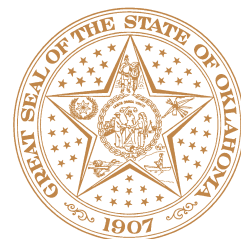


OKLAHOMA BUSINESS REGISTRATION PACKET FOR NONRESIDENT CONTRACTORS

This booklet contains:

- Business Registration Workshop Information
- Information on How to Apply for a Federal Employer Identification Number
- OTC Rules Regarding Nonresident Contractors
- Registration Instructions and Information
- General Information
- Reporting Requirements
- Registration Form



OKLAHOMA TAX COMMISSION

2501 North Lincoln Boulevard
Oklahoma City, Oklahoma 73194



CONGRATULATIONS!

Dear Nonresident Contractor,

Congratulations on your business venture in the State Of Oklahoma! This packet includes excerpts from the statutes and rules and the necessary forms to register your business.

Please read all the information included in this packet.

In addition to completing the registration packet you must provide a **Notice of Contract, Form BT-175** to each of the following agencies:

1. Oklahoma Tax Commission, Taxpayer Assistance Division;
2. Oklahoma Employment Security Commission;
3. Worker Compensation Commission;
4. The County Assessor's Office of the county in which the work is to be done.

Also, a surety bond is required on contracts over \$100,000.00. **Provide a Nonresident Contractor's Bond (Form BT-163)** in the amount of three times the estimated tax liability to be incurred under your contract. Use **Form BT-194** to determine the estimated tax liability. In the absence of the filing of the estimation of tax liability required, it will be presumed that the bond required to be filed will be ten percent (10%) of the amount of the contract. Both **Form BT-163 and BT-194** are included in this packet.

Every such contractor shall also give written notice to the Tax Commission, the Oklahoma Employment Security Commission, the State Industrial Court, and the county assessor of each county in which such contract work or service has been performed, **by certified mail, with return receipt requested, immediately upon completion of the work and services required by any such contract.** The date of mailing such notice shall, for the purposes of this article, be considered the date of the completion of said contract. **No action shall be commenced on the surety bond required by this article after the expiration of one (1) year from the date of the mailing of said notice of the completion of the contract.**

Use Notice of Completion (Form BT-176) in this packet or on the Oklahoma Tax Commission website as your written notice to the Oklahoma Tax Commission.

Helpful websites:

- Oklahoma Tax Commission: www.tax.ok.gov
- Oklahoma Department of Commerce/Business Licensing: www.okcommerce.gov
- Oklahoma Employment Security Commission: www.ok.gov/oesc_web/
- Worker Compensation Commission: www.ok.gov/wcc/

Once you have completed your registration forms, return them to:

**Oklahoma Tax Commission
Taxpayer Assistance Division
Post Office Box 26920
Oklahoma City, Ok 73126-0920**

If you have any questions or comments, contact our Taxpayer Assistance Office at **(405) 521-3160**.

Sincerely,
Taxpayer Assistance Division
Oklahoma Tax Commission



WORKSHOPS FOR NEW OR EXISTING BUSINESS...

Statistics show a lack of knowledge concerning tax laws, rules and procedures is the major reason for delinquencies among businesses. For this reason, the Oklahoma Tax Commission believes every person in Oklahoma should receive instruction regarding ownership responsibilities, including the collection, remittance and payment of Oklahoma business taxes before actually starting a new business.

The Oklahoma Tax Commission provides free workshops to provide this vital information. It is also the goal of the workshops to instruct existing businesses on proper business registration, tax reporting, tax bookkeeping and tax exemptions.

The Oklahoma Tax Commission conducts these workshops in Oklahoma City, Tulsa and other locations throughout the state as needed, on a monthly basis. The workshops last approximately three hours and focus on the following topics:

1. New Business Registration
2. Business Tax Reporting Form Completion
3. Sales and Withholding Record Keeping Requirements
4. Sales Tax Deductions, Exemptions and Vendor Responsibilities

Interested persons should contact the Oklahoma Tax Commission at **(405) 521-3160** for information concerning workshop schedules and to make a reservation. You may also visit our website at **www.tax.ok.gov** for additional information regarding workshop locations, start times and other pertinent information concerning starting a new business.

To insure we have adequate space, please make a workshop reservation.



DO YOU NEED TO APPLY FOR AN FEIN?

Your organization must have a Federal Identification Number before you can complete the application(s).

You can apply for and receive a Federal Employers Identification Number by applying online at **www.irs.gov**.

Use OkTAP to File and Pay your Taxes



With OkTAP you can:

- File and pay taxes for your sales, withholding, franchise and mixed beverage accounts along with many more tax types
- View OTC returns, letters and notices
- Engage in secure messaging with OTC representatives
- Order coin-operated device decals
- Register new businesses with the OTC
- Register a third-party preparer to manage your account

For more information visit <http://oktap.tax.ok.gov>



OTC STATUTES AND RULES REGARDING NONRESIDENT CONTRACTORS...

Title 68, Section 1701. Definitions.

