

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1655

By: Pederson

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5  
6 AS INTRODUCED

7 An Act relating to agricultural sales tax exemption;  
8 amending 68 O.S. 2021, Section 1358.1, which relates  
9 to the exemption permit; providing exception;  
10 requiring the Oklahoma Tax Commission to provide  
11 certain renewal form; providing eligibility for  
12 permit renewal upon submission of form; and providing  
13 an 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. A. In order to qualify for any exemption  
18 authorized by Section 1358 of this title, at the time of sale, the  
19 person to whom the sale is made shall be required to furnish the  
20 vendor proof of eligibility for the exemption as required by this  
21 section.

22 B. All vendors shall honor the proof of eligibility for sales  
23 tax exemption as authorized by this section and sales to a person  
24 providing such proof shall be exempt from the tax levied by this  
25 article, Section 1350 et seq. of this title.

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

23 D. A person who does not otherwise qualify for a permit  
24 pursuant to subsection C of this section, except as provided in

1 subsection E of this section, shall file with the Oklahoma Tax  
2 Commission an application for an agricultural exemption permit  
3 constituting proof of eligibility for the sales tax exemptions  
4 authorized by Section 1358 of this title, setting forth such  
5 information as the Tax Commission may require. The application  
6 shall be certified by the applicant that the applicant is engaged in  
7 custom farming operations or in the business of farming or ranching.  
8 If the applicant is a corporation, the application shall be  
9 certified by a legally constituted officer thereof.

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

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

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

18 3. Farm Service Agency form 156EZ; or

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

21 E. Except as provided in this subsection, for a person who is a  
22 resident of another state and who is engaged in custom farming  
23 operations in this state, the person shall provide the vendor proof  
24 of residency, the name, address and telephone number of the person

1 engaging the custom farmer and certification on the face of the  
2 invoice, under the penalty of perjury, that the property purchased  
3 shall be used in agricultural production as proof of eligibility for  
4 the sales tax exemption authorized by Section 1358 of this title.  
5 Any person who is a resident of another state and who is engaged in  
6 custom farming operations in this state and who owns property in  
7 this state, shall obtain proof of eligibility as provided in  
8 subsection C or D of this section.

9 F. If an agricultural exemption permit holder purchases  
10 tangible personal property from a vendor on a regular basis, the  
11 permit holder may furnish the vendor proof of eligibility as  
12 provided for in subsections C and D of this section and the vendor  
13 may subsequently make sales of tangible personal property to the  
14 permit holder without requiring proof of eligibility for each  
15 subsequent sale. Provided, the permit holder shall notify the  
16 vendor of all purchases which are not exempt from sales tax under  
17 the provisions of Section 1358 of this title and remit the  
18 applicable amount of tax thereon. If the permit holder fails to  
19 notify the vendor of purchases not exempt from sales tax, then  
20 sufficient grounds shall exist for the Oklahoma Tax Commission to  
21 cancel the agricultural exemption permit of the permit holder who so  
22 failed to notify the vendor.

23 G. If an out-of-state agricultural exemption permit holder  
24 purchases tangible personal property from a vendor within this state

1 who is not in the business of shipping the tangible personal  
2 property purchased, then the out-of-state agricultural exemption  
3 permit holder is responsible for providing an export bill of lading  
4 or other documentation to the vendor from whom the tangible personal  
5 property was purchased showing that the point of delivery of such  
6 goods for use and consumption is outside this state.

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

12 I. The Tax Commission shall provide a form for the renewal of  
13 the agricultural exemption permit provided by this section. The  
14 form shall include a checkbox next to a statement attesting that the  
15 permit holder has continued agricultural production activities.  
16 Individuals that submit the renewal form with their signature and a  
17 marked checkbox shall be eligible for a renewed permit.

18 SECTION 2. This act shall become effective November 1, 2022.

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