

SALES TAX:  
MOTOR VEHICLES:

Farm Tractors are not subject to motor vehicle sales tax under the provisions of Section 144.450, Laws of Missouri 1951, page 854, but sales tax must be paid upon their purchase as a sale of tangible property.



October 28, 1955

Honorable Clayton W. Allen  
17th District  
Rock Port, Missouri

Dear Senator Allen:

I have on hand your request for an opinion of my office which is as follows:

"I would like an opinion from your office, as to whether or not farm tractors are exempt from the payment of sales tax, under section 144.450, at page 245 of the Missouri Revised Statutes Cumulative Supplement, 1953 I wish to call your attention to the last line of said section."

It is quite true that farm tractors are exempted from the payment of motor vehicle and sales use tax by the provisions of Section 144.450, Laws of Missouri 1951, page 854. The wording of the section must be carefully noted, however, to arrive at the extension of the exemption provided. Paraphrasing the section it reads as follows:

"\* \* \* The tax imposed by Section 144.440 shall not apply to motor vehicles on account of which the sales tax provided by this act shall have been paid, \* \* \* nor to farm tractors."

While farm tractors are not taxed under the provisions of Section 144.440, supra, a tax imposed, to quote from the section, "\* \* \* for the privilege of using the highways of this state \* \* \*," the question as to whether tractors are subject to sales tax must be determined under the language of Section 144.020, RSMo, 1949, wherein is contained in subsection 1 the following:

"1. From and after the effective date of this chapter, there shall be and is hereby levied and imposed and shall be collected and paid:

Honorable Clayton W. Allen

"(1) Upon every retail sale in this state of tangible personal property a tax equivalent to two per cent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to two per cent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange."

A copy of an opinion of this office dated May 4, 1949 to G. H. Bates is enclosed herewith. That opinion is to the effect that the procedure of the collection of sales tax on motor vehicles as set up in the section, now No. 144.440, Cum. Supp. 1953, page 245, does not apply to trailers or semi-trailers. That opinion assumes, in accordance with Mr. Bates' letter, that they were subject to sales tax under the Sales Tax Law. In as much as farm tractors must be considered tangible personal property and fit all of the other requisites of the above section, the general sales tax act must be considered to apply to them.

CONCLUSION

It is, therefore, the opinion of this office that farm tractors are exempt from motor vehicle sales or use tax in accordance with Section 144.450, Cum. Supp., 1953, but that sales tax is due on the sale thereof as a tax on the sale of tangible personal property.

The foregoing opinion, which I hereby approve, was prepared by my assistant, James W. Paris.

Yours very truly,

JOHN M. DALTON  
Attorney General

JWF/bi

Enclosure: G. H. Bates  
5-4-49