

SECOND REGULAR SESSION

HOUSE BILL NO. 797

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHORTON.

Pre-filed December 2, 2003 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2552L.011

AN ACT

To repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof two new sections relating to property assessment.

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

Section A. Sections 137.073 and 137.115, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 137.073 and 137.115, to read as follows:

137.073. 1. As used in this section, the following terms mean:

2 (1) "General reassessment", changes in value, entered in the assessor's books, of a
3 substantial portion of the parcels of real property within a county resulting wholly or partly from
4 reappraisal of value or other actions of the assessor or county equalization body or ordered by
5 the state tax commission or any court;

6 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each
7 purpose of taxation of property a taxing authority is authorized to levy without a vote and any
8 tax rate authorized by election, including bond interest and sinking fund;

9 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the
10 provisions of this section or when a court has determined the tax rate; except that, other
11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021,
13 RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri
14 Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980
15 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is
16 approved by voters of the political subdivision as provided in this section;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from
18 ad valorem levies on all classes of property, including state-assessed property, in the immediately
19 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not
20 collected in the fiscal year and plus an additional allowance for the revenue which would have
21 been collected from property which was annexed by such political subdivision but which was
22 not previously used in determining tax revenue pursuant to this section. The term "tax revenue"
23 shall not include any receipts from ad valorem levies on any property of a railroad corporation
24 or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by
25 the assessor of a county or city in the previous year but are assessed by the state tax commission
26 in the current year. All school districts and those counties levying sales taxes pursuant to chapter
27 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which
28 they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and
29 section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount
30 calculated to adjust for prior years. For purposes of political subdivisions which were authorized
31 to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term
32 "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the
33 revenues equal to the amount that would have been available if the voluntary rate reduction had
34 not been made.

35 2. Whenever changes in assessed valuation are entered in the assessor's books for any
36 personal property, in the aggregate, or for any subclass of real property as such subclasses are
37 established in section 4(b) of article X of the Missouri Constitution and defined in section
38 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each
39 political subdivision wholly or partially within the county or St. Louis City of the change in
40 valuation of each subclass of real property, individually, and personal property, in the aggregate,
41 exclusive of new construction and improvements. All political subdivisions shall immediately
42 revise the applicable rates of levy for each purpose for each subclass of real property,
43 individually, and personal property, in the aggregate, for which taxes are levied to the extent
44 necessary to produce from all taxable property, exclusive of new construction and improvements,
45 substantially the same amount of tax revenue as was produced in the previous year for each
46 subclass of real property, individually, and personal property, in the aggregate, except that the
47 rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent
48 voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on
49 any real property which was assessed by the assessor of a county or city in such previous year
50 but is assessed by the assessor of a county or city in the current year in a different subclass of real
51 property. Where the taxing authority is a school district for the purposes of revising the
52 applicable rates of levy for each subclass of real property, the tax revenues from state-assessed

53 railroad and utility property shall be apportioned and attributed to each subclass of real property
54 based on the percentage of the total assessed valuation of the county that each subclass of real
55 property represents in the current taxable year. As provided in section 22 of article X of the
56 constitution, a political subdivision may also revise each levy to allow for inflationary
57 assessment growth occurring within the political subdivision. The inflationary growth factor
58 shall be limited to the actual assessment growth in the aggregate for the political subdivision,
59 exclusive of new construction and improvements, but not to exceed the consumer price index
60 or five percent, whichever is lower. Should the tax revenue of a political subdivision from the
61 various tax rates determined in this subsection be different than the tax revenue that would have
62 been determined from a single tax rate as calculated pursuant to the method of calculation in this
63 subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of
64 those subclasses of real property, individually, and/or personal property, in the aggregate, in
65 which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision
66 shall yield an amount equal to such difference and shall be apportioned among such subclasses
67 of real property, individually, and/or personal property, in the aggregate, as per the relative tax
68 rate reduction of such subclasses of real property, individually, and/or personal property, in the
69 aggregate.

