

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 2

\_\_\_\_\_

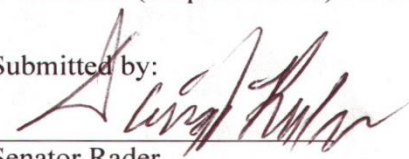
COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

I move to amend House Bill No. 1348, by the attached floor substitute (Request #2153) for the title, enacting clause, and entire body of the measure.

Submitted by:

  
\_\_\_\_\_  
Senator Rader

I hereby grant permission for the floor substitute to be adopted.

  
\_\_\_\_\_  
Senator Rader, Chair (required)

  
\_\_\_\_\_  
Senator Howard

  
\_\_\_\_\_  
Senator Daniels

  
\_\_\_\_\_  
Senator Hall

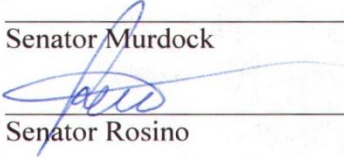
\_\_\_\_\_  
Senator Hicks

\_\_\_\_\_  
Senator Kirt

  
\_\_\_\_\_  
Senator Montgomery

\_\_\_\_\_  
Senator Treat, President Pro Tempore

\_\_\_\_\_  
Senator Murdock

  
\_\_\_\_\_  
Senator Rosino

\_\_\_\_\_  
Senator Standridge

  
\_\_\_\_\_  
Senator Stanley

\_\_\_\_\_  
Senator Stewart

\_\_\_\_\_  
Senator Thompson (Roger)

\_\_\_\_\_  
Senator McCortney, Majority Floor Leader

Note: Finance committee majority requires seven (7) members' signatures.

Rader-QD-FS-HB1348  
4/21/2023 9:28 AM

(Floor Amendments Only)

Date and Time Filed: 4.25.23

9:42 am *fd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 1348

By: Fetgatter of the House

and

Rader of the Senate

7  
8 FLOOR SUBSTITUTE

9 [ heavy equipment rentals - recovery fee - report to  
10 Oklahoma Tax Commission - General Revenue Fund -  
11 sales tax on recovery fee amounts - codification ]

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

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

16 As used in this act:

17 1. "Heavy equipment property" includes all rental property  
18 owned or held by a rental business classified under Industry No.  
19 532412 or 532310 of the 2017 North American Industry Classification  
20 System as published by the United States Bureau of the Census;

21 2. "Primarily" means more than fifty-one percent (51%) of the  
22 annual revenue of the business is derived from the rental of  
23 personal property; and  
24

1       3. "Rental charge" is defined as the charge of the rental and  
2 does not include any other costs such as pickup and delivery, fuel,  
3 or a damage waiver.

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

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

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

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

24

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

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2807.13 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 submit to the Oklahoma Tax Commission, the President Pro Tempore of  
9 the Senate, and the Speaker of the House of Representatives a  
10 consolidated report showing the aggregated personal property taxes  
11 paid in the state during the previous calendar year and the  
12 aggregated recovery collections in the state.

13 SECTION 5. AMENDATORY 68 O.S. 2021, Section 1357, as  
14 amended by Section 1, Chapter 206, O.S.L. 2022 (68 O.S. Supp. 2022,  
15 Section 1357), is amended to read as follows:

16 Section 1357. Exemptions - General.

17 There are hereby specifically exempted from the tax levied by  
18 the Oklahoma Sales Tax Code:

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

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

24

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

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

23           5. Sales of programs relating to sporting and entertainment  
24 events, and sales of advertising on billboards (including signage,

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

8       6. Sales of any advertising, other than the advertising  
9 described by paragraph 5 of this section, via the Internet,  
10 electronic display devices or through the electronic media including  
11 radio, public address or broadcast systems, television (whether  
12 through closed circuit broadcasting systems or otherwise), and cable  
13 and satellite television, and the servicing of any advertising  
14 devices;

