

1 **SENATE FLOOR VERSION**

2 February 12, 2024

3 **AS AMENDED**

4 SENATE BILL NO. 1438

5 By: Rader

6 An Act relating to heavy equipment rental fees;
7 defining terms; authorizing imposition of recovery
8 fee with respect to heavy equipment; requiring
9 retention of fee; specifying purpose of fee;
10 providing certain transactions exempt from fee
11 requirement; requiring submission of report;
12 prohibiting imposition of sales tax on recovery fee
13 amounts; amending 68 O.S. 2021, Section 1357, as last
14 amended by Section 1, Chapter 344, O.S.L. 2023 (68
15 O.S. Supp. 2023, Section 1357), which relates to
16 sales tax exemption; exempting recovery fees;
17 updating statutory language; providing for
18 codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2807.10 of Title 68, unless
22 there is created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Heavy equipment property" includes all rental property
owned or held by a rental business classified under Industry No.
532412 or 532310 of the 2017 North American Industry Classification
System;

1 2. "Primarily" means more than fifty-one percent (51%) of the
2 annual revenue of the business is derived from the rental of
3 personal property; and

4 3. "Rental charge" means the charge of the rental and does not
5 include any other costs such as pickup and delivery, fuel, or a
6 damage waiver.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2807.11 of Title 68, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Except as provided in subsection B of this section, a
11 company primarily in the business of renting heavy equipment
12 property located in this state may include as a separate line item
13 on the rental invoice a recovery fee of one and twenty-five
14 hundredths percent (1.25%) on the rental charge from any item of
15 heavy equipment property rental by a customer. The total amount of
16 the recovery fee shall be retained by the business for the purposes
17 of paying personal property taxes levied by all taxing jurisdictions
18 against the heavy equipment property located in the state.

19 B. Notwithstanding the provisions of subsection A of this
20 section, the recovery fee provided in this section shall not apply
21 to the rental of heavy equipment property to the federal government,
22 any federally recognized Indian tribe, this state, or any
23 municipality or county of this state.

24

1 C. The recovery fee shall not be subject to state or local
2 sales tax.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2807.12 of Title 68, unless
5 there is created a duplication in numbering, reads as follows:

6 Annually, on or before February 15, each rental business that
7 collects the equipment rental recovery fee shall be required to
8 electronically submit to the Oklahoma Tax Commission a consolidated
9 report showing the aggregated personal property taxes paid in the
10 state during the previous calendar year and the aggregated recovery
11 collections in the state **during the previous calendar year. If the**
12 **aggregated recovery collections in the state exceed the aggregated**
13 **taxes paid in the state, the aggregate excess shall be paid to the**
14 **county treasurers. The amount of excess paid to each county**
15 **treasurer shall be a pro rata distribution based on the amount of**
16 **personal property tax paid by the business to each county in the**
17 **previous calendar year in relation to the total personal property**
18 **tax paid in this state in the previous calendar year. No excess**
19 **collections shall be retained by the business.**

20 SECTION 4. AMENDATORY 68 O.S. 2021, Section 1357, as
21 last amended by Section 1, Chapter 344, O.S.L. 2023 (68 O.S. Supp.
22 2023, Section 1357), is amended to read as follows:

23 Section 1357. Exemptions - General.
24

1 There are hereby specifically exempted from the tax levied by
2 the Oklahoma Sales Tax Code:

3 1. Transportation of school pupils to and from elementary
4 schools or high schools in motor or other vehicles;

5 2. Transportation of persons where the fare of each person does
6 not exceed One Dollar (\$1.00), or local transportation of persons
7 within the corporate limits of a municipality except by taxicabs;

8 3. Sales for resale to persons engaged in the business of
9 reselling the articles purchased, whether within or without the
10 state, provided that such sales to residents of this state are made
11 to persons to whom sales tax permits have been issued as provided in
12 the Oklahoma Sales Tax Code. This exemption shall not apply to the
13 sales of articles made to persons holding permits when such persons
14 purchase items for their use and which they are not regularly
15 engaged in the business of reselling; neither shall this exemption
16 apply to sales of tangible personal property to peddlers, solicitors
17 and other salespersons who do not have an established place of
18 business and a sales tax permit. The exemption provided by this
19 paragraph shall apply to sales of motor fuel or diesel fuel to a
20 Group Five vendor, but the use of such motor fuel or diesel fuel by
21 the Group Five vendor shall not be exempt from the tax levied by the
22 Oklahoma Sales Tax Code. The purchase of motor fuel or diesel fuel
23 is exempt from sales tax when the motor fuel is for shipment outside
24 this state and consumed by a common carrier by rail in the conduct