70 3. (1) Where the taxing authority is a school district, it shall be required to revise the
71 rates of levy to the extent necessary to produce from all taxable property, including state-assessed
72 railroad and utility property, which shall be separately estimated in addition to other data
73 required in complying with section 164.011, RSMo, substantially the amount of tax revenue
74 permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be
75 adjusted to offset such district's reduction in the apportionment of state school moneys due to its
76 reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling
77 pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility
78 valuation or loss of state aid, discovers that the estimates used result in receipt of excess
79 revenues, which would have required a lower rate if the actual information had been known, the
80 school district shall reduce the tax rate ceiling in the following year to compensate for the excess
81 receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

82 (2) For any political subdivision which experiences a reduction in the amount of assessed
83 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant
84 to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation
85 or recordation of any assessed valuation:

86 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies
87 taxes to compensate for the reduction in assessed value occurring after the political subdivision
88 calculated the tax rate ceiling for the particular subclass of real property or for personal property,

89 in the aggregate, in the prior year. Such revision by the political subdivision shall be made at the
90 time of the next calculation of the tax rate for the particular subclass of real property or for
91 personal property, in the aggregate, after the reduction in assessed valuation has been determined
92 and shall be calculated in a manner that results in the revised tax rate ceiling being the same as
93 it would have been had the corrected or finalized assessment been available at the time of the
94 prior calculation;

95 (b) In addition, for up to three years following the determination of the reduction in
96 assessed valuation as a result of circumstances defined in this subdivision, such political
97 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling
98 provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for
99 the three-year period preceding such determination.

100 4. (1) In order to implement the provisions of this section and section 22 of article X of
101 the Constitution of Missouri, the term "improvements" shall apply to both real and personal
102 property. In order to determine the value of new construction and improvements, each county
103 assessor shall maintain a record of real property valuations in such a manner as to identify each
104 year the increase in valuation for each political subdivision in the county as a result of new
105 construction and improvements. The value of new construction and improvements shall include
106 the additional assessed value of all improvements or additions to real property which were begun
107 after and were not part of the prior year's assessment, except that the additional assessed value
108 of all improvements or additions to real property which had been totally or partially exempt from
109 ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255,
110 RSMo, and section 353.110, RSMo, shall be included in the value of new construction and
111 improvements when the property becomes totally or partially subject to assessment and payment
112 of all ad valorem taxes. The aggregate increase in valuation of personal property for the current
113 year over that of the previous year is the equivalent of the new construction and improvements
114 factor for personal property. The assessor shall certify the amount of new construction and
115 improvements for each political subdivision to the county clerk in order that political
116 subdivisions shall have this information for the purpose of calculating tax rates pursuant to this
117 section and section 22, article X, Constitution of Missouri. In addition, the state tax commission
118 shall certify each year to each county clerk the increase in the general price level as measured by
119 the Consumer Price Index for All Urban Consumers for the United States, or its successor
120 publications, as defined and officially reported by the United States Department of Labor, or its
121 successor agency. The state tax commission shall certify the increase in such index on the latest
122 twelve-month basis available on June first of each year over the immediately preceding prior
123 twelve-month period in order that political subdivisions shall have this information available in
124 setting their tax rates according to law and section 22 of article X of the Constitution of Missouri.

125 For purposes of implementing the provisions of this section and section 22 of article X of the
126 Missouri Constitution, the term "property" means all taxable property, including state assessed
127 property.

128 (2) Each political subdivision required to revise rates of levy pursuant to this section or
129 section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized
130 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision
131 provided in this section and section 22 of article X of the Constitution of Missouri, separately
132 and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section
133 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using
134 the calculation that produces the lowest tax rate ceiling. It is further the intent of the general
135 assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri,
136 that the provisions of such section be applicable to tax rate revisions mandated pursuant to
137 section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in
138 subsequent years, enforcement provisions, and other provisions not in conflict with section 22
139 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section
140 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established
141 pursuant to this section and section 22 of article X of the Constitution of Missouri, unless
142 otherwise provided by law.