As used in Sections 1701 through 1707 of this title:

1. "Contractor" includes all prime and general contractors, subcontractors, independent contractors and persons engaged in contract labor who through negotiations or competitive bidding enter into contracts to furnish labor, materials or both and the required equipment to perform the contract for a fixed price and who in pursuit of independent business undertake a job in whole or in part retaining substantial control of the method and manner of accomplishing the desired result and means any person, firm, joint venture, partnership, copartnership, association, corporation, or other organization engaged in the business of the construction, alteration, repairing, dismantling, or demolition of roads, bridges, viaducts, sewers, water and gas mains, streets, disposal plants, water filters, tanks, towers, airports, buildings, dams, levees, canals, railways and rail facilities, oil and gas wells, water wells, pipelines, refineries, industrial or processing plants, chemical plants, power plants, electric or telephone or any other type of energy or message transmission lines or equipment, or any other type of construction excluding family farm operations. The term contractor shall not include the state or any agency, institution, or political subdivision of the state or any duly constituted authority of a political subdivision;
2. "Resident contractor" means a contractor who maintains his principal place of business in this state or a multi state employer who maintains a permanent work force of three or more employees in this state;
3. "Nonresident contractor" means a contractor who maintains his principal place of business outside this state or a multi state employer who does not maintain a permanent work force of three or more employees in this state.

Title 68, Section 1701.1 Employer identification numbers - Responsibility of contractors - Violations and liability exemptions.

- A. All resident and nonresident contractors shall have in their possession current employer identification numbers issued to them by the Oklahoma Tax Commission, the Oklahoma Employment Security Commission, the Internal Revenue Service, and the Social Security Administration. Each contractor shall be responsible for maintaining his own payroll reports and records including reports and records required by the Oklahoma Tax Commission, the Oklahoma Employment Security Commission, the Internal Revenue Service, and the Social Security Administration. No contractor shall be required to keep payroll records or make any other report for any other contractor.
- B. Owners, lessees, or renters awarding a contract shall not be required to ascertain if a contractor has complied with the provisions of subsection A of this section or be responsible for a contractor's reports, records, or be liable for any penalty resulting from the contract.
- C. Any contractor who violates or does not comply with the provisions of subsection A of this section shall be liable for any unpaid taxes and wages resulting from his contract in addition to the penalties provided in Section 1707 of Title 68 of the Oklahoma Statutes. The failure of a contractor to comply with the provisions of subsection A of this section shall neither present any liability or responsibility for any unpaid taxes, wages, or penalties resulting from his contract upon any other contractor nor shall any future contracts of said contractor be impaired because of his failure to comply with the provisions of subsection A of this section on a prior contract.
- D. Subsection A of this section shall not apply where a contract for an entire project requires the services of less than three employees. A resident contractor shall not be required to comply with the provisions of subsection A of this section in the construction of a single family dwelling when the total cost of the project is less than the average sales price of a single family dwelling in this state as set each year by the National Association of Home Builders. This subsection shall not be construed to exempt any person of any tax liabilities or other requirements provided for by law.



OTC STATUTES AND RULES REGARDING NONRESIDENT CONTRACTORS...

Title 68, Section 1702. Notice to state and local taxing authorities as to contracts.

To the end that the State of Oklahoma and the political subdivisions thereof may receive all taxes due in every instance, nonresident contractors desiring to engage in, prosecute, follow, or carry on the business of contracting shall give written notice by certified mail, with return receipt requested, to the Oklahoma Tax Commission, the Oklahoma Employment Security Commission, the Workers' Compensation Court, and the county assessor of each county in which such contract work or service is to be performed before actually commencing work or undertaking to perform any duties pursuant to any such contract. The notice shall state the approximate amount of the contract price, the location where work is to be performed, the approximate date work is to be commenced, a description of the general nature of the work to be performed and a complete list of all subcontractors, if any, including their addresses, and the amount of each such subcontract. The prime contractor shall also notify the above if they have a subcontract let after the work begins, so that the name of every subcontractor shall be known to the above before said subcontractor initiates his work.

Title 68, Section 1703. Surety bond conditioned upon compliance with tax laws - Waiver.

Notwithstanding the provisions of Sections 1103 and 1731 of Title 69 of the Oklahoma Statutes, every nonresident contractor, including those in the position of subcontractor, subject to the provisions of this article, before actually commencing work or undertaking to perform any services or duties under any such contract in excess of One Hundred Thousand Dollars (\$100,000.00), shall file with the Oklahoma Tax Commission a surety bond with a surety authorized to do business in this state, in the penal sum of not less than three times the tax liability incurred or to be incurred under any such contract, payable to the State of Oklahoma, or, in lieu of such surety bonds, cash or negotiable bonds or other obligations of the United States of America, the State of Oklahoma or its subdivisions, conditioned upon compliance with the tax laws of Oklahoma, both state and local, the Oklahoma Employment Security Act, the Oklahoma Workers' Compensation Act, and the provisions and requirements of this article; provided:

