1	SENATE FLOOR VERSION February 7, 2024
2	restacty // 2021
3	SENATE BILL NO. 1215  By: Stanley and Woods of the Senate
4	and
5	West (Josh), Menz, Boles,
6	Talley, Stark, Maynard, and Hill of the House
7	mara or one neace
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9	An Act relating to sales tax; amending 68 O.S. 2021,
10	Section 1357, as last amended by Section 1, Chapter 344, O.S.L. 2023 (68 O.S. Supp. 2023, Section 1357),
11	which relates to exemptions; eliminating deadline for certain registration for certain disabled veterans;
12	updating statutory language; and declaring an emergency.
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15	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
16	SECTION 1. AMENDATORY 68 O.S. 2021, Section 1357, as
17	last amended by Section 1, Chapter 344, O.S.L. 2023 (68 O.S. Supp.
18	2023, Section 1357), is amended to read as follows:
19	Section 1357. Exemptions - General.
20	There are hereby specifically exempted from the tax levied by
21	the Oklahoma Sales Tax Code:
22	1. Transportation of school pupils to and from elementary
23	schools or high schools in motor or other vehicles;
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2. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

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3. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in the Oklahoma Sales Tax Code. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five vendor shall not be exempt from the tax levied by the Oklahoma Sales Tax Code. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;

4. Sales of advertising space in newspapers and periodicals;

- 5. Sales of programs relating to sporting and entertainment events, and sales of advertising on billboards (including signage, posters, panels, marquees or on other similar surfaces, whether indoors or outdoors) or in programs relating to sporting and entertainment events, and sales of any advertising, to be displayed at or in connection with a sporting event, via the Internet, electronic display devices or through public address or broadcast systems. The exemption authorized by this paragraph shall be effective for all sales made on or after January 1, 2001;
- 6. Sales of any advertising, other than the advertising described by paragraph 5 of this section, via the Internet, electronic display devices or through the electronic media including radio, public address or broadcast systems, television (whether through closed circuit broadcasting systems or otherwise), and cable and satellite television, and the servicing of any advertising devices;
- 7. Eggs, feed, supplies, machinery, and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect, or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in

writing, on the invoice or sales ticket retained by the vendor that
the purchaser is regularly engaged in the business of raising such
animal life and that the items purchased will be used only in such
business. The vendor shall certify to the Oklahoma Tax Commission
that the price of the items has been reduced to grant the full
benefit of the exemption. Violation hereof by the purchaser or
vendor shall be a misdemeanor;

- 8. Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use. Provided, this exemption shall not apply to any sales tax levied by a city or town, or a county or any other jurisdiction in this state;
- 9. In addition to the exemptions authorized by Section 1357.6 of this title, sales of drugs sold pursuant to a prescription written for the treatment of human beings by a person licensed to prescribe the drugs, and sales of insulin and medical oxygen.

  Provided, this exemption shall not apply to over-the-counter drugs;
- 10. Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled or filled returnable oil drums;

11. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers, and other one-way carry out materials to a vendor of meals or beverages;

- 12. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program;
- 13. Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which:
  - a. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26

    U.S.C., Section 501(c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "Meals on Wheels" or "Mobile Meals", or
  - b. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26

1		U.S.C., Section 501(c)(3), and which receives federal
2		funding pursuant to the Older Americans Act of 1965,
3		as amended, for the purpose of providing nutrition
4		programs for the care and benefit of elderly persons;
5	14. a.	Sales of tangible personal property or services to or
6		by organizations which are exempt from taxation
7		pursuant to the provisions of Section 501(c)(3) of the
8		Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
9		and:
10		(1) are primarily involved in the collection and
11		distribution of food and other household products
12		to other organizations that facilitate the
13		distribution of such products to the needy and
14		such distributee organizations are exempt from
15		taxation pursuant to the provisions of Section
16		501(c)(3) of the Internal Revenue Code, 26
17		U.S.C., Section 501(c)(3), or
18		(2) facilitate the distribution of such products to
19		the needy.
20	b.	Sales made in the course of business for profit or
21		savings, competing with other persons engaged in the
22		same or similar business shall not be exempt under
23		this paragraph;

15. Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

- peripherals, and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars (\$5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of Two Million Dollars (\$2,000,000.00);
- 17. Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 16 of this section. For purposes of this paragraph, sales

made to a contractor or subcontractor that has previously entered
into a contractual relationship with a qualified aircraft
maintenance or manufacturing facility for construction or expansion
of such a facility shall be considered sales made to a qualified
aircraft maintenance or manufacturing facility;

