

12 CSR 10-16.090 Purchase on Deferred Payment Basis

PURPOSE: This rule clarifies the reporting requirements, surety bond requirements, and the approval necessary for purchases of tax stamps on the deferred payment basis.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All wholesalers who purchase tax stamps on the deferred payment basis must file the monthly report required by section 149.041.2, RSMo, on the fifteenth day of the following month.

(2) All purchases of tax stamps on the deferred payment basis must have the prior approval of the director. The total amount of outstanding credit granted may not exceed one hundred percent (100%) of the bond furnished by the wholesaler.

(3) The surety bond required under section 149.025, RSMo, to purchase stamps on the deferred payment basis may be in cash, certificate of deposit, using Assignment of Certificate of Deposit, Form 4172, irrevocable letter of credit, using Irrevocable Letter of Credit, Form 2879, or surety bond, using Surety Bond, Form 331. Any surety on a bond furnished by a cigarette wholesaler shall be released and discharged from any and all prospective liability to the state occurring after the expiration of ninety (90) days from the date upon which the surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the ninety- (90-) day period. The director, promptly upon receiving any request, shall notify the cigarette wholesaler who furnished the bond, and unless the wholesaler shall file, on or before the expiration of the ninety- (90-) day period, with the director a new bond fully complying with the provisions of section 149.025, RSMo, the director shall forthwith revoke all credit privileges and notify the wholesaler that all purchases must be made in cash.

(4) The payment of the St. Louis County or Jackson County cigarette tax may not be deferred.

(5) The Assignment of Certificate of Deposit, Form 4172, revised April 2021, Irrevocable Letter of Credit, Form 2879, revised April 2021, and the Surety Bond,

Form 331, revised September 2022, are incorporated by reference, are published by the Missouri Department of Revenue, and can be found at www.dor.mo.gov or the Harry S Truman State Office Building, 301 West High Street, Jefferson City, MO 65105. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 66.380, 136.030, 136.120, 149.015, 149.021, and 210.320, RSMo 2016.* Cigarette Tax Regulation 5 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Feb. 18, 1983, effective June 11, 1983. Amended: Filed Jan. 31, 1994, effective July 30, 1994. Amended: Filed Sept. 30, 2005, effective April 30, 2006. Amended: Filed Aug. 7, 2023, effective March 30, 2024.

*Original authority: 66.380, RSMo 1967, amended 1993, 1995; 136.030, RSMo 1945, amended 1947, 1949, 1965; 136.120, RSMo 1945; 149.015, RSMo 1974, amended 1982, 1993, 1994, 2001, 2005; 149.021, RSMo 1974, amended 1982; and 210.320, RSMo 1939, amended 1969, 1976, 1978, 1993, 1995.