1. If such contractor receives another contract to perform services or duties in this state or if, in the judgment of the Tax Commission the amount of tax liability incurred or to be incurred under such contract is increased from the amount used to compute the amount of the original bond, the amount of such bond shall be increased to meet the requirements set forth in this subsection;
2. The amount of such tax liability may be reduced by the amount of the tax liability incurred or to be incurred by nonresident contractors in the position of subcontractors, who actually post bonds on their subcontracts, listed in the notice to the Oklahoma Tax Commission by a prime contractor, as required by the preceding section; and
3. If the Tax Commission, after making an investigation at the request of a nonresident contractor, finds that such nonresident contractor has and will continue to have property within Oklahoma, and has regularly engaged in business in this state and will continue to do so, and the Tax Commission, for said reason, determines in writing that such nonresident contractor's financial responsibility is sufficient to cover its tax liability and the other obligations covered by this article, such nonresident contractor shall not be required to make and file the surety bond required in this section nor to give the notices required by this article, and the Tax Commission shall notify the nonresident contractor of its findings.

Title 68, Section 1704. Failure to give notice or execute bond.

Every contractor failing to give notice as required by this article or to execute the bond herein provided, before beginning the performance of any such contract, shall be denied the right to perform such contract until he complies with such requirement.



OTC STATUTES AND RULES REGARDING NONRESIDENT CONTRACTORS...

Title 68, Section 1705. Notice upon completion of work.

Every such contractor shall also give written notice to the Tax Commission, the Oklahoma Employment Security Commission, the State Industrial Court, and the county assessor of each county in which such contract work or service has been performed, by certified mail, with return receipt requested, immediately upon completion of the work and services required by any such contract. The date of mailing such notice shall, for the purposes of this article, be considered the date of the completion of said contract. No action shall be commenced on the surety bond required by this article after the expiration of one (1) year from the date of the mailing of said notice of the completion of the contract.

Title 68, Section 1706. Actions.

- (a) An action against any contractor or the surety on any bond required by this article may be brought in any court of competent jurisdiction in Oklahoma County or any county in which any work under any such contract is performed. The entering into of any contract for the performance of work in the State of Oklahoma by any such nonresident contractor shall be deemed to constitute an agreement to be subject to the jurisdiction of the courts of this state and shall constitute an appointment of the Secretary of State of Oklahoma as service agent of such contractor in any such action, and the service of summons or other process issued in any such action when served on the Secretary of State shall have the same legal force and validity as if served upon the contractor personally within the State; provided, that the service agent may be served in any manner now provided by law or in lieu thereof by mailing such summons to said service agent by certified mail with return receipt requested, postage prepaid, which such in lieu service shall be sufficient upon proof of mailing with the return receipt attached.
- (b) The summons shall be directed to the Secretary of State and shall require the defendant to answer by a day certain not less than forty-one (41) days from the return date fixed therein. The Secretary of State shall immediately forward a copy of the summons to the contractor by certified mail, return receipt requested, to the address given by such contractor in the notice given to the Tax Commission, and shall thereupon make his return of said summons to the court from which the same issued, showing the date of its receipt by him, the date of forwarding, and the name and address of the contractor to whom the same was forwarded. The Secretary of State shall keep a suitable record of every such action showing the name of the court in which the action is brought, the date of commencement, the style of the case, and the date and manner of service. The plaintiff in any such action shall cause a fee of Two Dollars (\$2.00) to be paid to the Secretary of State at the time of service. Every notice required of a contractor under this article to be given to the Tax Commission shall also contain the address of the principal place of business of the contractor, which shall be deemed to be the mailing address of such contractor for the purpose of service of process in any action brought under this article.

Title 68, Section 1707. Penalty.

Any contractor who, or which, fails to make and file a bond or to give the notices to the Oklahoma Tax Commission, the Employment Security Commission, the Workers' Compensation Court, and the county assessor of each county involved, as required by Sections 1701 through 1706 of this title, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). Any contractor who violates the provisions of Section 2 of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00). Venue for such prosecution shall be in Oklahoma County, or in any county where such contract work is performed.



OTC STATUTES AND RULES REGARDING NONRESIDENT CONTRACTORS...

Title 68, Section 1708. Bidders for Public Construction Project - Proof of Documentation - Penalty for Misclassifying Individuals as Independent Contractors.

- A. All contractors as defined in Section 1701 of this title signing any contract to provide materials or labor on a public construction project in this state shall show proof of all documentation required pursuant to Section 1701.1 of this title.
- B. Any contractor who fails to provide proof as required in subsection A of this section, or any contractor who performs work in this state as a contractor without registration as required by Section 1701.1 of this title, shall be fined by the Oklahoma Tax Commission an amount not to exceed ten percent (10%) of the contractor's total bid, which shall be in addition to any other penalties allowed by law.
- C. Any contractor who intentionally misclassifies individuals as independent contractors rather than employees for the purpose of affecting procedures and payments relating to withholding and social security, unemployment tax or workers' compensation premiums shall be fined by the Oklahoma Tax Commission an amount not to exceed ten percent (10%) of the contractor's total bid, which shall be in addition to any other penalties allowed by law.

