

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 755, Page 2, Section 43.265, Line 19, by inserting after all of said section, the
3 following:

4 "142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax
5 imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in
6 subdivision (1) of this subsection, if the tax has been paid and no refund has been previously issued:

7 (1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary
8 engines owned or leased and operated by any person and used exclusively for agricultural purposes and
9 including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to
10 farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in
11 this section, the term "farmer" shall mean any person engaged in farming in an authorized farm
12 corporation, family farm, or family farm corporation as defined in section 350.010. At the discretion of
13 the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales
14 made to farmers and to persons engaged in construction for agricultural purposes as defined in section
15 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be
16 claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as
17 provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in
18 which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for
19 any erroneous refund;

20 (2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for
21 training, testing or research purposes of aircraft engines;

22 (3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized
23 flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted
24 pursuant to another provision.

25 2. Subject to the procedural requirements and conditions set out in this chapter, the following
26 uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may
27 be claimed:

28 (1) Motor fuel for which proof of export is available in the form of a terminal-issued destination
29 state shipping paper and which is either:

30 (a) Exported by a supplier who is licensed in the destination state or through the bulk transfer

1 system;

2 (b) Removed by a licensed distributor for immediate export to a state for which all the applicable
3 taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as
4 a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the
5 destination state by the federal government for which an exemption has been made available by the
6 destination state subject to procedural rules and regulations promulgated by the director; or

7 (c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously
8 been paid or accrued either as a result of being stored outside of the bulk transfer system immediately
9 prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter
10 and was subsequently exported from this state on behalf of the distributor; The exemption pursuant to
11 paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is
12 otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this
13 state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the
14 distributor, upon a refund application made to the director within three years. A refund claim may be
15 made monthly or whenever the claim exceeds one thousand dollars;

16 (2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and
17 constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1
18 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons
19 for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and
20 regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use
21 of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A
22 distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or
23 operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A
24 licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain
25 undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good
26 faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An
27 ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been
28 paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to
29 application, as provided in section 142.818, to the director provided the ultimate vendor did not charge
30 such tax to the consumer;

31 (3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption
32 shall be claimed as provided in section 142.818;

33 (4) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads
34 and highways of this state when leased or owned and when being operated by a federally recognized
35 Indian tribe in the performance of essential governmental functions, such as providing police, fire, health
36 or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal
37 government upon a refund application stating that the motor fuel was purchased for the exclusive use of
38 the tribe in performing named essential governmental services;

39 (5) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor

1 fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on
2 a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and
3 used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision
4 shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of
5 use satisfactory to the director;

6 (6) Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and
7 consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor
8 fuel users;

9 (7) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of
10 a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as
11 highway fuel as shown by proper documentation as required by the director. The exemption pursuant to
12 this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the
13 contamination or loss. Such person shall notify the director in writing of such event and the amount of
14 motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination,
15 and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate
16 custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances
17 and the amount of the loss or contamination and such other information with respect thereto as the
18 director may require;

19 (8) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be
20 claimed as follows:

21 (a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly
22 report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or
23 refinery destined for delivery to a point in this state as shown on the shipping papers;

24 (b) This exemption shall be claimed by a deduction on the report of the supplier which is
25 otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this
26 state;

27 (c) This exemption shall be claimed by the distributor, upon a refund application made to the
28 director within three years. A refund claim may be made monthly or whenever the claim exceeds one
29 thousand dollars;

30 (9) Motor fuel delivered to any marina within this state who sells such fuel solely for use in any
31 watercraft, as such term is defined in section 306.010, and not accessible to other motor vehicles, is
32 exempt from the fuel tax imposed by this chapter. Any motor fuel distributor who delivers motor fuel to
33 any marina in this state for use solely in any watercraft, as such term is defined in section 306.010, may
34 claim the exemption provided in this subsection. Any motor fuel customer who purchases motor fuel for
35 use in any watercraft, as such term is defined in section 306.010, at a location other than a marina within
36 this state may claim the exemption provided in this subsection by filing a claim for refund of the fuel tax.

37 144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to
38 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to
39 144.525 such retail sales as may be made in commerce between this state and any other state of the United
40 States, or between this state and any foreign country, and any retail sale which the state of Missouri is

1 prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such
2 retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited
3 from taxing or further taxing by the constitution of this state.

