OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

PHONE (405) 521-3133
FACSIMILE (405) 522-0063

August 29, 2000

Re: Our file Number LR-00-35; Whether an Oklahoma sales tax permit is required.

Dear

This is in response to your inquiry as to whether your company, headquartered in is required to hold an Oklahoma Sales Tax permit. You state that you have no offices, nor any sales force in Oklahoma, but that you obtain materials from Oklahoma companies and sell them to other companies, some of which are located in Oklahoma. The companies that purchase from you use the materials in their own manufacturing processes. You further state that under law, you are not required to obtain a sales tax permit.

The Oklahoma Sales Tax Code does not have provisions similar to the provisions of the code you quoted in your letter. Since takes possession of tangible personal property in Oklahoma and sells the property in Oklahoma, it is required to hold an Oklahoma Sales Tax Permit, even if all of its sales are exempt from sales tax. As a result of its sales in Oklahoma, it will also have franchise and may have income tax reporting requirements.

Please refer to the enclosed copies of Oklahoma Tax Commission Rules 710:65-1-8 and 710:65-13-200.

This response applies only to the circumstances set out in your request of January 31, 2000, and may not be relied upon by any entity other than the addressee. In the event of any change in the facts surrounding the transaction described, this letter ruling would no longer be applicable. You are further advised that subsequent statutory or administrative rule changes or judicial construction of the statutes or rules upon which this advice is based may yield a different result from that which is expressed here.

Sincerely,
OKLAHOMA TAX COMMISSION

Michael G. Pillow
Tax Policy Analyst