

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1547

By: Leewright

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5  
6 AS INTRODUCED

7 An Act relating to tax administration; amending 68  
8 O.S. 2011, Section 227, as last amended by Section 1,  
9 Chapter 358, O.S.L. 2016 (68 O.S. Supp. 2019, Section  
10 227), which relates to statute of limitations for  
11 claiming certain refunds; eliminating specific  
12 statute of limitations for claiming sales and use tax  
13 refunds; clarifying application of certain time  
14 limit; updating statutory language; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 68 O.S. 2011, Section 227, as last  
18 amended by Section 1, Chapter 358, O.S.L. 2016 (68 O.S. Supp. 2019,  
19 Section 227), is amended to read as follows:

20 Section 227. ~~(a)~~ A. Any taxpayer who has paid to the State of  
21 Oklahoma, through error of fact, or computation, or  
22 misinterpretation of law, any tax collected by the Oklahoma Tax  
23 Commission may, as hereinafter provided, be refunded the amount of  
24 such tax so erroneously paid, without interest.

~~(b) (1) Except as otherwise provided by division (2) of this~~  
25 ~~subsection, any~~ B. Any taxpayer who has so paid any such tax may,  
26 within three (3) years from the date of payment thereof file with

1 the Tax Commission a verified claim for refund of such tax so  
2 erroneously paid. The Tax Commission may accept an amended sales  
3 tax, withholding tax or other report or return as a verified claim  
4 for refund if the amended report or return establishes a liability  
5 less than the original report or return previously filed.

6 ~~(2) Upon the effective date of this act, with respect to the~~  
7 ~~sales tax imposed by Section 1354 of this title and with respect to~~  
8 ~~the use tax imposed by Section 1402 of this title, any taxpayer who~~  
9 ~~has so paid such sales or use tax may, within two (2) years from the~~  
10 ~~date of payment thereof file with the Tax Commission a verified~~  
11 ~~claim for refund of such tax so erroneously paid. The Tax~~  
12 ~~Commission may accept an amended sales or use tax report or return~~  
13 ~~as a verified claim for refund if the amended report or return~~  
14 ~~establishes a liability less than the original report or return~~  
15 ~~previously filed.~~

16 ~~(e) C.~~ Said claim so filed with the Tax Commission, except for  
17 an amended report or return, shall specify the name of the taxpayer,  
18 the time when and period for which said tax was paid, the nature and  
19 kind of tax so paid, the amount of the tax which said taxpayer  
20 claimed was erroneously paid, the grounds upon which a refund is  
21 sought, and such other information or data relative to such payment  
22 as may be necessary to an adjustment thereof by the Tax Commission.  
23 It shall be the duty of the Commission to determine what amount of  
24 refund, if any, is due as soon as practicable after such claim has

1 been filed and advise the taxpayer about the correctness of ~~his~~ the  
2 taxpayer's claim and the claim for refund shall be approved or  
3 denied by written notice to the taxpayer.

4 ~~(d)~~ D. If the claim for refund is denied, the taxpayer may file  
5 a demand for hearing with the Commission. The demand for hearing  
6 must be filed on or before the sixtieth day after the date the  
7 notice of denial was mailed. If the taxpayer fails to file a demand  
8 for hearing, the claim for refund shall be barred.

9 ~~(e)~~ E. Upon the taxpayer's timely filing of a demand for  
10 hearing, the Commission shall set a date for hearing upon the claim  
11 for refund which date shall not be later than sixty (60) days from  
12 the date the demand for hearing was mailed. The taxpayer shall be  
13 notified of the time and place of the hearing. The hearing may be  
14 held after the sixty-day period provided by this subsection upon  
15 agreement of the taxpayer.

16 ~~(f)~~ F. The provisions of this section shall not apply: (1) to  
17 refunds of income tax erroneously paid, refunds of which tax shall  
18 be payable out of the income tax adjustment fund as provided by law;  
19 (2) to estate tax because the payment of such tax is covered by an  
20 order of the Tax Commission and the estate and interested parties  
21 are given notice that the Tax Commission's position and computation  
22 of the tax will become final unless they protest and resist the  
23 payment thereof as provided by statute; nor, (3) in any case where  
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1 the tax was paid after an assessment thereof was made by the Tax  
2 Commission which assessment became final under the law.

3 SECTION 2. This act shall become effective November 1, 2020.

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