

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2421

By: Moore

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5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; authorizing
8 certain deduction for seller or vendor; establishing
9 deduction formula; establishing maximum deduction
10 amount; apportioning excess; authorizing Tax
11 Commission to promulgate certain rules based upon
12 federal authority; defining term; providing for
13 codification; providing an effective date; and
14 declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1367.2 of Title 68, unless there
18 is created a duplication in numbering, reads as follows:

19 A. For the purpose of compensating the seller or vendor for
20 keeping sales tax records and for filing reports and remitting the
21 tax when due, a seller or vendor shall be allowed a deduction of
22 three percent (3%) of the tax due under the applicable provisions of
23 Title 68 of the Oklahoma Statutes.

24 The 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 the report or payment of tax was delinquent was due to a
5 tornado occurring in a calendar year for which a Presidential Major
6 Disaster Declaration was issued or due to a tornado occurring in a
7 calendar year for which a Presidential Major Disaster Declaration
8 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 Five Hundred Dollars (\$2,500.00) per month
12 per sales tax permit. No sales tax permit holder may change sales
13 tax permit status in order to avoid the provisions of this
14 subsection.

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

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

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

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

10 SECTION 2. This act shall become effective July 1, 2019.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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