

**TITLE 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 103—Sales/Use Tax—Imposition of Tax**

**PROPOSED AMENDMENT**

**12 CSR 10-103.050 Drinks and Beverages.** The department is amending the purpose statement and adding a court decision.

*PURPOSE: This rule is being amended to add a court decision that helps clarify the requirements of the application of sales tax and correct a statutory reference.*

*PURPOSE: This rule interprets the sales tax law as it applies to the sale of drinks and beverages, and interprets and applies sections 144.010 and ~~[144.080]~~ **144.088**, RSMo.*

*AUTHORITY: sections 144.270, RSMo [1994]**2016**. \* This rule was previously filed as rule no. 66 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-21 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed April 11, 1984, effective Oct. 11, 1984. This rule was previously filed as 12 CSR 10- 3.050. Moved to 12 CSR 10-103.050, effective Aug. 31, 2023. Amended: Filed Aug. 28, 2025*

*\*Original authority: 144.270, RSMo 1939, amended 1941, 1943, 1945, 1947, 1955, 1961*

***Carousel, Inc. v. Director of Revenue, (A.H.C. 2016)***The Administrative Hearing Commission found that Carousel did not correctly calculate and remit sales tax on its room rentals. The Commission agreed with the Director's assessment that Carousel should have collected and remitted sales tax on the full room rate, as there was no indication to customers that sales tax was included in the room charge. Carousel's method of backing out sales tax from the room rate was not supported by law, as the sales tax was not separately stated or charged. Consequently, Carousel is also liable for the additions to tax and interest as a matter of law.

*Public Cost: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*Private Cost: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

***NOTICE TO SUBMIT COMMENTS:*** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 West High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

