

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2949

By: Bush

6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68
8 O.S. 2011, Section 5011, which relates to sales tax
9 relief; expanding relief to provide a limited amount
10 of relief to individuals at certain income levels;
11 modifying certain calculation; providing for increase
12 based on certain index; and providing an effective
13 date.

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

14 SECTION 1. AMENDATORY 68 O.S. 2011, Section 5011, is
15 amended to read as follows:

16 Section 5011. A. Except as otherwise provided by this section,
17 beginning with the calendar year 1990 and for each calendar year
18 through 1998, and for calendar year 2003, any individual who is a
19 resident of and is domiciled in this state during the entire
20 calendar year for which the filing is made and whose gross household
21 income for such year does not exceed Twelve Thousand Dollars
22 (\$12,000.00) may file a claim for sales tax relief.

23 B. For calendar years 1999, 2002 and 2004, any individual who
24 is a resident of and is domiciled in this state during the entire

1 calendar year for which the filing is made may file a claim for
2 sales tax relief if the gross household income for such year does
3 not exceed the following amounts:

4 1. For an individual not subject to the provisions of paragraph
5 2 of this subsection and claiming no allowable personal exemption
6 other than the allowable personal exemption for that individual or
7 the spouse of that individual, Fifteen Thousand Dollars
8 (\$15,000.00); or

9 2. For an individual claiming one or more allowable personal
10 exemptions other than the allowable personal exemption for that
11 individual or the spouse of that individual, an individual with a
12 physical disability constituting a substantial handicap to
13 employment, or an individual who is sixty-five (65) years of age or
14 older at the close of the tax year, Thirty Thousand Dollars
15 (\$30,000.00).

16 C. For calendar years 2000, 2001, 2005 and following, an
17 individual who is a resident of and is domiciled in this state
18 during the entire calendar year for which the filing is made may
19 file a claim for sales tax relief if the gross household income for
20 such year does not exceed the following amounts:

21 1. For an individual not subject to the provisions of paragraph
22 2 of this subsection and claiming no allowable personal exemption
23 other than the allowable personal exemption for that individual or
24

1 the spouse of that individual, Twenty Thousand Dollars (\$20,000.00);
2 or

3 2. For an individual claiming one or more allowable personal
4 exemptions other than the allowable personal exemption for that
5 individual or the spouse of that individual, an individual with a
6 physical disability constituting a substantial handicap to
7 employment, or an individual who is sixty-five (65) years of age or
8 older at the close of the tax year, Fifty Thousand Dollars
9 (\$50,000.00).

10 D. For calendar years 2019 and following, an individual who is
11 a resident of and is domiciled in this state during the entire
12 calendar year for which the filing is made may file a claim for
13 fifty percent (50%) of the amount of sales tax relief for such years
14 that the gross household income of the individual meets the
15 following requirements:

16 1. For an individual not subject to the provisions of paragraph
17 2 of this subsection and claiming no allowable personal exemption
18 other than the allowable personal exemption for that individual or
19 the spouse of that individual with a gross household income that is
20 greater than Twenty Thousand Dollars (\$20,000.00) and less than
21 Thirty Thousand Dollars (\$30,000.00); or

22 2. For an individual claiming one or more allowable personal
23 exemptions other than the allowable personal exemption for that
24 individual or the spouse of that individual, an individual with a

1 physical disability constituting a substantial handicap to
2 employment, or an individual who is sixty-five (65) years of age or
3 older at the close of the tax year, with a gross household income
4 that is greater than Fifty Thousand Dollars (\$50,000.00) and less
5 than Sixty Thousand Dollars (\$60,000.00).

6 E. The amount of the claim filed pursuant to the Sales Tax
7 Relief Act shall be ~~Forty Dollars (\$40.00)~~ Sixty Dollars (\$60.00)
8 multiplied by the number of allowable personal exemptions. As used
9 in the Sales Tax Relief Act, "allowable personal exemption" means a
10 personal exemption to which the taxpayer would be entitled pursuant
11 to the provisions of the Oklahoma Income Tax Act, except for:

12 1. The exemptions such taxpayer would be entitled to pursuant
13 to Section 2358 of this title if such taxpayer or spouse is blind or
14 sixty-five (65) years of age or older at the close of the tax year;

15 2. An exemption for a person convicted of a felony if during
16 all or any part of the calendar year for which the claim is filed
17 such person was an inmate in the custody of the Department of
18 Corrections; or

19 3. An exemption for a person if during all or any part of the
20 calendar year for which the claim is filed such person resided
21 outside of this state.

22 ~~E.~~ F. If the Consumer Price Index for all Urban Consumers (CPI-
23 U) produced by the Bureau of Labor Statistics of the United States
24 Department of Labor increases for calendar years 2018 and following,

1 then the following year the income limitations provided in
2 subsections C and D of this section shall be adjusted to reflect the
3 annual rate of increase in the index.

4 G. A person convicted of a felony shall not be permitted to
5 file a claim for sales tax relief pursuant to the provisions of
6 Sections 5010 through 5016 of this title for the period of time
7 during which the person is an inmate in the custody of the
8 Department of Corrections. Such period of time shall include the
9 entire calendar year if the person is in the custody of the
10 Department of Corrections during any part of the calendar year. The
11 provisions of this subsection shall not prohibit all other members
12 of the household of an inmate from filing a claim based upon the
13 personal exemptions to which the household members would be entitled
14 pursuant to the provisions of the Oklahoma Income Tax Act.

15 ~~F.~~ H. The Department of Corrections shall withhold up to fifty
16 percent (50%) of any money inmates receive for claims made pursuant
17 to the Sales Tax Relief Act prior to September 1, 1991, for costs of
18 incarceration.

19 ~~G.~~ I. For purposes of Section 139.105 of Title 17 of the
20 Oklahoma Statutes, the gross household income of any individual who
21 may file a claim for sales tax relief shall not exceed Twelve
22 Thousand Dollars (\$12,000.00).
23
24

SECTION 2. This act shall become effective January 1, 2019.

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