143 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section
144 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate
145 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval
146 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate
147 increase must receive approval by at least the majority required.

148 (2) When voters approve an increase in the tax rate, the amount of the increase shall be
149 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does
150 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate
151 for approval rather than describing the amount of increase in the question, the stated tax rate
152 approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be
153 applied to the total assessed valuation of the political subdivision at the setting of the next tax
154 rate.

155 (3) The governing body of any political subdivision may levy a tax rate lower than its
156 tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling
157 without voter approval.

158 (4) In a year of general reassessment, a governing body whose tax rate is lower than its
159 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section
160 as if its tax rate were at the tax rate ceiling. In a year following general reassessment, if such

161 governing body intends to increase its tax rate, the governing body shall conduct a public
162 hearing, and in a public meeting it shall adopt an ordinance, resolution or policy statement
163 justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision
164 shall [not apply to a taxing jurisdiction which receives some portion of its funding pursuant to
165 chapter 163, RSMo] **apply only to any county with a charter form of government and with**
166 **more than one million inhabitants.**

167 6. (1) For the purposes of calculating state aid for public schools pursuant to section
168 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax
169 rate as a blended rate of the classes or subclasses of property. Such blended rate shall be
170 calculated by first determining the total tax revenue of the property within the jurisdiction of the
171 taxing authority, which amount shall be equal to the sum of the products of multiplying the
172 assessed valuation of each class and subclass of property by the corresponding tax rate for such
173 class or subclass, then dividing the total tax revenue by the total assessed valuation of the same
174 jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the
175 taxing authority is a school district, such blended rate shall also be used by such school district
176 for calculating revenue from state-assessed railroad and utility property as defined in chapter 151,
177 RSMo, and for apportioning the tax rate by purpose.

178 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk
179 of the county commission in the county or counties where the tax rate applies of its tax rate
180 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a
181 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one
182 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth
183 of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to
184 the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a
185 cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next
186 higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data,
187 in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate
188 complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for
189 debt service shall provide data, in such form as shall be prescribed by the state auditor by rule,
190 substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for
191 annual debt service requirements will be prima facie valid if, after making the payment for which
192 the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the
193 following year's payments. The county clerk shall keep on file and available for public
194 inspection all such information for a period of three years. The clerk shall, within three days of
195 receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate
196 and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the

date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought

233 pursuant to this section, the court, in addition to the relief requested, shall assess against the
234 taxing authority found to be in violation of this section the reasonable costs of bringing the
235 action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any
236 attorney or association of attorneys who receive public funds from any source for their services.
237 Any action brought pursuant to this section shall be set for hearing as soon as practicable after
238 the cause is at issue.

239 9. If in any action, including a class action, the court issues an order requiring a taxing
240 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the
241 collection of a tax because of its failure to revise the rate of levy as provided in this section, any
242 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her
243 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031,
244 RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the
245 original levy and the amount produced by the revised levy. The township or county collector of
246 taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid.
247 The taxing authority refusing to revise the rate of levy as provided in this section shall make
248 available to the collector all funds necessary to make refunds pursuant to this subsection. No
249 taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this
250 subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require
251 a taxing authority to refund any tax erroneously paid prior to or during the third tax year
252 preceding the current tax year.

253 10. A taxing authority, including but not limited to a township, county collector, or
254 collector of taxes, responsible for determining and collecting the amount of residential real
255 property tax levied in its jurisdiction, shall report such amount of tax collected by December
256 thirty-first of each year such property is assessed to the state tax commission. The state tax
257 commission shall compile the tax data by county or taxing jurisdiction and submit a report to the
258 general assembly no later than January thirty-first of the following year.