1 of its business. The sales tax shall apply to the purchase of motor
2 fuel or diesel fuel in Oklahoma by a common carrier by rail when
3 such motor fuel is purchased for fueling, within this state, of any
4 locomotive or other motorized flanged wheel equipment;

5 4. Sales of advertising space in newspapers and periodicals;

6 5. Sales of programs relating to sporting and entertainment
7 events, and sales of advertising on billboards (including signage,
8 posters, panels, marquees or on other similar surfaces, whether
9 indoors or outdoors) or in programs relating to sporting and
10 entertainment events, and sales of any advertising, to be displayed
11 at or in connection with a sporting event, via the Internet,
12 electronic display devices or through public address or broadcast
13 systems. The exemption authorized by this paragraph shall be
14 effective for all sales made on or after January 1, 2001;

15 6. Sales of any advertising, other than the advertising
16 described by paragraph 5 of this section, via the Internet,
17 electronic display devices or through the electronic media including
18 radio, public address or broadcast systems, television (whether
19 through closed circuit broadcasting systems or otherwise), and cable
20 and satellite television, and the servicing of any advertising
21 devices;

22 7. Eggs, feed, supplies, machinery, and equipment purchased by
23 persons regularly engaged in the business of raising worms, fish,
24 any insect, or any other form of terrestrial or aquatic animal life

1 and used for the purpose of raising same for marketing. This
2 exemption shall only be granted and extended to the purchaser when
3 the items are to be used and in fact are used in the raising of
4 animal life as set out above. Each purchaser shall certify, in
5 writing, on the invoice or sales ticket retained by the vendor that
6 the purchaser is regularly engaged in the business of raising such
7 animal life and that the items purchased will be used only in such
8 business. The vendor shall certify to the Oklahoma Tax Commission
9 that the price of the items has been reduced to grant the full
10 benefit of the exemption. Violation hereof by the purchaser or
11 vendor shall be a misdemeanor;

12 8. Sale of natural or artificial gas and electricity, and
13 associated delivery or transmission services, when sold exclusively
14 for residential use. Provided, this exemption shall not apply to
15 any sales tax levied by a city or town, or a county or any other
16 jurisdiction in this state;

17 9. In addition to the exemptions authorized by Section 1357.6
18 of this title, sales of drugs sold pursuant to a prescription
19 written for the treatment of human beings by a person licensed to
20 prescribe the drugs, and sales of insulin and medical oxygen.
21 Provided, this exemption shall not apply to over-the-counter drugs;

22 10. Transfers of title or possession of empty, partially
23 filled, or filled returnable oil and chemical drums to any person
24 who is not regularly engaged in the business of selling, reselling

1 or otherwise transferring empty, partially filled or filled
2 returnable oil drums;

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

6 12. Sales of food or food products for home consumption which
7 are purchased in whole or in part with coupons issued pursuant to
8 the federal food stamp program as authorized by Sections 2011
9 through 2029 of Title 7 of the United States Code, as to that
10 portion purchased with such coupons. The exemption provided for
11 such sales shall be inapplicable to such sales upon the effective
12 date of any federal law that removes the requirement of the
13 exemption as a condition for participation by the state in the
14 federal food stamp program;

15 13. Sales of food or food products, or any equipment or
16 supplies used in the preparation of the food or food products to or
17 by an organization which:

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

1 b. is exempt from taxation pursuant to the provisions of
2 Section 501(c) (3) of the Internal Revenue Code, 26
3 U.S.C., Section 501(c) (3), and which receives federal
4 funding pursuant to the Older Americans Act of 1965,
5 as amended, for the purpose of providing nutrition
6 programs for the care and benefit of elderly persons;

7 14. a. Sales of tangible personal property or services to or
8 by organizations which are exempt from taxation
9 pursuant to the provisions of Section 501(c) (3) of the
10 Internal Revenue Code, 26 U.S.C., Section 501(c) (3),
11 and:

12 (1) are primarily involved in the collection and
13 distribution of food and other household products
14 to other organizations that facilitate the
15 distribution of such products to the needy and
16 such distributee organizations are exempt from
17 taxation pursuant to the provisions of Section
18 501(c) (3) of the Internal Revenue Code, 26
19 U.S.C., Section 501(c) (3), or

20 (2) facilitate the distribution of such products to
21 the needy.

