

1 **SENATE FLOOR VERSION**

2 March 25, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 2707

6 By: McNiell of the House

7 and

8 Fields of the Senate

9 [ revenue and taxation - credit for registration fees  
10 - vehicle destroyed by certain wildfire occurrence -  
11 sales tax reporting - deduction based upon occurrence  
12 of certain wildfires - motor vehicle excise tax -  
13 excise tax credit - effective date -  
14 **emergency ]**

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1132.3, as  
17 amended by Section 1, Chapter 370, O.S.L. 2013 (47 O.S. Supp. 2013,  
18 Section 1132.3), is amended to read as follows:

19 Section 1132.3 A. There shall be a credit allowed with respect  
20 to the fee for registration of a vehicle which is a replacement for  
21 a vehicle which was destroyed by a tornado on May 3, 1999, and which  
22 was registered pursuant to the provisions of Section 1132 of this  
23 title on such date. The credit shall be a prorated amount based on  
24 the fee paid for the registration of the destroyed vehicle for the  
period of registration remaining as of May 3, 1999, and shall be  
applied to the registration fee for the replacement vehicle pursuant

1 to the provisions of Section 1132 of this title. In no event will  
2 the credit be refunded.

3 B. There shall be a credit allowed with respect to the fee for  
4 registration of a vehicle which is a replacement for a vehicle which  
5 was destroyed by a tornado on October 9, 2001, and which was  
6 registered pursuant to the provisions of Section 1132 of this title  
7 on such date. The credit shall be a prorated amount based on the  
8 fee paid for the registration of the destroyed vehicle for the  
9 period of registration remaining as of October 9, 2001, and shall be  
10 applied to the registration fee for the replacement vehicle pursuant  
11 to the provisions of Section 1132 of this title. In no event will  
12 the credit be refunded.

13 C. There shall be a credit allowed with respect to the fee for  
14 registration of a vehicle which is a replacement for a vehicle which  
15 was destroyed by a tornado on May 8 or 9, 2003, and which was  
16 registered pursuant to the provisions of Section 1132 of this title  
17 on such date. The credit shall be a prorated amount based on the  
18 fee paid for the registration of the destroyed vehicle for the  
19 period of registration remaining as of May 8 or 9, 2003, and shall  
20 be applied to the registration fee for the replacement vehicle  
21 pursuant to the provisions of Section 1132 of this title. In no  
22 event will the credit be refunded.

23 D. There shall be a credit allowed with respect to the fee for  
24 registration of a vehicle which is a replacement for a vehicle which

1 was destroyed by a tornado in calendar year 2013 for which a  
2 Presidential Major Disaster Declaration was issued, and which was  
3 registered pursuant to the provisions of Section 1132 of this title  
4 on the date of destruction. The credit shall be a prorated amount  
5 based on the fee paid for the registration of the destroyed vehicle  
6 for the period of registration remaining as of the date of  
7 destruction, and shall be applied to the registration fee for the  
8 replacement vehicle pursuant to the provisions of Section 1132 of  
9 this title. In no event will the credit be refunded.

10 E. There shall be a credit allowed with respect to the fee for  
11 registration of a vehicle which is a replacement for a vehicle which  
12 was destroyed by a wildfire in calendar year 2013 for which a  
13 Presidential Major Disaster Declaration was issued, and which was  
14 registered pursuant to the provisions of Section 1132 of this title  
15 on the date of destruction if such fee is not covered by an  
16 insurance policy. The credit shall be a prorated amount based on  
17 the fee paid for the registration of the destroyed vehicle for the  
18 period of registration remaining as of the date of destruction and  
19 shall be applied to the registration fee for the replacement vehicle  
20 pursuant to the provisions of Section 1132 of this title. In no  
21 event will the credit be refunded.

22 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1367.1, as  
23 amended by Section 3, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013,  
24 Section 1367.1), is amended to read as follows:

1 Section 1367.1 A. For the purpose of compensating the seller  
2 or vendor in keeping sales tax records, filing reports and remitting  
3 the tax when due, a seller or vendor shall be allowed a deduction of  
4 one percent (1%) of the tax due under the applicable provisions of  
5 this title.

