

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1321

By: Gumm, Russell and Corn of
the Senate

6 and

7 Terrill and Buck of the
8 House

9
10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to sales tax; amending 68 O.S. 2001,
12 Section 1361.1, as amended by Section 2, Chapter 272,
13 O.S.L. 2006 (68 O.S. Supp. 2009, Section 1361.1),
14 which relates to sales tax vendor liability;
15 modifying penalty for vendor who fails to honor
16 certain exemption; stating misdemeanor offense;
17 requiring Oklahoma Tax Commission to refer certain
18 vendors to District Attorney; providing for specified
19 penalty; making certain written communications
20 public; defining terms; providing an effective date;
21 and declaring an emergency.

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

23 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1361.1, as
24 amended by Section 2, Chapter 272, O.S.L. 2006 (68 O.S. Supp. 2009,
Section 1361.1), is amended to read as follows:

Section 1361.1 A. If a vendor, in good faith, timely accepts
from a consumer properly completed documentation certified by the

1 Oklahoma Tax Commission that such consumer is exempt from the taxes
2 levied by the Oklahoma Sales Tax Code, the vendor shall be relieved
3 of any liability for any sales tax or the duty to collect any sales
4 tax imposed by the provisions of Section 1361 of this title upon
5 such vendor with respect to such sale.

6 B. A vendor who has actual knowledge that a consumer is
7 entitled to an exemption under paragraph 34 of Section 1357 of this
8 title and who willfully or intentionally refuses to honor the
9 exemption shall be punished by an administrative fine of Five
10 Hundred Dollars (\$500.00) per offense. A second or subsequent
11 violation of this subsection shall be unlawful and constitute a
12 misdemeanor offense punishable by a fine of not more than Five
13 Hundred Dollars (\$500.00) per such offense, in addition to any
14 administrative fine. The Tax Commission shall refer any vendor who
15 has more than once willfully or intentionally refused to honor the
16 exemption, whether fined or not, to the district attorney where the
17 vendor is located for prosecution. For the purposes of this
18 subsection, "vendor" means any individual most responsible for
19 supervising, and the conduct of, any employee who intentionally
20 refuses to honor the exemption including, but not limited to, a
21 manager, owner, partner or corporate officer.

22 C. Any written communication between the Commission and any
23 holder of a sales tax permit that is an attempt by the Commission to
24 enforce the provisions of this section shall be public and,

1 notwithstanding any other provision of law, no presumption of
2 confidentiality shall exist for such communications. The Commission
3 shall, upon request of any consumer entitled to an exemption under
4 paragraph 34 of Section 1357 of this title, transmit to such
5 consumer copies of such communication.

6 SECTION 2. This act shall become effective July 1, 2010.

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

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