

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 604 & 180**  
**102ND GENERAL ASSEMBLY**

1637H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 67.1009 and 67.1360, RSMo, and to enact in lieu thereof two 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Section A. Sections 67.1009 and 67.1360, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.1009 and 67.1360, to read as follows:

67.1009. 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants; or

**(3) Any city with more than two thousand seven hundred but fewer than three thousand inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than seventeen thousand but fewer than twenty-one thousand inhabitants.**

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six-tenths of one percent per occupied room per night ~~[, except that]~~ **for cities described under subdivision (1) or (2) of subsection 1 of this section and not more than six percent per occupied room per night for cities described under subdivision (3) of subsection 1 of this section.** Such tax shall not become

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.

19 effective unless the governing body of the city or county submits to the voters of the city or  
 20 county at a state general or primary election a proposal to authorize the governing body of the  
 21 city to impose a tax pursuant to this section. The tax authorized by this section shall be in  
 22 addition to the charge for the sleeping room and shall be in addition to any and all taxes  
 23 imposed by law. Such tax shall be stated separately from all other charges and taxes. **For**  
 24 **cities described under subdivision (3) of subsection 1 of this section, the revenue of the**  
 25 **tax shall be used only for the purposes of promoting tourism, promoting economic**  
 26 **development, and promoting the retention and growth of any military base near the city.**

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

29 Shall (insert the name of the city) impose a tax on the charges for all  
 30 sleeping rooms paid by the transient guests of hotels and motels  
 31 situated in (name of city) at a rate of (insert **proposed** rate [~~of percent~~  
 32 ~~up to six tenths of one percent~~]) **(for the purpose of promoting**  
 33 **tourism, promoting economic development, and promoting**  
 34 **retention and growth of (insert name of military base))?**

35  Yes  No

36  
 37 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
 38 favor of the question, then the tax shall become effective on the first day of the second  
 39 calendar quarter following the calendar quarter in which the election was held. If a majority  
 40 of the votes cast on the question by the qualified voters voting thereon are opposed to the  
 41 question, then the tax shall not become effective unless and until the question is resubmitted  
 42 under this section to the qualified voters and such question is approved by a majority of the  
 43 qualified voters voting on the question.

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

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

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

5 (2) A county with a population of over nine thousand six hundred and less than  
 6 twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if  
 7 the county 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  
13 thousand nine hundred fifty inhabitants in a county of the first classification with a charter  
14 form of government and having a population of greater than six hundred thousand but less  
15 than nine 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  
18 than 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  
21 inhabitants;

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

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

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

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

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

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

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

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

46 (15) Any fourth class city with a population of more than four hundred seventy but  
47 less than five hundred twenty inhabitants located in a county of the third classification with a

48 population of more than fifteen thousand nine hundred but less than sixteen thousand  
49 inhabitants;

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

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

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

62 (19) Any fourth class city with a population of more than two thousand five hundred  
63 but less than two thousand six hundred inhabitants located in a county of the third  
64 classification with a population of more than nineteen thousand one hundred but less than  
65 nineteen thousand two hundred inhabitants;

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

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

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

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

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

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

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

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

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

100 (29) Any city of the fourth classification with more than seven thousand seven  
101 hundred but less than seven thousand eight hundred inhabitants located in a county of the first  
102 classification with more than ninety-three thousand eight hundred but less than ninety-three  
103 thousand nine hundred inhabitants;

104 (30) Any city of the fourth classification with more than two thousand nine hundred  
105 but less than three thousand inhabitants located in a county of the first classification with  
106 more than seventy-three thousand seven hundred but less than seventy-three thousand eight  
107 hundred inhabitants;

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

110 (32) Any city of the fourth classification with more than three thousand eight hundred  
111 but fewer than three thousand nine hundred inhabitants and located in any county of the first  
112 classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine  
113 thousand eight hundred inhabitants;

114 (33) Any city of the fourth classification with more than one thousand eight hundred  
115 but fewer than one thousand nine hundred inhabitants and located in any county of the first  
116 classification with more than one hundred thirty-five thousand four hundred but fewer than  
117 one hundred thirty-five thousand five hundred inhabitants;

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

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

124 (36) Any city of the fourth classification with more than five thousand but fewer than  
125 five thousand five hundred inhabitants and located in any county with a charter form of  
126 government and with more than two hundred thousand but fewer than three hundred fifty  
127 thousand inhabitants; ~~[or]~~

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

131 **(38) Any city with more than eight thousand but fewer than nine thousand**  
132 **inhabitants and partially located in a county with more than nineteen thousand but**  
133 **fewer than twenty-two thousand inhabitants.**

134 2. The governing body of any city or county listed in subsection 1 of this section may  
135 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,  
136 motels, bed and breakfast inns, and campgrounds and any docking facility that rents slips to  
137 recreational boats that are used by transients for sleeping, which shall be at least two percent  
138 but not more than five percent per occupied room per night, except that such tax shall not  
139 become effective unless the governing body of the city or county submits to the voters of the  
140 city or county at a state general, primary, or special election, a proposal to authorize the  
141 governing body of the city or county to impose a tax pursuant to the provisions of this section  
142 and section 67.1362. The tax authorized by this section and section 67.1362 shall be in  
143 addition to any charge paid to the owner or operator and shall be in addition to any and all  
144 taxes imposed by law and the proceeds of such tax shall be used by the city or county solely  
145 for funding the promotion of tourism. Such tax shall be stated separately from all other  
146 charges and taxes.

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