

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 260

BY: ROBINSON

AS INTRODUCED

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING 68 O.S. 1981, SECTIONS 1367 AND 1410, AS LAST AMENDED BY SECTIONS 74 AND 75, CHAPTER 258, O.S.L. 1990 (68 O.S. SUPP. 1990, SECTIONS 1367 AND 1410), WHICH RELATE TO SALES AND USE TAXES; MODIFYING AMOUNTS WHICH MAY BE DEDUCTED FROM REMITTANCE TO TAX COMMISSION BY CERTAIN VENDORS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1981, Section 1367, as last amended by Section 74, Chapter 258, O.S.L. 1990 (68 O.S. Supp. 1990, Section 1367), is amended to read as follows:

Section 1367. Discount

At the time of filing the reports required under this article, Section 1351 et seq. of this title, to the Tax Commission, the vendor shall remit therewith to the Tax Commission, except as hereinafter provided, ~~ninety-seven and three-fourths percent (97 3/4%)~~ ninety-eight percent (98%) of the tax due under the applicable provisions of this article, and failure to remit such tax at the time of filing the returns shall cause said tax to become

delinquent; provided, however, in the event the payment of any tax due under the applicable provisions of this article becomes delinquent the taxpayer forfeits his claim to the discount provided by this section and must remit to the Tax Commission one hundred percent (100%) of the amount of tax due plus any penalty due. This discount is allowed the seller or vendor to remunerate him for keeping sales tax records, filing reports and remitting the tax when due as required by this article.

SECTION 2. AMENDATORY 68 O.S. 1981, Section 1410, as last amended by Section 75, Chapter 258, O.S.L. 1990 (68 O.S. Supp. 1990, Section 1410), is amended to read as follows:

Section 1410. Any vendor or retailer maintaining a place of business in another state and holding a use tax permit, issued by the Oklahoma Tax Commission as authorized by the Oklahoma Use Tax Code, Section 1401 et seq. of this title, may, except as hereinafter provided, deduct and retain, not to exceed ~~two and one-fourth percent (2-1/4%)~~ two percent (2%) of the total use tax due under Oklahoma laws. Said discount shall be allowed as remuneration for keeping records, filing timely reports and timely remitting the tax when due. Provided, however, said discount shall be forfeited and not allowed any such taxpayer in the event payment of any tax due is not timely remitted on or before the fifteenth day of the calendar month following the month in which such tax accrued; and, it is further provided, that such remunerative deduction to be allowed the vendors or retailers of any other state shall not exceed the percentage allowed, either by the laws of such other state or by an agreement by such state with the Oklahoma Tax Commission under this act, to be deducted and retained by Oklahoma vendors and retailers for reporting and remitting similar taxes due such other state.

SECTION 3. This act shall become effective September 1, 1991.

