

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 252**  
**101ST GENERAL ASSEMBLY**

0319H.03C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 67.1360 and 94.838, RSMo, and to enact in lieu thereof five new sections relating to transient guest taxes.

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

Section A. Sections 67.1360 and 94.838, RSMo, are repealed and five new sections  
2 enacted in lieu thereof, to be known as sections 67.1011, 67.1360, 94.838, 94.842, and 94.1014,  
3 to read as follows:

**67.1011. 1. The governing body of any city of the third classification with more  
2 than four thousand but fewer than four thousand five hundred inhabitants and located in  
3 any county of the third classification with a township form of government and with more  
4 than sixteen thousand but fewer than eighteen thousand inhabitants may impose a tax as  
5 provided in this section.**

**6 2. The governing body of any city described under subsection 1 of this section may  
7 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or  
8 motels situated in the city, which shall be no more than six percent per occupied room per  
9 night. The tax shall not become effective unless the governing body of the city submits to  
10 the voters of the city at an election a question to authorize the governing body of the city  
11 to impose the tax. The tax shall be in addition to the charge for the sleeping room and shall  
12 be in addition to any and all other taxes. The tax shall be stated separately from all other  
13 charges and taxes.**

**14 3. The question for the tax shall be in substantially the following form:**

**15 Shall \_\_\_\_\_ (city name) impose a tax on the charges for all sleeping  
16 rooms paid by the transient guests of hotels and motels situated in  
17 \_\_\_\_\_ (city name) at a rate of \_\_\_\_\_ percent?**

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.

18                     YES             NO

19

20 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**  
21 **favor of the question, the tax shall become effective on the first day of the second calendar**  
22 **quarter following the calendar quarter in which the election was held. If a majority of the**  
23 **votes cast on the question by the qualified voters voting thereon are opposed to the**  
24 **question, the tax shall not become effective unless and until the question is resubmitted**  
25 **under this section to the qualified voters and such question is approved by a majority of**  
26 **the qualified voters voting thereon.**

27            **4. As used in this section, "transient guests" means a person or persons who occupy**  
28 **a room or rooms in a hotel or motel for thirty-one days or less during any calendar**  
29 **quarter.**

          67.1360. 1. The governing body of the following cities and counties may impose a tax  
2 as provided in this section:

3            (1) A city with a population of more than seven thousand and less than seven thousand  
4 five hundred;

5            (2) A county with a population of over nine thousand six hundred and less than twelve  
6 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county  
7 submits the issue to the voters of such county prior to January 1, 2003;

8            (3) A third class city which is the county seat of a county of the third classification  
9 without a township form of government with a population of at least twenty-five thousand but  
10 not more than thirty thousand inhabitants;

11            (4) Any fourth class city having, according to the last federal decennial census, a  
12 population of more than one thousand eight hundred fifty inhabitants but less than one thousand  
13 nine hundred fifty inhabitants in a county of the first classification with a charter form of  
14 government and having a population of greater than six hundred thousand but less than nine  
15 hundred thousand inhabitants;

16            (5) Any city having a population of more than three thousand but less than eight  
17 thousand inhabitants in a county of the fourth classification having a population of greater than  
18 forty-eight thousand inhabitants;

19            (6) Any city having a population of less than two hundred fifty inhabitants in a county  
20 of the fourth classification having a population of greater than forty-eight thousand inhabitants;

21            (7) Any fourth class city having a population of more than two thousand five hundred  
22 but less than three thousand inhabitants in a county of the third classification having a population  
23 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

24 (8) Any third class city with a population of more than three thousand two hundred but  
25 less than three thousand three hundred located in a county of the third classification having a  
26 population of more than thirty-five thousand but less than thirty-six thousand;

27 (9) Any county of the second classification without a township form of government and  
28 a population of less than thirty thousand;

29 (10) Any city of the fourth class in a county of the second classification without a  
30 township form of government and a population of less than thirty thousand;

31 (11) Any county of the third classification with a township form of government and a  
32 population of at least twenty-eight thousand but not more than thirty thousand;

33 (12) Any city of the fourth class with a population of more than one thousand eight  
34 hundred but less than two thousand in a county of the third classification with a township form  
35 of government and a population of at least twenty-eight thousand but not more than thirty  
36 thousand;