22 b. Sales made in the course of business for profit or
23 savings, competing with other persons engaged in the
24

1 same or similar business shall not be exempt under
2 this paragraph;

3 15. Sales of tangible personal property or services to
4 children's homes which are located on church-owned property and are
5 operated by organizations exempt from taxation pursuant to the
6 provisions of the Internal Revenue Code, 26 U.S.C., Section
7 501(c) (3);

8 16. Sales of computers, data processing equipment, related
9 peripherals, and telephone, telegraph or telecommunications service
10 and equipment for use in a qualified aircraft maintenance or
11 manufacturing facility. For purposes of this paragraph, "qualified
12 aircraft maintenance or manufacturing facility" means a new or
13 expanding facility primarily engaged in aircraft repair, building or
14 rebuilding whether or not on a factory basis, whose total cost of
15 construction exceeds the sum of Five Million Dollars (\$5,000,000.00)
16 and which employs at least two hundred fifty (250) new full-time-
17 equivalent employees, as certified by the Oklahoma Employment
18 Security Commission, upon completion of the facility. In order to
19 qualify for the exemption provided for by this paragraph, the cost
20 of the items purchased by the qualified aircraft maintenance or
21 manufacturing facility shall equal or exceed the sum of Two Million
22 Dollars (\$2,000,000.00);

23 17. Sales of tangible personal property consumed or
24 incorporated in the construction or expansion of a qualified

1 aircraft maintenance or manufacturing facility as defined in
2 paragraph 16 of this section. For purposes of this paragraph, sales
3 made to a contractor or subcontractor that has previously entered
4 into a contractual relationship with a qualified aircraft
5 maintenance or manufacturing facility for construction or expansion
6 of such a facility shall be considered sales made to a qualified
7 aircraft maintenance or manufacturing facility;

8 18. Sales of the following telecommunications services:

9 a. Interstate and International "800 service". "800
10 service" means a ~~"telecommunications service"~~
11 telecommunications service that allows a caller to
12 dial a toll-free number without incurring a charge for
13 the call. The service is typically marketed under the
14 name "800", "855", "866", "877" and "888" toll-free
15 calling, and any subsequent numbers designated by the
16 Federal Communications Commission,

17 b. Interstate and International "900 service". "900
18 service" means an inbound toll ~~"telecommunications
19 service"~~ telecommunications service purchased by a
20 subscriber that allows the subscriber's customers to
21 call in to the subscriber's prerecorded announcement
22 or live service. ~~"900 service"~~ 900 service does not
23 include the charge for: collection services provided
24 by the seller of the ~~"telecommunications services"~~

1 telecommunications services to the subscriber, or
2 service or product sold by the subscriber to the
3 subscriber's customer. The service is typically
4 marketed under the name "900" service, and any
5 subsequent numbers designated by the Federal
6 Communications Commission,

7 c. Interstate and International "private communications
8 service". "Private communications service" means a
9 ~~"telecommunications service"~~ telecommunications
10 service that entitles the customer to exclusive or
11 priority use of a communications channel or group of
12 channels between or among termination points,
13 regardless of the manner in which such channel or
14 channels are connected, and includes switching
15 capacity, extension lines, stations and any other
16 associated services that are provided in connection
17 with the use of such channel or channels,

18 d. "Value-added nonvoice data service". "Value-added
19 nonvoice data service" means a service that otherwise
20 meets the definition of ~~"telecommunications services"~~
21 telecommunications services in which computer
22 processing applications are used to act on the form,
23 content, code or protocol of the information or data
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1 primarily for a purpose other than transmission,
2 conveyance, or routing,

