

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill Nos. 56 & 61, Page 1, Section TITLE, Lines 3-5,

2 by striking "prohibitions against using electronic
3 communication devices while operating"; and

4 Further amend said bill and page, Section A, line 3, by
5 inserting after all of said line the following:

6 "144.020. 1. A tax is hereby levied and imposed for
7 the privilege of titling new and used motor vehicles,
8 trailers, boats, and outboard motors purchased or acquired
9 for use on the highways or waters of this state which are
10 required to be titled under the laws of the state of
11 Missouri and, except as provided in subdivision (9) of this
12 subsection, upon all sellers for the privilege of engaging
13 in the business of selling tangible personal property or
14 rendering taxable service at retail in this state. The rate
15 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
19 motors required to be titled under the laws of the state of
20 Missouri and subject to tax under subdivision (9) of this
21 subsection, a tax equivalent to four percent of the purchase
22 price paid or charged, or in case such sale involves the
23 exchange of property, a tax equivalent to four percent of
24 the consideration paid or charged, including the fair market
25 value of the property exchanged at the time and place of the
26 exchange, except as otherwise provided in section 144.025;

27 (2) A tax equivalent to four percent of the amount
28 paid for admission and seating accommodations, or fees paid
29 to, or in any place of amusement, entertainment or
30 recreation, games and athletic events, except amounts paid
31 for any instructional class;

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

36 (4) (a) A tax equivalent to four percent on the basic
37 rate paid or charged on all sales of local and long distance
38 telecommunications service to telecommunications subscribers
39 and to others through equipment of telecommunications
40 subscribers for the transmission of messages and
41 conversations and upon the sale, rental or leasing of all
42 equipment or services pertaining or incidental thereto;
43 except that, the payment made by telecommunications
44 subscribers or others, pursuant to section 144.060, and any
45 amounts paid for access to the internet or interactive
46 computer services shall not be considered as amounts paid
47 for telecommunications services;

48 (b) If local and long distance telecommunications
49 services subject to tax under this subdivision are
50 aggregated with and not separately stated from charges for
51 telecommunications service or other services not subject to
52 tax under this subdivision, including, but not limited to,
53 interstate or international telecommunications services,
54 then the charges for nontaxable services may be subject to
55 taxation unless the telecommunications provider can identify
56 by reasonable and verifiable standards such portion of the
57 charges not subject to such tax from its books and records
58 that are kept in the regular course of business, including,
59 but not limited to, financial statement, general ledgers,

60 invoice and billing systems and reports, and reports for
61 regulatory tariffs and other regulatory matters;

62 (c) A telecommunications provider shall notify the
63 director of revenue of its intention to utilize the
64 standards described in paragraph (b) of this subdivision to
65 determine the charges that are subject to sales tax under
66 this subdivision. Such notification shall be in writing and
67 shall meet standardized criteria established by the
68 department regarding the form and format of such notice;

69 (d) The director of revenue may promulgate and enforce
70 reasonable rules and regulations for the administration and
71 enforcement of the provisions of this subdivision. Any rule
72 or portion of a rule, as that term is defined in section
73 536.010, that is created under the authority delegated in
74 this section shall become effective only if it complies with
75 and is subject to all of the provisions of chapter 536 and,
76 if applicable, section 536.028. This section and chapter
77 536 are nonseverable and if any of the powers vested with
78 the general assembly pursuant to chapter 536 to review, to
79 delay the effective date, or to disapprove and annul a rule
80 are subsequently held unconstitutional, then the grant of
81 rulemaking authority and any rule proposed or adopted after
82 August 28, 2019, shall be invalid and void;

83 (5) A tax equivalent to four percent of the basic rate
84 paid or charged for all sales of services for transmission
85 of messages of telegraph companies;

86 (6) A tax equivalent to four percent on the amount of
87 sales or charges for all rooms, meals and drinks furnished
88 at any hotel, motel, tavern, inn, restaurant, eating house,
89 drugstore, dining car, tourist cabin, tourist camp or other
90 place in which rooms, meals or drinks are regularly served
91 to the public. The tax imposed under this subdivision shall
92 not apply to any automatic mandatory gratuity for a large

