

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1505

By: Schwartz

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6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending
8 Section 2, Chapter 412, O.S.L. 2010 (68 O.S. Supp.
9 2010, Section 1406.1), which relates to Internet
10 sales; prohibiting certain tax notification
11 requirement; removing certain rule making
12 contingency; and declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 2, Chapter 412, O.S.L.
15 2010 (68 O.S. Supp. 2010, Section 1406.1), is amended to read as
16 follows:

17 Section 1406.1 ~~A. Each~~ No retailer or vendor making sales of
18 tangible personal property from a place of business outside this
19 state for use in this state that is not required to collect use tax,
20 shall be required to provide any notification on its retail Internet
21 website or retail catalog and invoices provided to its customers
22 that use tax is imposed and must be paid by the purchaser, unless
23 otherwise exempt, on the storage, use, or other consumption of the
24 tangible personal property in this state. ~~The notification shall be
readily visible. It is further provided that no~~ No retailer shall

1 advertise on its retail Internet website or retail catalog that
2 there is no tax due on purchases made from the retailer for use in
3 this state. The provisions of this section, ~~except for notification~~
4 ~~on invoices,~~ shall apply to online auction websites. The Oklahoma
5 Tax Commission is hereby authorized and directed to define the term
6 "online auction websites" through the promulgation of a rule. The
7 rule shall include an exception for websites with sales below a
8 threshold to be set by the Tax Commission.

9 ~~B. The provisions of this section shall not be effective as law~~
10 ~~until an administrative rule, whether an emergency rule or permanent~~
11 ~~rule or both, has become effective as law pursuant to the Oklahoma~~
12 ~~Administrative Procedures Act.~~

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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