

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0668S.03C
 Bill No.: SCS for HB 415
 Subject: Motor Vehicles; Department of Revenue; Taxation and Revenue - Sales and Use;
 Transportation
 Type: Original
 Date: April 21, 2023

Bill Summary: This proposal requires motor vehicle dealers to collect and remit sales tax on motor vehicles the dealer sells.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Conservation Commission Fund*	\$0 or Up to (\$253,656)	\$0 or Up to (\$304,387)	\$0 or Up to (\$304,387)
Parks, Soils and Water Fund*	\$0 or Up to (\$202,925)	\$0 or Up to (\$243,510)	\$0 or Up to (\$243,510)
School District Trust Fund*	\$0 or Up to (\$1,014,623)	\$0 or Up to (\$1,217,548)	\$0 or Up to (\$1,217,548)
State Road Bond Fund*	\$0 or Up to (\$3,043,870)	\$0 or Up to (\$3,652,644)	\$0 or Up to (\$3,652,644)
State Road Fund*	\$0 or Up to (\$3,043,870)	\$0 or Up to (\$3,652,644)	\$0 or Up to (\$3,652,644)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Up to (\$7,558,944)	\$0 or Up to (\$9,070,733)	\$0 or Up to (\$9,070,733)

*Current law allows (may) motor vehicle dealers to collect and remit sales taxes (dealers already have this ability). This proposal requires motor vehicle dealers (as soon as technologically possible following the development and maintenance of a modernized, integrated system) to collect and remit sales tax. This may increase the amount of sales taxes paid to the state (assuming some are not actually paying sales tax and registering their vehicles). However, dealers would be allowed to retain the 2% timely-filed discount (which are the estimates above).

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0 or Up to (\$9,273,657)	\$0 or Up to (\$11,128,389)	\$0 or Up to (\$11,128,389)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

§144.070.11

As soon as the Department's Motor Vehicle and Driver Licensing System integration and modernization is completed, this provision requires all Missouri licensed dealers to collect and remit the sales tax on all motor vehicles that the dealer sells. When collecting and with timely remittance the dealer gets to keep two percent of taxes collected.

Administrative Impact

Motor Vehicle Bureau

The implementation of this legislation will be coordinated with the integration of the Department's Motor Vehicle and Driver Licensing software system approved and passed by the General Assembly in 2020 (Senate Bill 176). Dealers collecting tax is a part of the new system requirements. The administrative impact for this bill is inclusive within the Department's development and implementation of the new system.

Compliance and Investigations Bureau (CIB)

The proposal will have an impact on CIB as well. If dealers are collecting and remitting sales tax, this will increase the responsibilities of CIB to ensure appropriate tax collection. Additional resources will be requested through the appropriations process, if needed.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Revenue Impact

DOR notes the following estimates have been made using data from FY 2022 state and local sales tax collected on motor vehicles **if the 2% timely discount is allowed for dealers that remit sales tax.**

Total amount of **state** sales tax collected for motor vehicles sold by dealers in FY 2022
= \$417,111,230 x 2% = **\$8,342,225** - Estimated Loss in MV State Sales Tax

Total amount of **local** sales tax collected for motor vehicles sold by dealers in FY 2022
 = \$340,659,669 x 2% = **\$6,813,193** - Estimated Loss MV Local Sales/Use Tax

Estimated loss of revenue annually = \$15,155,418 (\$757,770,899 x 2%)

This would be a decrease to state, city, and county funds

Dealers collecting sales tax at the time of purchase should result in an unknown increase in Motor Vehicle sales tax collections. This increase should mitigate/offset the loss in sales tax collections resulting from the 2% collection fee dealers will be able to retain.

	FY 2024 (6 months)	FY 2025	FY 2026
Conservation	(\$123,406)	(\$246,811)	(\$246,811)
Parks, Soils & Water	(\$98,725)	(\$197,449)	(\$197,449)
School District Trust Fund	(\$493,623)	(\$987,246)	(\$987,246)
State Road Bond Fund	(\$1,480,868)	(\$2,961,737)	(\$2,961,737)
State Road Fund	(\$1,480,868)	(\$2,961,737)	(\$2,961,737)
Locals	(\$493,623)	(\$987,245)	(\$987,245)
Total	(\$4,171,113)	(\$8,342,225)	(\$8,342,225)

Officials from the **Office of Administration - Budget and Planning (B&P)** assume the following regarding this proposal:

Section 144.070

This proposal would require motor vehicle dealers to collect and remit sales taxes, rather than applying the sales tax to the purchaser at the time of titling a vehicle. Motor vehicle dealers are to begin collecting and remitting the sales tax after the development of DOR's integrated motor vehicle system.