93 group imposed by a restaurant when such gratuity is reported
94 as employee tip income and the restaurant withholds income
95 tax under section 143.191 on such gratuity;

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

103 (8) A tax equivalent to four percent of the amount
104 paid or charged for rental or lease of tangible personal
105 property, provided that if the lessor or renter of any
106 tangible personal property had previously purchased the
107 property under the conditions of sale at retail or leased or
108 rented the property and the tax was paid at the time of
109 purchase, lease or rental, the lessor, sublessor, renter or
110 subrenter shall not apply or collect the tax on the
111 subsequent lease, sublease, rental or subrental receipts
112 from that property. The purchase, rental or lease of motor
113 vehicles, trailers, motorcycles, mopeds, motortricycles,
114 boats, and outboard motors shall be taxed and the tax paid
115 as provided in this section and section 144.070. In no
116 event shall the rental or lease of boats and outboard motors
117 be considered a sale, charge, or fee to, for or in places of
118 amusement, entertainment or recreation nor shall any such
119 rental or lease be subject to any tax imposed to, for, or in
120 such places of amusement, entertainment or recreation.
121 Rental and leased boats or outboard motors shall be taxed
122 under the provisions of the sales tax laws as provided under
123 such laws for motor vehicles and trailers. Tangible
124 personal property which is exempt from the sales or use tax

125 under section 144.030 upon a sale thereof is likewise exempt
126 from the sales or use tax upon the lease or rental thereof;

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

135 2. All tickets sold which are sold under the
136 provisions of this chapter which are subject to the sales
137 tax shall have printed, stamped or otherwise endorsed
138 thereon, the words "This ticket is subject to a sales tax."

139 144.070. 1. At the time the owner of any new or used
140 motor vehicle, trailer, boat, or outboard motor which was
141 acquired in a transaction subject to sales tax under the
142 Missouri sales tax law makes application to the director of
143 revenue for an official certificate of title and the
144 registration of the motor vehicle, trailer, boat, or
145 outboard motor as otherwise provided by law, the owner shall
146 present to the director of revenue evidence satisfactory to
147 the director of revenue showing the purchase price exclusive
148 of any charge incident to the extension of credit paid by or
149 charged to the applicant in the acquisition of the motor
150 vehicle, trailer, boat, or outboard motor, or that no sales
151 tax was incurred in its acquisition, and if sales tax was
152 incurred in its acquisition, the applicant shall pay or
153 cause to be paid to the director of revenue the sales tax
154 provided by the Missouri sales tax law in addition to the
155 registration fees now or hereafter required according to
156 law, and the director of revenue shall not issue a
157 certificate of title for any new or used motor vehicle,

158 trailer, boat, or outboard motor subject to sales tax as
159 provided in the Missouri sales tax law until the tax levied
160 for the sale of the same under sections 144.010 to 144.510
161 has been paid as provided in this section or is registered
162 under the provisions of subsection 5 of this section.

163 2. As used in subsection 1 of this section, the term
164 "purchase price" shall mean the total amount of the contract
165 price agreed upon between the seller and the applicant in
166 the acquisition of the motor vehicle, trailer, boat, or
167 outboard motor, regardless of the medium of payment therefor.

168 3. In the event that the purchase price is unknown or
169 undisclosed, or that the evidence thereof is not
170 satisfactory to the director of revenue, the same shall be
171 fixed by appraisalment by the director.

172 4. The director of the department of revenue shall
173 endorse upon the official certificate of title issued by the
174 director upon such application an entry showing that such
175 sales tax has been paid or that the motor vehicle, trailer,
176 boat, or outboard motor represented by such certificate is
177 exempt from sales tax and state the ground for such
178 exemption.

