

# OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION  
DAWN CASH, DIRECTOR



PHONE (405) 521-3133  
FACSIMILE (405) 522-0063

April 27, 2010

Re: Our file number LR-10-053

Dear

This letter ruling is in response to your request dated April 6, 2010, wherein you posed a ruling request relating to the Oklahoma Drug Money Laundering and Wire Transmitter Act (63 O.S. §2-503.1a et seq.). Following a verbatim restatement of the facts as outlined in your letter, are the specific rulings requested and our responses thereto.

*As we discussed on the phone, we were hoping to get written confirmation that our company is exempt from the fee imposed by the **Drug Money Laundering and Wire Transmitter Act**. Our company does corporate foreign exchange; a typical transaction is one of our customers (all of whom are based in the US, and a handful of whom are in OK) needs to pay a bill denominated in a foreign currency and have the funds wired overseas. That customer will tell us how much of the foreign currency they need, we will give them an exchange rate, and then we will buy that foreign currency on the spot market from one of our banking partners. Once our customer pays us the equivalent amount of US dollars, we will wire the foreign currency to their beneficiary overseas.*

*Based on our business model, we believe the wire transmitter fee is not applicable to us based on Title 710:95-15-4(a), which describes bill payment services as one of the transactions to which the fee is not applicable. We would appreciate it if you could confirm that the fee is not applicable to us.*

Based upon the facts and other assertions contained in your April 6 request and April 8 email, it is the ruling of the Tax Policy Division that the wire transmitter fee set out in 63 O.S. §2-503.1j does not apply to bill payment service

2501 NORTH LINCOLN BOULEVARD • OKLAHOMA CITY • OKLAHOMA 73194

IT IS OUR MISSION TO SERVE THE PEOPLE OF OKLAHOMA BY PROMOTING TAX COMPLIANCE THROUGH QUALITY SERVICE AND FAIR ADMINISTRATION

which is offered to customers exclusively by telephone or over the Internet and not through authorized delegates or other physical locations of any kind in Oklahoma.

This response applies only to the circumstances set out in your request dated April 6, 2010, and follow-up email dated April 8, 2010. 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.

Please be advised that the issuance of this ruling does not preclude the Oklahoma Tax Commission from conducting an audit or examination under 68 Okla. Stat. §206 of any report or return claiming a credit for the transactions outlined in this letter ruling. The Commission reserves the right to issue any assessment, correction, or adjustment authorized under 68 Okla. Stat. §221.

Sincerely,

Oklahoma Tax Commission



Lisa R. Haws

Tax Policy & Research Division