





## OKLAHOMA TAX COMMISSION

# ASSISTANCE GUIDE

(all numbers are within the "405" area code)

### **Tax Professional Hotline:**

The Oklahoma Tax Commission implemented a couple of methods in which tax professionals may by-pass the main telephone line to receive immediate responses to inquiries related to tax issues.

**First method:**.....Calling 521-6827 or

**Second method:**.....Emailing questions to: [taxprofessionalquestion@tax.ok.gov](mailto:taxprofessionalquestion@tax.ok.gov)

### **Telephone Numbers:**

#### **Account Maintenance Division**

Main Number ..... 521-4271

#### **Ad Valorem Division**

Main Number ..... 319-8200

#### **Communications Division**

Main Number ..... 521-3637

#### **Compliance Division**

Audit - Main Number ..... 521-3251

Collections - Main Number..... 521-3281

#### **Legal Division**

Main Number ..... 522-9460

#### **Motor Vehicle Division**

Main Number ..... 521-3221

#### **Tax Policy and Research**

Tax Analysts ..... 521-3133

#### **Taxpayer Assistance**

Taxpayer Resource Center ..... 521-3160

**Website: [www.tax.ok.gov](http://www.tax.ok.gov)**

E-mail address: [otcmaster@tax.ok.gov](mailto:otcmaster@tax.ok.gov)

## **Changes to 2019 Income Tax From 2018 Legislative Session**

### Form 511CR Credits -

*Credit for Employees in the Vehicle Manufacturing Industry* - Establishes a \$5,000 credit for a qualified employee who has a degree in engineering and who, on or after January 1, 2018, is employed in Oklahoma by or contracting in Oklahoma with a qualified employer whose principal business activity is in vehicle manufacturing. The credit is allowed each year for up to the first five years. To qualify for the credit the employee may not have been employed as a full-time engineer in the vehicle manufacturing industry in Oklahoma immediately preceding employment or contracting with a qualified employer. Any credit allowed but not used will have a five-year carryover provision. Provide Form 584.

*Credits for Employers in the Vehicle Manufacturing Industry* - Establishes credits for tuition reimbursement and for compensation paid to a qualified employee by a qualified employer whose principal business activity is in vehicle manufacturing. A qualified employee is a person employed in Oklahoma by or contracting in Oklahoma with a qualified employer on or after January 1, 2018, who has been awarded an undergraduate or graduate degree in engineering and who was not employed as a full-time engineer in the vehicle manufacturing industry in Oklahoma immediately preceding current employment. The credit for tuition reimbursement is 50% of amount reimbursed, but may not exceed 50% of the average annual amount paid for enrollment and instruction in a qualified program at an Oklahoma public institution. The credit for compensation paid to a graduate of an Oklahoma institution is 10% of such compensation and if the employee graduated from an institution located outside Oklahoma the credit is 5%; this credit may not exceed \$12,500 annually for each qualified employee. Provide Form 585.

*Credit for Electricity Generated by Zero Emission Facilities* - Credits generated from water, sun or geothermal energy have an overall cap. No more than \$500,000 of credit may be allowed to offset tax or be refunded in a taxable year.

### Check-offs –

*Oklahoma Pet Overpopulation Fund & Public School Classroom Support Fund* – These check-offs have been reauthorized and will be added back to the corporate and individual tax returns.

*Support the Oklahoma AIDS Care Fund* – Both corporate and individual taxpayers will be able to donate from their refund for the benefit of the Oklahoma AIDS Care Fund. Monies will be expended by the Department of Human Services for the purpose of providing grants to the Fund for purposes of emergency assistance, advocacy, educations, prevention and collaboration with other entities.