Title 68, Section 1709. Agency Cooperation - Detection of Intentional Misclassification of Employees as Independent Contractors.

The Oklahoma Tax Commission, Oklahoma Workers' Compensation Court, Department of Labor, Comp-Source Oklahoma and Oklahoma Employment Security Commission shall share information and coordinate investigative and enforcement efforts for the purpose of detecting those contractors who intentionally misclassify individuals as independent contractors rather than employees for the purpose of affecting procedures and payments relating to withholding and social security, unemployment tax or workers' compensation premiums. The agencies required by this section to share information and coordinate efforts shall be authorized to create a secure database of information accessible by agency representatives responsible for enforcement and shall be further authorized to enter into contracts and interagency agreements and promulgate such rules as may be necessary to implement this section.



OTC STATUTES AND RULES REGARDING NONRESIDENT CONTRACTORS...

Rule 710:1-3-82. Calculation of amount of nonresident contractor bond to be posted.

(a) Along with the notice of contract and a bond in the penal sum of three times the tax liability incurred or to be incurred by a nonresident contractor with a contract in excess of One Hundred Thousand Dollars (\$100,000.00), an estimation for the tax liabilities incurred or to be incurred is to be filed on a form or in a format as required by the Oklahoma Tax Commission, setting out the tax base and the estimated tax liability, to include, but not be limited to the following taxes, as applicable:

- (1) Ad valorem taxes
- (2) Aircraft excise taxes and registration fees
- (3) Employment security tax
- (4) Employee withholding tax
- (5) Franchise tax
- (6) Income tax
- (7) Motor fuel tax
- (8) Motor vehicle excise taxes and registration fees
- (9) Sales and use tax
- (10) Payments for worker's compensation coverage

(b) In the absence of the filing of the estimation of tax liability required above, it will be presumed that the bond required to be filed will be ten percent (10%) of the amount of the contract less the amount of any bonds posted by any subcontractors who are also nonresident contractors.

[Source: Added at 12 Ok Reg 2923, eff 7-14-95; Amended at 22 Ok Reg 1516, eff 6-11-05]

Rule 710:1-3-83. Increases in amount of nonresident contractor bond to be posted.

If a nonresident contractor who has posted a bond in accordance with Rule 710:01-03-82, enters into other contracts to perform services or duties in this state, or if in the judgement of the Oklahoma Tax Commission the amount of tax liability incurred or to be incurred has increased from the amount used to compute the amount of the original bond, the bond shall be increased so that the total bond shall be equal to three times the increased tax liability. In the case of the nonresident contractor entering into one or more contracts subsequent to the posting of the original bond, but prior to the sending of a Notice of Completion of the original contract, the bond required shall be in an amount equal to three times the sum of the estimated tax liabilities for all contracts on which a Notice of Completion has not been filed.



INSTRUCTIONS AND DEFINITIONS...

Please complete each section of the registration form and remember, **your application must be signed before your registration can be processed.**

If you have any questions concerning Oklahoma business registration requirements, please contact our offices via one of the methods listed on the back of this packet. We also recommend attending a Business Tax Workshop sponsored by the Oklahoma Tax Commission (see page 3 for more information).

Notice Regarding Records and Recordkeeping

As a business owner/operator contracting in the State of Oklahoma, you are required to keep records of your business transactions and operations.

The Oklahoma Tax Commission has specific rules for keeping records. Specifically for sales tax refer to Rule 710:65-3-30 through 710:65-3-33. For Withholding tax, refer to Rule 710:90-1-11. Rules can be viewed and/or downloaded from the OTC website at www.tax.ok.gov. For use tax, refer to Rule 710:65-21-1 et seq.

Specific Instructions for Registration as a NonResident Contractor

Please complete all sections of pages A and B. Also complete page C if applicable.

Page A - Enter business name and FEI or SSN.

Page A - Section I. Reasons for Filing this Form...

Check the appropriate box:

A. New Business.

Check this box if you are a new business in Oklahoma.

B. If you checked "other" explain your reason for filing this form.

Page A - Section II. Contact Information...

Item 1: Provide the business phone, fax number, name and email address where the applicant can be contacted.

Page A - Section III. Ownership Information...

Item 2: Check the box which indicates how your business is owned...

A. Individual (Sole Proprietor): The business is owned by one individual.

If you are a Sole Proprietor you must complete the Affidavit Verifying Lawful Presence in the U.S. (included within this packet, page C). The affidavit must be signed and notarized. The affidavit must have your Social Security Number, or your Individual Tax Identification Number and your Alien Registration Number (A# or I-94). If you are changing entities from a corporation, LLC, or partnership to a sole proprietor, you must complete the affidavit. *If you are a sole proprietor, your registration application can not be processed without a properly executed affidavit.*

Note: The affidavit is required by the Oklahoma Taxpayer and Citizen Protection Act, specifically Title 56 O.S. Supp. 2007, Section 71.



INSTRUCTIONS AND DEFINITIONS...