15       7. Eggs, feed, supplies, machinery, and equipment purchased by  
16 persons regularly engaged in the business of raising worms, fish,  
17 any insect, or any other form of terrestrial or aquatic animal life  
18 and used for the purpose of raising same for marketing. This  
19 exemption shall only be granted and extended to the purchaser when  
20 the items are to be used and in fact are used in the raising of  
21 animal life as set out above. Each purchaser shall certify, in  
22 writing, on the invoice or sales ticket retained by the vendor that  
23 the purchaser is regularly engaged in the business of raising such  
24 animal life and that the items purchased will be used only in such

1 business. The vendor shall certify to the Oklahoma Tax Commission  
2 that the price of the items has been reduced to grant the full  
3 benefit of the exemption. Violation hereof by the purchaser or  
4 vendor shall be a misdemeanor;

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

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

15 10. Transfers of title or possession of empty, partially  
16 filled, or filled returnable oil and chemical drums to any person  
17 who is not regularly engaged in the business of selling, reselling  
18 or otherwise transferring empty, partially filled or filled  
19 returnable oil drums;

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

23 12. Sales of food or food products for home consumption which  
24 are purchased in whole or in part with coupons issued pursuant to

1 the federal food stamp program as authorized by Sections 2011  
2 through 2029 of Title 7 of the United States Code, as to that  
3 portion purchased with such coupons. The exemption provided for  
4 such sales shall be inapplicable to such sales upon the effective  
5 date of any federal law that removes the requirement of the  
6 exemption as a condition for participation by the state in the  
7 federal food stamp program;

8 13. Sales of food or food products, or any equipment or  
9 supplies used in the preparation of the food or food products to or  
10 by an organization which:

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

18 b. 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 receives federal  
21 funding pursuant to the Older Americans Act of 1965,  
22 as amended, for the purpose of providing nutrition  
23 programs for the care and benefit of elderly persons;

24



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

6 (1) are primarily involved in the collection and  
7 distribution of food and other household products  
8 to other organizations that facilitate the  
9 distribution of such products to the needy and  
10 such distributee organizations are exempt from  
11 taxation pursuant to the provisions of Section  
12 501(c)(3) of the Internal Revenue Code, 26  
13 U.S.C., Section 501(c)(3), or

14 (2) facilitate the distribution of such products to  
15 the needy.

16 b. Sales made in the course of business for profit or  
17 savings, competing with other persons engaged in the  
18 same or similar business shall not be exempt under  
19 this paragraph;

20 15. Sales of tangible personal property or services to  
21 children's homes which are located on church-owned property and are  
22 operated by organizations exempt from taxation pursuant to the  
23 provisions of the Internal Revenue Code, 26 U.S.C., Section  
24 501(c)(3);

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

16        17. Sales of tangible personal property consumed or  
17 incorporated in the construction or expansion of a qualified  
18 aircraft maintenance or manufacturing facility as defined in  
19 paragraph 16 of this section. For purposes of this paragraph, sales  
20 made to a contractor or subcontractor that has previously entered  
21 into a contractual relationship with a qualified aircraft  
22 maintenance or manufacturing facility for construction or expansion  
23 of such a facility shall be considered sales made to a qualified  
24 aircraft maintenance or manufacturing facility;

1 18. Sales of the following telecommunications services:

2 a. Interstate and International "800 service". "800  
3 service" means a "telecommunications service" that  
4 allows a caller to dial a toll-free number without  
5 incurring a charge for the call. The service is  
6 typically marketed under the name "800", "855", "866",  
7 "877" and "888" toll-free calling, and any subsequent  
8 numbers designated by the Federal Communications  
9 Commission,

10 b. Interstate and International "900 service". "900  
11 service" means an inbound toll ~~"telecommunications~~  
12 ~~service"~~ telecommunications service purchased by a  
13 subscriber that allows the subscriber's customers to  
14 call in to the subscriber's prerecorded announcement  
15 or live service. ~~"900 service"~~ 900 service does not  
16 include the charge for: collection services provided  
17 by the seller of the ~~"telecommunications services"~~  
18 telecommunications services to the subscriber, or  
19 service or product sold by the subscriber to the  
20 subscriber's customer. The service is typically  
21 marketed under the name "900" service, and any  
22 subsequent numbers designated by the Federal  
23 Communications Commission,