37 (13) Any city of the third class with a population of more than seven thousand two  
38 hundred but less than seven thousand five hundred within a county of the third classification with  
39 a population of more than twenty-one thousand but less than twenty-three thousand;

40 (14) Any fourth class city having a population of more than two thousand eight hundred  
41 but less than three thousand one hundred inhabitants in a county of the third classification with  
42 a township form of government having a population of more than eight thousand four hundred  
43 but less than nine thousand inhabitants;

44 (15) Any fourth class city with a population of more than four hundred seventy but less  
45 than five hundred twenty inhabitants located in a county of the third classification with a  
46 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

47 (16) Any third class city with a population of more than three thousand eight hundred  
48 but less than four thousand inhabitants located in a county of the third classification with a  
49 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

50 (17) Any fourth class city with a population of more than four thousand three hundred  
51 but less than four thousand five hundred inhabitants located in a county of the third classification  
52 without a township form of government with a population greater than sixteen thousand but less  
53 than sixteen thousand two hundred inhabitants;

54 (18) Any fourth class city with a population of more than two thousand four hundred but  
55 less than two thousand six hundred inhabitants located in a county of the first classification  
56 without a charter form of government with a population of more than fifty-five thousand but less  
57 than sixty thousand inhabitants;

58 (19) Any fourth class city with a population of more than two thousand five hundred but  
59 less than two thousand six hundred inhabitants located in a county of the third classification with

60 a population of more than nineteen thousand one hundred but less than nineteen thousand two  
61 hundred inhabitants;

62 (20) Any county of the third classification without a township form of government with  
63 a population greater than sixteen thousand but less than sixteen thousand two hundred  
64 inhabitants;

65 (21) Any county of the second classification with a population of more than forty-four  
66 thousand but less than fifty thousand inhabitants;

67 (22) Any third class city with a population of more than nine thousand five hundred but  
68 less than nine thousand seven hundred inhabitants located in a county of the first classification  
69 without a charter form of government and with a population of more than one hundred ninety-  
70 eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

71 (23) Any city of the fourth classification with more than five thousand two hundred but  
72 less than five thousand three hundred inhabitants located in a county of the third classification  
73 without a township form of government and with more than twenty-four thousand five hundred  
74 but less than twenty-four thousand six hundred inhabitants;

75 (24) Any third class city with a population of more than nineteen thousand nine hundred  
76 but less than twenty thousand in a county of the first classification without a charter form of  
77 government and with a population of more than one hundred ninety-eight thousand but less than  
78 one hundred ninety-eight thousand two hundred inhabitants;

79 (25) Any city of the fourth classification with more than two thousand six hundred but  
80 less than two thousand seven hundred inhabitants located in any county of the third classification  
81 without a township form of government and with more than fifteen thousand three hundred but  
82 less than fifteen thousand four hundred inhabitants;

83 (26) Any county of the third classification without a township form of government and  
84 with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

85 (27) Any city of the fourth classification with more than five thousand four hundred but  
86 fewer than five thousand five hundred inhabitants and located in more than one county;

87 (28) Any city of the fourth classification with more than six thousand three hundred but  
88 fewer than six thousand five hundred inhabitants and located in more than one county through  
89 the creation of a tourism district which may include, in addition to the geographic area of such  
90 city, the area encompassed by the portion of the school district, located within a county of the  
91 first classification with more than ninety-three thousand eight hundred but fewer than ninety-  
92 three thousand nine hundred inhabitants, having an average daily attendance for school year  
93 2005-06 between one thousand eight hundred and one thousand nine hundred;

94 (29) Any city of the fourth classification with more than seven thousand seven hundred  
95 but less than seven thousand eight hundred inhabitants located in a county of the first

96 classification with more than ninety-three thousand eight hundred but less than ninety-three  
97 thousand nine hundred inhabitants;

98 (30) Any city of the fourth classification with more than two thousand nine hundred but  
99 less than three thousand inhabitants located in a county of the first classification with more than  
100 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred  
101 inhabitants;

102 (31) Any city of the third classification with more than nine thousand three hundred but  
103 less than nine thousand four hundred inhabitants;

