

OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

PHONE (405) 521-3133
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May 22, 2006

Re: Our File Number LR-05-174; Sales tax on charges by a photographer

Dear

This is in response to your inquiry concerning the subject referenced above.

In your email, you state you are paid for three things, "the time involved to shoot something or someone specific; prints; and publication fees for reproduction, usually in magazines (the current issue of "Alternative Medicine" magazine, for instance)."

The fee for the "time involved to shoot something" is subject to sales tax as a "sitting fee" as set out in Oklahoma Tax Commission Rule 710:65-19-260. The sale of prints are also subject to sales tax based on the same rule.

The publication fees for reproduction are not subject to sales tax.

Concerning the weddings, if you charge an hourly fee, and then charge for prints, both the charges for the hourly fee and the prints are subject to sales tax, without regard to whether you include a proof book in with the hourly fee's charge.

If you shoot portraits in your studio and include a certain amount of prints in with the cost of the "shoot", the cost of the "shoot" is subject to sales tax, in addition to the charges for any other prints which are ordered. The charges for the "shoot" which would, in effect be a "sitting fee" would be taxable, even if there were no prints included with the payment of the fee.

You can list your total sales on line "1" of your report and deduct your non-taxable sales from that amount to arrive at your taxable sales. Included in your non-taxable sales would be your sales of publication fees, sales to out of state addresses, and other non-taxable sales.

This response applies only to the circumstances set out in your request of October 6, 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,
OKLAHOMA TAX COMMISSION


Michael G. Pillow
Tax Policy Analyst