

SECOND REGULAR SESSION

# HOUSE BILL NO. 823

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COOPER (120) (Sponsor), WHORTON, SUTHERLAND,  
DEEKEN, BOUGH, WASSON, MUNZLINGER, WILSON (119), MYERS, SANDER,  
SHOEMYER AND BEHNEN (Co-sponsors) .

Pre-filed December 8, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3115L.011

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### AN ACT

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

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*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Section A. Sections 137.073 and 137.115, RSMo, are repealed and two new sections  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

**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.**

16 approved by voters of the political subdivision as provided in this section;

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

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

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

232 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.**

266 137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's  
267 deputies in all counties of this state including the city of St. Louis shall annually make a list of



268 all real and tangible personal property taxable in the assessor's city, county, town or district.  
269 Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess  
270 all personal property at thirty-three and one-third percent of its true value in money as of January  
271 first of each calendar year. The assessor shall annually assess all real property, including any  
272 new construction and improvements to real property, and possessory interests in real property  
273 at the percent of its true value in money set in subsection 5 of this section. The assessor shall  
274 annually assess all real property in the following manner: new assessed values shall be  
275 determined as of January first of each odd-numbered year and shall be entered in the assessor's  
276 books; those same assessed values shall apply in the following even-numbered year, except for  
277 new construction and property improvements which shall be valued as though they had been  
278 completed as of January first of the preceding odd-numbered year. The assessor may call at the  
279 office, place of doing business, or residence of each person required by this chapter to list  
280 property, and require the person to make a correct statement of all taxable tangible personal  
281 property owned by the person or under his or her care, charge or management, taxable in the  
282 county. On or before January first of each even-numbered year, the assessor shall prepare and  
283 submit a two-year assessment maintenance plan to the county governing body and the state tax  
284 commission for their respective approval or modification. The county governing body shall  
285 approve and forward such plan or its alternative to the plan to the state tax commission by  
286 February first. If the county governing body fails to forward the plan or its alternative to the plan  
287 to the state tax commission by February first, the assessor's plan shall be considered approved  
288 by the county governing body. If the state tax commission fails to approve a plan and if the state  
289 tax commission and the assessor and the governing body of the county involved are unable to  
290 resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the  
291 county or the assessor shall petition the administrative hearing commission, by May first, to  
292 decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the  
293 parties, the matter may be stayed while the parties proceed with mediation or arbitration upon  
294 terms agreed to by the parties. The final decision of the administrative hearing commission shall  
295 be subject to judicial review in the circuit court of the county involved. In the event a valuation  
296 of subclass (1) real property within any county with a charter form of government, or within a  
297 city not within a county, is made by a computer, computer-assisted method or a computer  
298 program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such  
299 valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the  
300 assessor proves otherwise, there shall be a presumption that the assessment was made by a  
301 computer, computer-assisted method or a computer program. Such evidence shall include, but  
302 shall not be limited to, the following:

303 (1) The findings of the assessor based on an appraisal of the property by generally

304 accepted appraisal techniques; and

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

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

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

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

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

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

320 (2) Livestock, twelve percent;

321 (3) Farm machinery, twelve percent;

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

326 (5) Poultry, twelve percent; and

327 (6) Tools and equipment used for pollution control and tools and equipment used in  
328 retooling for the purpose of introducing new product lines or used for making improvements to  
329 existing products by any company which is located in a state enterprise zone and which is  
330 identified by any standard industrial classification number cited in subdivision (6) of section  
331 135.200, RSMo, twenty-five percent.

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

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

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

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

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

342 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used  
343 as dwelling units shall be assessed at the same percentage of true value as residential real  
344 property for the purpose of taxation. The percentage of assessment of true value for such  
345 manufactured homes shall be the same as for residential real property. If the county collector  
346 cannot identify or find the manufactured home when attempting to attach the manufactured home  
347 for payment of taxes owed by the manufactured home owner, the county collector may request  
348 the county commission to have the manufactured home removed from the tax books, and such  
349 request shall be granted within thirty days after the request is made; however, the removal from  
350 the tax books does not remove the tax lien on the manufactured home if it is later identified or  
351 found. A manufactured home located in a manufactured home rental park, rental community or  
352 on real estate not owned by the manufactured home owner shall be considered personal property.  
353 A manufactured home located on real estate owned by the manufactured home owner may be  
354 considered real property.

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

359 8. Any amount of tax due and owing based on the assessment of a manufactured home  
360 shall be included on the personal property tax statement of the manufactured home owner unless  
361 the manufactured home has been converted to real property in compliance with section 700.111,  
362 RSMo, in which case the amount of tax due and owing on the assessment of the manufactured  
363 home as a realty improvement to the existing real estate parcel shall be included on the real  
364 property tax statement of the real estate owner.

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

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

376           11. If a physical inspection is required, pursuant to subsection 10 of this section, the  
377 assessor shall notify the property owner of that fact in writing and shall provide the owner clear  
378 written notice of the owner's rights relating to the physical inspection. If a physical inspection  
379 is required, the property owner may request that an interior inspection be performed during the  
380 physical inspection. The owner shall have no less than thirty days to notify the assessor of a  
381 request for an interior physical inspection.

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

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

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

394           15. The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo,  
395 shall become effective January 1, 2003, for any taxing jurisdiction which has at least seventy-five  
396 percent of the land area of such jurisdiction within a county with a charter form of government  
397 with greater than one million inhabitants[, and the provisions of this section and sections  
398 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2005, for all taxing  
399 jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing  
400 body of such county, opt into the provisions of this act prior to January 1, 2005].