104 (32) Any city of the fourth classification with more than three thousand eight hundred  
105 but fewer than three thousand nine hundred inhabitants and located in any county of the first  
106 classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine  
107 thousand eight hundred inhabitants;

108 (33) Any city of the fourth classification with more than one thousand eight hundred but  
109 fewer than one thousand nine hundred inhabitants and located in any county of the first  
110 classification with more than one hundred thirty-five thousand four hundred but fewer than one  
111 hundred thirty-five thousand five hundred inhabitants;

112 (34) Any county of the third classification without a township form of government and  
113 with more than twelve thousand one hundred but fewer than twelve thousand two hundred  
114 inhabitants;

115 (35) Any city of the fourth classification with more than three thousand eight hundred  
116 but fewer than four thousand inhabitants and located in more than one county; provided,  
117 however, that motels owned by not-for-profit organizations are exempt;

118 (36) Any city of the fourth classification with more than five thousand but fewer than  
119 five thousand five hundred inhabitants and located in any county with a charter form of  
120 government and with more than two hundred thousand but fewer than three hundred fifty  
121 thousand inhabitants; [ø]

122 (37) Any city with more than four thousand but fewer than five thousand five hundred  
123 inhabitants and located in any county of the fourth classification with more than thirty thousand  
124 but fewer than forty-two thousand inhabitants; **or**

125 **(38) Any city of the third classification with more than nine thousand but fewer**  
126 **than ten thousand inhabitants and located in more than one county.**

127 2. The governing body of any city or county listed in subsection 1 of this section may  
128 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels,  
129 bed and breakfast inns, and campgrounds and any docking facility that rents slips to recreational  
130 boats that are used by transients for sleeping, which shall be at least two percent but not more  
131 than five percent per occupied room per night, except that such tax shall not become effective

132 unless the governing body of the city or county submits to the voters of the city or county at a  
133 state general, primary, or special election, a proposal to authorize the governing body of the city  
134 or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax  
135 authorized by this section and section 67.1362 shall be in addition to any charge paid to the  
136 owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds  
137 of such tax shall be used by the city or county solely for funding the promotion of tourism. Such  
138 tax shall be stated separately from all other charges and taxes.

94.838. 1. As used in this section, the following terms mean:

2 (1) "Food", all articles commonly used for food or drink, including alcoholic beverages,  
3 the provisions of chapter 311 notwithstanding;

4 (2) "Food establishment", any café, cafeteria, lunchroom, or restaurant which sells food  
5 at retail;

6 (3) "Municipality", any village or fourth class city with more than two hundred but less  
7 than three hundred inhabitants and located in any county of the third classification with a  
8 township form of government and with more than twelve thousand five hundred but less than  
9 twelve thousand six hundred inhabitants;

10 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or  
11 motel for thirty-one days or less during any calendar quarter.

12 2. The governing body of any municipality may impose, by order or ordinance:

13 (1) A tax, not to exceed six percent per room per night, on the charges for all sleeping  
14 rooms paid by the transient guests of hotels or motels situated in the municipality or a portion  
15 thereof; and

16 (2) A tax, not to exceed ~~two~~ **six** percent, on the gross receipts derived from the retail  
17 sales of food by every person operating a food establishment in the municipality.

18

19 The taxes shall be imposed solely for ~~[the purpose of funding the construction, maintenance, and~~  
20 ~~operation of capital improvements]~~ **general revenue purposes**. The order or ordinance shall not  
21 become effective unless the governing body of the municipality submits to the voters of the  
22 municipality at a state general or primary election a proposal to authorize the governing body of  
23 the municipality to impose taxes under this section. The taxes authorized in this section shall  
24 be in addition to the charge for the sleeping room, the retail sales of food at a food establishment,  
25 and all other taxes imposed by law, and shall be stated separately from all other charges and  
26 taxes.

