

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2558

By: Peters

AS INTRODUCED

An Act relating to revenue and taxation; providing exemption from sales tax for isolated or occasional sales; defining term; providing for determination of certain business activity prior to sale of all or substantially all assets; providing for codification; providing an effective date; and declaring an emergency.

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 1360.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. All isolated or occasional sales of tangible personal property or services, substances or things are exempted from any tax imposed by the Oklahoma Sales Tax Code.

B. In this section and Article, "isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable under the Oklahoma Sales Tax Code by a person not engaged at the time of such sale in the business of selling such property or services, and shall include the sale of all or substantially all of the operating assets of a business or of a separate division, branch, or identifiable segment of a business.

C. Within the meaning of subsection B of this section, a separate division, branch, or identifiable segment of a business exists if before its sale the income and expenses attributable to the separate division, branch, or segment could be separately ascertained from the books of account or record.

SECTION 2. This act shall become effective July 1, 2006.

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.

50-2-9078            MAH            01/14/06