# Summary of 2019 Tax Legislation

## INCOME TAX

### **HB 1095 - Effective January 1, 2020**

HB 1095 enacts the Empower Independent Contractors Act of 2019. This measure replaces the “ABC” test currently used in Oklahoma to determine an individual’s status, as an employee or independent contractor, for purposes of state unemployment with a “20-factor” test. The new test is effective January 1, 2020. Additionally, HB 1095 gives the Oklahoma Employment Security Commission the exclusive authority to make a determination of whether an individual is an independent contractor or employee. 40 O.S. §1-210

### **HB 1263 - Effective July 1, 2019**

HB 1263 amends 68 O.S. §2357.32A, which relates to the Credit for Electricity Generated by Zero-Emission Facilities by allowing taxpayers the option of irrevocably electing to defer the refund of the tax credit for 10 years. Any credits not directly refunded may be carried forward as a credit against subsequent income tax liability for a period not exceeding 10 years. If a taxpayer makes the irrevocable election to carry over credits for a given tax year, any credits remaining in the 10<sup>th</sup> year of carry forward shall be refunded at 85%. This is effective for any credits initially claimed on or after July 1, 2019.

### **HB 1411 - Effective November 1, 2019**

HB 1411 amends the Oklahoma Affordable Housing Tax Credit, by eliminating the population restriction in the definition of “qualified project” and reducing the carry forward period from five years to two years. 68 O.S. §2357.403

### **HB 1884 - Effective November 1, 2019**

HB 1884 amends 68 O.S. §2357.404, which relates to income tax credits for qualified employers and engineers in the vehicle manufacturing industry, by allowing automotive parts manufacturing entities as either eligible for the tax credit or as a qualifying industry for the tax credit, provided that the entity is first placed in service on or after November 1, 2019. Additionally, HB 1884 expands the definition of “motor vehicle” to include buses and tractors.

### **HB 2095 - Effective January 1, 2020**

HB 2095 amends 68 O.S. §2357.22, which relates to the Credit for Conversion of Motor Vehicles to Clean Burning Fuel. This measure:

- Extends the sunset date from tax year 2019 to tax year 2027.
- Imposes a state wide cap of \$20 million effective for tax year 2020.
- Reduces the infrastructure component (delivery of compressed natural gas, liquefied natural gas or liquefied petroleum gas, for commercial purposes or for a fee or charge; or

a metered-for-fee, public access recharging system for motor vehicles propelled in whole or in part by electricity) from 75% to 45%.

- Amends the credit amount of the motor vehicle component; it will no longer be 45% of the cost of the qualified clean-burning motor vehicle property, but will now be based on the weight of the vehicle as outlined below:

Vehicle Weight (lbs.)	Maximum Credit Amount
Under 6,000	\$5,500
6,001 to 10,000	\$9,000
10,001 to 26,500	\$26,000
26,501 and above	\$50,000

**HB 2665 - Effective April 29, 2019**

HB 2665 enacts the Pass-Through Entity Tax Equity Act of 2019 (68 O.S. §2355.1P-1 et seq.). This Act allows certain pass-through entities (those required to file either an Oklahoma partnership income tax return or an Oklahoma S corporation income tax return) to irrevocably elect to pay income tax at the entity level, effective for tax year 2019 and subsequent tax years. Oklahoma income or losses that the electing pass-through entity included in computing its tax pursuant to this Act would not be allocated to a partner, member or shareholder of the electing entity.

**HB 2671 - Effective November 1, 2019**

HB 2671 reinstates the income tax refund checkoff for the Oklahoma Silver Haired Legislature and the Oklahoma Silver Haired Legislature Alumni Association, beginning with tax year 2020, and the income tax refund checkoff for regional food banks, beginning with tax year 2019. Additionally, HB 2671 exempts the Oklahoma Silver Haired Legislature - Excellence in State Government Revolving Fund from the minimum contribution requirements. 68 OS §§2368.2, 2368.4 & 2368.16

**HB 2759 - Effective November 1, 2019**

HB 2759 enacts a non-refundable income tax credit for individuals employed as qualified software or cybersecurity employees effective for tax years 2020 through 2029. The credit will be either \$2,200 or \$1,800, depending upon the employee's level of education and is available for no more than seven years. The credit is capped at \$5 million beginning with tax year 2022. 68 O.S. §2357.405

**SB 485 - Effective August 30, 2019**

SB 485 amends the Small Business Incubators Incentives Act (74 O.S. §§5072, 5075 & 5078). This measure eliminates the small business incubator sponsor income tax exemption effective for tax year 2020 and subsequent tax years. Additionally, SB 485 amends the small business incubator tenant income tax exemption by eliminating the requirement that a small business

incubator tenant must make 75% of its gross sales to buyers located outside Oklahoma or to the federal government for the 6<sup>th</sup> through 10<sup>th</sup> year.

