

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1148

By: Sharp

6 AS INTRODUCED

7 An Act relating to sales and use tax; providing  
8 compensation to seller or vendor for certain  
9 activities in the form of a deduction from sales or  
10 use tax due; disallowing deduction under specified  
11 circumstances; limiting dollar amount of deduction;  
12 providing for distribution of specified amount to  
General Revenue Fund; authorizing Oklahoma Tax  
Commission to promulgate rules under specified  
circumstances; defining term; providing for  
codification; providing an effective date; and  
declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1367.2 of Title 68, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. For the purpose of compensating the seller or vendor in  
20 keeping sales tax records, filing reports and remitting the tax when  
21 due, a seller or vendor shall be allowed a deduction of one percent  
22 (1%) of the tax due under the applicable provisions of this title.

23 Such deduction shall not be allowed with respect to a direct  
24 payment permit.

1       B. No deductions from tax shall be allowed if any such report  
2 or payment of tax is delinquent; provided, the deduction shall be  
3 allowed if the Oklahoma Tax Commission determines that the reason  
4 that such report or payment of tax was delinquent was due to a  
5 tornado occurring in a year for which a Presidential Major Disaster  
6 Declaration was issued.

7       C. Notwithstanding the formula provided by subsection A of this  
8 section, the deduction provided by this section shall be limited to  
9 a maximum of Two Thousand Five Hundred Dollars (\$2,500.00) per month  
10 per sales tax permit. No such sales tax permit holder may change  
11 sales tax permit status in order to avoid the provisions of this  
12 subsection.

13       D. Notwithstanding any other provision of law, an amount equal  
14 to the excess of the amount calculated by the formula provided by  
15 subsection A of this section over the two-thousand-five-hundred-  
16 dollar limit provided by subsection C of this section shall be  
17 retained by the state as an administrative expense and deposited to  
18 the General Revenue Fund.

19       E. Notwithstanding the provisions of subsections A, B, C and D  
20 of this section, in the event that federal authority authorizes this  
21 state to require remote sellers to collect and remit sales and use  
22 taxes, the Oklahoma Tax Commission is authorized and directed to  
23 promulgate rules which provide for deductions in the amounts and  
24 subject to the limitations provided in the Streamlined Sales and Use

1 Tax Agreement. All sellers or vendors shall be eligible for such  
2 deductions beginning on the date this state acquires such collection  
3 authority pursuant to federal authorization.

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

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1410.2 of Title 68, unless there  
10 is created a duplication in numbering, reads as follows:

11 For the purpose of compensating the seller or vendor in keeping  
12 use tax records, filing reports and remitting the tax when due, a  
13 seller or vendor shall be allowed a deduction equal to the amount  
14 provided for vendors under the Oklahoma Sales Tax Code.

15 SECTION 3. This act shall become effective July 1, 2018.

16 SECTION 4. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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