

HCS HBs 1179 & 1765 -- SALES AND USE TAXES (Burlison)

This bill changes the laws regarding the burden of proof for the Director of Revenue in ascertaining the tax liability of a taxpayer to be strictly construed against the taxing authority in favor of a partnership, corporation, or trust with a net worth over \$7 million having more than 500 employees at the time the final decision is issued if the taxpayer produces evidence that establishes a reasonable dispute with respect to the tax issue, has adequate records of the transactions, and the department is allowed reasonable access to those records.

The bill authorizes an exemption for motor fuel used exclusively for watercraft in this state from the motor fuel tax and any state or local sales and use taxes. No taxes can be imposed or levied on any motor fuel delivered to any marina within this state who sells the fuel solely for use in any watercraft and is not accessible to other motor vehicles.

Currently, a taxpayer must pay the motor fuel tax with the purchase of the fuel and then request a refund of the tax from the Department of Revenue within one year of the purchase. The bill specifies that any motor fuel distributor who delivers motor fuel to a marina in this state for use solely in any watercraft at a location other than a Missouri marina may claim the exemption by filing a refund claim for the fuel tax paid from the Department of Revenue. Currently, the sales and use tax only applies to fuel not subject to the motor fuel tax.

Currently, there is a state and local sales and use tax on the sales of admission tickets, cash admissions, charges, and fees to or in places of amusement, entertainment, recreation, games, and athletic events. The bill specifies the tax will only apply to sales of admission tickets and charges and fees for admission to view sporting events; dance performances; theater performances; orchestra, concerts, and other performing arts productions; and amounts paid for admission to racetracks; arcades; theme and amusement parks; water parks; circuses; carnivals; festivals; air shows; museums; marinas; motion picture theaters; and other commercial attractions.

The bill exempts the amount paid for the right of first refusal or right to purchase single, bundled package, or season pass tickets for admission to an event from state and local sales and use tax.

The bill authorizes a state and local sales and use tax exemption on the sale of a used manufactured home.