

SHORT TITLE: Revenue and taxation; restricting issuance of license for failure to comply with tax laws; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 930

By: Wright

AS INTRODUCED

An Act relating to revenue and taxation; restricting issuance, renewal, reinstatement or transfer of licenses for failure to comply with tax laws; defining term; requiring certain notice and hearings; requiring suspension of licenses under certain circumstances; specifying procedures and requirements; limiting liability; requiring promulgation of rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 203.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Prior to issuing, renewing, reinstating or transferring of a license, a licensing entity of this state, which shall include any bureau, department, division, board, agency or commission of this state or of a municipality in this state, that issues a license shall notify the Oklahoma Tax Commission of a pending license application. Prior to issuance, renewal, reinstatement or transfer of a license, the licensing entity shall verify that the applicant is in compliance with all state tax laws. For purposes of this section "license" means a license, certificate, registration, permit, approval or other similar document issued by a licensing

entity granting to an individual or business a right or privilege to engage in a profession, occupation or business in this state.

B. Upon notice and opportunity of a hearing before the Tax Commission and following the determination of delinquency, if applicable, the Oklahoma Tax Commission may notify each licensing entity in this state of any person or business who has been determined to owe any delinquent tax, penalty or interest. Upon receipt of the notice, the licensing entity shall suspend a current license and shall not renew or transfer the license until notice of compliance has been received from the Oklahoma Tax Commission.

C. Upon receipt of the notice of noncompliance from the Oklahoma Tax Commission, no further administrative review or contested case proceeding within or by the licensing entity shall be required. No licensing entity shall be held liable for any action on a license pursuant to the provisions of this section.

D. The Oklahoma Tax Commission shall promptly notify the licensing entity when a license applicant is in compliance with all state tax laws. In the event the only reason for delaying action on a license application is the notice of noncompliance issued by the Oklahoma Tax Commission, the licensing entity shall proceed to act on the license application within thirty (30) days of receipt of notice of compliance from the Oklahoma Tax Commission.

E. The Oklahoma Tax Commission shall promulgate rules for the implementation of the provisions of this section in accordance with the provisions of Article I of the Administrative Procedures Act.

SECTION 2. This act shall become effective January 1, 1997.

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