- 18. Sales of the following telecommunications services:
  - a. Interstate and International "800 service". "800 service" means a "telecommunications service"

    telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800", "855", "866", "877" and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission,
  - b. Interstate and International "900 service". "900

    service" means an inbound toll "telecommunications

    service" telecommunications service purchased by a

    subscriber that allows the subscriber's customers to

    call in to the subscriber's prerecorded announcement

    or live service. "900 service" 900 service does not

    include the charge for: collection services provided

    by the seller of the "telecommunications services"

    telecommunications services to the subscriber, or

    service or product sold by the subscriber to the

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subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the Federal Communications Commission,

- Interstate and International "private communications service". "Private communications service" means a "telecommunications service" telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations and any other associated services that are provided in connection with the use of such channel or channels,
- d. "Value-added nonvoice data service". "Value-added nonvoice data service" means a service that otherwise meets the definition of "telecommunications services" telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing,

1 Interstate and International telecommunications е. service which is: 2 rendered by a company for private use within its 3 (1)organization, or 4 5 (2) used, allocated or distributed by a company to 6 its affiliated group, f. Regulatory assessments and charges including charges 7 to fund the Oklahoma Universal Service Fund, the 8 9 Oklahoma Lifeline Fund and the Oklahoma High Cost Fund, and 10 Telecommunications nonrecurring charges including but 11 g. 12 not limited to the installation, connection, change, or initiation of telecommunications services which are 13 not associated with a retail consumer sale; 14 Sales of railroad track spikes manufactured and sold for 15 use in this state in the construction or repair of railroad tracks, 16 switches, sidings, and turnouts; 17 Sales of aircraft and aircraft parts provided such sales 18 occur at a qualified aircraft maintenance facility. As used in this 19 paragraph, "qualified aircraft maintenance facility" means a 20 facility operated by an air common carrier including one or more 21 component overhaul support buildings or structures in an area owned, 22 leased, or controlled by the air common carrier, at which there were 23

employed at least two thousand (2,000) full-time-equivalent

1 employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the 2 fabrication, repair, alteration, modification, refurbishing, 3 maintenance, building, or rebuilding of commercial aircraft or 5 aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an 6 affiliated group as defined by Section 1504 of the Internal Revenue Code, 26 U.S.C., Section 1504. Beginning July 1, 2012, sales of 9 machinery, tools, supplies, equipment, and related tangible personal 10 property and services used or consumed in the repair, remodeling, or maintenance of aircraft, aircraft engines or aircraft component 11 12 parts which occur at a qualified aircraft maintenance facility;

- 21. Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing:
  - a. as defined under Industrial Group Numbers 7372 and
    7373 of the Standard Industrial Classification (SIC)
    Manual, latest version, which derive at least fifty
    percent (50%) of their annual gross revenues from the
    sale of a product or service to an out-of-state buyer
    or consumer, and
  - b. as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues

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from the sale of a product or service to an out-ofstate buyer or consumer.

Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

- 22. Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" shall have the same meaning as provided in Section 1357.6 of this title, but shall not include corrective eye glasses, contact lenses, or hearing aids;
- 23. Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video or a television commercial or television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional

- 1 | syndication or broadcast. The provisions of this paragraph shall
- 2 apply to sales occurring on or after July 1, 1996. In order to
- 3 | qualify for the exemption, the motion picture or television
- 4 | production company shall file any documentation and information
- 5 required to be submitted pursuant to rules promulgated by the Tax
- 6 | Commission;
- 7 24. Sales of diesel fuel sold for consumption by commercial
- 8 vessels, barges and other commercial watercraft;
- 9 25. Sales of tangible personal property or services to tax-
- 10 exempt independent nonprofit biomedical research foundations that
- 11 | provide educational programs for Oklahoma science students and
- 12 | teachers and to tax-exempt independent nonprofit community blood
- 13 | banks headquartered in this state;
- 26. Effective May 6, 1992, sales of wireless telecommunications
- 15 equipment to a vendor who subsequently transfers the equipment at no
- 16 charge or for a discounted charge to a consumer as part of a
- 17 promotional package or as an inducement to commence or continue a
- 18 | contract for wireless telecommunications services;
- 19 27. Effective January 1, 1991, leases of rail transportation
- 20 cars to haul coal to coal-fired plants located in this state which
- 21 | generate electric power;
- 22 28. Beginning July 1, 2005, sales of aircraft engine repairs,
- 23 modification, and replacement parts, sales of aircraft frame repairs
- 24 and modification, aircraft interior modification, and paint, and