179 5. Any person, company, or corporation engaged in the
180 business of renting or leasing motor vehicles, trailers,
181 boats, or outboard motors, which are to be used exclusively
182 for rental or lease purposes, and not for resale, may apply
183 to the director of revenue for authority to operate as a
184 leasing or rental company and pay an annual fee of two
185 hundred fifty dollars for such authority. Any company
186 approved by the director of revenue may pay the tax due on
187 any motor vehicle, trailer, boat, or outboard motor as
188 required in section 144.020 at the time of registration
189 thereof or in lieu thereof may pay a sales tax as provided
190 in sections 144.010, 144.020, 144.070 and 144.440. A sales

191 tax shall be charged to and paid by a leasing company which
192 does not exercise the option of paying in accordance with
193 section 144.020, on the amount charged for each rental or
194 lease agreement while the motor vehicle, trailer, boat, or
195 outboard motor is domiciled in this state. Any motor
196 vehicle, trailer, boat, or outboard motor which is leased as
197 the result of a contract executed in this state shall be
198 presumed to be domiciled in this state.

199 6. Every applicant to be a registered fleet owner as
200 described in subsections 6 to 10 of section 301.032 shall
201 furnish with the application to operate as a registered
202 fleet owner a corporate surety bond or irrevocable letter of
203 credit, as defined in section 400.5-102, issued by any state
204 or federal financial institution in the penal sum of one
205 hundred thousand dollars, on a form approved by the
206 department. The bond or irrevocable letter of credit shall
207 be conditioned upon the registered fleet owner complying
208 with the provisions of any statutes applicable to registered
209 fleet owners, and the bond shall be an indemnity for any
210 loss sustained by reason of the acts of the person bonded
211 when such acts constitute grounds for the suspension or
212 revocation of the registered fleet owner license. The bond
213 shall be executed in the name of the state of Missouri for
214 the benefit of all aggrieved parties or the irrevocable
215 letter of credit shall name the state of Missouri as the
216 beneficiary; except that, the aggregate liability of the
217 surety or financial institution to the aggrieved parties
218 shall, in no event, exceed the amount of the bond or
219 irrevocable letter of credit. The proceeds of the bond or
220 irrevocable letter of credit shall be paid upon receipt by
221 the department of a final judgment from a Missouri court of
222 competent jurisdiction against the principal and in favor of
223 an aggrieved party.

224 7. Any corporation may have one or more of its
225 divisions separately apply to the director of revenue for
226 authorization to operate as a leasing company, provided that
227 the corporation:

228 (1) Has filed a written consent with the director
229 authorizing any of its divisions to apply for such authority;

230 (2) Is authorized to do business in Missouri;

231 (3) Has agreed to treat any sale of a motor vehicle,
232 trailer, boat, or outboard motor from one of its divisions
233 to another of its divisions as a sale at retail;

234 (4) Has registered under the fictitious name
235 provisions of sections 417.200 to 417.230 each of its
236 divisions doing business in Missouri as a leasing company;
237 and

238 (5) Operates each of its divisions on a basis separate
239 from each of its other divisions. However, when the
240 transfer of a motor vehicle, trailer, boat or outboard motor
241 occurs within a corporation which holds a license to operate
242 as a motor vehicle or boat dealer pursuant to sections
243 301.550 to 301.573 the provisions in subdivision (3) of this
244 subsection shall not apply.

245 8. If the owner of any motor vehicle, trailer, boat,
246 or outboard motor desires to charge and collect sales tax as
247 provided in this section, the owner shall make application
248 to the director of revenue for a permit to operate as a
249 motor vehicle, trailer, boat, or outboard motor leasing
250 company. The director of revenue shall promulgate rules and
251 regulations determining the qualifications of such a
252 company, and the method of collection and reporting of sales
253 tax charged and collected. Such regulations shall apply
254 only to owners of motor vehicles, trailers, boats, or
255 outboard motors, electing to qualify as motor vehicle,
256 trailer, boat, or outboard motor leasing companies under the

257 provisions of subsection 5 of this section, and no motor
258 vehicle renting or leasing, trailer renting or leasing, or
259 boat or outboard motor renting or leasing company can come
260 under sections 144.010, 144.020, 144.070 and 144.440 unless
261 all motor vehicles, trailers, boats, and outboard motors
262 held for renting and leasing are included.