6 Such deduction shall not be allowed with respect to a direct  
7 payment permit.

8 B. No deductions from tax shall be allowed if any such report  
9 or payment of tax is delinquent; provided, the deduction shall be  
10 allowed if the Oklahoma Tax Commission determines that the reason  
11 that such report or payment of tax was delinquent was due to a  
12 tornado or wildfire occurring in calendar year 2013 for which a  
13 Presidential Major Disaster Declaration was issued.

14 C. Notwithstanding the formula provided by subsection A of this  
15 section, the deduction provided by this section shall be limited to  
16 a maximum of Two Thousand Five Hundred Dollars (\$2,500.00) per month  
17 per sales tax permit. No such sales tax permit holder may change  
18 sales tax permit status in order to avoid the provisions of this  
19 subsection.

20 D. Notwithstanding any other provision of law, an amount equal  
21 to the excess of the amount calculated by the formula provided by  
22 subsection A of this section over the two-thousand-five-hundred-  
23 dollar limit provided by subsection C of this section shall be  
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1 retained by the state as an administrative expense and deposited to  
2 the General Revenue Fund.

3 E. Notwithstanding the provisions of subsections A, B, C and D  
4 of this section, in the event that federal authority authorizes this  
5 state to require remote sellers to collect and remit sales and use  
6 taxes, the Oklahoma Tax Commission is authorized and directed to  
7 promulgate rules which provide for deductions in the amounts and  
8 subject to the limitations provided in the Streamlined Sales and Use  
9 Tax Agreement. All sellers or vendors shall be eligible for such  
10 deductions beginning on the date this state acquires such collection  
11 authority pursuant to federal authorization.

12 F. For purposes of this section, the term "remote seller" shall  
13 mean a seller that would not register to collect sales and use taxes  
14 in this state but for the ability of this state to require such  
15 remote seller to collect sales or use tax under federal authority.

16 SECTION 3. AMENDATORY 68 O.S. 2011, Section 2103.1, as  
17 amended by Section 4, Chapter 370, O.S.L. 2013 (68 O.S. Supp. 2013,  
18 Section 2103.1), is amended to read as follows:

19 Section 2103.1 There shall be a credit allowed with respect to  
20 the excise tax paid for a vehicle which is:

21 1. A replacement for a vehicle which was destroyed by a tornado  
22 on May 3, 1999, and upon which excise tax had been paid pursuant to  
23 the provisions of Section 2103 of this title on or after May 3, 1998;

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1           2. A replacement for a vehicle which was destroyed by a tornado  
2 on October 9, 2001, and upon which excise tax had been paid pursuant  
3 to the provisions of Section 2103 of this title on or after October  
4 9, 2000;

5           3. A replacement for a vehicle which was destroyed by a tornado  
6 on May 8 or 9, 2003, and upon which excise tax had been paid pursuant  
7 to the provisions of Section 2103 of this title on or after May 8 or  
8 9, 2002; ~~or~~

9           4. A replacement for a vehicle which was destroyed by a tornado  
10 in calendar year 2013 for which a Presidential Major Disaster  
11 Declaration was issued, and upon which excise tax had been paid  
12 pursuant to the provisions of Section 2103 of this title on or after  
13 January 1, 2012; or

14           5. A replacement for a vehicle which was destroyed by a wildfire  
15 in calendar year 2013 for which a Presidential Major Disaster  
16 Declaration was issued, and upon which excise tax had been paid  
17 pursuant to the provisions of Section 2103 of this title on or after  
18 January 1, 2012, if such fee is not covered by an insurance policy.

19           The credit shall be in the amount of the excise tax which was  
20 paid for the destroyed vehicle and shall be applied to the excise tax  
21 due on the replacement vehicle. In no event shall the credit be  
22 refunded.

23           SECTION 4. This act shall become effective July 1, 2014.  
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1       SECTION 5. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON FINANCE  
6 March 25, 2014 - DO PASS AS AMENDED  
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