27 3. The ballot of submission for the taxes authorized in this section shall be in  
28 substantially the following form:

29 Shall \_\_\_\_\_ (insert the name of the municipality) impose a tax on the charges  
30 for all retail sales of food at a food establishment situated in \_\_\_\_\_ (name of  
31 municipality) at a rate of \_\_\_\_\_ (insert rate of percent) percent, and for all  
32 sleeping rooms paid by the transient guests of hotels and motels situated in  
33 \_\_\_\_\_ (name of municipality) at a rate of \_\_\_\_\_ (insert rate of percent) percent,  
34 solely for the purpose of [~~funding the construction, maintenance, and operation~~  
35 ~~of capital improvements~~] **increasing general revenue funds?**

36  YES  NO

37

38 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor  
39 of the question, then the taxes shall become effective on the first day of the second calendar  
40 quarter after the director of revenue receives notice of the adoption of the taxes. If a majority of  
41 the votes cast on the question by the qualified voters voting thereon are opposed to the question,  
42 then the taxes shall not become effective unless and until the question is resubmitted under this  
43 section to the qualified voters and such question is approved by a majority of the qualified voters  
44 voting on the question.

45 4. Any tax on the retail sales of food imposed under this section shall be administered,  
46 collected, enforced, and operated as required in section 32.087, and any transient guest tax  
47 imposed under this section shall be administered, collected, enforced, and operated by the  
48 municipality imposing the tax. All revenue generated by the tax shall be deposited in a special  
49 trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds  
50 remaining in the special trust fund shall continue to be used solely for the designated purposes.  
51 Any funds in the special trust fund which are not needed for current expenditures may be  
52 invested in the same manner as other funds are invested. Any interest and moneys earned on  
53 such investments shall be credited to the fund.

54 5. Once the initial bonds, if any, have been satisfied, then the governing body of any  
55 municipality that has adopted the taxes authorized in this section may submit the question of  
56 repeal of the taxes to the voters on any date available for elections for the municipality. The  
57 ballot of submission shall be in substantially the following form:

58 Shall \_\_\_\_\_ (insert the name of the municipality) repeal the taxes imposed at the  
59 rates of \_\_\_\_\_ (insert rate of percent) and \_\_\_\_\_ (insert rate of percent) percent  
60 for the purpose of [~~funding the construction, maintenance, and operation of~~  
61 ~~capital improvements~~] **increasing general revenue funds?**

62  YES  NO

63

64 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
 65 effective on December thirty-first of the calendar year in which such repeal was approved. If a  
 66 majority of the votes cast on the question by the qualified voters voting thereon are opposed to  
 67 the repeal, then the tax authorized in this section shall remain effective until the question is  
 68 resubmitted under this section to the qualified voters, and the repeal is approved by a majority  
 69 of the qualified voters voting on the question.

70 6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body  
 71 of any municipality that has adopted the taxes authorized in this section receives a petition,  
 72 signed by ten percent of the registered voters of the municipality voting in the last gubernatorial  
 73 election, calling for an election to repeal the taxes imposed under this section, the governing  
 74 body shall submit to the voters of the municipality a proposal to repeal the taxes. If a majority  
 75 of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal,  
 76 that repeal shall become effective on December thirty-first of the calendar year in which such  
 77 repeal was approved. If a majority of the votes cast on the question by the qualified voters voting  
 78 thereon are opposed to the repeal, then the tax shall remain effective until the question is  
 79 resubmitted under this section to the qualified voters and the repeal is approved by a majority of  
 80 the qualified voters voting on the question.

**94.842. 1. The governing body of any home rule city with more than one hundred  
 2 fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on  
 3 the charges for all sleeping rooms paid by the transient guests of hotels or motels situated  
 4 in the city, which shall not be more than two and one-half percent per occupied room per  
 5 night. Such tax shall only become effective if the governing body of the city submits a  
 6 proposal to the voters of the city at a general election that authorizes the governing body  
 7 of the city to impose a tax under the provisions of this section and the voters approve such  
 8 proposal. The tax authorized under this section shall be in addition to the charge for a  
 9 sleeping room and shall be in addition to any and all taxes imposed by law. The revenue  
 10 of such tax shall be used solely for capital improvements that can be demonstrated to  
 11 increase the number of overnight visitors. Such tax shall be stated separately from all  
 12 other charges and taxes.**

