

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3909

By: Fetgatter

AS INTRODUCED

An Act relating to revenue and taxation; allowing vendor or seller to keep certain percentage of sales and use tax in certain circumstances; placing limit on amount retained; directing Oklahoma Tax Commission to promulgate rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1367.1A of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of compensating the seller or vendor in keeping sales tax records, filing reports and remitting the tax when due, a seller or vendor shall be allowed a deduction of one percent (1%) of the tax due under the applicable provisions of Title 68 of the Oklahoma Statutes.

Such deduction shall not be allowed with respect to a direct 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 calendar year 2013 or any subsequent year for  
6 which a Presidential Major Disaster Declaration was issued or due to  
7 a tornado occurring in calendar year 2012 or in calendar year 2013  
8 for which a Presidential Major Disaster Declaration was not issued.

9       C. Notwithstanding the formula provided by subsection A of this  
10 section, the deduction provided by this section shall be limited to  
11 a maximum of Two Thousand Dollars (\$2,000.00) per month per sales  
12 tax permit. No such sales tax permit holder may change sales tax  
13 permit status in order to avoid the provisions of this subsection.

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

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

1 subject to the limitations provided in the Streamlined Sales and Use  
2 Tax Agreement. All sellers or vendors shall be eligible for such  
3 deductions beginning on the date this state acquires such collection  
4 authority pursuant to federal authorization.

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

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1410.1A of Title 68, unless  
11 there is created a duplication in numbering, reads as follows:

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

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

17

18 57-2-10135 MAH 01/13/20

19

20

21

22

23

24