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

12 d. "Value-added nonvoice data service". "Value-added  
13 nonvoice data service" means a service that otherwise  
14 meets the definition of ~~"telecommunications services"~~  
15 telecommunications services in which computer  
16 processing applications are used to act on the form,  
17 content, code or protocol of the information or data  
18 primarily for a purpose other than transmission,  
19 conveyance, or routing,

20 e. Interstate and International telecommunications  
21 service which is:

- 22 (1) rendered by a company for private use within its  
23 organization, or  
24

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

3 f. Regulatory assessments and charges including charges  
4 to fund the Oklahoma Universal Service Fund, the  
5 Oklahoma Lifeline Fund and the Oklahoma High Cost  
6 Fund, and

7 g. Telecommunications nonrecurring charges including but  
8 not limited to the installation, connection, change,  
9 or initiation of telecommunications services which are  
10 not associated with a retail consumer sale;

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

14 20. Sales of aircraft and aircraft parts provided such sales  
15 occur at a qualified aircraft maintenance facility. As used in this  
16 paragraph, "qualified aircraft maintenance facility" means a  
17 facility operated by an air common carrier including one or more  
18 component overhaul support buildings or structures in an area owned,  
19 leased, or controlled by the air common carrier, at which there were  
20 employed at least two thousand (2,000) full-time-equivalent  
21 employees in the preceding year as certified by the Oklahoma  
22 Employment Security Commission and which is primarily related to the  
23 fabrication, repair, alteration, modification, refurbishing,  
24 maintenance, building, or rebuilding of commercial aircraft or

1 aircraft parts used in air common carriage. For purposes of this  
2 paragraph, "air common carrier" shall also include members of an  
3 affiliated group as defined by Section 1504 of the Internal Revenue  
4 Code, 26 U.S.C., Section 1504. Beginning July 1, 2012, sales of  
5 machinery, tools, supplies, equipment, and related tangible personal  
6 property and services used or consumed in the repair, remodeling, or  
7 maintenance of aircraft, aircraft engines or aircraft component  
8 parts which occur at a qualified aircraft maintenance facility;

9 21. Sales of machinery and equipment purchased and used by  
10 persons and establishments primarily engaged in computer services  
11 and data processing:

12 a. as defined under Industrial Group Numbers 7372 and  
13 7373 of the Standard Industrial Classification (SIC)  
14 Manual, latest version, which derive at least fifty  
15 percent (50%) of their annual gross revenues from the  
16 sale of a product or service to an out-of-state buyer  
17 or consumer, and

18 b. as defined under Industrial Group Number 7374 of the  
19 SIC Manual, latest version, which derive at least  
20 eighty percent (80%) of their annual gross revenues  
21 from the sale of a product or service to an out-of-  
22 state buyer or consumer.

23 Eligibility for the exemption set out in this paragraph shall be  
24 established, subject to review by the Tax Commission, by annually

1 filing an affidavit with the Tax Commission stating that the  
2 facility so qualifies and such information as required by the Tax  
3 Commission. For purposes of determining whether annual gross  
4 revenues are derived from sales to out-of-state buyers or consumers,  
5 all sales to the federal government shall be considered to be to an  
6 out-of-state buyer or consumer;

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

12 23. Sales of tangible personal property or services to a motion  
13 picture or television production company to be used or consumed in  
14 connection with an eligible production. For purposes of this  
15 paragraph, "eligible production" means a documentary, special, music  
16 video or a television commercial or television program that will  
17 serve as a pilot for or be a segment of an ongoing dramatic or  
18 situation comedy series filmed or taped for network or national or  
19 regional syndication or a feature-length motion picture intended for  
20 theatrical release or for network or national or regional  
21 syndication or broadcast. The provisions of this paragraph shall  
22 apply to sales occurring on or after July 1, 1996. In order to  
23 qualify for the exemption, the motion picture or television  
24 production company shall file any documentation and information

1 required to be submitted pursuant to rules promulgated by the Tax  
2 Commission;

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

5 25. Sales of tangible personal property or services to tax-  
6 exempt independent nonprofit biomedical research foundations that  
7 provide educational programs for Oklahoma science students and  
8 teachers and to tax-exempt independent nonprofit community blood  
9 banks headquartered in this state;

