

1 ENGROSSED HOUSE
2 BILL NO. 2294

By: Wright of the House
and
Jech of the Senate

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7 [revenue and taxation - deduction for seller or
8 vendor - defining term - codification - effective
9 date -
10 emergency]

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

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

A. Until July 1, 2022, for the purpose of compensating the
seller or vendor for keeping sales tax records and for filing
reports and remitting the tax when due, a seller or vendor shall be
allowed a deduction of three percent (3%) of the tax due under the
applicable provisions of Title 68 of the Oklahoma Statutes.

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.

15 Passed the House of Representatives the 7th day of March, 2019.

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Presiding Officer of the House
of Representatives

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20 Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate

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