

OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

PHONE (405) 521-3133
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August 6, 2003

Re: Our File Number LR-03-143; Point of sale

Dear

This is in response to your request for clarification of OAC 710:65-17-1 as it pertains to the price quotes from material suppliers for material to be delivered at particular job sites.

Based on the information in your letter, the manner in which you place your orders for material; via facsimile, falls within category (2) of Oklahoma Tax Commission Rule 710:65-17-1, which states, "If a purchaser, from a location outside the jurisdiction in which the vendor is engaged in business, orders or requests, by mail or telephonic or telegraphic device, to buy tangible personal property or services, the location of the sale shall be the place of delivery, regardless of the manner of transportation."

Therefore, the actual point of sale is the determining factor in computing the sales tax rate in Oklahoma. As described in your correspondence and the above commission rule, the point of sale is the place of delivery and the combination of state, city and county tax at that location is the amount you would pay in sales tax to your suppliers. Enclosed find Oklahoma Tax Commission Rule 710:65-17-1 and the list of city and county tax rates for sales and use tax.

This response applies only to the circumstances set out in your request of July 10, 2003. Pursuant to Commission Rule 710:1-3-73(e), this Letter Ruling may be generally relied upon **only** by the entity to whom it is issued, assuming that all pertinent facts have been accurately and completely stated, and that there has been no change in applicable law. If I can be of further assistance, please feel free to contact me.

Sincerely,


Brenda J. Sullivan