue shall perform all functions incident to the administration, collection,  
80 enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all  
81 other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax  
82 imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of

83 Missouri shall be collected together and reported upon such forms and pursuant to such  
84 administrative rules and regulations as may be prescribed by the director of revenue.

85 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the  
86 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality  
87 provision, shall apply to the collection of the tax imposed by this section, except as modified in  
88 this section.

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

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

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

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

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

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

118 [6.] 4. (1) No transportation development district imposing a sales tax pursuant to this  
119 section may repeal or amend such sales tax unless such repeal or amendment will not impair the  
120 district's ability to repay any liabilities which it has incurred, money which it has borrowed or  
121 revenue bonds, notes or other obligations which it has issued or which have been issued by the  
122 commission or any local transportation authority to finance any project or projects.

123 (2) Whenever the board of directors of any transportation development district in which  
124 a transportation development sales tax has been imposed in the manner provided by this section  
125 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal  
126 such transportation development sales tax, the board of directors shall, if such repeal will not  
127 impair the district's ability to repay any liabilities which it has incurred, money which it has  
128 borrowed or revenue bonds, notes or other obligations which it has issued or which have been  
129 issued by the commission or any local transportation authority to finance any project or projects,  
130 submit to the qualified voters of such transportation development district a proposal to repeal the  
131 transportation development sales tax imposed pursuant to the provisions of this section. If a  
132 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
133 the proposal to repeal the transportation development sales tax, then the resolution imposing the  
134 transportation development sales tax, along with any amendments thereto, is repealed. If a  
135 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to  
136 repeal the transportation development sales tax, then the ordinance or resolution imposing the  
137 transportation development sales tax, along with any amendments thereto, shall remain in effect.

138 [7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to  
139 the contrary, the sales tax imposed by a district whose project is a public mass transportation  
140 system shall not be considered economic activity taxes as such term is defined under sections  
141 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of  
142 section 99.845, or subsection 4 of section 99.957.

143 **6. After the effective date of any tax imposed under the provisions of this section,**  
144 **the director of revenue shall perform all functions incident to the administration,**  
145 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax for**  
146 **the state of Missouri, the additional tax authorized under the authority of this section. The**  
147 **tax imposed under this section and the tax imposed under the sales tax law of the state of**  
148 **Missouri shall be collected together and reported upon such forms and under such**  
149 **administrative rules and regulations as may be prescribed by the director of revenue.**

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

238.410. 1. Any county transit authority established pursuant to section 238.400 may  
2 impose a sales tax of up to one percent on all retail sales made in such county which are subject

3 to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this  
4 section shall be in addition to any and all other sales taxes allowed by law, except that no sales  
5 tax imposed under the provisions of this section shall be effective unless the governing body of  
6 the county, on behalf of the transit authority, submits to the voters of the county, at a county or  
7 state general, primary or special election, a proposal to authorize the transit authority to impose  
8 a tax.

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

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

14  YES  NO

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

17 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
18 of the proposal, then the tax shall become effective on the first day of the second calendar quarter  
19 following notification to the department of revenue of adoption of the tax. If a majority of the  
20 votes cast by the qualified voters voting are opposed to the proposal, then the transit authority  
21 shall have no power to impose the sales tax authorized by this section unless and until another  
22 proposal to authorize the transit authority to impose the sales tax authorized by this section has  
23 been submitted and such proposal is approved by a majority of the qualified voters voting  
24 thereon.

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

31 4. No transit authority imposing a sales tax pursuant to this section may repeal or amend  
32 such sales tax unless such repeal or amendment is submitted to and approved by the voters of  
33 the county in the same manner as provided in subsection 1 of this section for approval of such  
34 tax. Whenever the governing body of any county in which a sales tax has been imposed in the  
35 manner provided by this section receives a petition, signed by ten percent of the registered voters  
36 of such county voting in the last gubernatorial election, calling for an election to repeal such sales  
37 tax, the governing body shall submit to the voters of such county a proposal to repeal the sales  
38 tax imposed under the provisions of this section. If a majority of the votes cast on the proposal

39 by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then  
40 such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon  
41 are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

