

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 327

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; providing  
8 for an income tax credit for certain losses in sales  
9 revenue; limiting amount of credit which may be  
10 claimed by taxpayer; defining terms; limiting total  
11 amount of credit which may be granted; authorizing  
12 carryforward of unused credit; requiring Oklahoma Tax  
Commission to promulgate rules; providing for  
codification; and providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2357.305 of Title 68, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. For taxable years beginning after December 31, 2008, there  
18 shall be allowed a credit against the tax imposed by Section 2355 of  
19 Title 68 of the Oklahoma Statutes to a taxpayer who is the owner of  
20 a small business for losses in sales revenue due to a state or local  
21 road construction project within three hundred (300) feet of such  
22 small business location. Subject to the limitations provided in  
23 subsection C of this section, the credit shall be equal to the value  
24 of the losses in sales revenue but shall not exceed One Thousand

1 Dollars (\$1,000.00) per month for the period of time of such road  
2 construction project.

3 B. As used in this act:

4 1. "Losses in sales revenue" means the difference in the amount  
5 of sales for a specific vendor at a single location for a given  
6 month as compared to the average sales for the previous six-month  
7 period during which no road construction project was under way.  
8 Such difference in the amount of sales shall be based on sales tax  
9 reports signed by the vendor and delivered to the Oklahoma Tax  
10 Commission pursuant to Section 1365 of Title 68 of the Oklahoma  
11 Statutes;

12 2. "Small business" means a for-profit enterprise consisting of  
13 fifty (50) or fewer full-time or part-time employees; and

14 3. "Road construction project" means any project by a state or  
15 local governmental entity to construct, maintain, repair or improve  
16 a street, road or highway.

17 C. The total credits authorized by this section shall not  
18 exceed Five Million Dollars (\$5,000,000.00) annually. The credit  
19 authorized by this section shall not be used to reduce the tax  
20 liability of the taxpayer to less than zero (0). Any credits  
21 authorized by this section but not used in any tax year may be  
22 carried over in order to each of the three (3) years following  
23 qualification.

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1 D. The Tax Commission shall promulgate such rules as may be  
2 necessary to implement this act.

3 SECTION 2. This act shall become effective January 1, 2009.  
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