**SB 893 - Effective November 1, 2019**

SB 893 amends 68 O.S. §2358.5-1, by reinstating the income tax deduction for expenses incurred to provide care for a foster child. The deduction is \$5,000 for taxpayers filing a joint return and \$2,500 for taxpayers filing as married filing separate effective for tax year 2019.

**SB 961 - Effective January 1, 2020**

SB 961 enacts the Oklahoma First-Time Home Buyer Savings Account Act, creating a new Oklahoma income tax deduction, which would allow Oklahoma residents to deduct from Oklahoma taxable income the amount contributed to a home buyer savings account as well as exclude from Oklahoma taxable income the amount of earnings, including interest and other income on the principal in a home buyer savings account. 46 O.S. §311 et seq.

**AD VALOREM**

**HB 1962 - Effective November 1, 2019**

Section 1 of HB 1962 amends 68 O.S. §2876, revising the time frame in which a county assessor is required to issue a written decision in a matter disputed from 5 working days after the date of the informal hearing to 7 calendar days from the informal hearing date. Instead of 10 working days, HB 1962 provides that a taxpayer within 15 calendar days of the date the decision is mailed may file an appeal with the county board of equalization. Additionally, HB 1962 strikes the definition of working days.

Section 2 of HB 1962 amends 68 O.S. §2880.1, providing that the time period for filing an appeal to the district court from a decision of the county board of equalization is no longer tied to the final adjournment of the board. Pursuant to the amendatory language, the notice of appeal must be filed with the county clerk as secretary of the county board of equalization, which appeal will be filed in the district court within 30 calendar days of the date the board of equalization order was mailed, or in the event that the order was delivered, from the date of delivery.

**SB 695 - Effective November 1, 2019**

SB 695 amends 68 O.S. §2902, making establishments<sup>1</sup> which are primarily engaged in distribution as defined under Industry Numbers 49311 of the North American Industry Classification System for which the initial capital investment was at least \$180 million and provided that the qualifying job creation and depreciable property investment occurred prior to calendar year 2017 but not earlier than calendar year 2013 eligible to delay the initiation of the five-year ad valorem exemption to the January 1<sup>st</sup> following the expiration or termination of the ad valorem exemption, abatement or other incentive provided the facility through a tax incentive

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<sup>1</sup> These establishments must be located within a tax incentive district created pursuant to the Local Development Act by a county with a population of at least 500,000.

district. For purposes of qualifying for the five-year ad valorem exemption the referenced establishment would still be required to meet all current exemption qualification requirements outlined in Section 2902 of Title 68.

## **MOTOR VEHICLE**

### ***HB 1156 - Effective November 1, 2019***

Section 1 of HB 1156 amends 63 O.S. §4002 of the Oklahoma Vessel and Motor Registration Act, amending definitions of canoes, paddleboats and vessels and adding definitions of kayak, kiteboard, paddleboard, sailboard and water-thrust device.

Section 2 of HB 1156 amends 63 O.S. §4005 which specifies vessels exempt from the titling and registration requirements of the Act to provide that canoes, kayaks or paddleboats as defined in 63 O.S. §4002 when powered by any means other than human power, must be titled and registered pursuant to the provisions of the Act. Further, HB 1156 provides that at the request of the owner any vessel otherwise exempt from the applicable title and registration provisions must be titled and registered for purposes of proof of ownership or vessel identification. All title and registration fees must be paid by the owner of the vessel.

### ***HB 1210 - Effective November 1, 2019***

HB 1210 amends 47 O.S. §1115, allowing commercial vehicle owners to register three or more commercial vehicles at the same time even if they were previously registered in different months. The month in which the commercial vehicles are newly registered shall be the month in which their registration is renewed annually. HB 1210 provides for the commercial vehicle registration to be prorated at the time of renewal if previously registered in the same calendar year.

### ***HB 2098 - Effective July 1, 2019***

Section 1 of HB 2098 creates a new section of law to be known and cited as the “21<sup>st</sup> Century Motor Tag Agent Act”.

