

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1248

By: Paxton

4
5
6 AS INTRODUCED

7 An Act relating to sales and use tax; amending 68
8 O.S. 2021, Section 1355, as amended by Section 1,
9 Chapter 370, O.S.L. 2023 (68 O.S. Supp. 2023, Section
10 1355), which relates to sales tax exemption;
11 modifying exemption for sale of motor vehicles;
12 amending 68 O.S. 2021, Section 1404, as amended by
13 Section 2, Chapter 370, O.S.L. 2023 (68 O.S. Supp.
14 2023, Section 1404), which relates to use tax
15 exemption; modifying exemption for sale of motor
16 vehicles; updating statutory language; and providing
17 an effective date.

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

19 SECTION 1. AMENDATORY 68 O.S. 2021, Section 1355, as
20 amended by Section 1, Chapter 370, O.S.L. 2023 (68 O.S. Supp. 2023,
21 Section 1355), is amended to read as follows:

22 Section 1355. There are hereby specifically exempted from the
23 tax levied pursuant to the provisions of Section 1350 et seq. of
24 this title:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a
mixture of methanol and gasoline containing at least eighty-five
percent (85%) methanol, compressed natural gas, liquefied natural
gas, or liquefied petroleum gas on which the ~~Motor Fuel Tax~~ motor

1 ~~fuel tax, Gasoline Excise Tax~~ gasoline excise tax, Special Fuels Tax
2 special fuels tax, or the fee in lieu of ~~Special Fuels Tax~~ special
3 fuels tax levied in Section 500.1 et seq., Section 601 et seq. or
4 Section 701 et seq. of this title has been, or will be paid;

5 2. ~~For the sale~~ Sale of motor vehicles or any optional
6 equipment or accessories attached to motor vehicles on which the
7 Oklahoma ~~Motor Vehicle Excise Tax~~ motor vehicle excise tax levied in
8 Section 2101 et seq. of this title has been, or will be paid, ~~all~~
9 ~~but a portion of the levy provided under Section 1354 of this title,~~
10 ~~equal to one and twenty-five hundredths percent (1.25%) of the gross~~
11 ~~receipts of such sales. For the purposes of this paragraph, if the~~
12 ~~sale of a motor vehicle includes a trade-in, gross receipts shall be~~
13 ~~calculated based only on the difference between the value of the~~
14 ~~trade-in vehicle and the actual sales price of the vehicle being~~
15 ~~purchased. Provided, the sale of motor vehicles shall not be~~
16 ~~subject to any sales and use taxes levied by cities, counties, or~~
17 ~~other jurisdictions of the state;~~

18 3. Sale of crude petroleum or natural or casinghead gas, and
19 other products subject to gross production tax pursuant to the
20 provisions of Section 1001 et seq. and Section 1101 et seq. of this
21 title. This exemption shall not apply when such products are sold
22 to a consumer or user for consumption or use, except when used for
23 injection into the earth for the purpose of promoting or
24 facilitating the production of oil or gas. This paragraph shall not

1 operate to increase or repeal the gross production tax levied by the
2 laws of this state;

3 4. Sale of aircraft on which the tax levied pursuant to the
4 provisions of Sections 6001 through 6007 of this title has been, or
5 will be paid, or which are specifically exempt from such tax
6 pursuant to the provisions of Section 6003 of this title;

7 5. Sales from coin-operated devices on which the fee imposed by
8 Sections 1501 through 1512 of this title has been paid;

9 6. Leases of twelve (12) months or more of motor vehicles in
10 which the owners of the vehicles have paid the vehicle excise tax
11 levied by Section 2103 of this title;

12 7. Sales of charity game equipment on which a tax is levied
13 pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of
14 Title 3A of the Oklahoma Statutes, or which is sold to an
15 organization that is:

16 a. a veterans' organization exempt from taxation pursuant
17 to the provisions of paragraph (4), (7), (8), (10), or
18 (19) of subsection (c) of Section 501 of the United
19 States Internal Revenue Code of 1986, as amended, 26
20 U.S.C., Section 501(c) et seq.,

21 b. a group home for mentally disabled individuals exempt
22 from taxation pursuant to the provisions of paragraph
23 (3) of subsection (c) of Section 501 of the United
24

1 States Internal Revenue Code of 1986, as amended, 26
2 U.S.C., Section 501(c) et seq., or

3 c. a charitable health care organization which is exempt
4 from taxation pursuant to the provisions of paragraph
5 (3) of subsection (c) of Section 501 of the United
6 States Internal Revenue Code of 1986, as amended, 26
7 U.S.C., Section 501(c) et seq.;

8 8. Sales of cigarettes or tobacco products to:

9 a. a federally recognized Indian tribe or nation which
10 has entered into a compact with ~~the State of Oklahoma~~
11 this state pursuant to the provisions of subsection C
12 of Section 346 of this title or to a licensee of such
13 a tribe or nation, upon which the payment in lieu of
14 taxes required by the compact has been paid, or

15 b. a federally recognized Indian tribe or nation or to a
16 licensee of such a tribe or nation upon which the tax
17 levied pursuant to the provisions of Section 349.1 or
18 Section 426 of this title has been paid;

19 9. Leases of aircraft upon which the owners have paid the
20 aircraft excise tax levied by Section 6001 et seq. of this title or
21 which are specifically exempt from such tax pursuant to the
22 provisions of Section 6003 of this title;

23 10. The sale of low-speed or medium-speed electrical vehicles
24 on which the Oklahoma ~~Motor Vehicle Excise Tax~~ motor vehicle excise

1 tax levied in Section 2101 et seq. of this title has been or will be
2 paid;

3 11. Effective January 1, 2005, sales of cigarettes on which the
4 tax levied in Section 301 et seq. of this title or tobacco products
5 on which the tax levied in Section 401 et seq. of this title has
6 been paid; and

7 12. Sales of electricity at charging stations as defined by
8 Section 6502 of this title when the electricity is sold by a
9 charging station owner or operator for purposes of charging an
10 electric vehicle as defined by Section 6502 of this title and the
11 tax imposed pursuant to Section 6504 of this title is collected and
12 remitted to the Oklahoma Tax Commission.

13 SECTION 2. AMENDATORY 68 O.S. 2021, Section 1404, as
14 amended by Section 2, Chapter 370, O.S.L. 2023 (68 O.S. Supp. 2023,
15 Section 1404), is amended to read as follows:

16 Section 1404. The provisions of Section 1401 et seq. of this
17 title shall not apply:

18 1. In respect to the use of any article of tangible personal
19 property brought into ~~the State of Oklahoma~~ this state by a
20 nonresident individual, visiting in this state, for his or her
21 personal use or enjoyment, while within the state;

22 2. In respect to the use of tangible personal property
23 purchased for resale before being used;

24

1 3. In respect to the use of any article of tangible personal
2 property on which a tax, equal to or in excess of that levied by
3 Section 1401 et seq. of this title, has been paid by the person
4 using such tangible personal property in this state, whether such
5 tax was levied under the laws of this state or some other state of
6 the United States. If any article of tangible personal property has
7 already been subjected to a tax, by this or any other state, in
8 respect to its sale or use, in an amount less than the tax imposed
9 by Section 1401 et seq. of this title, the provisions of Section
10 1401 et seq. of this title shall apply to it by a rate measured by
11 the difference only between the rate herein provided and the rate by
12 which the previous tax upon the sale or use was computed. Provided,
13 that no credit shall be given for taxes paid in another state, if
14 that state does not grant like credit for taxes paid in this state;

15 4. In respect to the use of tangible personal property now
16 specifically exempted from taxation under Oklahoma Sales Tax Code.
17 ~~Provided, for the sale of motor vehicles or any optional equipment~~
18 ~~or accessories attached to motor vehicles on which the Oklahoma~~
19 ~~Motor Vehicle Excise Tax levied pursuant to Sections 2101 through~~
20 ~~2108 of this title has been, or will be paid, the exceptions shall~~
21 ~~apply to all but a portion of the levy provided under Section 1402~~
22 ~~of this title, equal to one and twenty-five hundredths percent~~
23 ~~(1.25%) of the purchase price. For the purposes of this paragraph,~~
24 ~~if the sale of a motor vehicle includes a trade-in, the purchase~~

1 ~~price shall be calculated based only on the difference between the~~
2 ~~value of the trade-in vehicle and the actual purchase price of the~~
3 ~~vehicle being purchased. Provided further, the sale of motor~~
4 ~~vehicles shall not be subject to any sales and use taxes levied by~~
5 ~~cities, counties, or other jurisdictions of the state;~~

6 5. In respect to the use of any article or tangible personal
7 property brought into the state by an individual with intent to
8 become a resident of this state where such personal property is for
9 such individual's personal use or enjoyment;

10 6. In respect to the use of any article of tangible personal
11 property used or to be used by commercial airlines or railroads;

12 7. In respect to livestock purchased outside this state and
13 brought into this state for feeding or breeding purposes, and which
14 is later resold; and

15 8. Effective January 1, 1991, in respect to the use of rail
16 transportation cars to haul coal to coal-fired plants located in
17 this state which generate electric power.

18 SECTION 3. This act shall become effective November 1, 2024.

19

20 59-2-2512 QD 12/7/2023 3:33:39 PM

21

22

23

24