OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
DAWN CASH, DIRECTOR

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October 28, 2008

RE: LR-08-113
Use Tax Inquiry

I am writing the letter in response to your inquiry regarding the ability to report and remit Oklahoma Use Tax on the 511 Oklahoma personal Income Tax form.

Your Question:

Does Completing the use tax line on the Oklahoma Individual Income Tax Return form 511 and remitting Use Tax with an individual's return constitute filing a use tax return and does the three (3) year statue of limitations under 68 O.S. 223 apply to the audit of use tax when remitted with the 511 form?

Our Response:

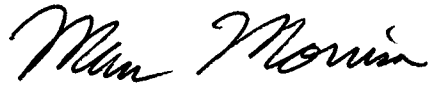
The Use Tax provision on the 511 Oklahoma Individual Income Tax Return was created to allow an individual who make an occasional purchase(s) that is subject to Use Tax to file and remit Consumer Use Tax on a casual basis with out having to apply to the Oklahoma Tax Commission for a form and a casual Use Tax permit number. It does constitute filing a Consumer Use Tax return; however it is not meant for use by an individual that makes regular or multiple purchases on a routine basis. Such an individual should apply for a Consumer Use Tax permit to report and remit the appropriate Use Tax on a regular basis as well as the appointed due dates.

A person who has reported or remitted casual Use Tax on the 511 Individual Income Tax form is covered by the three (3) year statue of limitations under 68 O.S. 223. A person may cite these records of payments and reporting for any inquiries made regarding an audit for Oklahoma Use Tax.

A person that makes multiple and routine purchases that are subject to Oklahoma Use Tax and files and remits Use Tax on the 511 Individual Income Tax form instead of obtaining a Consumer Use Tax Permit is also covered under the three (3) year statute of limitations. Such an individual could be subject to penalties and interest for failing to file and remit Consumer Use Tax appropriately.

This response applies only to the circumstances discussed in your written request of August 07, 2008. 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 there has been no change in applicable law.

Sincerely,



Oklahoma Tax Commission
Marc Morrison
Tax Policy & Research Division