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

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

61 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state  
62 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection  
63 of the tax imposed by this section, except as modified in this section. All exemptions granted  
64 to agencies of government, organizations, persons and to the sale of certain articles and items of  
65 tangible personal property and taxable services under the provisions of sections 144.010 to  
66 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this  
67 section. The same sales tax permit, exemption certificate and retail certificate required by  
68 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall  
69 satisfy the requirements of this section, and no additional permit or exemption certificate or retail  
70 certificate shall be required; except that the director of revenue may prescribe a form of  
71 exemption certificate for an exemption from the tax imposed by this section. All discounts  
72 allowed the retailer under the provisions of the state sales tax law for the collection of and for  
73 payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes  
74 collected under the provisions of this section. The penalties provided in section 32.057 and



75 sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to  
76 violations of this section.

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

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

100 [10.] 9. The director of revenue may authorize the state treasurer to make refunds from  
101 the amounts in the trust fund and credited to any transit authority for erroneous payments and  
102 overpayments made, and may authorize the state treasurer to redeem dishonored checks and  
103 drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax,  
104 the transit authority shall notify the director of revenue of the action at least ninety days prior to  
105 the effective date of the repeal and the director of revenue may order retention in the trust fund,  
106 for a period of one year, of two percent of the amount collected after receipt of such notice to  
107 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts  
108 deposited to the credit of such accounts. After one year has elapsed after the effective date of  
109 abolition of the tax in such transit authority, the director of revenue shall authorize the state  
110 treasurer to remit the balance in the account to the transit authority and close the account of that

111 transit authority. The director of revenue shall notify each transit authority of each instance of  
112 any amount refunded or any check redeemed from receipts due the transit authority. The director  
113 of revenue shall annually report on his management of the trust fund and administration of the  
114 sales taxes authorized by this section. He shall provide each transit authority imposing the tax  
115 authorized by this section with a detailed accounting of the source of all funds received by him  
116 for the transit authority.

117 [11.] **10.** The director of revenue and any of his deputies, assistants and employees who  
118 shall have any duties or responsibilities in connection with the collection, deposit, transfer,  
119 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the  
120 hands of the director of revenue under the provisions of this section shall enter a surety bond or  
121 bonds payable to any and all transit authorities in whose behalf such funds have been collected  
122 under this section in the amount of one hundred thousand dollars; but the director of revenue  
123 may enter into a blanket bond or bonds covering himself and all such deputies, assistants and  
124 employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by  
125 the director of revenue from the share of the collection retained by the director of revenue for the  
126 benefit of the state.

127 [12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and  
128 sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted  
129 by the seller, but shall be collected by the director of revenue at the time application is made for  
130 a certificate of title, if the address of the applicant is within a county where a sales tax is imposed  
131 under this section. The amounts so collected, less the one percent collection cost, shall be  
132 deposited in the county transit authority sales tax trust fund. The purchase or sale of motor  
133 vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address  
134 of the applicant. As used in this subsection, the term "boat" shall only include motorboats and  
135 vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

136 [13.] **12.** In any county where the transit authority sales tax has been imposed, if any  
137 person is delinquent in the payment of the amount required to be paid by him under this section  
138 or in the event a determination has been made against him for taxes and penalty under this  
139 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall  
140 be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has  
141 determined that suit must be filed against any person for the collection of delinquent taxes due  
142 the state under the state sales tax law, and where such person is also delinquent in payment of  
143 taxes under this section, the director of revenue shall notify the transit authority to which  
144 delinquent taxes are due under this section by United States registered mail or certified mail at  
145 least ten days before turning the case over to the attorney general. The transit authority, acting  
146 through its attorney, may join in such suit as a party plaintiff to seek a judgment for the

147 delinquent taxes and penalty due such transit authority. In the event any person fails or refuses  
148 to pay the amount of any sales tax due under this section, the director of revenue shall promptly  
149 notify the transit authority to which the tax would be due so that appropriate action may be taken  
150 by the transit authority.

