

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 794, Page 1, In the Title, Lines 2-3, by  
2 deleting the words "a sales tax exemption on parts and accessories for medical equipment" and  
3 inserting in lieu thereof the words "sales tax"; and  
4

5 Further amend said bill, Page 5, Section 144.030, Line 135-139, by deleting all of said lines and  
6 inserting in lieu thereof the following:  
7

8 "(19) All sales of insulin, and all sales, rentals, accessories, repairs, and parts of durable  
9 medical equipment and prosthetic [or] devices as defined in this subdivision, as well as orthopedic  
10 devices as defined [on January 1, 1980,] by the federal Medicare program pursuant to Title XVIII of  
11 the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and  
12 also specifically including class III medical devices that use electric fields for the treatment of  
13 cancer, including components, parts, and supplies required for the use of such devices, hearing aids,  
14 and hearing"; and  
15

16 Further amend said bill, page, section, Lines 146, 147, and 150, by inserting after the word "parts"  
17 the following words "and accessories"; and  
18

19 Further amend said bill, page, section, Line 157, by inserting after all of said line the following:  
20

21 "(a) For purposes of this subdivision, "durable medical equipment" means equipment  
22 including repair and replacement parts for same, but does not include "mobility enhancing  
23 equipment" which can withstand repeated use, is primarily and customarily used to serve a medical  
24 purpose, and is not worn in or on the body;

25 (b) For purposes of this subdivision, "prosthetic device" means a replacement, corrective, or  
26 supportive device including repair and replacement parts for same worn on or in the body to  
27 artificially replace a missing portion of the body, prevent or correct physical deformity or  
28 malfunction, or support a weak or deformed portion of the body;"; and  
29

30 Further amend said bill, Page 11, section, Line 370, by inserting after all of said line the following:  
31

32 "144.087. 1. The director of revenue shall require all applicants for retail sales licenses and  
33 all licensees in default in filing a return and paying their taxes when due to file a bond in an amount  
34 to be determined by the director, which may be a corporate surety bond or a cash bond, but such  
35 bond shall not be more than [three] two times the average monthly tax liability of the taxpayer,  
36 estimated in the case of a new applicant, otherwise based on the previous twelve months'

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 experience. At such time as the director of revenue shall deem the amount of a bond required by  
2 this section to be insufficient to cover the average monthly tax liability of a given taxpayer, he may  
3 require such taxpayer to adjust the amount of the bond to the level satisfactory to the director which  
4 will cover the amount of such liability. The director shall, after a reasonable period of satisfactory  
5 tax compliance for [two years] one year from the initial date of bonding, release such taxpayer from  
6 the bonding requirement as set forth in this section. All itinerant or temporary businesses shall be  
7 required to procure the license and post the bond required under the provisions of sections 144.083  
8 and 144.087 prior to the selling of goods at retail, and in the event that such business is to be  
9 conducted for less than one month, the amount of the bond shall be determined by the director.

10 2. All cash bonds shall be deposited by the director of revenue into the state general revenue  
11 fund, and shall be released to the taxpayer pursuant to subsection 1 of this section from funds  
12 appropriated by the general assembly for such purpose. If appropriated funds are available, the  
13 commissioner of administration and the state treasurer shall cause such refunds to be paid within  
14 thirty days of the receipt of a warrant request for such payment from the director of the department  
15 of revenue.

16 3. An applicant or licensee in default may, in lieu of filing any bond required under this  
17 section, provide the director of revenue with an irrevocable letter of credit, as defined in section  
18 400.5-103, issued by any state or federally chartered financial institution, in an amount to be  
19 determined by the director or may obtain a certificate of deposit issued by any state or federally  
20 chartered financial institution, in an amount to be determined by the director, where such certificate  
21 of deposit is pledged to the department of revenue until released by the director in the same manner  
22 as bonds are released pursuant to subsection 1 of this section. As used in this subsection, the term  
23 "certificate of deposit" means a certificate representing any deposit of funds in a state or federally  
24 chartered financial institution for a specified period of time which earns interest at a fixed or  
25 variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of  
26 some or all of the earned interest."; and

27  
28 Further amend said bill by amending the title, enacting clause, and intersectional references  
29 accordingly.