B&P notes that motor vehicle dealers would be eligible for the 2% timely filing discount under Section 144.140. Therefore, B&P estimates that this provision may reduce revenues to state and local taxing jurisdictions.

B&P also notes that the 3% tax on motor vehicles is deposited into the State Road Bond Fund (50%); the State Road Fund (36.5%); the State Transportation Fund (1%); and the Fuel Local Deposit Fund (FLOYD) (12.5%) which is then distributed to local jurisdictions.

In addition to the 3% general tax, a tax of 1% is levied for education, 0.125% for Conservation, and 0.1% for Parks, Soil and water.

In FY 2022, state 3% MV sales tax collections were \$365,264,400. Based on the 3% amount, B&P estimates that total taxable sales were \$12,175,480,006. Therefore, B&P estimates that granting the 2% timely filing discount to MV dealers would reduce state tax collections by up to \$9,070,733 (includes state sales tax minus FLOYD distributions) annually. In addition, B&P estimates that this would reduce local sales tax collections by up to \$11,128,389 (includes both local sales tax plus FLOYD distributions) annually.

Table 1 shows the impact by fiscal year by impacted fund. B&P notes that the estimated impact is “up to” the amounts shown as not all MV businesses may choose to actually collect and remit the sales tax and not all businesses may qualify for the timely filing discount throughout a full fiscal year.

Table 1: Impact by Fund and Fiscal Year

	FY 2024		FY 2025		FY 2026+	
<u>State Funds</u>						
Education	\$0 or Up to	(\$1,014,623)	\$0 or Up to	(\$1,217,548)	Up to	(\$1,217,548)
Conservation	\$0 or Up to	(\$253,656)	\$0 or Up to	(\$304,387)	Up to	(\$304,387)
DNR	\$0 or Up to	(\$202,925)	\$0 or Up to	(\$243,510)	Up to	(\$243,510)
State Road Bond Fund	\$0 or Up to	(\$3,043,870)	\$0 or Up to	(\$3,652,644)	Up to	(\$3,652,644)
State Road Fund	\$0 or Up to	(\$2,962,700)	\$0 or Up to	(\$3,555,240)	Up to	(\$3,555,240)
State Transportation Fund	\$0 or Up to	(\$81,170)	\$0 or Up to	(\$97,404)	Up to	(\$97,404)
Loss to All State Funds	\$0 or Up to	(\$7,558,944)	\$0 or Up to	(\$9,070,733)	Up to	(\$9,070,733)
<u>Local Funds</u>						
Fuel Local Deposit (FLOYD)	\$0 or Up to	(\$1,014,623)	\$0 or Up to	(\$1,217,548)	Up to	(\$1,217,548)
Sales Tax	\$0 or Up to	(\$8,259,034)	\$0 or Up to	(\$9,910,841)	Up to	(\$9,910,841)

Loss to All Local Funds	\$0 or Up to (\$9,273,657)	\$0 or Up to (\$11,128,389)	Up to (\$11,128,389)
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Oversight does not have information to the contrary and therefore, Oversight will reflect the revenue loss estimates as provided by B&P. In addition, Oversight will reflect an “Unknown” increase in revenue as indicated by DOR for the potential increase in sales tax collections due to motor vehicle dealers having the ability to collect the sales tax at the time of sale – if those sales taxes would not have otherwise been collected.

Oversight notes, DOR has indicated that the average estimated time to implement the new integrated system is between three and five years; therefore, Oversight will reflect the fiscal impact as \$0 (new system has not been implemented yet) up to the estimates indicated by B&P (new system has been implemented).

Officials from the **Missouri Highway Patrol** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for the Missouri Highway Patrol.

In response to a previous version, officials from the **Missouri Department of Transportation** deferred to the DOR for the potential fiscal impact of this proposal.