10 26. Effective May 6, 1992, sales of wireless telecommunications  
11 equipment to a vendor who subsequently transfers the equipment at no  
12 charge or for a discounted charge to a consumer as part of a  
13 promotional package or as an inducement to commence or continue a  
14 contract for wireless telecommunications services;

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

18 28. Beginning July 1, 2005, sales of aircraft engine repairs,  
19 modification, and replacement parts, sales of aircraft frame repairs  
20 and modification, aircraft interior modification, and paint, and  
21 sales of services employed in the repair, modification, and  
22 replacement of parts of aircraft engines, aircraft frame and  
23 interior repair and modification, and paint;

24



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

4            a. are loaded on the ship, motor vessel, or barge and  
5                used in the maintenance and operation of the ship,  
6                motor vessel, or barge, or

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

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

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

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

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

23        31. Beginning January 1, 2004, sales of electricity and  
24 associated delivery and transmission services, when sold exclusively

1 for use by an oil and gas operator for reservoir dewatering projects  
2 and associated operations commencing on or after July 1, 2003, in  
3 which the initial water-to-oil ratio is greater than or equal to  
4 five-to-one water-to-oil, and such oil and gas development projects  
5 have been classified by the Corporation Commission as a reservoir  
6 dewatering unit;

7 32. Sales of prewritten computer software that is delivered  
8 electronically. For purposes of this paragraph, "delivered  
9 electronically" means delivered to the purchaser by means other than  
10 tangible storage media;

11 33. Sales of modular dwelling units when built at a production  
12 facility and moved in whole or in parts, to be assembled on-site,  
13 and permanently affixed to the real property and used for  
14 residential or commercial purposes. The exemption provided by this  
15 paragraph shall equal forty-five percent (45%) of the total sales  
16 price of the modular dwelling unit. For purposes of this paragraph,  
17 "modular dwelling unit" means a structure that is not subject to the  
18 motor vehicle excise tax imposed pursuant to Section 2103 of this  
19 title;

20 34. Sales of tangible personal property or services to:  
21 a. persons who are residents of Oklahoma and have been  
22 honorably discharged from active service in any branch  
23 of the Armed Forces of the United States or Oklahoma  
24 National Guard and who have been certified by the

1 United States Department of Veterans Affairs or its  
2 successor to be in receipt of disability compensation  
3 at the one-hundred-percent rate and the disability  
4 shall be permanent and have been sustained through  
5 military action or accident or resulting from disease  
6 contracted while in such active service and registered  
7 with the veterans registry created by the Oklahoma  
8 Department of Veterans Affairs; provided, that if the  
9 veteran received the sales tax exemption prior to  
10 November 1, 2020, he or she shall be required to  
11 register with the veterans registry prior to July 1,  
12 2023, in order to remain qualified, or

- 13 b. the surviving spouse of the person in subparagraph a  
14 of this paragraph if the person is deceased and the  
15 spouse has not remarried and the surviving spouse of a  
16 person who is determined by the United States  
17 Department of Defense or any branch of the United  
18 States military to have died while in the line of duty  
19 if the spouse has not remarried. Sales for the  
20 benefit of an eligible person to a spouse of the  
21 eligible person or to a member of the household in  
22 which the eligible person resides and who is  
23 authorized to make purchases on the person's behalf,  
24 when such eligible person is not present at the sale,

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

1 Commission in the same manner provided by law for  
2 other taxes including penalty and interest. The Tax  
3 Commission shall promulgate any rules necessary to  
4 implement the provisions of this paragraph, which  
5 shall include rules providing for the disclosure of  
6 information about persons eligible for the exemption  
7 authorized in this paragraph to the Oklahoma  
8 Department of ~~Veteran's~~ Veterans Affairs, as  
9 authorized in Section 205 of this title;

