

SECOND REGULAR SESSION

HOUSE BILL NO. 2278

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

5242H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 144.700, RSMo, and to enact in lieu thereof one new section relating to the use of sales and use tax revenues for transportation.

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

Section A. Section 144.700, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.700, to read as follows:

144.700. 1. All revenue received by the director of revenue from the tax imposed by sections 144.010 to 144.430 and 144.600 to 144.745, **including any payments of taxes made under protest, shall be deposited in the state general revenue fund**, except [that] for:

(1) **The revenue derived from the rate of one cent on the dollar of the tax which shall be held and distributed in the manner provided in sections 144.701 and 163.031], shall be deposited in the state general revenue fund, including any payments of the taxes made under protest] ; and**

(2) **The revenue derived from the following rates which shall be deposited in the state road fund created in article IV, section 30(b) of the Constitution of Missouri:**

(a) **For the 2017 calendar year, the rate of one-tenth of a cent on the dollar of the tax;**

(b) **For the 2018 calendar year, the rate of one-fifth of a cent on the dollar of the tax;**

(c) **For the 2019 calendar year, the rate of three-tenths of a cent on the dollar of the tax;**

(d) **For the 2020 calendar year, the rate of two-fifths of a cent on the dollar of the tax; and**

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

17 **(e) For the 2021 calendar year and thereafter, the rate of one-half of a cent on the**
18 **dollar of the tax.**

19 2. The director of revenue shall keep accurate records of any payment of the tax made
20 under protest. In the event any payment shall be made under protest:

21 (1) A protest affidavit shall be submitted to the director of revenue within thirty days
22 after the payment is made; and

23 (2) An appeal shall be taken in the manner provided in section 144.261 from any
24 decision of the director of revenue disallowing the making of the payment under protest or an
25 application shall be filed by a protesting taxpayer with the director of revenue for a stay of the
26 period for appeal on the ground that a case is presently pending in the courts involving the same
27 question, with an agreement by the taxpayer to be bound by the final decision in the pending
28 case.

29 3. Nothing in this section shall be construed to apply to any refund to which the taxpayer
30 would be entitled under any applicable provision of law.

31 4. All payments deposited in the state general revenue fund that are made under protest
32 shall be retained in the state treasury if the taxpayer does not prevail. If the taxpayer prevails,
33 then taxes paid under protest shall be refunded to the taxpayer, with all interest income derived
34 therefrom, from funds appropriated by the general assembly for such purpose.

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