

SECOND REGULAR SESSION

HOUSE BILL NO. 1874

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LONG.

4345H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 142.803 and 144.020, RSMo, and to enact in lieu thereof two new sections relating to taxes for transportation purposes, with a referendum clause.

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

Section A. Sections 142.803 and 144.020, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 142.803 and 144.020, to read as follows:

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) **For all years ending on or before December 31, 2012, upon motor fuel, seventeen cents per gallon. For all years beginning on or after January 1, 2013, no tax shall be levied and imposed under this section on motor fuel, except for diesel fuel, which shall be taxed at twenty-seven cents per gallon;**

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The

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 levy and assessment on other persons as specified in this chapter shall be as agents of this state
19 for the precollection of the tax.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of
2 engaging in the business of selling tangible personal property or rendering taxable service at
3 retail in this state. The rate of tax shall be as follows:

4 (1) Upon every retail sale in this state of tangible personal property, including but not
5 limited to motor vehicles, trailers, motorcycles, mopeds, motor tricycles, boats and outboard
6 motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale
7 involves the exchange of property, a tax equivalent to four percent of the consideration paid or
8 charged, including the fair market value of the property exchanged at the time and place of the
9 exchange, except as otherwise provided in section 144.025;

10 (2) A tax equivalent to four percent of the amount paid for admission and seating
11 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation,
12 games and athletic events;

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

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

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

25 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,
26 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore,
27 dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are
28 regularly served to the public;

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

34 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
35 tangible personal property, provided that if the lessor or renter of any tangible personal property
36 had previously purchased the property under the conditions of "sale at retail" or leased or rented
37 the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor,
38 renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or
39 subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers,
40 motorcycles, mopeds, motor tricycles, boats, and outboard motors shall be taxed and the tax paid
41 as provided in this section and section 144.070. In no event shall the rental or lease of boats and
42 outboard motors be considered a sale, charge, or fee to, for or in places of amusement,
43 entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to,
44 for, or in such places of amusement, entertainment or recreation. Rental and leased boats or
45 outboard motors shall be taxed under the provisions of the sales tax laws as provided under such
46 laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales
47 or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax
48 upon the lease or rental thereof.

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

52 **3. For all years beginning on or after January 1, 2013, in addition to the tax levied**
53 **and imposed under subsection 1 of this section, a tax equivalent to seven-tenths of one**
54 **percent shall be levied and imposed on gasoline sales and a tax equivalent to seven-tenths**
55 **of one percent shall be imposed as provided in this section for transportation purposes.**
56 **All revenues derived from the sales tax imposed under this subsection shall be deposited**
57 **in the state highways and transportation department fund created in section 226.200, and**
58 **shall be appropriated solely for transportation purposes.**

Section B. This act is hereby submitted to the qualified voters of this state for approval
2 or rejection at an election which is hereby ordered and which shall be held and conducted on the
3 Tuesday immediately following the first Monday in November, 2012, or at a special election to
4 be called by the governor for that purpose, pursuant to the laws and constitutional provisions of
5 this state applicable to general elections and the submission of referendum measures by initiative
6 petition, and it shall become effective when approved by a majority of the votes cast thereon at
7 such election and not otherwise.

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