3 e. Interstate and International telecommunications
4 service which is:

5 (1) rendered by a company for private use within its
6 organization, or

7 (2) used, allocated or distributed by a company to
8 its affiliated group,

9 f. Regulatory assessments and charges including charges
10 to fund the Oklahoma Universal Service Fund, the
11 Oklahoma Lifeline Fund and the Oklahoma High Cost
12 Fund, and

13 g. Telecommunications nonrecurring charges including but
14 not limited to the installation, connection, change,
15 or initiation of telecommunications services which are
16 not associated with a retail consumer sale;

17 19. Sales of railroad track spikes manufactured and sold for
18 use in this state in the construction or repair of railroad tracks,
19 switches, sidings, and turnouts;

20 20. Sales of aircraft and aircraft parts provided such sales
21 occur at a qualified aircraft maintenance facility. As used in this
22 paragraph, "qualified aircraft maintenance facility" means a
23 facility operated by an air common carrier including one or more
24 component overhaul support buildings or structures in an area owned,

1 leased, or controlled by the air common carrier, at which there were
2 employed at least two thousand (2,000) full-time-equivalent
3 employees in the preceding year as certified by the Oklahoma
4 Employment Security Commission and which is primarily related to the
5 fabrication, repair, alteration, modification, refurbishing,
6 maintenance, building, or rebuilding of commercial aircraft or
7 aircraft parts used in air common carriage. For purposes of this
8 paragraph, "air common carrier" shall also include members of an
9 affiliated group as defined by Section 1504 of the Internal Revenue
10 Code, 26 U.S.C., Section 1504. Beginning July 1, 2012, sales of
11 machinery, tools, supplies, equipment, and related tangible personal
12 property and services used or consumed in the repair, remodeling, or
13 maintenance of aircraft, aircraft engines or aircraft component
14 parts which occur at a qualified aircraft maintenance facility;

15 21. Sales of machinery and equipment purchased and used by
16 persons and establishments primarily engaged in computer services
17 and data processing:

18 a. as defined under ~~Industrial~~ Industry Group Numbers
19 7372 and 7373 of the Standard Industrial
20 Classification (SIC) Manual, latest version, which
21 derive at least fifty percent (50%) of their annual
22 gross revenues from the sale of a product or service
23 to an out-of-state buyer or consumer, and
24

1 b. as defined under ~~Industrial~~ Industry Group Number 7374
2 of the SIC Manual, latest version, which derive at
3 least eighty percent (80%) of their annual gross
4 revenues from the sale of a product or service to an
5 out-of-state buyer or consumer.

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

14 22. Sales of prosthetic devices to an individual for use by
15 such individual. For purposes of this paragraph, "prosthetic
16 device" shall have the same meaning as provided in Section 1357.6 of
17 this title, but shall not include corrective eye glasses, contact
18 lenses, or hearing aids;

19 23. Sales of tangible personal property or services to a motion
20 picture or television production company to be used or consumed in
21 connection with an eligible production. For purposes of this
22 paragraph, "eligible production" means a documentary, special, music
23 video or a television commercial or television program that will
24 serve as a pilot for or be a segment of an ongoing dramatic or

1 situation comedy series filmed or taped for network or national or
2 regional syndication or a feature-length motion picture intended for
3 theatrical release or for network or national or regional
4 syndication or broadcast. The provisions of this paragraph shall
5 apply to sales occurring on or after July 1, 1996. In order to
6 qualify for the exemption, the motion picture or television
7 production company shall file any documentation and information
8 required to be submitted pursuant to rules promulgated by the Tax
9 Commission;

10 24. Sales of diesel fuel sold for consumption by commercial
11 vessels, barges and other commercial watercraft;

12 25. Sales of tangible personal property or services to tax-
13 exempt independent nonprofit biomedical research foundations that
14 provide educational programs for Oklahoma science students and
15 teachers and to tax-exempt independent nonprofit community blood
16 banks headquartered in this state;

17 26. Effective May 6, 1992, sales of wireless telecommunications
18 equipment to a vendor who subsequently transfers the equipment at no
19 charge or for a discounted charge to a consumer as part of a
20 promotional package or as an inducement to commence or continue a
21 contract for wireless telecommunications services;