259 **11. Notwithstanding any other provision of law to the contrary, any provision of**
260 **this section requiring counties to calculate and report the changes in assessed valuation for**
261 **any personal property, in the aggregate, or for any subclass of real property as such**
262 **subclasses are established in section 4(b) of article X of the Missouri Constitution and**
263 **defined in section 137.016, in the aggregate, to each political subdivision wholly or partially**
264 **within the county shall apply only to any county with a charter form of government and**
265 **with more than one million inhabitants.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.

4 Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess
5 all personal property at thirty-three and one-third percent of its true value in money as of January
6 first of each calendar year. The assessor shall annually assess all real property, including any
7 new construction and improvements to real property, and possessory interests in real property
8 at the percent of its true value in money set in subsection 5 of this section. The assessor shall
9 annually assess all real property in the following manner: new assessed values shall be
10 determined as of January first of each odd-numbered year and shall be entered in the assessor's
11 books; those same assessed values shall apply in the following even-numbered year, except for
12 new construction and property improvements which shall be valued as though they had been
13 completed as of January first of the preceding odd-numbered year. The assessor may call at the
14 office, place of doing business, or residence of each person required by this chapter to list
15 property, and require the person to make a correct statement of all taxable tangible personal
16 property owned by the person or under his or her care, charge or management, taxable in the
17 county. On or before January first of each even-numbered year, the assessor shall prepare and
18 submit a two-year assessment maintenance plan to the county governing body and the state tax
19 commission for their respective approval or modification. The county governing body shall
20 approve and forward such plan or its alternative to the plan to the state tax commission by
21 February first. If the county governing body fails to forward the plan or its alternative to the plan
22 to the state tax commission by February first, the assessor's plan shall be considered approved
23 by the county governing body. If the state tax commission fails to approve a plan and if the state
24 tax commission and the assessor and the governing body of the county involved are unable to
25 resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the
26 county or the assessor shall petition the administrative hearing commission, by May first, to
27 decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the
28 parties, the matter may be stayed while the parties proceed with mediation or arbitration upon
29 terms agreed to by the parties. The final decision of the administrative hearing commission shall
30 be subject to judicial review in the circuit court of the county involved. In the event a valuation
31 of subclass (1) real property within any county with a charter form of government, or within a
32 city not within a county, is made by a computer, computer-assisted method or a computer
33 program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such
34 valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the
35 assessor proves otherwise, there shall be a presumption that the assessment was made by a
36 computer, computer-assisted method or a computer program. Such evidence shall include, but
37 shall not be limited to, the following:

38 (1) The findings of the assessor based on an appraisal of the property by generally
39 accepted appraisal techniques; and

40 (2) The purchase prices from sales of at least three comparable properties and the address
41 or location thereof. As used in this paragraph, the word "comparable" means that:

42 (a) Such sale was closed at a date relevant to the property valuation; and

43 (b) Such properties are not more than one mile from the site of the disputed property,
44 except where no similar properties exist within one mile of the disputed property, the nearest
45 comparable property shall be used. Such property shall be within five hundred square feet in size
46 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
47 and other relevant characteristics.

48 2. Assessors in each county of this state and the city of St. Louis may send personal
49 property assessment forms through the mail.

50 3. The following items of personal property shall each constitute separate subclasses of
51 tangible personal property and shall be assessed and valued for the purposes of taxation at the
52 following percents of their true value in money:

53 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one
54 percent;

55 (2) Livestock, twelve percent;

56 (3) Farm machinery, twelve percent;

57 (4) Motor vehicles which are eligible for registration as and are registered as historic
58 motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five
59 years old and which are used solely for noncommercial purposes and are operated less than fifty
60 hours per year or aircraft that are home built from a kit, five percent;

61 (5) Poultry, twelve percent; and

62 (6) Tools and equipment used for pollution control and tools and equipment used in
63 retooling for the purpose of introducing new product lines or used for making improvements to
64 existing products by any company which is located in a state enterprise zone and which is
65 identified by any standard industrial classification number cited in subdivision (6) of section
66 135.200, RSMo, twenty-five percent.

