

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 4135

By: Roberts (Sean)

4
5 AS INTRODUCED

6 An Act relating to revenue and taxation; allowing
7 vendor or seller to keep certain percentage of sales
8 and use tax in certain circumstances; prohibiting
9 deductions if report of payment is delinquent except
10 in certain circumstances; placing limit on amount
11 retained; directing Oklahoma Tax Commission to
12 promulgate rules; providing for codification; and
13 providing an effective date.

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

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

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

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

24 B. No deductions from tax shall be allowed if any such report
or payment of tax is delinquent; provided, the deduction shall be
allowed if the Oklahoma Tax Commission determines that the reason

1 that such report or payment of tax was delinquent was due to a
2 tornado occurring in calendar year 2013 or any subsequent year for
3 which a Presidential Major Disaster Declaration was issued or due to
4 a tornado occurring in calendar year 2012 or in calendar year 2013
5 for which a Presidential Major Disaster Declaration was not issued.

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

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

17 E. Notwithstanding the provisions of subsections A, B, C and D
18 of this section, in the event that federal authority authorizes this
19 state to require remote sellers to collect and remit sales and use
20 taxes, the Oklahoma Tax Commission is authorized and directed to
21 promulgate rules which provide for deductions in the amounts and
22 subject to the limitations provided in the Streamlined Sales and Use
23 Tax Agreement. All sellers or vendors shall be eligible for such
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1 deductions beginning on the date this state acquires such collection
2 authority pursuant to federal authorization.

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

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

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

14 SECTION 3. This act shall become effective January 1, 2021.

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