263 9. Any person, company, or corporation engaged in the
264 business of renting or leasing three thousand five hundred
265 or more motor vehicles which are to be used exclusively for
266 rental or leasing purposes and not for resale, and that has
267 applied to the director of revenue for authority to operate
268 as a leasing company may also operate as a registered fleet
269 owner as prescribed in section 301.032.

270 10. Beginning July 1, 2010, any motor vehicle dealer
271 licensed under section 301.560 engaged in the business of
272 selling motor vehicles or trailers may apply to the director
273 of revenue for authority to collect and remit the sales tax
274 required under this section on all motor vehicles sold by
275 the motor vehicle dealer. A motor vehicle dealer receiving
276 authority to collect and remit the tax is subject to all
277 provisions under sections 144.010 to 144.525. Any motor
278 vehicle dealer authorized to collect and remit sales taxes
279 on motor vehicles under this subsection shall be entitled to
280 deduct and retain an amount equal to two percent of the
281 motor vehicle sales tax pursuant to section 144.140. Any
282 amount of the tax collected under this subsection that is
283 retained by a motor vehicle dealer pursuant to section
284 144.140 shall not constitute state revenue. In no event
285 shall revenues from the general revenue fund or any other
286 state fund be utilized to compensate motor vehicle dealers
287 for their role in collecting and remitting sales taxes on
288 motor vehicles. In the event this subsection or any portion
289 thereof is held to violate Article IV, Section 30(b) of the

290 Missouri Constitution, no motor vehicle dealer shall be
291 authorized to collect and remit sales taxes on motor
292 vehicles under this section. No motor vehicle dealer shall
293 seek compensation from the state of Missouri or its agencies
294 if a court of competent jurisdiction declares that the
295 retention of two percent of the motor vehicle sales tax is
296 unconstitutional and orders the return of such revenues.

297 11. (1) Beginning January 1, 2024, notwithstanding
298 any provision of this section, section 144.440, or any other
299 provision of law to the contrary, if the sales tax imposed
300 on the purchase of a motor vehicle under section 144.020 is
301 not collected and remitted by a motor vehicle dealer under
302 subsection 10 of this section and the purchaser of the motor
303 vehicle utilizes any form of financing to purchase the motor
304 vehicle, the full amount of the sales tax due shall be
305 explicitly included in the financing agreement between the
306 purchaser and the financing entity and the financing entity
307 shall transfer such amount directly to the motor vehicle
308 dealer, who shall remit the sales tax due to the appropriate
309 taxing authority on behalf of the purchaser. Any amounts
310 received by the taxing authority shall be credited towards
311 any amounts of sales tax otherwise due to the taxing
312 authority by the purchaser. The failure of a motor vehicle
313 dealer to properly remit moneys to an appropriate taxing
314 authority shall not be a defense to any claim owed by the
315 purchaser, and both the motor vehicle dealer and the
316 purchaser shall be jointly liable to the taxing authority
317 for any taxes owed.

318 (2) The director of revenue may promulgate all
319 necessary rules and regulations for the administration of
320 this section. Any rule or portion of a rule, as that term
321 is defined in section 536.010, that is created under the
322 authority delegated in this section shall become effective

323 only if it complies with and is subject to all of the
324 provisions of chapter 536 and, if applicable, section
325 536.028. This section and chapter 536 are nonseverable, and
326 if any of the powers vested with the general assembly
327 pursuant to chapter 536 to review, to delay the effective
328 date, or to disapprove and annul a rule are subsequently
329 held unconstitutional, then the grant of rulemaking
330 authority and any rule proposed or adopted after August 28,
331 2023, shall be invalid and void."; and

332 Further amend the title and enacting clause accordingly.