OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
DAWN CASH, DIRECTOR

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

January 6, 2011

Re: LR-10-163; Out-of-State Resellers

Dear

This is in response to your request for a ruling regarding Oklahoma's treatment of the described transaction in your correspondence. Set forth verbatim are the facts presented in your correspondence of November 18, 2010 along with our response thereto.

Factual Statement

> Client owns and operates retail stores in the State of that sell household goods to the general public. is the point of sale for all goods that are sold by the Client. The Client does not have any store locations or employees that work in the State of Oklahoma. From time to time, the Client sells goods at its stores to residents of the State of Oklahoma. The payment for such goods occurs at the Client's stores in . If the customer (Oklahoma resident) takes possession of the goods at the store in , sales tax is collected on such transactions. On occasion, the customer (Oklahoma resident) will pay for the goods at the Client's store in , but will not take possession of the goods at such time. Instead, the Client will deliver the purchased goods to the Oklahoma resident within the State of Oklahoma through the use of the Client's delivery vehicles. In such cases, neither Missouri nor Oklahoma sales tax is collected on such transactions. This is the transaction circumstance which forms the basis for this request for a letter ruling.

RESPONSE

When the goods are brought into Oklahoma for delivery in your client's own vehicles then the transactions are subject to sales tax requiring your client to obtain an Oklahoma sales tax permit and collect and remit Oklahoma state and applicable local sales taxes on the gross receipts derived from the sales of goods. 68 O.S. § 1407. An Oklahoma Business Registration Packet [Packet A] and Oklahoma sales tax report [Form 13-23] is available on the Oklahoma Tax Commission website at www.tax.ok.gov.

This response applies only to the circumstances discussed in your request of August 16, 2010. Pursuant to Oklahoma Administrative Code 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

Brenda J. Sullivan

Brenda J. Sullivan
Tax Policy Analyst