13 **2. The proposal shall be submitted in substantially the following form:**  
 14 **Shall the city of \_\_\_\_\_ levy a tax of \_\_\_ percent on each sleeping room**  
 15 **occupied and rented by transient guests of hotels and motels located in the**  
 16 **city, whose revenue shall be dedicated to capital improvements to increase**  
 17 **tourism?**

18  YES

NO

19



20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in  
21 favor of the proposal, the tax shall become effective on the first day of the calendar quarter  
22 following the calendar quarter in which the election is held. If a majority of the votes cast  
23 on the proposal by the qualified voters voting thereon are opposed to the proposal, the  
24 governing body for the city shall have no power to impose the tax authorized by this section  
25 unless and until the governing body of the city again submits the proposal to the qualified  
26 voters of the city and such proposal is approved by a majority of the qualified voters voting  
27 thereon.

28 3. After the approval of a proposal but before the effective date of a tax authorized  
29 under this section, the city shall adopt one of the following provisions for the collection and  
30 administration of the tax:

31 (1) The city may adopt rules and regulations for the internal collection of such tax  
32 by the city officers usually responsible for collection and administration of city taxes; or

33 (2) The city may enter into an agreement with the director of revenue for the  
34 purpose of collecting the tax authorized under this section. If a city enters into an  
35 agreement with the director of revenue for the collection of the tax authorized in this  
36 section, the director shall perform all functions incident to the administration, collection,  
37 enforcement, and operation of such tax, and the director of revenue shall collect the  
38 additional tax authorized under this section. The tax authorized under this section shall  
39 be collected and reported upon such forms and under such administrative rules and  
40 regulations as may be prescribed by the director of revenue, and the director of revenue  
41 may retain up to one percent for cost of collection.

42 4. The city shall post on the official city website information about the tax  
43 including, but not limited to, the rate imposed and the capital improvements for which the  
44 revenue has been or will be used.

45 5. As used in this section, "transient guests" means a person or persons who occupy  
46 a room or rooms in a hotel, motel, or tourist court for less than thirty-one consecutive days.

94.1014. 1. (1) The governing body of any city of the fourth classification with  
2 more than three thousand seven hundred but fewer than four thousand inhabitants and  
3 located in any county of the first classification with more than one hundred fifty thousand  
4 but fewer than two hundred thousand inhabitants may impose a tax on the charges for all  
5 sleeping rooms paid by the transient guests of hotels or motels situated in the city or a  
6 portion thereof. The tax shall not be more than five percent per occupied room per night.

7 (2) The tax shall not become effective unless the governing body of the city, on a  
8 general election day not earlier than the 2022 general election, submits to the voters of the

9 city a proposal to authorize the city to impose a tax under this section and the voters  
10 approve the tax.

11 (3) The tax shall be in addition to the charge for the sleeping room and all other  
12 taxes imposed by law. The tax shall be stated separately from all other charges and taxes.

13 (4) The proceeds of the tax shall be used by the city for the promotion of tourism;  
14 growth of the region; economic development purposes; and public safety purposes  
15 including, but not limited to, equipment expenditures, employee salaries and benefits, and  
16 facilities for police, firefighters, or emergency medical providers.

17 2. The ballot language for authorization of the tax shall be in substantially the  
18 following form:

19 Shall \_\_\_\_\_ (name of the city) impose a tax on the charges for all sleeping  
20 rooms paid by the transient guests of hotels and motels situated in \_\_\_\_\_  
21 (name of the city) at a rate of \_\_\_\_\_ percent for the promotion of tourism,  
22 growth of the region, economic development, and public safety?

23  YES  NO

24

25 If a majority of the votes cast on the proposal by qualified voters approve the proposal, the  
26 tax shall become effective on the first day of the second calendar quarter following the  
27 election. If a majority of the votes cast on the proposal by qualified voters oppose the  
28 proposal, the tax shall not become effective unless and until the proposal is again submitted  
29 to the voters of the city and is approved by a majority of the qualified voters voting  
30 thereon.

31 3. The governing body of any city authorized to levy a sales tax pursuant to this  
32 section shall include information on the city's website on the tax rate and the purposes for  
33 which the tax is levied.

34 4. As used in this section, "transient guest" means any person who occupies a room  
35 or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

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