4 2. There are also specifically exempted from the provisions of the local sales tax law as defined
5 in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the
6 computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section
7 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

8 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise
9 tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in
10 manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately
11 at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold
12 ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding,
13 liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry
14 to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of
15 the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection
16 with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the
17 crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be
18 sold ultimately in processed form at retail;

19 (2) Materials, manufactured goods, machinery and parts which when used in manufacturing,
20 processing, compounding, mining, producing or fabricating become a component part or ingredient of the
21 new personal property resulting from such manufacturing, processing, compounding, mining, producing or
22 fabricating and which new personal property is intended to be sold ultimately for final use or
23 consumption; and materials, including without limitation, gases and manufactured goods, including
24 without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing
25 process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or
26 ingredients of steel products intended to be sold ultimately for final use or consumption;

27 (3) Materials, replacement parts and equipment purchased for use directly upon, and for the
28 repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft
29 engaged as common carriers of persons or property;

30 (4) Replacement machinery, equipment, and parts and the materials and supplies solely required
31 for the installation or construction of such replacement machinery, equipment, and parts, used directly in
32 manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final
33 use or consumption; and machinery and equipment, and the materials and supplies required solely for the
34 operation, installation or construction of such machinery and equipment, purchased and used to establish
35 new, or to replace or expand existing, material recovery processing plants in this state. For the purposes
36 of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose
37 the recovery of materials into a useable product or a different form which is used in producing a new
38 product and shall include a facility or equipment which are used exclusively for the collection of
39 recovered materials for delivery to a material recovery processing plant but shall not include motor
40 vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have

1 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a
2 manufacturing process or the use of a product previously recovered. The material recovery processing
3 plant shall qualify under the provisions of this section regardless of ownership of the material being
4 recovered;

5 (5) Machinery and equipment, and parts and the materials and supplies solely required for the
6 installation or construction of such machinery and equipment, purchased and used to establish new or to
7 expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment
8 is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately
9 for final use or consumption;

10 (6) Tangible personal property which is used exclusively in the manufacturing, processing,
11 modification or assembling of products sold to the United States government or to any agency of the
12 United States government;

13 (7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

14 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other
15 machinery, equipment, replacement parts and supplies used in producing newspapers published for
16 dissemination of news to the general public;

17 (9) The rentals of films, records or any type of sound or picture transcriptions for public
18 commercial display;

19 (10) Pumping machinery and equipment used to propel products delivered by pipelines engaged
20 as common carriers;

21 (11) Railroad rolling stock for use in transporting persons or property in interstate commerce and
22 motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by
23 common carriers, as defined in section 390.020, in the transportation of persons or property;

24 (12) Electrical energy used in the actual primary manufacture, processing, compounding, mining
25 or producing of a product, or electrical energy used in the actual secondary processing or fabricating of
26 the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in
27 facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent
28 of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so
29 used or if the raw materials used in such processing contain at least twenty-five percent recovered
30 materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials
31 used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.
32 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts
33 performed upon materials to transform and reduce them to a different state or thing, including treatment
34 necessary to maintain or preserve such processing by the producer at the production facility;

35 (13) Anodes which are used or consumed in manufacturing, processing, compounding, mining,
36 producing or fabricating and which have a useful life of less than one year;

37 (14) Machinery, equipment, appliances and devices purchased or leased and used solely for the
38 purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for
39 the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

40 (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the

1 purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required
2 for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

3 (16) Tangible personal property purchased by a rural water district;

4 (17) All amounts paid or charged for admission or participation or other fees paid by or other
5 charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic
6 events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other
7 political subdivision where all the proceeds derived therefrom benefit the municipality or other political
8 subdivision and do not inure to any private person, firm, or corporation;

9 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by
10 the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the
11 items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing
12 aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a
13 lawful prescription of a practitioner licensed to administer those items, including samples and materials
14 used to manufacture samples which may be dispensed by a practitioner authorized to dispense such
15 samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital
16 beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway
17 lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person
18 with one or more physical or mental disabilities to enable them to function more independently, all sales
19 or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative
20 and augmentative communication devices, and items used solely to modify motor vehicles to permit the
21 use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription
22 drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the
23 over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a
24 health care practitioner licensed to prescribe;

25 (19) All sales made by or to religious and charitable organizations and institutions in their
26 religious, charitable or educational functions and activities and all sales made by or to all elementary and
27 secondary schools operated at public expense in their educational functions and activities;

28 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all
29 sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal
30 organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
31 the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all
32 sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any
33 private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19)
34 of this subsection or any institution of higher education supported by public funds, and all sales made to a
35 state relief agency in the exercise of relief functions and activities;

36 (21) All ticket sales made by benevolent, scientific and educational associations which are
37 formed to foster, encourage, and promote progress and improvement in the science of agriculture and in
38 the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations
39 are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission
40 charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and

1 mechanical society organized and operated pursuant to sections 262.290 to 262.530;

2 (22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed
3 additives, medications or vaccines administered to livestock or poultry in the production of food or fiber,
4 all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of
5 bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas,
6 electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary
7 manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and
8 electricity used by an eligible new generation cooperative or an eligible new generation processing entity
9 as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor
10 vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term
11 "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is
12 to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides"
13 includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used
14 to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and
15 herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm
16 machinery and equipment" means new or used farm tractors and such other new or used farm machinery
17 and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm
18 machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and
19 lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish,
20 poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile,
21 and one-half of each purchaser's purchase of diesel fuel therefor which is:

22 (a) Used exclusively for agricultural purposes;

23 (b) Used on land owned or leased for the purpose of producing farm products; and

24 (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise
25 at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed
26 form at retail;

27 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
28 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for
29 domestic use and in any city not within a county, all sales of metered or unmetered water service for
30 domestic use:

31 (a) "Domestic use" means that portion of metered water service, electricity, electrical current,
32 natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county,
33 metered or unmetered water service, which an individual occupant of a residential premises uses for
34 nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter
35 for residential apartments or condominiums, including service for common areas and facilities and vacant
36 units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby
37 individual purchases are determined as exempt or nonexempt;

38 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
39 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and
40 approved by the Missouri public service commission. Sales and purchases made pursuant to the rate

1 classification "residential" and sales to and purchases made by or on behalf of the occupants of residential
2 apartments or condominiums through a single or master meter, including service for common areas and
3 facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be
4 exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as
5 nondomestic use. The seller's utility service rate classification and the provision of service thereunder
6 shall be conclusive as to whether or not the utility must charge sales tax;

7 (c) Each person making domestic use purchases of services or property and who uses any portion
8 of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth
9 month following the year of purchase, and without assessment, notice or demand, file a return and pay
10 sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of
11 services or property and who uses any portion of the services or property so purchased for domestic use,
12 and each person making domestic purchases on behalf of occupants of residential apartments or
13 condominiums through a single or master meter, including service for common areas and facilities and
14 vacant units, under a nonresidential utility service rate classification may, between the first day of the first
15 month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund
16 to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic
17 use portion of the purchase. The person making such purchases on behalf of occupants of residential
18 apartments or condominiums shall have standing to apply to the director of revenue for such credit or
19 refund;

20 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the
21 seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not
22 constitute a majority of the annual gross income of the seller;

23 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091,
24 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall
25 promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

26 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels
27 which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for
28 hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller
29 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

30 (27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441
31 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided
32 pursuant to the compact;

33 (28) Computers, computer software and computer security systems purchased for use by
34 architectural or engineering firms headquartered in this state. For the purposes of this subdivision,
35 "headquartered in this state" means the office for the administrative management of at least four integrated
36 facilities operated by the taxpayer is located in the state of Missouri;

37 (29) All livestock sales when either the seller is engaged in the growing, producing or feeding of
38 such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such
39 livestock;

40 (30) All sales of barges which are to be used primarily in the transportation of property or cargo

1 on interstate waterways;

2 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which
3 are ultimately consumed in connection with the manufacturing of cellular glass products or in any material
4 recovery processing plant as defined in subdivision (4) of this subsection;

5 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides
6 used in the production of crops, aquaculture, livestock or poultry;

7 (33) Tangible personal property and utilities purchased for use or consumption directly or
8 exclusively in the research and development of agricultural/biotechnology and plant genomics products
9 and prescription pharmaceuticals consumed by humans or animals;

10 (34) All sales of grain bins for storage of grain for resale;

11 (35) All sales of feed which are developed for and used in the feeding of pets owned by a
12 commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and
13 licensed pursuant to sections 273.325 to 273.357;

14 (36) All purchases by a contractor on behalf of an entity located in another state, provided that
15 the entity is authorized to issue a certificate of exemption for purchases to a contractor under the
16 provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall
17 mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to
18 the laws of the state in which the entity is located. Any contractor making purchases on behalf of such
19 entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the
20 exemption certificate issued by the exempt entity to the contractor is later determined by the director of
21 revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither
22 the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as
23 the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local
24 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal
25 property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling
26 facilities for the following:

27 (a) An exempt entity located in this state, if the entity is one of those entities able to issue project
28 exemption certificates in accordance with the provisions of section 144.062; or

29 (b) An exempt entity located outside the state if the exempt entity is authorized to issue an
30 exemption certificate to contractors in accordance with the provisions of that state's law and the applicable
31 provisions of this section;

32 (37) All sales or other transfers of tangible personal property to a lessor who leases the property
33 under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an
34 interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

35 (38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned
36 or operated by a governmental authority or commission, a quasi-governmental agency, a state university or
37 college or by the state or any political subdivision thereof, including a municipality, and that is played on
38 a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of
39 this subdivision, "neutral site" means any site that is not located on the campus of a conference member
40 institution participating in the event;

1 (39) All purchases by a sports complex authority created under section 64.920, and all sales of
2 utilities by such authority at the authority's cost that are consumed in connection with the operation of a
3 sports complex leased to a professional sports team;

4 (40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and
5 equipment purchased for use directly upon, and for the modification, replacement, repair, and
6 maintenance of aircraft, aircraft power plants, and aircraft accessories;

7 (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar
8 places of business for use in the normal course of business and money received by a shooting range or
9 similar places of business from patrons and held by a shooting range or similar place of business for
10 redistribution to patrons at the conclusion of a shooting event;

11 (42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in
12 section 306.010.”; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.