- sales of services employed in the repair, modification, and replacement of parts of aircraft engines, aircraft frame and interior repair and modification, and paint;
  - 29. Sales of materials and supplies to the owner or operator of a ship, motor vessel, or barge that is used in interstate or international commerce if the materials and supplies:
    - a. are loaded on the ship, motor vessel, or barge and used in the maintenance and operation of the ship, motor vessel, or barge, or
    - b. enter into and become component parts of the ship, motor vessel, or barge;
  - 30. Sales of tangible personal property made at estate sales at which such property is offered for sale on the premises of the former residence of the decedent by a person who is not required to be licensed pursuant to the Transient Merchant Licensing Act, or who is not otherwise required to obtain a sales tax permit for the sale of such property pursuant to the provisions of Section 1364 of this title; provided:
    - a. such sale or event may not be held for a period exceeding three (3) consecutive days,
    - b. the sale must be conducted within six (6) months of the date of death of the decedent, and

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c. the exemption allowed by this paragraph shall not be allowed for property that was not part of the decedent's estate;

- 31. Beginning January 1, 2004, sales of electricity and associated delivery and transmission services, when sold exclusively for use by an oil and gas operator for reservoir dewatering projects and associated operations commencing on or after July 1, 2003, in which the initial water-to-oil ratio is greater than or equal to five-to-one water-to-oil, and such oil and gas development projects have been classified by the Corporation Commission as a reservoir dewatering unit;
- 32. Sales of prewritten computer software that is delivered electronically. For purposes of this paragraph, "delivered electronically" means delivered to the purchaser by means other than tangible storage media;
- 33. Sales of modular dwelling units when built at a production facility and moved in whole or in parts, to be assembled on-site, and permanently affixed to the real property and used for residential or commercial purposes. The exemption provided by this paragraph shall equal forty-five percent (45%) of the total sales price of the modular dwelling unit. For purposes of this paragraph, "modular dwelling unit" means a structure that is not subject to the motor vehicle excise tax imposed pursuant to Section 2103 of this title;

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34.	Sales	OT	Langible	personal	property	OL	Services	LO

a.	persons who are residents of Oklahoma and have been
	honorably discharged from active service in any branch
	of the Armed Forces of the United States or Oklahoma
	National Guard and who have been certified by the
	United States Department of Veterans Affairs or its
	successor to be in receipt of disability compensation
	at the one-hundred-percent rate and the disability
	shall be permanent and have been sustained through
	military action or accident or resulting from disease
	contracted while in such active service and registered
	with the veterans registry created by the Oklahoma
	Department of Veterans Affairs; provided, that if the
	veteran received the sales tax exemption prior to
	November 1, 2020, he or she shall be required to
	register with the veterans registry prior to July 1,
	2023, in order to remain qualified, or

b. the surviving spouse of the person in subparagraph a of this paragraph if the person is deceased and the spouse has not remarried and the surviving spouse of a person who is determined by the United States

Department of Defense or any branch of the United States military to have died while in the line of duty if the spouse has not remarried. Sales for the

1 benefit of an eligible person to a spouse of the 2 eligible person or to a member of the household in which the eligible person resides and who is 3 authorized to make purchases on the person's behalf, 4 5 when such eliqible person is not present at the sale, shall also be exempt for purposes of this paragraph. 6 The Oklahoma Tax Commission shall issue a separate 7 exemption card to a spouse of an eligible person or to 8 9 a member of the household in which the eligible person resides who is authorized to make purchases on the 10 person's behalf, if requested by the eligible person. 11 12 Sales qualifying for the exemption authorized by this paragraph shall not exceed Twenty-five Thousand 13 Dollars (\$25,000.00) per year per individual while the 14 disabled veteran is living. Sales qualifying for the 15 exemption authorized by this paragraph shall not 16 exceed One Thousand Dollars (\$1,000.00) per year for 17 an unremarried surviving spouse. Upon request of the 18 Tax Commission, a person asserting or claiming the 19 exemption authorized by this paragraph shall provide a 20 statement, executed under oath, that the total sales 21 amounts for which the exemption is applicable have not 22 exceeded Twenty-five Thousand Dollars (\$25,000.00) per 23 year per living disabled veteran or One Thousand 24