Rule Promulgation

In response to a previous version, officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
CONSERVATION COMMISSION FUND (0609)			
<u>Revenue</u> – potential increase in sales tax collection due to dealers having the ability to collect sales tax at the time of sale (p. 5-6)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> – 2% timely fee possibly being retained by dealerships (p. 5-6)	<u>\$0 or Up to (\$253,656)</u>	<u>\$0 or Up to (\$304,387)</u>	<u>\$0 or Up to (\$304,387)</u>
ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND	<u>\$0 or Up to (\$253,656)</u>	<u>\$0 or Up to (\$304,387)</u>	<u>\$0 or Up to (\$304,387)</u>
PARKS, SOIL AND WATER FUND (0613 & 0614)			
<u>Revenue</u> – potential increase in sales tax collection due to dealers having the ability to collect sales tax at the time of sale (p. 5-6)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> – 2% timely fee possibly being retained by dealerships (p. 5-6)	<u>\$0 or Up to (\$202,925)</u>	<u>\$0 or Up to (\$243,510)</u>	<u>\$0 or Up to (\$243,510)</u>

ESTIMATED NET EFFECT ON THE PARKS, SOIL AND WATER FUND	<u>\$0 or Up to (\$202,925)</u>	<u>\$0 or Up to (\$243,510)</u>	<u>\$0 or Up to (\$243,510)</u>
<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026
SCHOOL DISTRICT TRUST FUND (0688)			
<u>Revenue</u> – potential increase in sales tax collection due to dealers having the ability to collect sales tax at the time of sale (p. 5-6)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> – 2% timely fee possibly being retained by dealerships (p. 5-6)	<u>\$0 or Up to (\$1,014,623)</u>	<u>\$0 or Up to (\$1,217,548)</u>	<u>\$0 or Up to (\$1,217,548)</u>
ESTIMATED NET EFFECT ON THE SCHOOL DISTRICT TRUST FUND	<u>\$0 or Up to (\$1,014,623)</u>	<u>\$0 or Up to (\$1,217,548)</u>	<u>\$0 or Up to (\$1,217,548)</u>
STATE ROAD BOND FUND (0319)			
<u>Revenue</u> – potential increase in sales tax collection due to dealers having the ability to collect sales tax at the time of sale (p. 5-6)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> – 2% timely fee possibly being retained by dealerships (p. 5-6)	<u>\$0 or Up to (\$3,043,870)</u>	<u>\$0 or Up to (\$3,652,644)</u>	<u>\$0 or Up to (\$3,652,644)</u>

ESTIMATED NET EFFECT ON THE STATE ROAD BOND FUND	<u>\$0 or Up to (\$3,043,870)</u>	<u>\$0 or Up to (\$3,652,644)</u>	<u>\$0 or Up to (\$3,652,644)</u>
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
STATE ROAD FUND (0320)			
<u>Revenue</u> – potential increase in sales tax collection due to dealers having the ability to collect sales tax at the time of sale (p. 5-6)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> – 2% timely fee possibly being retained by dealerships (p. 5-6)	<u>\$0 or Up to (\$3,043,870)</u>	<u>\$0 or Up to (\$3,652,644)</u>	<u>\$0 or Up to (\$3,652,644)</u>
ESTIMATED NET EFFECT ON THE STATE ROAD FUND	<u>\$0 or Up to (\$3,043,870)</u>	<u>\$0 or Up to (\$3,652,644)</u>	<u>\$0 or Up to (\$3,652,644)</u>

<u>FISCAL IMPACT –</u> <u>Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> – potential increase in sales tax collection due to dealers having the ability to collect sales tax at the time of sale (p. 5-6)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> – (FLOYD) - 2% timely fee possibly being retained by dealerships (p. 5-6)	\$0 or Up to (\$1,014,623)	\$0 or Up to (\$1,217,548)	\$0 or Up to (\$1,217,548)
<u>Loss</u> – (local sales tax only) - 2% timely fee possibly being retained by dealerships (p. 5-6)	\$0 or Up to (\$8,259,034)	\$0 or Up to (\$9,910,841)	\$0 or Up to (\$9,910,841)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or Up to</u> <u>(\$9,273,657)</u>	<u>\$0 or Up to</u> <u>(\$11,128,389)</u>	<u>\$0 or Up to</u> <u>(\$11,128,389)</u>

FISCAL IMPACT – Small Business

Small motor vehicle dealerships could be impacted as a result of this proposal.

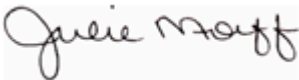
FISCAL DESCRIPTION

Every licensed motor vehicle dealer must collect and remit sales tax on all motor vehicles sold. The Director of the Department of Revenue may promulgate rules and regulations for the administration of this bill.

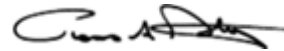
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Office of Administration - Budget and Planning
Missouri Highway Patrol
Missouri Department of Transportation
Office of the Secretary of State
Joint Committee on Administrative Rules



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April 21, 2023



Ross Strobe
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April 21, 2023