

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1336

By: Humphrey

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5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68
8 O.S. 2021, Section 1358.1, which relates to proof of
9 eligibility for agricultural sales tax exemptions;
10 modifying list of eligible form of proof of
11 eligibility; providing certain form shall not be
12 required for proof of eligibility; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 68 O.S. 2021, Section 1358.1, is
16 amended to read as follows:

17 Section 1358.1. Exemptions - Agriculture - Proof of
18 eligibility.

19 A. In order to qualify for any exemption authorized by Section
20 1358 of this title, at the time of sale, the person to whom the sale
21 is made shall be required to furnish the vendor proof of eligibility
22 for the exemption as required by this section.

23 B. All vendors shall honor the proof of eligibility for sales
24 tax exemption as authorized by this section and sales to a person

1 providing such proof shall be exempt from the tax levied by this
2 article, Section 1350 et seq. of this title.

3 C. The agricultural exemption permit, the size and design of
4 which shall be prescribed by the Oklahoma Tax Commission, shall
5 constitute proof of eligibility for sales tax exemptions authorized
6 by Section 1358 of this title. The permit shall be obtained by
7 listing personal property used in farming or ranching by the person
8 with the county assessor each year as provided by law. If the
9 assessor determines that the personal property is correctly listed
10 and assessed for ad valorem taxation and the county treasurer
11 certifies whether the person has delinquent accounts appearing on
12 the personal property tax lien docket in the county treasurer's
13 office, the assessor shall certify the assessment upon a form
14 prescribed by the Oklahoma Tax Commission. One copy shall be
15 retained by the assessor, one copy shall be forwarded to the
16 Oklahoma Tax Commission and one copy shall be given to the person
17 listing the personal property. Upon verification that the applicant
18 qualifies for the exemptions authorized by Section 1358 of this
19 title and that the applicant has no delinquent accounts appearing on
20 the personal property tax lien docket in the office of the county
21 treasurer, a permit shall be issued as prescribed by this section.
22 The permit shall be renewable every three (3) years in the manner
23 provided by this section.

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1 D. A person who does not otherwise qualify for a permit
2 pursuant to subsection C of this section, except as provided in
3 subsection E of this section, shall file with the Oklahoma Tax
4 Commission an application for an agricultural exemption permit
5 constituting proof of eligibility for the sales tax exemptions
6 authorized by Section 1358 of this title, setting forth such
7 information as the Tax Commission may require. The application
8 shall be certified by the applicant that the applicant is engaged in
9 custom farming operations or in the business of farming or ranching.
10 If the applicant is a corporation, the application shall be
11 certified by a legally constituted officer thereof.

12 The Oklahoma Tax Commission shall accept any of the following as
13 proof of eligibility for the exemptions authorized by this section
14 or pursuant to Section 1358 of this title.

15 1. A copy of ~~IRS Schedule F, a copy of~~ IRS form 1065, ~~or~~ a copy
16 of IRS form 4835, or any equivalent form prescribed by the Internal
17 Revenue Service, with respect to a federal income tax return;

18 2. A one-page business description form provided by the
19 Oklahoma Tax Commission;

20 3. Farm Service Agency form 156EZ; or

21 4. Other documents at the discretion of the Oklahoma Tax
22 Commission that verify active agriculture production.

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1 No taxpayer shall be required to produce a copy of IRS Schedule
2 F as proof of eligibility for the exemptions authorized by this
3 section.

4 E. Except as provided in this subsection, for a person who is a
5 resident of another state and who is engaged in custom farming
6 operations in this state, the person shall provide the vendor proof
7 of residency, the name, address and telephone number of the person
8 engaging the custom farmer and certification on the face of the
9 invoice, under the penalty of perjury, that the property purchased
10 shall be used in agricultural production as proof of eligibility for
11 the sales tax exemption authorized by Section 1358 of this title.
12 Any person who is a resident of another state and who is engaged in
13 custom farming operations in this state and who owns property in
14 this state, shall obtain proof of eligibility as provided in
15 subsection C or D of this section.

16 F. If an agricultural exemption permit holder purchases
17 tangible personal property from a vendor on a regular basis, the
18 permit holder may furnish the vendor proof of eligibility as
19 provided for in subsections C and D of this section and the vendor
20 may subsequently make sales of tangible personal property to the
21 permit holder without requiring proof of eligibility for each
22 subsequent sale. Provided, the permit holder shall notify the
23 vendor of all purchases which are not exempt from sales tax under
24 the provisions of Section 1358 of this title and remit the

1 applicable amount of tax thereon. If the permit holder fails to
2 notify the vendor of purchases not exempt from sales tax, then
3 sufficient grounds shall exist for the Oklahoma Tax Commission to
4 cancel the agricultural exemption permit of the permit holder who so
5 failed to notify the vendor.

6 G. If an out-of-state agricultural exemption permit holder
7 purchases tangible personal property from a vendor within this state
8 who is not in the business of shipping the tangible personal
9 property purchased, then the out-of-state agricultural exemption
10 permit holder is responsible for providing an export bill of lading
11 or other documentation to the vendor from whom the tangible personal
12 property was purchased showing that the point of delivery of such
13 goods for use and consumption is outside this state.

14 H. A purchaser who uses an agricultural exemption permit or
15 provides proof of eligibility pursuant to subsection E of this
16 section to purchase, exempt from sales tax, items not authorized for
17 exemption under Section 1358 of this title shall be subject to a
18 penalty in the amount of Five Hundred Dollars (\$500.00).

19 SECTION 2. This act shall become effective November 1, 2025.
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