

SECOND REGULAR SESSION

HOUSE BILL NO. 1437

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor),
YATES, FUNDERBURK AND GRILL (Co-sponsors).

Pre-filed December 17, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3394L.01I

AN ACT

To repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions.

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

Section A. Section 144.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.020, to read as follows:

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

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

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, **except that no tax shall be levied and imposed on the amount paid for dues or membership fees to any health club, athletic club, exercise club, fitness club, or other similar club or facility;**

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

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

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

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

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

36 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
37 tangible personal property, provided that if the lessor or renter of any tangible personal property
38 had previously purchased the property under the conditions of "sale at retail" as defined in
39 subdivision [(8)] **(10) of subsection 1** of section 144.010 or leased or rented the property and the
40 tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall
41 not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from
42 that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds,
43 motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this
44 section and section 144.070. In no event shall the rental or lease of boats and outboard motors
45 be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation
46 nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of
47 amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be
48 taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles
49 and trailers. Tangible personal property which is exempt from the sales or use tax under section

50 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental
51 thereof.

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

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