- B. General Partnership: The business is owned by two or more persons, each of whom are liable for the debts of the partnership.
- C. Limited Partnership: The business is owned by one or more general partners and one or more limited partners. Limited partnerships must file organizing documents with the Oklahoma Secretary of State.
- D. Corporation: The business is owned by an entity that is organized pursuant to the Oklahoma General Corporation Act. Articles of Incorporation or Domestication must be filed with the Oklahoma Secretary of State.
- E. Foreign Corporation: A foreign corporation is a corporation formed under the laws of any state other than Oklahoma. Foreign corporations with a location or doing business in Oklahoma must register with the Oklahoma Secretary of State and receive authority to do business in Oklahoma.
- F. Limited Liability Company: The business is owned by an entity that is an unincorporated association or proprietorship having one or more members that is organized and existing under the laws of the State. Limited Liability Companies must register with the Secretary of State of Oklahoma.
- G. Other: The business is owned by another type of business structure, such as business trust, personal trust, government entity, etc. Trusts must provide a copy of the trust indenture or filed trust document.

Item 3: Federal Employer's Identification Number...

You must have an Employer's Identification Number if you:

- Pay wages to one or more employees or;
- Are a corporation, trust, estate, general or limited partnership, limited liability company or non-profit organization (church, club, etc).

Note: If you do not have a Federal Employer's Identification Number, you may file for one online at www.irs.gov.

Item 4: Name of Owner...

If you are a/an:

Individual..... Print your name (last name, first name, and middle initial) and social security number.

Partnership Print the name of your partnership.

Corporation Print the corporate name **as it appears on your Articles of Incorporation or Domestication.**

Limited Liability Company... Print the entity name **as it appears on your Articles of Organization.**

Other..... Print the name of your business entity.

Provide the mailing address of your business.



INSTRUCTIONS AND DEFINITIONS...

Item 5: Names of Partners or Responsible Corporate Officers, and Managing Member(s)...

Please Note: Social Security Numbers are required by OTC Rule 710:1-3-6. Rules can be viewed and/or downloaded from the OTC website at www.tax.ok.gov. **If Social Security Number is not provided, the application will not be processed and will be returned for Social Security Numbers.**

Print the name (last name, first name, and middle initial), social security number, title and the residence and/or post office address of all partners, responsible corporate officers, and managing members, responsible for the reporting and remittance of taxes.

General Partnerships: List all partners associated with the partnership.

Corporations: List corporate officers responsible for the reporting and remittance of taxes.

Limited Liability Companies: List all members or managing member responsible for the reporting and remittance of taxes.

Limited Partnership: List the general partner(s) and the limited partner(s).

Page B - Enter business name (Item #8) and FEI or SSN at the top of the page.

Page B Section IV. Withholding Tax...

Items 6 and 7: Complete if your business employs or will employ one or more persons in the State of Oklahoma.

Exceptions:

- To an Oklahoma resident and wages are earned in another state that requires withholding, or
- To a nonresident and wages earned is not more than \$300.00 a quarter.

Item 6: If the Oklahoma income tax you withhold from your employee(s) is \$500.00 or more, per quarter, the amount withheld must be remitted monthly. If the amount you withhold is less than \$500.00, per quarter, the remittance may be made quarterly. If you are required to make federal withholding tax deposits more frequently than once a month, you are required to file with Oklahoma on the same schedule. Enter the date you will begin withholding Oklahoma Withholding Tax.

Item 7: If you will report Oklahoma Withholding tax using a different FEI number other than the one you entered in Section II, Number 2, provide that number.

Page B - Section V. Physical Location and Classification Information...

Item 8: Enter the trade name or DBA of your business (Example: Joe's Construction).

Item 9: Enter the physical address of the project including the county. Do not use post office boxes or rural route numbers.

Item 10: Enter the phone, fax number and email address where you will be conducting business.

Item 11: Specify the type of contract work you will be doing in Oklahoma. **Be specific.** For definition of "Contractor" see Title 68, Section 1701, or page 4 of this packet.

Item 12: Contractors who purchase materials and supplies outside Oklahoma on which sales tax has not been paid, must remit use tax to Oklahoma. You will be issued an account number for the purpose of reporting and remitting consumer use tax.



GENERAL INFORMATION & REPORTING REQUIREMENTS...

General Information: Permits and Licenses

Upon submission of the completed Registration Application (Pages A-C) and payment of applicable fees, you will be issued the appropriate permit(s)/license(s) and/or account number(s) to report and remit taxes, if you qualify.

Use Tax: Consumers who purchase products out-of-state for their own use or consumption on which tax has not been paid, will not be issued a permit, but you will be issued an account number for the purpose of reporting and remitting consumer use tax.

Withholding Tax: A permit is not issued, but you will be issued an account using your FEIN for the purpose of reporting and remitting withholding tax.

General Information: Changes Affecting Your Business

If your business address (mailing or physical) changes, you must advise the Oklahoma Tax Commission immediately. Complete OTC Form BT-115-C-W.