Section 2 of HB 2098 amends 47 O.S. §1140, removing the prohibition against a location of a motor license agency being owned by a member of the Oklahoma Legislature or person related to a member of the Oklahoma Legislature within the third degree by consanguinity or affinity. HB 2098 adds a prohibition against the location of a motor license agency from being owned by a member of the Oklahoma Tax Commission (OTC) or an employee of the OTC, or any person related to the member of the OTC or an employee of the OTC within the third degree by consanguinity or affinity. Further, HB 2098 adds a condition that an applicant, to be appointed as a motor license agent, must attest under oath that they are not related to any member of the OTC. Attestations of applicants regarding a familial relationship with a member of the Legislature are no longer required for purposes of motor license agent appointment.

Section 4 of HB 2098 amends 47 O.S. §1142.1, increasing the fine for a motor license agent who violates the provisions of this section from \$1,000 to \$2,000 per occurrence.

Section 5 of HB 2098 amends 47 O.S. §1143, striking the motor license agent document notarization fee of \$1.00 and a document mail fee of \$0.50. HB 2098 allows the motor license agent to receive a fee as regulated in Title 49 of the Oklahoma Statutes for each document notarized. Additionally, HB 2098 increases mailing fee charges<sup>2</sup> by the Oklahoma Tax Commission or motor license agents from \$4.00 for license plates and \$1.50 for decals to \$1.25 plus the cost of postage for license plates and \$1.00 plus the cost of postage for decals and for the mailing of any other form, title, decal or device provided for in the Oklahoma Vehicle License and Registration Act. The mailing fee increase equates to an additional \$0.91 for plates and \$0.05 for decals/documents.

### ***HB 2307 - Effective July 1, 2019***

HB 2307 amends Section 47 O.S. §1144<sup>3</sup>, reinstating the condition that of the 40 hours a week tag agents are required to operate their agencies, 4 hours must occur in the evening or on Saturday. Additionally, HB 2307 reinstates the discretionary provision which allows the Oklahoma Tax Commission (OTC) to authorize a tag agent to stay open a lesser period of time if the OTC is satisfied that the public is being properly served and at least one motor license agent in the applicable county is open the required hours.

### ***HB 2516 - Effective November 1, 2019***

HB 2516 amends 47 O.S. §1112, providing that any owner or lessee of a noncommercial vehicle possessing a certificate of title may, at the time of initial application for registration or application for renewal, inform the Oklahoma Tax Commission (OTC) that the owner, lessee or someone who may be operating the vehicle is deaf, hard-of-hearing, autistic or suffers from Apraxia or a communication disorder. Once provided, that information is to be made available to law enforcement through the OTC's vehicle registration system to assist law enforcement in identifying the operator of the vehicle as possibly being deaf, hard-of-hearing, autistic or suffering from Apraxia or a communication disorder. HB 2516 defines "communication disorder" as impairment in the ability to receive, send, process and comprehend concepts or verbal, nonverbal and graphic symbol systems.

### ***HB 2664 - Effective November 1, 2019***

HB 2664 enacts 47 O.S. §1112.1A, providing for Oklahoma titling procedures for vintage vehicles which are defined as a passenger automobile or truck having no more than two axles and for which no Oklahoma certificate of title exists in the records of the Oklahoma Tax Commission (OTC) prior to January 1, 1980, and which has not been registered in the records of

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<sup>2</sup> As deemed appropriate and in consideration of fees that the U.S. Postal Service may charge, the mail fees of \$1.00 for plates and \$0.50 for decals outlined in 47 O.S. §1143 have been adjusted to reflect the currently imposed mail fees. 47 O.S. §1143(C).

<sup>3</sup> HB 2307 amends 47 O.S. §1144 as last amended by Section 6 of Enrolled House Bill 2098 of the 1<sup>st</sup> Regular Session of the Fifty-Seventh Legislature which removed the reinstated condition and discretionary provision.



the OTC or any other state for a period of 15 or more years prior to the date as of which the application for the certificate of title is made. HB 2664 requires a \$250 fee in addition to providing a verified statement, under oath, submitted to the OTC with the information outlined therein in order to register and obtain an Oklahoma certificate of title for the described vehicles. In the event the title is issued, the vehicle title holder must pay any motor vehicle excise and sales tax due for the vehicle and shall be subject to the annual registration requirements in the same manner and subject to the same fees as provided by law for other motor vehicles.

