

OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

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May 21, 2004

RE: Our File No. LR-04-090

Dear

I am writing in response to your inquiry whether _____ has a responsibility to collect use tax under the following scenario:

An Oklahoma buyer, either in person or pursuant to the internet, purchases a firearm from an out-of-state seller and remits payment for the firearm to the out-of-state seller. None of the firearms at issue are purchased from _____. Because of the legal requirements governing transfer of firearms across state lines, the purchaser arranges for _____ to accept shipment. Pursuant to this arrangement _____ provides its federal firearm license information to the shipper. Upon receipt _____ records the shipment in its gun log, oversees completion by the purchaser of ATF form 4473, and institutes an NICS¹ background check of the purchaser. Upon successful completion of this process, the firearm is transferred to the purchaser. Presently, _____ charges a \$30.00 transfer fee and collects from the purchaser use tax based on the price reflected on the purchase invoice provided by the purchaser.

Under the described factual situation, _____ is neither a vendor nor retailer as defined in 68 O.S. §§1352(27) and 1401(9) required to collect sales or use tax. If you have any questions or need any additional information, please do not hesitate to contact me at the above-referenced number.

This response applies only to the circumstances discussed in your letter received April 19, 2004 and in our subsequent telephone conversation. 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.

Sincerely,



Christy J. Caesar
Tax Policy Analyst

¹ National Instant Criminal Background Check System