## 1 HOUSE OF REPRESENTATIVES - FLOOR VERSION 2 STATE OF OKLAHOMA 3 2nd Session of the 56th Legislature (2018) ENGROSSED SENATE 4 BILL NO. 337 By: Dugger and Holt of the 5 Senate 6 and Babinec of the House 7 8 9 An Act relating to use tax; amending Section 4, Chapter 311, O.S.L. 2016 (68 O.S. Supp. 2016, Section 1406.2), which relates to notification of total 10 sales; requiring certain retailers and vendors to 11 provide certain annual statement to Oklahoma Tax Commission and providing contents and deadline 12 thereof; authorizing Tax Commission to require certain retailers and vendors to file electronically; providing penalty for failure to file; and providing 13 an effective date. 14 15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 16 SECTION 1. Section 4, Chapter 311, O.S.L. 17 AMENDATORY 2016 (68 O.S. Supp. 2017, Section 1406.2), is amended to read as 18 follows: 19 20 Section 1406.2. A. Each retailer or vendor making sales of tangible personal property from a place of business outside this 21 2.2 state for use in this state that is not required to collect use tax 23 shall, by February 1 of each year, provide to each customer to whom 24 tangible personal property was delivered in this state a statement

of the total sales made to the customer during the preceding calendar year. The statement must contain language substantially similar to the following:

"YOU MAY OWE OKLAHOMA USE TAX ON PURCHASES YOU MADE FROM US
DURING THE PREVIOUS TAX YEAR. THE AMOUNT OF TAX YOU MAY OWE
IS BASED ON THE TOTAL SALES PRICE OF [INSERT TOTAL SALES
PRICE] THAT MUST BE REPORTED AND PAID WHEN YOU FILE YOUR
OKLAHOMA INCOME TAX RETURN UNLESS YOU HAVE ALREADY PAID THE
TAX."

The statement must not contain any other information that would indicate, imply or identify the class, type, description or name of the products purchased. Any information that would indicate, imply or identify the class, type, description or name of the products purchased is strictly confidential.

- B. The statement may be provided by first-class mail, email or other electronic communication.
- C. Each retailer or vendor making sales of tangible personal property from a place of business outside this state for use in this state that does not collect use tax shall file an annual statement for each purchaser to the Oklahoma Tax Commission on such forms as are provided or approved by the Tax Commission showing the total amount paid for Oklahoma purchases made by the purchaser during the preceding calendar year or any portion thereof, and such annual statement shall be filed on or before March 1 of each year.

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1	D. The Tax Commission may require any retailer or vendor that
2	does not collect use tax, and that makes total Oklahoma sales of
3	more than One Hundred Thousand Dollars (\$100,000.00) in a year, to
4	electronically file the annual statement required in subsection C of
5	this section.
6	E. Failure to file the annual statement required in subsection
7	C of this section shall subject the retailer or vendor to a penalty
8	of Ten Dollars (\$10.00) for each purchaser subject to the
9	requirements of subsection C of this section, unless the retailer or
10	vendor shows reasonable cause for such failure.
11	SECTION 2. This act shall become effective November 1, 2018.
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13	COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 04/04/2018 - DO PASS.
14	04/04/2010 DO FASS.
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