1	Dollars (\$1,000.00) per year for an unremarried
2	surviving spouse. If the amount of such exempt sales
3	exceeds such amount, the sales tax in excess of the
4	authorized amount shall be treated as a direct sales
5	tax liability and may be recovered by the Tax
6	Commission in the same manner provided by law for
7	other taxes including penalty and interest. The Tax
8	Commission shall promulgate any rules necessary to
9	implement the provisions of this paragraph, which
10	shall include rules providing for the disclosure of
11	information about persons eligible for the exemption
12	authorized in this paragraph to the Oklahoma
13	Department of <del>Veteran's</del> <u>Veterans</u> Affairs, as
14	authorized in Section 205 of this title. For purposes
15	of the exemption authorized by this subparagraph, if
16	the disability determination that would have been made
17	while the disabled veteran was still living is not
18	made final until after the death of the disabled
19	veteran, the exemption authorized by this subparagraph
20	may still be claimed by the surviving spouse;
21	35. Sales of electricity to the operator, specifically
22	designated by the Corporation Commission, of a spacing unit or lease
23	from which oil is produced or attempted to be produced using
24	enhanced recovery methods including, but not limited to, increased

1 pressure in a producing formation through the use of water or 2 saltwater if the electrical usage is associated with and necessary for the operation of equipment required to inject or circulate 3 fluids in a producing formation for the purpose of forcing oil or 5 petroleum into a wellbore for eventual recovery and production from the wellhead. In order to be eligible for the sales tax exemption 6 authorized by this paragraph, the total content of oil recovered 7 after the use of enhanced recovery methods shall not exceed one 9 percent (1%) by volume. The exemption authorized by this paragraph 10 shall be applicable only to the state sales tax rate and shall not 11 be applicable to any county or municipal sales tax rate;

- 36. Sales of intrastate charter and tour bus transportation.

  As used in this paragraph, "intrastate charter and tour bus transportation" means the transportation of persons from one location in this state to another location in this state in a motor vehicle which has been constructed in such a manner that it may lawfully carry more than eighteen persons, and which is ordinarily used or rented to carry persons for compensation. Provided, this exemption shall not apply to regularly scheduled bus transportation for the general public;
- 37. Sales of vitamins, minerals, and dietary supplements by a licensed chiropractor to a person who is the patient of such chiropractor at the physical location where the chiropractor provides chiropractic care or services to such patient. The

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provisions of this paragraph shall not be applicable to any drug,
medicine, or substance for which a prescription by a licensed
physician is required;

- 38. Sales of goods, wares, merchandise, tangible personal property, machinery, and equipment to a web search portal located in this state which derives at least eighty percent (80%) of its annual gross revenue from the sale of a product or service to an out-of-state buyer or consumer. For purposes of this paragraph, "web search portal" means an establishment classified under NAICS code 519130 which operates websites that use a search engine to generate and maintain extensive databases of Internet addresses and content in an easily searchable format;
- 39. Sales of tangible personal property consumed or incorporated in the construction or expansion of a facility for a corporation organized under Section 437 et seq. of Title 18 of the Oklahoma Statutes as a rural electric cooperative. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a rural electric cooperative for construction or expansion of a facility shall be considered sales made to a rural electric cooperative;
- 40. Sales of tangible personal property or services to a business primarily engaged in the repair of consumer electronic goods including, but not limited to, cell phones, compact disc players, personal computers, MP3 players, digital devices for the

- storage and retrieval of information through hard-wired or wireless
  computer or Internet connections, if the devices are sold to the
  business by the original manufacturer of such devices and the
  devices are repaired, refitted or refurbished for sale by the entity
  qualifying for the exemption authorized by this paragraph directly
  to retail consumers or if the devices are sold to another business
  entity for sale to retail consumers;
  - 41. On or after July 1, 2019, and prior to July 1, 2024, sales or leases of rolling stock when sold or leased by the manufacturer, regardless of whether the purchaser is a public services corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by a common carrier directly in the rendition of public service. For purposes of this paragraph, "rolling stock" means locomotives, autocars, and railroad cars and "sales or leases" includes railroad car maintenance and retrofitting of railroad cars for their further use only on the railways; and
  - 42. Sales of gold, silver, platinum, palladium or other bullion items such as coins and bars and legal tender of any nation, which legal tender is sold according to its value as precious metal or as an investment. As used in the paragraph, "bullion" means any precious metal including, but not limited to, gold, silver, platinum, and palladium, that is in such a state or condition that its value depends upon its precious metal content and not its form.

1	fabricated metals that have been processed or manufactured for
2	artistic use or as jewelry.
3	SECTION 2. It being immediately necessary for the preservation
4	of the public peace, health or safety, an emergency is hereby
5	declared to exist, by reason whereof this act shall take effect and
6	be in full force from and after its passage and approval.
7	COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS February 7, 2024 - DO PASS
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