If your business changes type of ownership, (for example from an individual (sole proprietor) to a LLC or corporation) you must complete a new Business Registration Application.

If you change the name of your business, you must advise the Oklahoma Tax Commission, in writing, of the change.

Reporting Requirements

The following tax types will require a report to be filed each month:

- **Use** - Exception: If tax due is less than \$50 per month, you may be granted to report semi-annually.
- **Withholding** - If the Oklahoma income tax you withhold from your employee(s) is \$500.00 or more, per quarter, the amount withheld must be remitted monthly. If the amount you withhold is less than \$500.00 per quarter, the remittance may be made quarterly. If you are required to make federal withholding tax deposits more frequently than once a month, you are required to file with Oklahoma on the same schedule. Enter the date you will begin withholding Oklahoma Withholding Tax.

Due Dates for Filing Reports

Use and **withholding** reports are due on or before the 20th day of the month following each reporting period.

The following tax type will require a report to be filed each year you have done business in Oklahoma:

- **Income Tax** - Report due by the 15th day of the third month following the close of the taxable year.



IMPORTANT INFORMATION! Electronic Filing Required

The Oklahoma Tax Commission's OkTAP system provides you with the capability to file electronically and also offers payment options including ACH debit, ACH credit and credit card. Log on to the OTC website at www.tax.ok.gov, then select the "OkTAP" system link. If you have any questions, call (405) 521-3160.



OKLAHOMA BUSINESS REGISTRATION APPLICATION FOR NONRESIDENT CONTRACTORS



| | | |
|---------------------|-------------------------|----|
| Business Name _____ | BTRG FEIN/SSN: _____ | AP |
|---------------------|-------------------------|----|

I. Indicate the reason(s) for filing this form as a nonresident contractor:

- A New Business
- B Other (explain)

II. Contact Information:

1. Business Phone (_____) _____ Business Fax (_____) _____

Name _____ Email Address _____

III. Ownership Information:

2. How is this business owned?

- A Individual (Sole Proprietor) B General Partnership C Limited Partnership
- D Oklahoma Corporation E Foreign Corporation F Limited Liability Company
- G Other (explain) _____

3. Federal Employer's Identification Number (FEIN) -

4. Name of Individual, Partnership, Corporation or Limited Liability Company _____

Social Security Number, if individual --

Mailing Address _____

City _____ State _____ Zip _____ County _____

5. Names of Partners/Responsible Corporate Officers/Managing Members: See instructions.
(If Social Security Number is not provided below, the application will be returned for completion.)

A {

| | | |
|------------------------------------|------------------------|--------|
| Name (Last, First, Middle Initial) | Social Security Number | Title |
| Mailing Address | City, State and Zip | County |

B {

| | | |
|------------------------------------|------------------------|--------|
| Name (Last, First, Middle Initial) | Social Security Number | Title |
| Mailing Address | City, State and Zip | County |

C {

| | | |
|------------------------------------|------------------------|--------|
| Name (Last, First, Middle Initial) | Social Security Number | Title |
| Mailing Address | City, State and Zip | County |



OKLAHOMA BUSINESS REGISTRATION APPLICATION FOR NONRESIDENT CONTRACTORS

Number of Copies Attached:



Owner's Name (same as Item 4) BTRG AP
FEIN/SSN:

IV. Withholding Tax

6. Do you now or do you intend to withhold Oklahoma Income Tax from employees? Yes No
 (a) If "yes" on item 6, do you expect to withhold more than \$500 per quarter? Yes No
 (b) If "yes" on item 6, date you will begin/began withholding Oklahoma Income Tax: ____/____/____
(month/day/year)
 (c) Are you required to make federal withholding tax deposits more frequently than once a month?..... Yes No
7. What FEIN will you use to report withholding tax? (if different than Section III, Item 3) -

V. Physical Location and Classification Information

8. Trade Name of Business: (DBA) _____
9. (a) Physical Location of Project: (See instructions)

Street and Number or Directions (Do not use post office box or rural route number)

City, State, Zip and County
10. Location Phone: (____) _____ Location Fax: (____) _____
 Location Email: _____
11. What type of contract work will you be doing in Oklahoma? (Be specific):

12. Will you purchase materials and supplies outside Oklahoma on which sales tax has not been paid? (See instructions on page 10)..... Yes No

OFFICE USE ONLY

Status:

WH

Approved

Denied

VI. Fee - If you are posting cash to comply with the nonresident contractors bond requirement, please enter the amount you are posting here. A bond is required for contracts over \$100,000.00.

| Fee Type | Fee Tax Code | Total |
|--------------------------------------------------------|--------------|----------------------------|
| Cash Bond..\$ _____ | CSF | Total Amount Due..\$ _____ |
| Make Checks Payable to: Oklahoma Tax Commission | | |

_____ C

Use Tax

COPO

SIC Code

NAICS Code

Form Type:

- Long
 Electronic

VII. Signature - A sole owner, general partner, corporate officer, or authorized representative must sign this application.

