

HB 1245 -- SALES TAX

SPONSOR: Bosley

This bill requires certain out-of-state sellers with no physical presence in Missouri to collect and remit Missouri sales tax. The seller must remit sales tax if he or she sells tangible personal property or products electronically and had previous or current calendar year sales of at least \$100,000 or 200 or more transactions in this state.

The state can bring a declaratory judgment action in any circuit court to establish that the obligation to remit sales tax is valid. During the pendency of action, the declaratory judgment action will operate as an injunction, prohibiting the state from enforcing this section unless a previous judgment against the seller establishes the validity of the obligation. Once an injunction is lifted or dissolved, the state can assess and apply the obligation to remit sales tax from that date forward (Section 144.900 - 144.901, RSMo).

This bill also creates the "Online Sales Tax Special Fund," which will consist of all the revenue collected by this bill. The fund will be a dedicated fund, and subject to appropriations, will be transferred to the Department of Elementary and Secondary Education in an amount necessary to fund student transportation needs. The remainder of the revenue will be transferred to the General Revenue Fund after the department fully funds student transportation needs.