OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
RICK MILLER, DIRECTOR

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September 16, 2013

RE: LR-13-033 (Sales Tax Inquiry)

Dear :

This letter is written in response to your request regarding Oklahoma Sales Tax. Set forth are the facts verbatim along with the responses thereto.

Facts:

This letter is to request a formal letter ruling on the taxability of video game console points cards, video game console online memberships, and online points cards. The facts are as follows:

currently sells three different types of gaming-related items that offer the following features:

1. Video game console points cards (i.e card) which is used online to :
   - Rent HD movies and buy TV shows
   - Download arcade and ful games
   - Keep games updated with new map packs, new songs and workouts

2. Video game console online memberships (i.e. 12-month Membership Online Game Code Card) which is used online to:
   - Play nd controller games online with friends wherever they are
   - Watch thousands of HD movies and TV shows instantly from
   - Watch any current season episode of dozens of popular TV shows with
   - Watch live and on-demand HD sports from on
   - Chat with friends face-to-face on your TV with Videc
   - Keep in touch with friends with and right on your TV
   - Listen to unlimited songs with

3. Online Points Cards (i.e. Online Game Card) which is used online for:
   - Provides
   - For use in the massively multiplayer online game

While used online, these cards are available for purchase both in-person at our brick-and-mortar locations as well as online from our dot com websites.

Response:

Sales of the described video game console points cards, video game console online membership game cards, and online points cards are not subject to Oklahoma sales tax. OAC 710:65-19-126 (copy enclosed).

This response applies only to the circumstances discussed in your written request of May 16, 2013. Pursuant to Oklahoma Administrative Code 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 Analyst