

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1242

By: Jech

AS INTRODUCED

An Act relating to sales and use tax; amending 68 O.S. 2021, Sections 1355 and 1404, as amended by Sections 1 and 2, Chapter 370, O.S.L. 2023 (68 O.S. Supp. 2023, Sections 1355 and 1404), which relate to exemptions; expanding exemption for vehicles to include vehicles sold within a certain period for purposes of calculating tax on vehicle purchase; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 2021, Section 1355, as amended by Section 1, Chapter 370, O.S.L. 2023 (68 O.S. Supp. 2023, Section 1355), is amended to read as follows:

Section 1355. There are hereby specifically exempted from the tax levied pursuant to the provisions of Section 1350 et seq. of this title:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the ~~Motor Fuel Tax~~ motor fuel tax, ~~Gasoline Excise Tax~~ gasoline excise tax, ~~Special Fuels Tax~~

1 special fuels tax, or the fee in lieu of ~~Special Fuels Tax~~ special  
2 fuels tax levied in Section 500.1 et seq., Section 601 et seq. or  
3 Section 701 et seq. of this title has been, or will be paid;

4       2. For the sale of motor vehicles or any optional equipment or  
5 accessories attached to motor vehicles on which the Oklahoma ~~Motor~~  
6 ~~Vehicle Excise Tax~~ motor vehicle excise tax levied in Section 2101  
7 et seq. of this title has been, or will be paid, all but a portion  
8 of the levy provided under Section 1354 of this title, equal to one  
9 and twenty-five-hundredths percent (1.25%) of the gross receipts of  
10 such sales. For the purposes of this paragraph, if the sale of a  
11 motor vehicle includes a trade-in, gross receipts shall be  
12 calculated based only on the difference between the value of the  
13 trade-in vehicle and the actual sales price of the vehicle being  
14 purchased. For the purposes of this paragraph, if an individual  
15 liable for tax pursuant to this paragraph has sold a vehicle within  
16 six (6) months prior to the date of the transfer of title on the  
17 vehicle being purchased, gross receipts shall be calculated based  
18 only on the difference between the value of the vehicle sold and the  
19 actual sales price of the vehicle being purchased. Provided, the  
20 sale of motor vehicles shall not be subject to any sales and use  
21 taxes levied by cities, counties, or other jurisdictions of the  
22 state;

23       3. Sale of crude petroleum or natural or casinghead gas, and  
24 other products subject to gross production tax pursuant to the

provisions of Section 1001 et seq. and Section 1101 et seq. of this title. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6007 of this title has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of this title;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through ~~1512~~ 1515 of this title has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of this title;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes, or which is sold to an organization that is:

- a. a veterans' organization exempt from taxation pursuant to the provisions of paragraph (4), (7), (8), (10), or (19) of subsection (c) of Section 501 of the United

- 1 States Internal Revenue Code of 1986, as amended, 26  
2 U.S.C., Section 501(c) et seq.,
- 3 b. a group home for mentally disabled individuals exempt  
4 from taxation pursuant to the provisions of paragraph  
5 (3) of subsection (c) of Section 501 of the United  
6 States Internal Revenue Code of 1986, as amended, 26  
7 U.S.C., Section 501(c) et seq., or
- 8 c. a charitable health care organization which is exempt  
9 from taxation pursuant to the provisions of paragraph  
10 (3) of subsection (c) of Section 501 of the United  
11 States Internal Revenue Code of 1986, as amended, 26  
12 U.S.C., Section 501(c) et seq.;

13 8. Sales of cigarettes or tobacco products to:

- 14 a. a federally recognized Indian tribe or nation which  
15 has entered into a compact with the State of Oklahoma  
16 pursuant to the provisions of subsection C of Section  
17 346 of this title or to a licensee of such a tribe or  
18 nation, upon which the payment in lieu of taxes  
19 required by the compact has been paid, or
- 20 b. a federally recognized Indian tribe or nation or to a  
21 licensee of such a tribe or nation upon which the tax  
22 levied pursuant to the provisions of Section 349.1 or  
23 Section 426 of this title has been paid;
- 24

1        9. Leases of aircraft upon which the owners have paid the  
2 aircraft excise tax levied by Section 6001 et seq. of this title or  
3 which are specifically exempt from such tax pursuant to the  
4 provisions of Section 6003 of this title;