151 [14.] **13.** Where property is seized by the director of revenue under the provisions of any  
152 law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax  
153 imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any  
154 tax imposed by this section, the director of revenue shall permit the transit authority to join in  
155 any sale of property to pay the delinquent taxes and penalties due the state and to the transit  
156 authority under this section. The proceeds from such sale shall first be applied to all sums due  
157 the state, and the remainder, if any, shall be applied to all sums due such transit authority under  
158 this section.

159 [15. The transit authority created under the provisions of sections 238.400 to 238.412  
160 shall notify any and all affected businesses of the change in tax rate caused by the imposition of  
161 the tax authorized by sections 238.400 to 238.412.

162 [16.] **14.** In the event that any transit authority in any county with a charter form of  
163 government and with more than two hundred fifty thousand but fewer than three hundred fifty  
164 thousand inhabitants submits a proposal in any election to increase the sales tax under this  
165 section, and such proposal is approved by the voters, the county shall be reimbursed for the costs  
166 of submitting such proposal from the funds derived from the tax levied under this section.

167 **15. Except as provided in sections 238.400 to 238.412, all provisions of sections**  
168 **32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.**

644.032. 1. The governing body of any municipality or county may impose, by  
2 ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail  
3 sales made in such municipality or county which are subject to taxation under the provisions of  
4 sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in  
5 addition to any and all other sales taxes allowed by law, except that no ordinance or order  
6 imposing a sales tax under the provisions of this section and section 644.033 shall be effective  
7 unless the governing body of the municipality or county submits to the voters of the municipality  
8 or county, at a municipal, county or state general, primary or special election, a proposal to  
9 authorize the governing body of the municipality or county to impose a tax[, provided, that the  
10 tax authorized by this section shall not be imposed on the sales of food, as defined in section  
11 144.014, when imposed by any county with a charter form of government and with more than  
12 one million inhabitants].

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

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

18                                     YES                                     NO

19 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
 20 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the  
 21 first day of the second quarter after the director of revenue receives notice of adoption of the tax.

22 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the  
 23 governing body of the municipality or county shall not impose the sales tax authorized in this  
 24 section and section 644.033 until the governing body of the municipality or county resubmits  
 25 another proposal to authorize the governing body of the municipality or county to impose the  
 26 sales tax authorized by this section and section 644.033 and such proposal is approved by a  
 27 majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant  
 28 to this section and section 644.033 be submitted to the voters sooner than twelve months from  
 29 the date of the last proposal pursuant to this section and section 644.033.

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

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

39            **5. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall**  
 40 **apply to the tax imposed under this section.**

2            [66.601. The duties of the director of revenue with respect to the  
 3 allocation, division and distribution of sales and use tax proceeds determined to  
 4 be due any county of the first classification having a charter form of government  
 5 and having a population of nine hundred thousand or more inhabitants and all  
 6 municipalities within such county, resulting from taxes levied or imposed under  
 7 the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850  
 8 to 94.857, may be delegated to the county levying the county sales tax under  
 9 sections 66.600 to 66.630, at the discretion of the director of revenue and with the  
 10 consent of the county. Notwithstanding the provisions of section 32.057 to the  
 11 contrary, if such duties are so assigned, the director of revenue shall furnish the  
 12 county with sufficient information to perform such duties in such form as may be  
 agreed upon by the director and the county at no cost to the county. The county

13 shall be bound by the provisions of section 32.057, and shall use any information  
14 provided by the director of revenue under the provisions of this section solely for  
15 the purpose of allocating, dividing and distributing such sales and use tax  
16 revenues. The county shall exercise all of the director's powers and duties with  
17 respect to such allocation, division and distribution, and shall receive no fee for  
18 carrying out such powers and duties.]  
19

2 [67.1713. Beginning January 1, 2002, there is hereby specifically  
3 exempted from the tax imposed pursuant to section 67.1712 all sales of food as  
4 defined by section 144.014.]

2 [67.1971. All entities remitting the sales tax authorized pursuant to  
3 section 67.1959 shall have their liability reduced by an amount equal to  
4 twenty-five percent of any taxes collected and remitted pursuant to sections  
5 94.802 to 94.805.]

