OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
RICK MILLER, DIRECTOR

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

July 11, 2014

[redacted]

Re: LR-14-33 (Sales Tax Inquiry)

Dear [redacted]

This is in response to your request for a determination of whether your company needs an Oklahoma Sales Tax Permit and a Vendor Use Tax Permit. Set forth verbatim are the facts presented in your correspondence of June 25, 2014, along with the question posed and our response thereto.

Facts

We are a [redacted] Corporation in the State of [redacted] We do not have an office, salesman or service techs in your state. We do have a distributor in Oklahoma that has no ties to us other than us giving him the right to sell our product. We sell commercial laundry equipment and parts. We have ship all our parts to customers in you state via common carriers and do not deliver parts or equipment via our company vehicles.

I have documents that I got off the OSCN website that are confusing. I have attached the form and it uses the word "and". The first sentence states that "...every retailer or vender maintaining places of business both within and without this state and making sales of tangible personal property from a place of business outside this state for use in this state shall at the time of making such sales collect the use tax levied by Section 1401..."

I was always told that "and" meant all things had to be met. I do not have an office in Oklahoma but I do have an office outside of Oklahoma. Therefore I am thinking I do not have to collect your tax. I do not do a lot of business in Oklahoma and this may be more trouble than it is worth.

Question

Does [redacted] need an Oklahoma Sales Tax and Vendor Use Tax permit?

Response

Based on the information above, [redacted] does not appear to be a vendor[1] or retailer[2] "maintaining a place of business"[3] within Oklahoma and therefore is not required to register to collect Oklahoma sales or vender use tax.

However, if [redacted] chooses to expand its business in Oklahoma, then a sales and/or vendor use tax permit may be required. To register for the proper permits, a completed Business Registration Packet (Packet A), available online, should be submitted to the Taxpayer Assistance Division, Oklahoma Tax Commission P.O. Box 26920, Oklahoma City, OK 73126-0926. For any further questions regarding sales/vendor use tax registration, please call David Brown in Taxpayer Assistance at (405) 522-1940.

Attached are copies of the applicable statutory and administrative rule provisions relating to a business's requirement to register in this state for purposes of collecting Oklahoma sales and use tax.

This response applies only to the circumstances discussed in your request of June 25, 2014. 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

Morgan E. Lankford

Morgan E. Lankford
Tax Policy Analyst

---

[1] 68 O.S. § 1352(28)
[2] 68 O.S. § 1401(9)
[3] 68 O.S. § 1352(13) & 1401(10).