

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 409

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Research and
8 Development Incentives Act; amending 68 O.S. 2011,
9 Section 54003, which relates to sales and use tax
10 exemption for qualified purchases; modifying time
11 period during which specified exemption may be
12 claimed; updating statutory reference; 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. 2011, Section 54003, is
16 amended to read as follows:

17 Section 54003. A. There are hereby specifically exempted from
18 the taxes levied by Section 1354 and Section 1402 of ~~Title 68 of the~~
19 ~~Oklahoma Statutes~~ this title sales of qualified purchases made after
20 July 1, 1992, and before January 1, 2022, to a qualified purchaser
21 which is primarily engaged in computer services and data processing
22 as defined under Industrial Group Numbers 7372, 7373, 7374 and 7375
23 of the SIC Manual, latest revision, or a qualified purchaser which
24 is primarily engaged in research and development as defined under
Industrial Group Numbers 8731, 8732, 8733 and 8734 of the SIC
Manual, latest revision.

1 B. A qualified purchaser which is primarily engaged in computer
2 services and data processing as defined under Industrial Group
3 Number 7374 of the SIC Manual, latest revision, shall be required to
4 have a minimum of One Hundred Thousand Dollars (\$100,000.00) in
5 qualified purchases in order to be eligible to receive the exemption
6 provided for in this section.

7 C. In order to be eligible to receive the exemption provided
8 for in this section, a new or expanding business shall not include
9 the existing employee positions of any business enterprise that is
10 directly or beneficially owned by a corporation, trust, joint
11 venture, proprietorship, or partnership doing business in this state
12 as of January 1, 1992.

13 D. Eligibility to receive the exemption provided for in this
14 subsection pursuant to the requirement to derive fifty percent (50%)
15 of revenues from out-of-state buyers or consumers and pursuant to
16 the requirement that the business be primarily engaged in computer
17 services and data processing or in research and development shall be
18 established, subject to review by the Oklahoma Tax Commission, by
19 annually filing an affidavit with the Oklahoma Tax Commission
20 stating that the business so qualifies and such other information as
21 required by the Commission. For purposes of determining whether
22 annual gross revenues are derived from sales to out-of-state buyers
23 or consumers, all sales to the federal government shall be
24 considered to be sales to an out-of-state buyer or consumer.

1 SECTION 2. This act shall become effective November 1, 2021.

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