

SENATE AMENDMENT NO. 1Offered by Emery of 31stAmend SS/SCS/House Bill No. 220, Page 1, Section Title, Line 4,

2 by striking all of said line and inserting in lieu thereof the  
3 following: "the taxation of companies regulated by the public  
4 service commission."; and

5 Further amend said bill and page, section A, line 3, by  
6 inserting immediately after said line the following:

7 "144.020. 1. A tax is hereby levied and imposed for the  
8 privilege of titling new and used motor vehicles, trailers,  
9 boats, and outboard motors purchased or acquired for use on the  
10 highways or waters of this state which are required to be titled  
11 under the laws of the state of Missouri and, except as provided  
12 in subdivision (9) of this subsection, upon all sellers for the  
13 privilege of engaging in the business of selling tangible  
14 personal property or rendering taxable service at retail in this  
15 state. The rate of tax shall be as follows:

16 (1) Upon every retail sale in this state of tangible  
17 personal property, excluding motor vehicles, trailers,  
18 motorcycles, mopeds, motortricycles, boats and outboard motors  
19 required to be titled under the laws of the state of Missouri and  
20 subject to tax under subdivision (9) of this subsection, a tax  
21 equivalent to four percent of the purchase price paid or charged,  
22 or in case such sale involves the exchange of property, a tax  
23 equivalent to four percent of the consideration paid or charged,

Offered 5/7/19  
Adopted " "

1 including the fair market value of the property exchanged at the  
2 time and place of the exchange, except as otherwise provided in  
3 section 144.025;

4 (2) A tax equivalent to four percent of the amount paid for  
5 admission and seating accommodations, or fees paid to, or in any  
6 place of amusement, entertainment or recreation, games and  
7 athletic events, except amounts paid for any instructional class;

8 (3) A tax equivalent to four percent of the basic rate paid  
9 or charged on all sales of electricity or electrical current,  
10 water and gas, natural or artificial, to domestic, commercial or  
11 industrial consumers;

12 (4) (a) A tax equivalent to four percent on the basic rate  
13 paid or charged on all sales of local and long distance  
14 telecommunications service to telecommunications subscribers and  
15 to others through equipment of telecommunications subscribers for  
16 the transmission of messages and conversations and upon the sale,  
17 rental or leasing of all equipment or services pertaining or  
18 incidental thereto; except that, the payment made by  
19 telecommunications subscribers or others, pursuant to section  
20 144.060, and any amounts paid for access to the internet or  
21 interactive computer services shall not be considered as amounts  
22 paid for telecommunications services;

23 (b) If local and long distance telecommunications services  
24 subject to tax under this subdivision are aggregated with and not  
25 separately stated from charges for telecommunications service or  
26 other services not subject to tax under this subdivision,  
27 including, but not limited to, interstate or international  
28 telecommunications services, then the charges for nontaxable  
29 services may be subject to taxation unless the telecommunications

1 provider can identify by reasonable and verifiable standards such  
2 portion of the charges not subject to such tax from its books and  
3 records that are kept in the regular course of business,  
4 including, but not limited to, financial statement, general  
5 ledgers, invoice and billing systems and reports, and reports for  
6 regulatory tariffs and other regulatory matters;

7 (c) A telecommunications provider shall notify the director  
8 of revenue of its intention to utilize the standards described in  
9 paragraph (b) of this subdivision to determine the charges that  
10 are subject to sales tax under this subdivision. Such  
11 notification shall be in writing and shall meet standardized  
12 criteria established by the department regarding the form and  
13 format of such notice;

14 (d) The director of revenue may promulgate and enforce  
15 reasonable rules and regulations for the administration and  
16 enforcement of the provisions of this subdivision. Any rule or  
17 portion of a rule, as that term is defined in section 536.010  
18 that is created under the authority delegated in this section  
19 shall become effective only if it complies with and is subject to  
20 all of the provisions of chapter 536, and, if applicable, section  
21 536.028. This section and chapter 536 are nonseverable and if  
22 any of the powers vested with the general assembly pursuant to  
23 chapter 536, to review, to delay the effective date, or to  
24 disapprove and annul a rule are subsequently held  
25 unconstitutional, then the grant of rulemaking authority and any  
26 rule proposed or adopted after August 28, 2019, shall be invalid  
27 and void;

28 (5) A tax equivalent to four percent of the basic rate paid  
29 or charged for all sales of services for transmission of messages

of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as

provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."; and

Further amend the title and enacting clause accordingly.