I, the undersigned applicant or authorized representative, or if a corporation, a responsible corporate officer for reporting and remitting taxes, declare under the penalties of perjury that I have examined this application and attachments and to the best of my knowledge the facts set forth are true and correct, and that the requirements hereunder will be carried out in accordance with the laws of the State of Oklahoma and the rules and regulations of the Oklahoma Tax Commission. I further acknowledge and agree that sales, withholding and motor fuel taxes are trust funds for the State of Oklahoma and that any use of these trust funds other than timely remittance to the State of Oklahoma is embezzlement and can result in criminal prosecution.

Type or print name and title _____

Sign Name and Date _____

Mandatory inclusion of Social Security and/or Federal Employer Identification Number is required on forms filed with the Oklahoma Tax Commission pursuant to Title 68 of the Oklahoma Statutes and regulations thereunder, for identification purposes, and are deemed part of the confidential files and record of the Oklahoma Tax Commission. The Oklahoma Tax Commission is not required to give actual notice of changes in any state tax law.



AFFIDAVIT VERIFYING LAWFUL PRESENCE IN THE UNITED STATES

All sole proprietors applying for a business permit or license with the Oklahoma Tax Commission are required, by the provisions of 56 O.S. Supp 2007 Section 71, to provide the Commission with verification of lawful presence in the United States by executing the Affidavit below before a notary public or other officer authorized to notarize affidavits under State law.

 **This affidavit must be returned with your license/permit application.**

State of Oklahoma

County of: _____

I, _____ being of lawful age, state under penalty
print name

of perjury, as follows:

Please check the appropriate box(es)

My Social Security Number is: _____

My Individual Tax Identification Number is: _____

I am a United States Citizen.

I am a qualified alien under the Federal Immigration and Nationality Act and am lawfully present in the United States.

My Alien Registration Number (A#) or I-94 Number is: * _____

Date of Birth: * _____

I state under penalty of perjury under the laws of Oklahoma the foregoing is true and correct and I have read and understand this form and executed it in my own hand.

Signature of Applicant _____

Subscribed and sworn to or affirmed before me this _____ day of _____, 20____ ,

by _____ (applicant name - please print).

Notary: _____

My Commission Expires: _____

My Commission Number: _____

*Either the A# or the I-94 number, and date of birth must be provided. The Alien Registration Number (A#) and the I-94 (arrival/departure) numbers are issued by the U.S. Citizenship and Immigration Service.

| | | |
|-----------------------------------|-------------|-----------------|
| Official Use Only: | | |
| Homeland Security Verified: _____ | Date: _____ | Initials: _____ |
| OTC Signature Witness: _____ | Date: _____ | |

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WORKSHEET FOR ESTIMATE OF TAX LIABILITY NONRESIDENT CONTRACTOR

OKLAHOMA TAX COMMISSION
TAXPAYER ASSISTANCE DIVISION
POST OFFICE BOX 26920
OKLAHOMA CITY, OK 73126-0920

| | |
|-----------------|----------------------------------------|
| Contract Number | Contract Amount |
| Name | Federal Employer Identification Number |

A. ESTIMATE FOR SALES/USE TAX

| | | |
|----------------------------------------------------------|----|--|
| 1. Material to be Purchased | \$ | |
| 2. Equipment to be Purchased..... | \$ | |
| 3. Consumables to be Purchased..... | \$ | |
| Total Base for Sales/Use Tax | \$ | |
| Total Estimated Liability for Sales/Use Tax | \$ | |

B. ESTIMATE FOR EMPLOYEE WITHHOLDING TAX

| | | |
|----------------------------------------------------|----|------|
| Payroll for Project | \$ | |
| Times Withholding Rate | X | 0.05 |
| Total Estimated Withholding Liability | \$ | |

C. ESTIMATE FOR UNEMPLOYMENT TAX

| | | |
|-----------------------------------------------|----|---------|
| Payroll for Project | \$ | |
| Times Unemployment Tax Rate..... | X | 0.03125 |
| Total Estimated Unemployment Tax | \$ | |

D. ESTIMATE FOR INCOME TAX

| | | |
|-----------------------------------------------------|----|------|
| Projected Oklahoma Taxable Income for Project | \$ | |
| Times Rate of 6% | X | 0.06 |
| Total Estimated Income Tax | \$ | |

WORKSHEET FOR ESTIMATE OF TAX LIABILITY NONRESIDENT CONTRACTOR



E. ESTIMATE FOR WORKERS COMPENSATION

Payroll for Project \$

Times Rate for your Industry X _____

Total Estimate for Workers Compensation Coverage \$

F. ESTIMATE OF AD VALOREM TAX

Value of Property Located in Oklahoma on January 1st \$

Times Tax Rate of 1% X 1%

Total Estimated Ad Valorem Tax \$

G. ESTIMATE OF MOTOR VEHICLE TAXES (IF ANY)

Motor Vehicle Taxes (if any) \$

H. ESTIMATE OF MOTOR FUEL TAXES (IF ANY)

Motor Fuel Taxes (if any) \$

TOTAL ESTIMATED LIABILITY FOR ALL TAX TYPES

Sum of Entries on Lines A through H Above \$

THREE (3) TIMES THE ESTIMATED TAX LIABILITY EQUALS TOTAL AMOUNT OF BOND REQUIRED

Total Amount of Bond Required \$

The estimates set out above are made in good faith and based on the best information available at this date. It is agreed that the amount of bond required will be increased if changes are made to the contract or if the data on which these estimates are based should change.