**SB 125 - *Effective November 1, 2019***

SB 125 amends 15 O.S. §901.1, providing that any branding of a motor vehicle's certificate of title as a "Lemon Law Buyback" must remain permanently on the title.

**SB 516 - *Effective November 1, 2019***

Section 2 of SB 516 repeals 47 O.S. §1105.4 which required the Oklahoma Tax Commission (OTC) to provide informational publications to the Oklahoma Motor Vehicle Commission, Oklahoma Used Motor Vehicle and Parts Commission, and every person and business licensed by these Commissions concerning any amendment, repeal or addition to the Oklahoma Statutes or OTC rules and regulations relating to motor vehicle titles or inspections within 45 days of effective date of any such change to statute or rule. Within the same timeframe the referenced information is also to be provided to financial institutions. Additionally, SB 516 requires the OTC to publish every two years and make available upon request a booklet concerning state laws and rules and regulations related to motor vehicle titles and motor vehicle inspections.

## **SALES AND USE TAX**

**HB 1003 - *Effective July 1, 2019***

HB 1003 amends 68 O.S. §1356, exempting from the sales tax levy, sales of tangible personal property or services to the American Legion, whether the purchase is made by the entity chartered by the United States Congress or is an entity organized under the laws of Oklahoma or another state pursuant to the authority of the national American Legion organization.

**HB 1262 - *Effective July 1, 2019***

HB 1262 amends 68 O.S. §1357.6, exempting from the sales tax levy, sales of medical equipment including prosthetic devices, durable medical equipment and mobility enhancing equipment when administered, distributed or prescribed by a practitioner, who is authorized by law to administer, distribute or prescribe such items. HB 1262 amends the definition of durable medical equipment by adding the qualifying condition that this type of equipment be used in the home. It further adds allopathic physician and clinical nurse specialist to those qualifying as a "practitioner" for purposes of the state sales tax exemption in 68 O.S. §1357.6.

**HB 2530 - Effective November 1, 2019**

HB 2530 amends 68 O.S. §1356, exempting from the sales tax levy, sales of tangible personal property or services to, or by, an organization which is exempt from taxation pursuant 26 U.S.C., Section 501(c)(3), who is an official member of the Fab Lab Network in compliance with the Fab Charter as verified by a letter from the MIT Fab Foundation and whose primary and principal purpose is to provide community access to advanced 21st century manufacturing and digital fabrication tools for science, technology, engineering, art and math (“STEAM”) learning skills, developing inventions, creating and sustaining businesses and producing personalized products.

**HB 2748 - Effective November 1, 2019**

HB 2748 amends the Oklahoma Tourism Development Act adding entertainment districts<sup>4</sup> for purposes of qualification for sales tax credits or incentive payments pursuant to the Act. Additionally, HB 2748 allows approved companies receiving inducements to pass-through all or a portion of the sales tax credit or incentive payment received for an entertainment district to one or more entertainment district tenant parties. HB 2748 extends the sunset date of the inducement program from January 1, 2021, to January 1, 2026. 68 O.S. §§2393, 2394, 2395, 2396 & 2397

**SB 18 - Effective July 1, 2019**

SB 18 amends 68 O.S. §1357, extending the sunset date for the sales tax exemption for rolling stock sold by a manufacturer thereof for use or consumption by a common carrier directly in the rendition of public service to July 1, 2024, from July 1, 2019.

Additionally, beginning July 1, 2019, and ending July 1, 2024, SB 18 also expands the meaning of “sales and leases” to include railroad car maintenance and retrofitting of railroad cars for their further use only on the railways.

**SB 513 - Effective November 1, 2019**

Section 1 of SB 513 amends 68 O.S. §1392, removing statutory language which gives remote sellers the option to either collect and remit Oklahoma tax, or elect to notify their customers that use tax may be due, and report sales information to the Oklahoma Tax Commission. Additionally SB 513 amends 68 O.S. §1392, raising the annual taxable sales threshold which triggers the requirement for remote sellers to collect and remit Oklahoma tax from \$10,000 to \$100,000. Further the amendatory language in Section 1 clarifies tax collection and reporting requirements of a Marketplace Facilitator for its own sales and third-party sales made through the facilitator’s website or other forum.

