

FIRST REGULAR SESSION

# HOUSE BILL NO. 1150

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), DETHROW, KELLY, MCGHEE, DAY,  
DENISON, NORR, SWINGER, KUESSNER, LOEHNER AND SMITH (150) (Co-sponsors).

Read 1st time March 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2335L.01I

---

### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for safety upgrade costs for gas stations.

---

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be  
2 known as section 135.669, to read as follows:

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

2       **(1) "Authority", the Missouri agricultural and small business development**  
3 **authority organized under sections 348.005 to 348.180, RSMo;**

4       **(2) "Gas station", any gas station serving a rural area that would have no gas**  
5 **station service if the gas station were nonoperational as a result of a failure to install safety**  
6 **upgrades;**

7       **(3) "Safety upgrades", any upgrade to a gas station made on or after January 1,**  
8 **2007, but before January 1, 2010, that is required for safety by federal safety standards**  
9 **administered by the state department of agriculture;**

10       **(4) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo,**  
11 **excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;**

12       **(5) "Taxpayer", any individual or entity that owns a gas station and that is subject**  
13 **to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections**  
14 **143.191 to 143.265, RSMo.**

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.

15           **2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be**  
16 **allowed a tax credit for the costs incurred to install safety upgrades to each gas station**  
17 **owned by the taxpayer. The tax credit amount shall be equal to the lesser of fifty percent**  
18 **of the costs incurred or ten thousand dollars. If the amount of the tax credit issued exceeds**  
19 **the amount of the taxpayer's state tax liability for the tax year for which the credit is**  
20 **claimed, the difference shall not be refundable but may be carried back to any of the**  
21 **taxpayer's three prior taxable years and carried forward to any of the taxpayer's five**  
22 **subsequent taxable years. Any tax credit granted under this section may be transferred,**  
23 **sold, or assigned. Whenever a certificate of tax credit is transferred, sold, assigned, or**  
24 **otherwise conveyed, a notarized endorsement shall be filed with the authority specifying**  
25 **the name and address of the new owner of the tax credit or the value of the credit. The**  
26 **cumulative amount of tax credits which may be issued under this section in any one fiscal**  
27 **year shall not exceed five hundred thousand dollars.**

28           **3. A taxpayer shall submit to the authority an application for a certificate of tax**  
29 **credit before any costs are incurred for any safety upgrades. The authority may**  
30 **promulgate rules establishing the application procedure and verification of eligibility for**  
31 **the tax credit. The authority may impose a fee not to exceed one hundred dollars for the**  
32 **application process.**

33           **4. The department of revenue, the department of agriculture, and the authority**  
34 **may promulgate rules to implement the provisions of this section. Any rule or portion of**  
35 **a rule, as that term is defined in section 536.010, RSMo, that is created under the authority**  
36 **delegated in this section shall become effective only if it complies with and is subject to all**  
37 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**  
38 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**  
39 **general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or**  
40 **to disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
41 **rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be**  
42 **invalid and void.**

43           **5. No tax credit shall be issued under this section for any safety upgrade made on**  
44 **or after January 1, 2010.**

✓