OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

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March 23, 2005

Re: Our File Number LR-05-030; Out-of-state vendors responsibility

This is in response to your request for a determination as to whether your company is required to collect and remit Oklahoma sales/use tax. I have scanned your fact scenario into this letter followed by our response.

"The activity in the State of Oklahoma solely consists of solicitation by direct mail, electronic mail, or telephone through independent agents based in Texas or Virginia.

In the State of Oklahoma we do not:

- Have or do not utilize an office, distribution house, sales house, warehouse, service enterprise or other place of business;
- Maintain a stock of goods;
- Regularly engage in the delivery of property other than by common carrier;
- Regularly engage in any activity in connection with the leasing or servicing property located in Oklahoma."

Based on the above information in your fact scenario and Commission Rules 710:65-1-8 and 710:65-21-6, your company does not appear to meet the definition of "maintaining a place of business" within Oklahoma and is not required to register to collect Oklahoma sales/use taxes. However, if you choose to remain registered, Commission Rule 710:65-21-5 provides "voluntary registration by certain out-of-state retailers or vendors. ... Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect use tax upon all tangible personal property sold to his knowledge for use within this State, in the same

manner and subject to the same requirements, as a retailer maintaining a place of business within this State." See 68 O. S. § 1407, a copy of which is enclosed.

This response applies only to the circumstances set out in your request of February 1, 2005. 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

Brenda J. Sullivan
Tax Policy Analyst

Enclosure