22 27. Effective January 1, 1991, leases of rail transportation
23 cars to haul coal to coal-fired plants located in this state which
24 generate electric power;

1 28. Beginning July 1, 2005, sales of aircraft engine repairs,
2 modification, and replacement parts, sales of aircraft frame repairs
3 and modification, aircraft interior modification, and paint, and
4 sales of services employed in the repair, modification, and
5 replacement of parts of aircraft engines, aircraft frame and
6 interior repair and modification, and paint;

7 29. Sales of materials and supplies to the owner or operator of
8 a ship, motor vessel, or barge that is used in interstate or
9 international commerce if the materials and supplies:

10 a. are loaded on the ship, motor vessel, or barge and
11 used in the maintenance and operation of the ship,
12 motor vessel, or barge, or

13 b. enter into and become component parts of the ship,
14 motor vessel, or barge;

15 30. Sales of tangible personal property made at estate sales at
16 which such property is offered for sale on the premises of the
17 former residence of the decedent by a person who is not required to
18 be licensed pursuant to the Transient Merchant Licensing Act, or who
19 is not otherwise required to obtain a sales tax permit for the sale
20 of such property pursuant to the provisions of Section 1364 of this
21 title; provided:

22 a. such sale or event may not be held for a period
23 exceeding three (3) consecutive days,

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1 b. the sale must be conducted within six (6) months of
2 the date of death of the decedent, and

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

6 31. Beginning January 1, 2004, sales of electricity and
7 associated delivery and transmission services, when sold exclusively
8 for use by an oil and gas operator for reservoir dewatering projects
9 and associated operations commencing on or after July 1, 2003, in
10 which the initial water-to-oil ratio is greater than or equal to
11 five-to-one water-to-oil, and such oil and gas development projects
12 have been classified by the Corporation Commission as a reservoir
13 dewatering unit;

14 32. Sales of prewritten computer software that is delivered
15 electronically. For purposes of this paragraph, "delivered
16 electronically" means delivered to the purchaser by means other than
17 tangible storage media;

18 33. Sales of modular dwelling units when built at a production
19 facility and moved in whole or in parts, to be assembled on-site,
20 and permanently affixed to the real property and used for
21 residential or commercial purposes. The exemption provided by this
22 paragraph shall equal forty-five percent (45%) of the total sales
23 price of the modular dwelling unit. For purposes of this paragraph,
24 "modular dwelling unit" means a structure that is not subject to the

1 motor vehicle excise tax imposed pursuant to Section 2103 of this
2 title;

3 34. Sales of tangible personal property or services to:

4 a. persons who are residents of Oklahoma and have been
5 honorably discharged from active service in any branch
6 of the Armed Forces of the United States or Oklahoma
7 National Guard and who have been certified by the
8 United States Department of Veterans Affairs or its
9 successor to be in receipt of disability compensation
10 at the one-hundred-percent rate and the disability
11 shall be permanent and have been sustained through
12 military action or accident or resulting from disease
13 contracted while in such active service and registered
14 with the veterans registry created by the Oklahoma
15 Department of Veterans Affairs; provided, that if the
16 veteran received the sales tax exemption prior to
17 November 1, 2020, he or she shall be required to
18 register with the veterans registry prior to July 1,
19 2023, in order to remain qualified, or

20 b. the surviving spouse of the person in subparagraph a
21 of this paragraph if the person is deceased and the
22 spouse has not remarried and the surviving spouse of a
23 person who is determined by the United States
24 Department of Defense or any branch of the United

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

1 exceeded Twenty-five Thousand Dollars (\$25,000.00) per
2 year per living disabled veteran or One Thousand
3 Dollars (\$1,000.00) per year for an unremarried
4 surviving spouse. If the amount of such exempt sales
5 exceeds such amount, the sales tax in excess of the
6 authorized amount shall be treated as a direct sales
7 tax liability and may be recovered by the Tax
8 Commission in the same manner provided by law for
9 other taxes including penalty and interest. The Tax
10 Commission shall promulgate any rules necessary to
11 implement the provisions of this paragraph, which
12 shall include rules providing for the disclosure of
13 information about persons eligible for the exemption
14 authorized in this paragraph to the Oklahoma
15 Department of ~~Veteran's~~ Veterans Affairs, as
16 authorized in Section 205 of this title. For purposes
17 of the exemption authorized by this subparagraph, if
18 the disability determination that would have been made
19 while the disabled veteran was still living is not
20 made final until after the death of the disabled
21 veteran, the exemption authorized by this subparagraph
22 may still be claimed by the surviving spouse;