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<sup>4</sup> “Entertainment District” means a mixed-use planned development project, which may include a project that is anticipated to be completed in multiple phases, with approved costs of \$1,000,000 or more in the aggregate, encompassing more than 100,000 square feet and including an entertainment or recreational component and at least three categories that include retail, housing, office, restaurants, hotel, grocery, brewery or structure parking.

Sections 2-5 amend 68 O.S. §§1393, 1394, 1395 & 1396 to be consistent with the remote seller amendments outlined in Section 1.

## **MISCELLANEOUS**

### **Alcohol and Mixed Beverage**

#### **HB 1315 - *Effective May 23, 2019***

Section 1 of HB 1315 amends 37A O.S. §3-119, providing that as long as notification is made to the applicable party within the time frames provided, certain actions are not to be considered violations of the prohibition against selling to any retailer, mixed beverage, on-premises beer and wine licensee, public event or caterer any alcoholic beverage on consignment, or upon condition, or with the privilege of return, or on any condition other than a bona fide sale.

Section 2 of HB 1315 amends 37A O.S. §5-126, providing that in the event a manufacturer, wine and spirits wholesaler, beer distributor, nonresident seller, retailer, mixed beverage, caterer, public event or special event licensee has been previously audited by the Oklahoma Tax Commission with an audit finding that the licensee correctly reported and kept sufficient records for audit purposes, the next subsequent audit shall be limited to records kept for one year prior to the date of such audit; provided, however, if an audit finding determines that the licensee incorrectly reported or failed to keep sufficient records for audit purposes, then the audit shall not be limited by the provisions of this subsection. If any audit limited by the provisions in this subsection determines that the licensee has incorrectly reported or failed to keep sufficient records for audit purposes, then the licensee shall no longer be eligible for limited audits.

#### **HB 1343 - *Effective November 1, 2019***

HB 1343 expands the airline/railroad alcoholic beverage license to include commercial vessels. Alcoholic beverages purchased by the holder of this license from the holder of a wholesaler license shall be presumed to be purchased for consumption outside the State of Oklahoma or in interstate commerce and shall be exempt from alcoholic beverage excise tax imposed pursuant to 37A O.S. §5-101. This license may be issued to any corporation operating a commercial vessel in or through this state.

#### **SB 115 - *Effective May 6, 2019***

SB 115 expands the airline/railroad alcoholic beverage license to include commercial vessels operating solely on the state's waterways. It requires commercial vessels to purchase alcoholic beverages from the holder of a wholesaler license or beer distributor license and that the purchases will not be exempt from the excise tax pursuant to 37A O.S. §5-101.

### **SB 906 - Effective May 7, 2019**

Sections 1-26 of SB 906 provides guidance to the Alcoholic Beverage Laws Enforcement (ABLE) Commission and its agents on how to interpret specified rules pertaining to trade practices and inducements at retail and expands allowable activities by holders of certain ABLE licenses. SB 906 clarifies the distinction between a manufacturer and a brewer and clarifies that brewers are only allowed to produce beer and cider and are not to be licensed as manufacturers; however cider may be manufactured by either manufacturers or brewers.

Section 27 of SB 906 amends 37A O.S. §5-108, striking the beer labeling review and approval requirements of the Oklahoma Tax Commission.

Sections 28-33 of SB 906 amends 37A O.S. §§5-109, 5-113, 5-122, 5-124 & 5-125, adding brewers to the entities required to meet the stamping, sales, reporting, bonding, invoicing and recordkeeping requirements of the Oklahoma Tax Commission.

### **SB 936 - Effective November 1, 2019**

SB 936 creates a charitable collaboration brewer license to allow collaborating licensed brewers and holders thereof to engage in the following activities:

- Formulate, manufacture, bottle, package and store a charitable collaboration beer on the licensed premises.
- Sell the charitable collaboration beer in this state to retail license holders.
- Sell the charitable collaboration beer outside of Oklahoma to qualified persons for charitable fundraising.
- Serve free sample of charitable collaboration beer to visitors 21 years of age and older on the collaborating brewery's licensed premises.
- Sell the charitable collaboration beer for either on premise or off-premise consumption.
- Sell the charitable collaboration beer at public events such as trade shows or festivals.
- Purchase the charitable collaboration beer produced in retail containers from the holder of a beer distributor license to sell or serve in accordance with this measure.

