

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2342:

Smith

AS INTRODUCED

An Act relating to revenue and taxation; amending Section 16, Chapter 472, O.S.L. 2003 (68 O.S. Supp. 2003, Section 1364.2), which relates to special events sales tax; modifying definition of special event; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 16, Chapter 472, O.S.L. 2003 (68 O.S. Supp. 2003, Section 1364.2), is amended to read as follows:

Section 1364.2 A. Promoters or organizers of special events shall submit an application for a special event permit to the Oklahoma Tax Commission at least twenty (20) days prior to the special event. The application shall be accompanied by a fee of Fifty Dollars (\$50.00). The application shall include the location and dates of the special event, expected number of vendors, and any other information that may be required by the Tax Commission. A separate permit shall be required for each special event and must be prominently displayed. Multiple events held at the same location during the calendar year may be included in one application.

B. All monies received from such fees shall be paid to the State Treasurer and placed to the credit of the General Revenue Fund of the State Treasurer.

C. Promoters or organizers shall provide forms to special event vendors for reporting sales tax collections and any other information that may be required by the Tax Commission.

D. Special event vendors shall collect sales tax from purchasers of tangible personal property and services taxable under Section 1350 et seq. of ~~Title 68 of the Oklahoma Statutes~~ this title and shall remit the tax daily, along with a daily sales tax report, to the promoter or organizer.

E. Within fifteen (15) days following the conclusion of the special event, the organizer or promoter shall forward all daily reports and payments to the Tax Commission along with a completed sales tax report. If not filed on or before the fifteenth day, the tax shall be delinquent from such date. Reports timely mailed shall be considered timely filed. If a report is not timely filed, interest shall be charged from the date the report should have been filed until the report is actually filed.

F. Within fifteen (15) days following the conclusion of the special event, the organizer or promoter shall also submit a list of vendors at each event that hold a valid sales tax permit issued under Section 1364 of ~~Title 68 of the Oklahoma Statutes~~ this title. The list shall include the vendor's name, address, telephone number and sales tax permit number.

G. For the purposes of compensating the promoter or organizer in keeping sales tax records, filing reports and remitting the tax when due, a promoter or organizer shall be allowed a deduction of the tax due as provided in Section 1367.1 of ~~Title 68 of the Oklahoma Statutes~~ this title.

H. Promoters and organizers shall be liable for failure to report and remit all taxes that are remitted to them by special event vendors.

I. As used in this section:

1. "Promoter" or "organizer" means any person who organizes or promotes a special event which results in the rental, occupation, or use of any structure, lot, tract of land, sample or display case, table, or any other similar items for the exhibition and sale of

tangible personal property or services taxable under Section 1350 et seq. of ~~Title 68 of the Oklahoma Statutes~~ this title by special event vendors;

2. "Special event" means an entertainment, amusement, recreation, or marketing event that occurs at a single location on an irregular basis and at which tangible personal property is sold. "Special event" shall include, but not be limited to, gun shows, knife shows, craft shows, antique shows, ~~flea markets~~, carnivals, bazaars, art shows, and other merchandise displays or exhibits. Special event shall not include any county, district, or state fair or public or private school-sponsored event; and

3. "Special event vendor" means a person making sales of tangible personal property or services taxable under Section 1350 et seq. of ~~Title 68 of the Oklahoma Statutes~~ this title at a special event within this state and who is not permitted under Section 1364 of ~~Title 68 of the Oklahoma Statutes~~ this title.

SECTION 2. This act shall become effective July 1, 2004.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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