23 35. Sales of electricity to the operator, specifically
24 designated by the Corporation Commission, of a spacing unit or lease

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

14 36. Sales of intrastate charter and tour bus transportation.
15 As used in this paragraph, "intrastate charter and tour bus
16 transportation" means the transportation of persons from one
17 location in this state to another location in this state in a motor
18 vehicle which has been constructed in such a manner that it may
19 lawfully carry more than eighteen persons, and which is ordinarily
20 used or rented to carry persons for compensation. Provided, this
21 exemption shall not apply to regularly scheduled bus transportation
22 for the general public;

23 37. Sales of vitamins, minerals, and dietary supplements by a
24 licensed chiropractor to a person who is the patient of such

1 chiropractor at the physical location where the chiropractor
2 provides chiropractic care or services to such patient. The
3 provisions of this paragraph shall not be applicable to any drug,
4 medicine, or substance for which a prescription by a licensed
5 physician is required;

6 38. Sales of goods, wares, merchandise, tangible personal
7 property, machinery, and equipment to a web search portal located in
8 this state which derives at least eighty percent (80%) of its annual
9 gross revenue from the sale of a product or service to an out-of-
10 state buyer or consumer. For purposes of this paragraph, "web
11 search portal" means an establishment classified under NAICS code
12 519130 which operates websites that use a search engine to generate
13 and maintain extensive databases of Internet addresses and content
14 in an easily searchable format;

15 39. Sales of tangible personal property consumed or
16 incorporated in the construction or expansion of a facility for a
17 corporation organized under Section 437 et seq. of Title 18 of the
18 Oklahoma Statutes as a rural electric cooperative. For purposes of
19 this paragraph, sales made to a contractor or subcontractor that has
20 previously entered into a contractual relationship with a rural
21 electric cooperative for construction or expansion of a facility
22 shall be considered sales made to a rural electric cooperative;

23 40. Sales of tangible personal property or services to a
24 business primarily engaged in the repair of consumer electronic

1 goods including, but not limited to, cell phones, compact disc
2 players, personal computers, MP3 players, digital devices for the
3 storage and retrieval of information through hard-wired or wireless
4 computer or Internet connections, if the devices are sold to the
5 business by the original manufacturer of such devices and the
6 devices are repaired, refitted or refurbished for sale by the entity
7 qualifying for the exemption authorized by this paragraph directly
8 to retail consumers or if the devices are sold to another business
9 entity for sale to retail consumers;

10 41. On or after July 1, 2019, and prior to July 1, 2024, sales
11 or leases of rolling stock when sold or leased by the manufacturer,
12 regardless of whether the purchaser is a public services corporation
13 engaged in business as a common carrier of property or passengers by
14 railway, for use or consumption by a common carrier directly in the
15 rendition of public service. For purposes of this paragraph,
16 "rolling stock" means locomotives, autocars, and railroad cars and
17 "sales or leases" includes railroad car maintenance and retrofitting
18 of railroad cars for their further use only on the railways; ~~and~~

19 42. Sales of gold, silver, platinum, palladium or other bullion
20 items such as coins and bars and legal tender of any nation, which
21 legal tender is sold according to its value as precious metal or as
22 an investment. As used in the paragraph, "bullion" means any
23 precious metal including, but not limited to, gold, silver,
24 platinum, and palladium, that is in such a state or condition that

1 its value depends upon its precious metal content and not its form.
2 The exemption authorized by this paragraph shall not apply to
3 fabricated metals that have been processed or manufactured for
4 artistic use or as jewelry; and

5 43. Recovery fees on the rental charge from any item of heavy
6 equipment property rental as provided for in Section 2 of this act.

7 SECTION 5. This act shall become effective November 1, 2024.

8 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
9 February 12, 2024 - DO PASS

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