Additionally, SB 936 allows the production of wort and non-retail packaged alcohol products necessary for production to be transferred-in-bond<sup>5</sup> without taxation between charitable collaborating breweries licensed in the state. Further, SB 936 authorizes the Oklahoma Tax Commission (OTC) to conduct inspections and audits as necessary to maintain strict compliance and record keeping during the development of the beer and directs the OTC to promulgate necessary rules and create forms to exempt and allow transfer-in-bond in accordance with this Act.

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<sup>5</sup> Transfer-in-bond means the movement of alcohol or products containing any percentage of alcohol between licensed bonded brewery facilities without payment of tax.

## **Compete with Canada Film Act**

### ***SB 200 - Effective July 1, 2019***

SB 200 allows monies in the Quick Action Closing Fund to be used for payments of rebates to a “high impact production” pursuant to the Oklahoma Film Enhancement Rebate Program; increases the maximum amount of rebates eligible to be paid in any one fiscal year from \$4 million to \$8 million, effective July 1, 2019; provides that special appropriations may be made to the Oklahoma Film Enhancement Rebate Program Revolving Fund, in excess of the \$8 million annual appropriation, for rebate claims for high impact productions; and extends the termination date of the Compete with Canada Film Act from July 1, 2024, to July 1, 2027. 62 O.S. §48.2; 68 O.S. §§3623, 3624, 3625 & 3626

## **Motor Fuel**

### ***SB 429 - Effective November 1, 2019***

SB 429 amends 68 O.S. §§500.18 & 500.20, changing due dates for the remittance of motor fuel taxes from the 25<sup>th</sup> and 27<sup>th</sup> day of the month, respectively, to the 20<sup>th</sup> day of the month. This amended remittance deadline date is consistent with other tax type due dates. Additionally, SB 429 clarifies section and subsection references.

## **Oklahoma Economic Development Pooled Finance Act**

### ***SB 749 - Effective November 1, 2019***

SB 749 amends the Oklahoma Community Economic Development Pooled Finance Act. Section 5 of SB 749 relates to the Oklahoma Tax Commission’s determination as to the capture and amount of withholding taxes attributable to the income of employees engaged in new direct jobs or existing jobs of business entities participating in a pooled financing pursuant to the Public-Private Partner Development Pool. 62 O.S. §891.3

## **Oklahoma Local Development and Enterprise Zone Incentive Leverage Act**

### ***SB 473 - Effective April 29, 2019***

SB 473 amends the Local Development and Enterprise Zone Incentive Leverage Act. This measure modifies data used to calculate certain maximum investment amount and extends the sunset date for the establishment of incentive districts to December 31, 2028, and the sunset date for improvements to December 31, 2029. 62 O.S. §842

## **Quality Jobs**

### **HB 2536 - Effective July 1, 2019**

HB 2536 amends 68 O.S. §3904, which relates to the Small Employer Quality Jobs Incentive Act by lowering the out-of-state buyer rule to 35% for the first two years and then 60% in all subsequent years in order to qualify for the Small Employer Quality Jobs Incentive.

### **SB 840 - Effective July 1, 2019**

SB 840 amends the Oklahoma Quick Action Closing Fund. In order to qualify for any funds from the Oklahoma Quick Action Closing Fund, the establishment making application to the fund shall be required to pay new jobs for which an application is being made an average annualized wage which exceeds the average county wage as that percentage is determined by the Department of Commerce based upon the most recent U.S. Department of Commerce data for the county in which the new jobs are located. Healthcare premiums shall not be included in the annualized wage. Additionally, SB 840 provides for a termination date of July 1, 2024. 62 O.S. §48.2

## **Quality Jobs Investment Program**

### **SB 485 - Effective August 30, 2019**

This measure repeals 74 O.S. §5062.8a, the Quality Jobs Investment Program.

## **Used Tire Recycling Fees**

### **SB 878 - Effective July 1, 2019**

Section 1 of SB 878 amends 27A O.S. §2-11-401.1, providing and amending definitions for the Oklahoma Used Tire Recycling Act.