5        10. The sale of low-speed or medium-speed electrical vehicles  
6 on which the Oklahoma ~~Motor Vehicle Excise Tax~~ motor vehicle excise  
7 tax levied in Section 2101 et seq. of this title has been or will be  
8 paid;

9        11. Effective January 1, 2005, sales of cigarettes on which the  
10 tax levied in Section 301 et seq. of this title or tobacco products  
11 on which the tax levied in Section 401 et seq. of this title has  
12 been paid; and

13        12. Sales of electricity at charging stations as defined by  
14 Section 6502 of this title when the electricity is sold by a  
15 charging station owner or operator for purposes of charging an  
16 electric vehicle as defined by Section 6502 of this title and the  
17 tax imposed pursuant to Section 6504 of this title is collected and  
18 remitted to the Oklahoma Tax Commission.

19        SECTION 2.        AMENDATORY        68 O.S. 2021, Section 1404, as  
20 amended by Section 2, Chapter 370, O.S.L. 2023 (68 O.S. Supp. 2023,  
21 Section 1404), is amended to read as follows:

22        Section 1404. The provisions of Section 1401 et seq. of this  
23 title shall not apply:  
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1        1. In respect to the use of any article of tangible personal  
2 property brought into ~~the State of Oklahoma~~ this state by a  
3 nonresident individual, visiting in this state, for his or her  
4 personal use or enjoyment, while within the state;

5        2. In respect to the use of tangible personal property  
6 purchased for resale before being used;

7        3. In respect to the use of any article of tangible personal  
8 property on which a tax, equal to or in excess of that levied by  
9 Section 1401 et seq. of this title, has been paid by the person  
10 using such tangible personal property in this state, whether such  
11 tax was levied under the laws of this state or some other state of  
12 the United States. If any article of tangible personal property has  
13 already been subjected to a tax, by this or any other state, in  
14 respect to its sale or use, in an amount less than the tax imposed  
15 by Section 1401 et seq. of this title, the provisions of Section  
16 1401 et seq. of this title shall apply to it by a rate measured by  
17 the difference only between the rate herein provided and the rate by  
18 which the previous tax upon the sale or use was computed. Provided,  
19 that no credit shall be given for taxes paid in another state, if  
20 that state does not grant like credit for taxes paid in this state;

21        4. In respect to the use of tangible personal property now  
22 specifically exempted from taxation under Oklahoma Sales Tax Code.  
23 Provided, for the sale of motor vehicles or any optional equipment  
24 or accessories attached to motor vehicles on which the Oklahoma

1 ~~Motor Vehicle Excise Tax~~ motor vehicle excise tax levied pursuant to  
2 Sections 2101 through 2108 of this title has been, or will be paid,  
3 the exceptions shall apply to all but a portion of the levy provided  
4 under Section 1402 of this title, equal to one and twenty-five-  
5 hundredths percent (1.25%) of the purchase price. For the purposes  
6 of this paragraph, if the sale of a motor vehicle includes a trade-  
7 in, the purchase price shall be calculated based only on the  
8 difference between the value of the trade-in vehicle and the actual  
9 purchase price of the vehicle being purchased. For the purposes of  
10 this paragraph, if an individual liable for tax pursuant to this  
11 paragraph has sold a vehicle within six (6) months prior to the date  
12 of the transfer of title on the vehicle being purchased, gross  
13 receipts shall be calculated based only on the difference between  
14 the value of the vehicle sold and the actual sales price of the  
15 vehicle being purchased. Provided further, the sale of motor  
16 vehicles shall not be subject to any sales and use taxes levied by  
17 cities, counties, or other jurisdictions of the state;

18 5. In respect to the use of any article or tangible personal  
19 property brought into the state by an individual with intent to  
20 become a resident of this state where such personal property is for  
21 such individual's personal use or enjoyment;

22 6. In respect to the use of any article of tangible personal  
23 property used or to be used by commercial airlines or railroads;  
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1        7. In respect to livestock purchased outside this state and  
2 brought into this state for feeding or breeding purposes, and which  
3 is later resold; and

4        8. Effective January 1, 1991, in respect to the use of rail  
5 transportation cars to haul coal to coal-fired plants located in  
6 this state which generate electric power.

7        SECTION 3. This act shall become effective November 1, 2024.

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