

## Missouri

### Are mandatory arbitration provisions recognized in your state? If so, are there any limitations to its enforcement?

Mandatory arbitration provisions are generally recognized in Missouri. Arbitration is governed by the Missouri Uniform Arbitration Act (MUAA)<sup>i</sup>, and the Federal Arbitration Act (FAA)<sup>ii</sup>.

The MUAA mandates that each contract containing an arbitration clause have a specific notice in the contract.<sup>iii</sup> “Each contract . . . shall include adjacent to, or above, the space provided for signatures a statement, in ten-point capital letters, which read substantially as follows: ‘THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.’”<sup>iv</sup> This provision is meant to notify the parties that their contract includes a provision for arbitration.

Arbitration agreements must have an offer, acceptance, and consideration.<sup>v</sup>

Any factual dispute concerning the existence of an arbitration provision must be properly raised at the trial court level.<sup>vi</sup>

### What is your state’s law, if any, regarding gift cards, subscription services and loyalty programs?

#### Gift Cards:

The sale of gift cards to the consumer represents a sale of intangible property (as a cash equivalent) and is not subject to sales tax.<sup>vii</sup>

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<sup>i</sup> Mo. Rev. Stat. §§ 435.350 *et seq*

<sup>ii</sup> 9 U.S.C. §§ 1 *et seq*

<sup>iii</sup> Mo. Rev. Stat. § 435.460

<sup>iv</sup> *Id*

<sup>v</sup> See, *Trunnel v. Missouri Higher Ed. Loan Authority*, 635 S.W.3d 193 (Mo. Ct. App. 2021)

<sup>vi</sup> See, *Bridgecrest Acceptance Corporation v. Donaldson, et al.*, 648 S.W.3d 745 (Mo. 2022)

<sup>vii</sup> 2012 Mo. Tax Ltr. Rul. LEXIS 35