Section 2 of SB 878 amends 27A O.S. §2-11-401.2, increasing certain used tire recycling fees.

Section 4 of SB 878 amends 27A O.S. §2-11-401.7, providing that the prohibition against any person owning or operating a site used for the storage, collection or disposal of more than 50 used tires except at a site or facility permitted or approved by the Department of Environmental Quality (DEQ) to accept used tires does not apply to tire manufacturers, retailers, wholesalers and retreaders who store a total of no more than 2,500 used tires at their place of business or an ancillary off-premises storage site approved by DEQ and who are currently in compliance with applicable Oklahoma Tax Commission requirements.

## **Workers' Compensation**

### **HB 2367 - Effective May 28, 2019**

Section 60 of HB 2367 amends 85A O.S. §31, changing the requirements for financing the Multiple Injury Trust Fund (MITF). Previously, the MITF was partially funded by an assessment, capped at 6%, on each mutual or inter-insurance association, stock company, CompSource Oklahoma or other insurance carrier writing workers' compensation insurance in this state, and each employer carrying its own risk, including each group self-insurance association. HB 2367 raised the cap on this assessment to 7%.

### **SB 274 - Effective November 1, 2019**

SB 274 amends 85A O.S. §98, changing the requirements for financing the Self-Insurance Guaranty Fund. Previously, until the Self-Insurance Guaranty Fund contained \$2 million or if the amount in the Fund fell below \$1 million an assessment was levied at a rate to be determined by the commissioners, not to exceed 1% per annum. The assessment is levied against each private self-insurer and group self-insurance association. SB 274 alters the requirements for financing this fund to enable the Workers' Compensation Commission to levy an assessment, at a rate not to exceed 2% per annum, if the net Fund balance falls below \$750,000.

## **ADMINISTRATIVE**

### **HB 2195 - Effective November 1, 2019**

HB 2195 amends various sections of the Psychologists Licensing Act (59 O.S §§1353, 1365, 1368 & 1370) relating to licensure. Section 3 of HB 2195 amends 59 O.S. §1368 which provides that a psychologist who is not compliant with Oklahoma income tax law pursuant to 68 O.S. §238.1 be notified that the Oklahoma Tax Commission (OTC) will proceed to garnish to collect delinquent income tax plus any penalty or interest that may be due. The notice shall also provide why the OTC considers the psychologist to be out of compliance, rights and procedures for the psychologist to become compliant, and any other information deemed necessary by the OTC.

### **HB 2618 - Effective November 1, 2019**

HB 2618 amends 47 O.S. §3106.4, requiring public bodies that collect personally identifiable data to make available on its Internet website, or on a general website if a public body uses a general website, the following:

- What personally identifiable data is being stored.
- How the personally identifiable data is stored.
- With whom the public body shares the personally identifiable data.

HB 2618 defines "personally identifiable data" to mean information which can identify an individual including, but not limited to, name, birth date, place of birth, mother's maiden name, biometric records, Social Security number, official state- or government-issued driver license or identification number, alien registration number, government passport number, employer or

taxpayer identification number or any other information that is linked or linkable to an individual, such as medical, educational, financial or employment information.

**HB 2734 - *Effective July 1, 2019***

HB 2734 provides that Oklahoma Tax Commission (OTC) liens for unpaid taxes, interest and penalties attach to intangible personal property, such as personal injury lump sum judgments and settlements. The relevant amendment includes that in any action affecting the ownership or right of possession of intangible personal property, such as a settlement or court judgment, the OTC shall be given notice of such action for the purpose of determining its lien upon the property involved therein in cases where notice of the lien of the state has been filed and indexed as provided in Sections 230 and 231 of Title 68. 68 O.S. §234

**SB 402 - *Effective November 1, 2019***

SB 402 enacts new law limiting taxpayer participation to no more than one statutory voluntary compliance initiative. This limitation shall not preclude a taxpayer from seeking relief under the provisions of 68 O.S. §§219.1 or 220. Additionally, the Oklahoma Tax Commission, whenever in its judgement good cause exists and pursuant to written request, may authorize a waiver from the limitation provided in this measure.