

1 ENGROSSED SENATE
2 BILL NO. 757

By: Schulz, Russell, Bass and
Garrison of the Senate

3 and

4 Ortega of the House

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8 [sales tax - fees in lieu of sales tax on certain
9 coin-operated vending devices - emergency]

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

13 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1503, as
14 amended by Section 17, Chapter 412, O.S.L. 2010 (68 O.S. Supp. 2010,
15 Section 1503), is amended to read as follows:

16 Section 1503. A. Every person who owns and has available to
17 any of the public for operation, or who permits to be operated in or
18 on his or her place of business, coin-operated devices shall pay for
19 such privilege an annual fee. A fee shall be required for each
20 machine, regardless of the number of coin slots, if the machine,
21 upon insertion of a coin, token or similar object, provides music,
22 amusement or entertainment or dispenses one or more products
23 separate and apart from any other provider of music, amusement or
24 entertainment or dispenser of one or more products. The test to

1 determine whether the machine can operate separate and apart from
2 any other shall be whether the provider or dispenser can still
3 function if separated from the others to which it is attached. When
4 multiple machines are placed on a single stand, a decal shall be
5 required for each machine as provided in Section 1501 et seq. of
6 this title. The annual fee required shall be as follows:

7 1. For each coin-operated music device or coin-operated
8 amusement device, ~~One Hundred Fifty Dollars (\$150.00)~~ Seventy-five
9 Dollars (\$75.00);

10 2. For each coin-operated vending device requiring a coin or
11 thing of value of twenty-five cents (\$0.25) or more, ~~One Hundred~~
12 ~~Fifty Dollars (\$150.00)~~ Seventy-five Dollars (\$75.00);

13 3. For each coin-operated vending device requiring a coin or
14 thing of value of less than twenty-five cents (\$0.25), Ten Dollars
15 (\$10.00);

16 4. For each coin-operated bulk vending device which vends one
17 or more products through a single distribution mechanism requiring a
18 coin or thing of value of twenty-five cents (\$0.25) or more, Five
19 Dollars (\$5.00);

20 5. For each coin-operated bulk vending device which vends one
21 or more products through more than one but not more than five
22 distribution mechanisms, requiring a coin or thing of value of
23 twenty-five cents (\$0.25) or more, Fifteen Dollars (\$15.00). For
24 each coin-operated bulk vending device which vends one or more

1 products through six or more distribution mechanisms, the
2 appropriate number of fifteen-dollar decals will be required. The
3 number of decals required shall be determined by dividing the number
4 of distribution mechanisms by five and rounding to the next highest
5 whole number; and

6 6. For each coin-operated bulk vending device requiring a coin
7 or thing of value less than twenty-five cents (\$0.25), Two Dollars
8 (\$2.00).

9 B. The annual fee required by this section shall be in lieu of
10 sales tax levied pursuant to Sections 1350 through 1372 of this
11 title.

12 C. In those instances where it is shown to the satisfaction of
13 the Tax Commission that a coin-operated device, upon which an annual
14 fee is imposed, will be placed available for use by the public for a
15 definite but limited period of time less than one (1) year, such as
16 where displayed in connection with fairs, carnivals, and places of
17 amusement that operate only during certain seasons of the year, the
18 Commission may issue a special decal therefor. Such special decal
19 may be issued for any number of calendar months less than a full
20 year, and shall indicate that it is a special decal; and shall be
21 for one or more calendar months and shall state the precise months
22 for which issued and shall not be transferred from one machine to
23 another. The fee shall be computed and paid on the basis of one-
24 tenth (1/10) of the annual rate for the type of device operated, for

1 each calendar month for which such special decal is issued. In the
2 event the mechanical device is made available to the public for a
3 period beyond that for which the special decal is issued, then a
4 full year's fee and penalty, as set out in Section 1506 of this
5 title, shall be due.

6 SECTION 2. This act shall become effective July 1, 2011.

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.

11 Passed the Senate the 16th day of March, 2011.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the ____ day of _____,
16 2011.

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Presiding Officer of the House
of Representatives

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