

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1465

By: Bingman

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6 AS INTRODUCED

7 An Act relating to sales tax; amending 68 O.S. 2011,
8 Section 1364.1, which relates to sales tax; modifying
9 requirement relating to direct pay permit; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1364.1, is
13 amended to read as follows:

14 Section 1364.1. Every person who makes purchases of Eight
15 Hundred Thousand Dollars (\$800,000.00) or more annually in taxable
16 items for use in Oklahoma enterprises and desires to directly remit
17 the taxes due under Section 1350 et seq. of this title or Section
18 1401 et seq. of this title to the Oklahoma Tax Commission rather
19 than remit such taxes to the vendor may apply to the Tax Commission
20 for a direct payment permit. The permit shall be valid for three
21 (3) years and the fee for the permit shall be Twenty Dollars
22 (\$20.00). Each such person shall file with the Tax Commission an
23 application for a direct payment permit, setting forth such
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1 information as the Tax Commission may require, including but not
2 limited to:

3 1. An agreement that is signed by the owner of the business or
4 representative of the business entity and as a natural person, and,
5 in the case of a corporation, as a legally constituted officer
6 thereof, that provides that the applicant agrees to:

7 a. accrue and remit all taxes imposed by Section 1350 et
8 seq. of this title or Section 1401 et seq. of this
9 title on the sale or use of all taxable personal
10 property or services sold to or leased or rented by
11 the applicant. Provided, no tax shall be due from the
12 holder of a direct payment permit on tangible personal
13 property intended solely for use in other states, but
14 which is stored in Oklahoma pending shipment to such
15 other states or which is temporarily retained in
16 Oklahoma for the purpose of fabrication, repair,
17 testing, alteration, maintenance, or other service,

18 b. pay such taxes as required by Section 1365 of this
19 title,

20 c. waive the discount permitted by Section 1367.1 of this
21 title on the payment of all taxes remitted directly to
22 the Tax Commission; and
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1 2. A description of the accounting method by which the
2 applicant proposes to differentiate between taxable and exempt
3 transactions.

4 Upon verification that the applicant is eligible to receive a
5 direct payment permit, the Tax Commission shall issue a direct
6 payment permit for the place of business set forth in the
7 application for the permit. The Tax Commission shall be the sole
8 judge of the applicant's qualifications and may refuse to issue a
9 direct payment permit to an applicant. An applicant who has been
10 denied the issuance of a permit may submit an amended application or
11 may submit a new application after a reasonable period of time after
12 the denial of the original application.

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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