10 35. Sales of electricity to the operator, specifically  
11 designated by the Corporation Commission, of a spacing unit or lease  
12 from which oil is produced or attempted to be produced using  
13 enhanced recovery methods including, but not limited to, increased  
14 pressure in a producing formation through the use of water or  
15 saltwater if the electrical usage is associated with and necessary  
16 for the operation of equipment required to inject or circulate  
17 fluids in a producing formation for the purpose of forcing oil or  
18 petroleum into a wellbore for eventual recovery and production from  
19 the wellhead. In order to be eligible for the sales tax exemption  
20 authorized by this paragraph, the total content of oil recovered  
21 after the use of enhanced recovery methods shall not exceed one  
22 percent (1%) by volume. The exemption authorized by this paragraph  
23 shall be applicable only to the state sales tax rate and shall not  
24 be applicable to any county or municipal sales tax rate;

1       36. Sales of intrastate charter and tour bus transportation.  
2 As used in this paragraph, "intrastate charter and tour bus  
3 transportation" means the transportation of persons from one  
4 location in this state to another location in this state in a motor  
5 vehicle which has been constructed in such a manner that it may  
6 lawfully carry more than eighteen persons, and which is ordinarily  
7 used or rented to carry persons for compensation. Provided, this  
8 exemption shall not apply to regularly scheduled bus transportation  
9 for the general public;

10       37. Sales of vitamins, minerals, and dietary supplements by a  
11 licensed chiropractor to a person who is the patient of such  
12 chiropractor at the physical location where the chiropractor  
13 provides chiropractic care or services to such patient. The  
14 provisions of this paragraph shall not be applicable to any drug,  
15 medicine, or substance for which a prescription by a licensed  
16 physician is required;

17       38. Sales of goods, wares, merchandise, tangible personal  
18 property, machinery, and equipment to a web search portal located in  
19 this state which derives at least eighty percent (80%) of its annual  
20 gross revenue from the sale of a product or service to an out-of-  
21 state buyer or consumer. For purposes of this paragraph, "web  
22 search portal" means an establishment classified under NAICS code  
23 519130 which operates websites that use a search engine to generate  
24

1 and maintain extensive databases of Internet addresses and content  
2 in an easily searchable format;

3 39. Sales of tangible personal property consumed or  
4 incorporated in the construction or expansion of a facility for a  
5 corporation organized under Section 437 et seq. of Title 18 of the  
6 Oklahoma Statutes as a rural electric cooperative. For purposes of  
7 this paragraph, sales made to a contractor or subcontractor that has  
8 previously entered into a contractual relationship with a rural  
9 electric cooperative for construction or expansion of a facility  
10 shall be considered sales made to a rural electric cooperative;

11 40. Sales of tangible personal property or services to a  
12 business primarily engaged in the repair of consumer electronic  
13 goods including, but not limited to, cell phones, compact disc  
14 players, personal computers, MP3 players, digital devices for the  
15 storage and retrieval of information through hard-wired or wireless  
16 computer or Internet connections, if the devices are sold to the  
17 business by the original manufacturer of such devices and the  
18 devices are repaired, refitted or refurbished for sale by the entity  
19 qualifying for the exemption authorized by this paragraph directly  
20 to retail consumers or if the devices are sold to another business  
21 entity for sale to retail consumers;

22 41. On or after July 1, 2019, and prior to July 1, 2024, sales  
23 or leases of rolling stock when sold or leased by the manufacturer,  
24 regardless of whether the purchaser is a public services corporation

1 engaged in business as a common carrier of property or passengers by  
2 railway, for use or consumption by a common carrier directly in the  
3 rendition of public service. For purposes of this paragraph,  
4 "rolling stock" means locomotives, autocars, and railroad cars and  
5 "sales or leases" includes railroad car maintenance and retrofitting  
6 of railroad cars for their further use only on the railways; ~~and~~

7 42. Sales of gold, silver, platinum, palladium, or other  
8 bullion items such as coins and bars and legal tender of any nation,  
9 which legal tender is sold according to its value as precious metal  
10 or as an investment. As used in the paragraph, "bullion" means any  
11 precious metal including, but not limited to, gold, silver,  
12 platinum, and palladium, that is in such a state or condition that  
13 its value depends upon its precious metal content and not its form.  
14 The exemption authorized by this paragraph shall not apply to  
15 fabricated metals that have been processed or manufactured for  
16 artistic use or as jewelry; and

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

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