Summary of SC98743, *David and Gale Collison v. Director of Revenue*
On review from the administrative hearing commission, Commissioner Renee T. Slusher
Argued and submitted February 3, 2021; opinion issued April 6, 2021

Attorneys: The Collisons were represented by Anthony L. Gosserand of Van Osdol PC in Kansas City, (816) 421-0644. The director was represented by Jason K. Lewis of the attorney general's office in St. Louis, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A couple seeks review of the administrative hearing commission's decision finding they were not entitled to a sales tax credit on a replacement vehicle, which they purchased and titled in the name of their revocable trust after the casualty loss of another vehicle. In a 6-0 decision written by Judge W. Brent Powell, the Supreme Court of Missouri affirms the commission's decision. Because the couple and their trust are separate legal entities, the couple was not the "owner" of the replacement vehicle and, therefore, was not entitled to the sales tax credit.

Facts: In 2013, David and Gale Collison established a revocable trust of which they are the grantors, trustees and beneficiaries. In 2019, the Collisons were involved in an accident, and their insurance company declared their vehicle a total casualty loss. The Collisons purchased a new vehicle and titled it in the name of the revocable trust. The old vehicle had been titled in the Collisons' names. The Collisons then sought a sales tax credit from the director of revenue, claiming the loss of the old vehicle against the purchase price of the new vehicle. The director denied their request because the two vehicles were not titled in the same entity's name. The Collisons appealed to the administrative hearing commission, which affirmed the director's decision. The Collisons now seek this Court's review.

AFFIRMED.

Court en banc holds: The Collisons and their revocable trust are separate legal entities for purposes of obtaining a sales tax credit pursuant to section 144.027.1, RSMo. Missouri law distinguishes between natural persons and trusts. The Collisons, therefore, were not the "owners" of the new vehicle under the statute and were not entitled to the sale tax credit following the casualty loss of their motor vehicle. The fact that the Collisons and their trust are treated as a single entity for federal income tax purposes bears no weight on their classification for purposes of Missouri's statutory sales tax credit.