

FIRST REGULAR SESSION

HOUSE BILL NO. 494

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREGORY.

0889H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to tax remittance.

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

Section A. Section 144.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.080, to read as follows:

144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed ~~[by the provisions of sections 144.010 to 144.525]~~ **under this chapter**, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied ~~[in]~~ **under** section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied ~~[in]~~ **under** section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied ~~[in]~~ **under** section 144.020, except as provided ~~[in]~~ **under** subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required ~~[in]~~ **under** this section.

2. Where the aggregate amount levied and imposed upon a seller ~~[by]~~ **under** section 144.020 is in excess of two hundred fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. **Beginning January 1,**

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.

18 **2020, the seller shall file a return and pay such aggregate amount for such months to the**
19 **director of revenue on or before the last day of the succeeding month.**

20 3. Where the aggregate amount levied and imposed upon a seller ~~[by]~~ **under** section
21 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by
22 regulation permit the seller to file a return for a calendar year. The return shall be filed and the
23 taxes paid on or before January thirty-first of the succeeding year.

24 4. The seller of any property or person rendering any service, subject to the tax imposed
25 ~~[by sections 144.010 to 144.525]~~ **under this chapter**, shall collect the tax from the purchaser
26 of such property or the recipient of the service to the extent possible under the provisions of
27 section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the
28 seller of the obligation to pay to the state the tax imposed ~~[by]~~ **under** section 144.020; except
29 that the collection of the tax imposed ~~[by sections 144.010 to 144.525]~~ **under this chapter** on
30 motor vehicles and trailers shall be made as provided ~~[in]~~ **under** sections 144.070 and 144.440.

31 5. Any person may advertise or hold out or state to the public or to any customer directly
32 that the tax or any part thereof imposed ~~[by sections 144.010 to 144.525]~~ **under this chapter**,
33 and required to be collected by the person, will be assumed or absorbed by the person, provided
34 that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the
35 property sold or service rendered. Any person violating any of the provisions of this section shall
36 be guilty of a misdemeanor. This subsection shall not apply to any retailer prohibited from
37 collecting and remitting sales tax under section 66.630.

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