2 [144.069. All sales of motor vehicles, trailers, boats and outboard motors  
3 shall be deemed to be consummated at the address of the owner thereof, and all  
4 leases of over sixty-day duration of motor vehicles, trailers, boats and outboard  
5 motors subject to sales taxes under this chapter shall be deemed to be  
6 consummated unless the vehicle, trailer, boat or motor has been registered and  
7 sales taxes have been paid prior to the consummation of the lease agreement at  
8 the address of the lessee thereof on the date the lease is consummated, and all  
9 applicable sales taxes levied by any political subdivision shall be collected on  
10 such sales by the state department of revenue on that basis.]

2 [144.517. In addition to the exemptions granted pursuant to section  
3 144.030, there shall also be exempted from state sales and use taxes all sales of  
4 textbooks, as defined by section 170.051, when such textbook is purchased by a  
5 student who possesses proof of current enrollment at any Missouri public or  
6 private university, college or other postsecondary institution of higher learning  
7 offering a course of study leading to a degree in the liberal arts, humanities or  
8 sciences or in a professional, vocational or technical field, provided that the  
9 books which are exempt from state sales tax are those required or recommended  
10 for a class. Upon request the institution or department must provide at least one  
11 list of textbooks to the bookstore each semester. Alternately, the student may  
12 provide to the bookstore a list from the instructor, department or institution of his  
13 or her required or recommended textbooks. This exemption shall not apply to  
14 any locally imposed sales or use tax.]

2 [144.1000. Sections 144.1000 to 144.1015 shall be known as and referred  
3 to as the "Simplified Sales and Use Tax Administration Act".]

2 [144.1003. As used in sections 144.1000 to 144.1015, the following  
3 terms shall mean:

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

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

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

12 (4) "Person", an individual, trust, estate, fiduciary, partnership, limited  
13 liability company, limited liability partnership, corporation or any other legal  
14 entity;

15 (5) "Sales tax", any sales tax levied pursuant to this chapter, section  
16 32.085, or any other sales tax authorized by statute and levied by this state or its  
17 political subdivisions;

18 (6) "Seller", any person making sales, leases or rentals of personal  
19 property or services;

20 (7) "State", any state of the United States and the District of Columbia;

21 (8) "Use tax", the use tax levied pursuant to this chapter.]

2 [144.1006. For the purposes of reviewing and, if necessary, amending the  
3 agreement embodying the simplification recommendations contained in section  
4 144.1015, the state may enter into multistate discussions. For purposes of such  
5 discussions, the state shall be represented by seven delegates, one of whom shall  
6 be appointed by the governor, two members appointed by the speaker of the  
7 house of representatives, one member appointed by the minority leader of the  
8 house of representatives, two members appointed by the president pro tempore  
9 of the senate and one member appointed by the minority leader of the senate.  
10 The delegates need not be members of the general assembly and at least one of  
11 the delegates appointed by the speaker of the house of representatives and one  
12 member appointed by the president pro tempore of the senate shall be from the  
13 private sector and represent the interests of Missouri businesses. The delegates  
14 shall recommend to the committees responsible for reviewing tax issues in the  
15 senate and the house of representatives each year any amendment of state statutes  
16 required to be substantially in compliance with the agreement. Such delegates  
17 shall make a written report by the fifteenth day of January each year regarding the  
18 status of the multistate discussions and upon final adoption of the terms of the  
19 sales and use tax agreement by the multistate body.]

2 [144.1009. No provision of the agreement authorized by sections  
3 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of  
4 the law of this state. Implementation of any condition of this agreement in this

4 state, whether adopted before, at, or after membership of this state in the  
5 agreement, must be by action of the general assembly. Such report shall be  
6 delivered to the governor, the secretary of state, the president pro tempore of the  
7 senate and the speaker of the house of representatives and shall simultaneously  
8 be made publicly available by the secretary of state to any person requesting a  
9 copy.]

