STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2034 By: Beutler and Nations

COMMITTEE SUBSTITUTE

(Revenue and taxation - amending Section 21, Chapter 146, O.S.L. 1993, as last amended by Section 12, Chapter 390, O.S.L. 1999, and Section 22, Chapter 146, O.S.L. 1993, as amended by Section 17, Chapter 278, O.S.L. 1994 (68 O.S. Supp. 1999, Sections 1367.1 and 1410.1) - sales and use tax deduction for keeping records -

effective date)

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

SECTION 1. AMENDATORY Section 21, Chapter 146, O.S.L. 1993, as last amended by Section 12, Chapter 390, O.S.L. 1999 (68 O.S. Supp. 1999, Section 1367.1), is amended to read as follows:

Section 1367.1 A. For the purpose of compensating the seller or vendor in keeping sales tax records, filing reports and remitting the tax when due, a seller or vendor shall be allowed a deduction of two and one-fourth percent (2 1/4%) of the tax due under the applicable provisions of this title. Such deduction shall not be allowed with respect to a direct payment permit.

B. No deductions from tax shall be allowed if any such report or payment of tax is delinquent; provided, the deduction shall be allowed if the Oklahoma Tax Commission determines that the reason that such report or payment of tax was delinquent was due to the tornadoes occurring May 3, 1999.

C. Notwithstanding the formula provided by subsection A of this section, the deduction provided by this section shall be limited to a maximum of Three Thousand Three Hundred Dollars ($3,300.00) per

reporting period per sales tax permit. Holders of sales tax permits as of April 1, 1993, shall continue to remit sales tax pursuant to such sales tax permits. No such sales tax permit holder may change his or her sales tax permit status in order to avoid the provisions of this subsection.

D. Notwithstanding any other provision of law, an amount equal to the excess of the amount calculated by the formula provided by subsection A of this section over the Three-Thousand-Three-Hundred-Dollar limit provided by subsection C of this section shall be ~~retained by the state as an administrative expense~~ apportioned to this state and the local taxing entities on a pro rata basis consistent with the tax levies of each taxing entity prior to the application of this section. The proportionate share of this state of the excess amounts shall be deposited to the General Revenue Fund.

SECTION 2. AMENDATORY Section 22, Chapter 146, O.S.L. 1993, as amended by Section 17, Chapter 278, O.S.L. 1994 (68 O.S. Supp. 1999, Section 1410.1), is amended to read as follows:

Section 1410.1 A. For the purpose of compensating the seller or vendor in keeping use tax records, filing reports and remitting the tax when due, a seller or vendor shall be allowed a deduction not to exceed two and one-fourth percent (2 1/4%) of the tax due under the applicable provisions of this title.

B. No deductions from tax shall be allowed if any such report or payment of tax is delinquent.

C. Notwithstanding the formula provided by subsection A of this section, the deduction provided by this section shall be limited to a maximum of Three Thousand Three Hundred Dollars ($3,300.00) per reporting period. Persons remitting use tax pursuant to Section 1406 or 1407 of ~~Title 68 of the Oklahoma Statutes~~ this title as of April 1, 1993, shall continue to remit use tax in the same manner as they were on April 1, 1993. No such person may change the manner by

which the person remits use tax in order to avoid the provisions of this subsection.

D. Notwithstanding any other provision of law, an amount equal to the excess of the amount calculated by the formula provided by subsection A of this section over the Three-Thousand-Three-Hundred-Dollar limit provided by subsection C of this section shall be ~~retained by the state as an administrative expense~~ apportioned to this state and the local taxing entities on a pro rata basis consistent with the tax levies of each taxing entity prior to the application of this section. The proportionate share of this state of the excess amounts shall be deposited to the General Revenue Fund.

SECTION 3. This act shall become effective July 1, 2001.

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