

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 134, Page 12, Section 138.440, Line 13,
2 by inserting after all of said section and line the following:

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4 "144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale
5 other than retail sales governed by subsections 4 and 5 of this section, where any article on which
6 sales or use tax has been paid, credited, or otherwise satisfied or which was exempted or excluded
7 from sales or use tax is taken in trade as a credit or part payment on the purchase price of the article
8 being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion
9 of the purchase price which exceeds the actual allowance made for the article or articles traded in or
10 exchanged, if there is a bill of sale or other record showing the actual allowance made for the article
11 or articles traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard
12 motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and
13 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of
14 the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or
15 manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the
16 purchase price of the purchased article there shall be no sales or use tax owed. This section shall
17 also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the
18 properly assigned certificate of ownership if the seller purchases or contracts to purchase a
19 subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days [~~before or~~
20 ~~after~~] preceding or following the date of the sale of one or more previously-owned motor vehicles,
21 trailers, boats, or outboard motors, or any combination thereof[-]; or if the person receiving the
22 allowance under this section is sixty-five years of age or older, if the seller purchases or contracts to
23 purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one year preceding or
24 following the date of the sale of one or more previously-owned motor vehicles, trailers, boats, or
25 outboard motors, or any combination thereof; and all related bills of sale showing the paid sale price
26 are presented to the department of revenue at the time of licensing. A copy of all such bills of sale
27 shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard
28 motor is titled more than one hundred eighty days [~~after~~] following the sale of one or more motor
29 vehicles, trailers, boats, or outboard motors, or any combination thereof[-]; or if the person receiving
30 the allowance under this section is sixty-five years of age or older, more than one year following the

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1 sale of one or more motor vehicles, trailers, boats, or outboard motors, or any combination thereof;
2 the allowance pursuant to this section shall be made if the person titling such article establishes that
3 the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-
4 day or one-year period and presents to the department of revenue a copy of all such bills of sale.

5 2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms
6 "motorboat" and "vessel" are defined in section 306.010.

7 3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in
8 section 301.010, recreational vehicles as defined in section 700.010, or a combination of a truck as
9 defined in section 301.010, and a trailer as defined in section 301.010.

10 4. The provisions of subsection 1 of this section shall not apply to retail sales of
11 manufactured homes in which the purchaser receives a document known as the "Manufacturer's
12 Statement of Origin" for purposes of obtaining a title to the manufactured home from the
13 department of revenue of this state or from the appropriate agency or officer of any other state.

14 5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall
15 be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the
16 motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of
17 revenue may prescribe forms for compliance with this subsection."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.