10

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

3

4 (1) Requires adoption of a definition of any term that would cause any  
5 item or transaction that is now excluded or exempted from sales or use tax to  
6 become subject to sales or use tax;

6

7 (2) Requires the state of Missouri to fully exempt or fully apply sales  
8 taxes to the sale of food or any other item;

8

9 (3) Restricts the ability of local governments under statutes in effect on  
10 August 28, 2002, to enact one or more local taxes on one or more items without  
11 application of the tax to all sales within the taxing jurisdiction, however,  
12 restriction of any such taxes allowed by statutes effective after August 28, 2002,  
13 may be supported;

13

14 (4) Provides for adoption of any uniform rate structure that would result  
15 in a tax increase for any Missouri taxpayer;

15

16 (5) Affects the sourcing of sales tax transactions; or

16

17 (6) Prohibits limitations or thresholds on the application of sales and use  
18 tax rates or prohibits any current sales or use tax exemption in the state of  
19 Missouri, including exemptions that are based on the value of the transaction or  
20 item.]

19

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

3

4 (1) The agreement should address the limitation of the number of state  
5 rates over time;

5

6 (2) The agreement should establish uniform standards for administration  
7 of exempt sales and the form used for filing sales and use tax returns and  
8 remittances;

8

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

10

12 (4) The agreement should provide that registration with the central  
13 registration system and the collection of sales and use taxes in the signatory states  
14 will not be used as a factor in determining whether the seller has nexus with a  
15 state for any tax;

13

16 (5) The agreement should provide for reduction of the burdens of  
 17 complying with local sales and use taxes through the following so long as they  
 18 do not conflict with the provisions of section 144.1012:

19 (a) Restricting variances between the state and local tax bases;

20 (b) Requiring states to administer any sales and use taxes levied by local  
 21 jurisdictions within the state so that sellers collecting and remitting these taxes  
 22 will not have to register or file returns with, remit funds to, or be subject to  
 23 independent audits from local taxing jurisdictions;

24 (c) Restricting the frequency of changes in the local sales and use tax  
 25 rates and setting effective dates for the application of local jurisdictional  
 26 boundary changes to local sales and use taxes; and

27 (d) Providing notice of changes in local sales and use tax rates and of  
 28 changes in the boundaries of local taxing jurisdictions;

29 (6) The agreement should outline any monetary allowances that are to be  
 30 provided by the states to sellers or certified service providers. The agreement  
 31 must allow for a joint public and private sector study of the compliance cost on  
 32 sellers and certified service providers to collect sales and use taxes for state and  
 33 local governments under various levels of complexity to be completed by July 1,  
 34 2003;

35 (7) The agreement should require each state to certify compliance with  
 36 the terms of the agreement prior to joining and to maintain compliance, under the  
 37 laws of the member state, with all provisions of the agreement while a member,  
 38 only if the agreement and any amendment thereto complies with the provisions  
 39 of section 144.1012;

40 (8) The agreement should require each state to adopt a uniform policy for  
 41 certified service providers that protects the privacy of consumers and maintains  
 42 the confidentiality of tax information; and

43 (9) The agreement should provide for the appointment of an advisory  
 44 council of private sector representatives and an advisory council of nonmember  
 45 state representatives to consult with in the administration of the agreement.]

46

Section B. The repeal of sections 66.601, 67.1713, 67.1971, 144.069, 144.517, 144.1000,  
 2 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, the repeal and reenactment of sections  
 3 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,  
 4 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,  
 5 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605,  
 6 94.660, 94.705, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.070,  
 7 144.080, 144.082, 144.083, 144.084, 144.100, 144.140, 144.210, 144.212, 144.285, 144.522,  
 8 144.526, 144.655, 144.710, 221.407, 238.235, 238.410, and 644.032, and the enactment of  
 9 sections 32.070, 32.086, 144.022, 144.040, 144.041, 144.042, 144.105, 144.110, 144.123,  
 10 144.124, 144.125, 144.212, and 144.522 shall become effective on January 1, 2015.



Section C. Because immediate action is necessary to secure adequate state revenue, the  
2 enactment of section 32.383 is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace, and safety, and the enactment of section 32.383 is hereby declared to be  
4 an emergency act within the meaning of the constitution, and the enactment of section 32.383  
5 shall be in full force and effect upon its passage and approval.

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