67 4. The person listing the property shall enter a true and correct statement of the property,
68 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed
69 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
70 to the assessor.

71 5. All subclasses of real property, as such subclasses are established in section 4(b) of
72 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
73 following percentages of true value:

74 (1) For real property in subclass (1), nineteen percent;

75 (2) For real property in subclass (2), twelve percent; and

76 (3) For real property in subclass (3), thirty-two percent.

77 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used
78 as dwelling units shall be assessed at the same percentage of true value as residential real
79 property for the purpose of taxation. The percentage of assessment of true value for such
80 manufactured homes shall be the same as for residential real property. If the county collector
81 cannot identify or find the manufactured home when attempting to attach the manufactured home
82 for payment of taxes owed by the manufactured home owner, the county collector may request
83 the county commission to have the manufactured home removed from the tax books, and such
84 request shall be granted within thirty days after the request is made; however, the removal from
85 the tax books does not remove the tax lien on the manufactured home if it is later identified or
86 found. A manufactured home located in a manufactured home rental park, rental community or
87 on real estate not owned by the manufactured home owner shall be considered personal property.
88 A manufactured home located on real estate owned by the manufactured home owner may be
89 considered real property.

90 7. Each manufactured home assessed shall be considered a parcel for the purpose of
91 reimbursement pursuant to section 137.750, unless the manufactured home has been converted
92 to real property in compliance with section 700.111, RSMo, and assessed as a realty
93 improvement to the existing real estate parcel.

94 8. Any amount of tax due and owing based on the assessment of a manufactured home
95 shall be included on the personal property tax statement of the manufactured home owner unless
96 the manufactured home has been converted to real property in compliance with section 700.111,
97 RSMo, in which case the amount of tax due and owing on the assessment of the manufactured
98 home as a realty improvement to the existing real estate parcel shall be included on the real
99 property tax statement of the real estate owner.

100 9. The assessor of each county and each city not within a county shall use the trade-in
101 value published in the October issue of the National Automobile Dealers' Association Official
102 Used Car Guide, or its successor publication, as the recommended guide of information for
103 determining the true value of motor vehicles described in such publication. In the absence of a
104 listing for a particular motor vehicle in such publication, the assessor shall use such information
105 or publications which in the assessor's judgment will fairly estimate the true value in money of
106 the motor vehicle.

107 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)
108 real property by more than fifteen percent since the last assessment, excluding increases due to
109 new construction or improvements, the assessor shall conduct a physical inspection of such
110 property.

111 11. If a physical inspection is required, pursuant to subsection 10 of this section, the

112 assessor shall notify the property owner of that fact in writing and shall provide the owner clear
113 written notice of the owner's rights relating to the physical inspection. If a physical inspection
114 is required, the property owner may request that an interior inspection be performed during the
115 physical inspection. The owner shall have no less than thirty days to notify the assessor of a
116 request for an interior physical inspection.

117 12. A physical inspection, as required by subsection 10 of this section, shall include, but
118 not be limited to, an on-site personal observation and review of all exterior portions of the land
119 and any buildings and improvements to which the inspector has or may reasonably and lawfully
120 gain external access, and shall include an observation and review of the interior of any buildings
121 or improvements on the property upon the timely request of the owner pursuant to subsection 11
122 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not
123 be considered sufficient to constitute a physical inspection as required by this section.

124 13. The provisions of subsections 11 and 12 of this section shall only apply in any county
125 with a charter form of government with more than one million inhabitants.

126 14. A county or city collector may accept credit cards as proper form of payment of
127 outstanding property tax due. No county or city collector may charge surcharge for payment by
128 credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

129 15. The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo,
130 shall become effective January 1, 2003, for any taxing jurisdiction which has at least seventy-five
131 percent of the land area of such jurisdiction within a county with a charter form of government
132 with greater than one million inhabitants[, and the provisions of this section and sections
133 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2005, for all taxing
134 jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing
135 body of such county, opt into the provisions of this act prior to January 1, 2005].