Name (Print)

Signature

Date



NOTICE OF CONTRACT NONRESIDENT CONTRACTOR

OKLAHOMA TAX COMMISSION
TAXPAYER ASSISTANCE DIVISION
POST OFFICE BOX 26920
OKLAHOMA CITY, OK 73126-0920

Contractor Name: _____ FEIN/SSN: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____

In accordance with the requirements of Title 68, O.S. 1991, Section 1702, as amended, notice is hereby given that the following contract work or service is to be performed:

1. Approximate amount of the contract price: \$ _____
2. The location where work is to be performed:
 - a. Street/Mailing Address: _____
 - b. Physical location or directions to the job site: _____

3. Approximate date work is to commence: ____/____/____
4. Approximate date work is to be completed: ____/____/____
5. General nature of work to be performed: _____

6. Attached is a list of the names and addresses of each sub-contractor and the amount of each subcontract. (Use Form BT-177)
7. I understand I must notify the Oklahoma Tax Commission in the event I let additional subcontracts after the work begins.
8. If general contractor has bonded the entire project, give legal name and DBA of the general contractor.

I declare the information contained in this notice and any attachments is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

Title: _____

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SUBCONTRACTOR LIST NONRESIDENT CONTRACTOR

OKLAHOMA TAX COMMISSION
TAXPAYER ASSISTANCE DIVISION
POST OFFICE BOX 26920
OKLAHOMA CITY, OK 73126-0920

| | |
|------------------------------|----------------------------------------|
| Contract Number/Project Name | Total Contract Amount |
| Name of General Contractor | Federal Employer Identification Number |

| | |
|--------------------------------|--------------------------------|
| <u>SUBCONTRACTOR</u> | <u>SUBCONTRACTOR</u> |
| Name _____ | Name _____ |
| Address _____ | Address _____ |
| City, State, ZIP _____ | City, State, ZIP _____ |
| Amount of Subcontract \$ _____ | Amount of Subcontract \$ _____ |

| | |
|--------------------------------|--------------------------------|
| <u>SUBCONTRACTOR</u> | <u>SUBCONTRACTOR</u> |
| Name _____ | Name _____ |
| Address _____ | Address _____ |
| City, State, ZIP _____ | City, State, ZIP _____ |
| Amount of Subcontract \$ _____ | Amount of Subcontract \$ _____ |

| | |
|--------------------------------|--------------------------------|
| <u>SUBCONTRACTOR</u> | <u>SUBCONTRACTOR</u> |
| Name _____ | Name _____ |
| Address _____ | Address _____ |
| City, State, ZIP _____ | City, State, ZIP _____ |
| Amount of Subcontract \$ _____ | Amount of Subcontract \$ _____ |

| | |
|--------------------------------|--------------------------------|
| <u>SUBCONTRACTOR</u> | <u>SUBCONTRACTOR</u> |
| Name _____ | Name _____ |
| Address _____ | Address _____ |
| City, State, ZIP _____ | City, State, ZIP _____ |
| Amount of Subcontract \$ _____ | Amount of Subcontract \$ _____ |

(Use additional sheets if necessary)

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NOTICE OF COMPLETION NONRESIDENT CONTRACTOR

OKLAHOMA TAX COMMISSION
TAXPAYER ASSISTANCE DIVISION
POST OFFICE BOX 26920
OKLAHOMA CITY, OK 73126-0920

Complete and return the information requested below when your project is completed. Title 68 O.S. 1981, Section 1705 requires the Oklahoma Tax Commission to be notified of the completion of a project by certified mail. **Your surety bond may be canceled at the time of completion; however, it may not be released by the Tax Commission until one year after the mailing of the completion notice.**

Name of Contractor: _____

Federal Employer Identification Number: _____

Bond Number: _____

Date of Bond: _____

Location of Project (County): _____

Date Project Completed: _____

I declare the information contained in this notice and any attachments is true and correct to the best of my knowledge and belief.

Signed: _____ Date: _____

Title: _____

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STATE OF OKLAHOMA
TAXPAYER ASSISTANCE DIVISION - OKLAHOMA TAX COMMISSION
NONRESIDENT CONTRACTOR'S BOND
(SURETY BOND FORM)



Know All Men By These Presents: FEI/SSN: _____ Bond Number _____

That I, we, or either of us, _____
(if partnership, names of all partners)

doing business under the name of _____

with the principal place of business at _____

as PRINCIPAL and _____,

mailing address of _____,

a corporation duly incorporated under the laws of _____ and authorized to transact business within the State of Oklahoma, as Surety, are all held and firmly bound unto the State of Oklahoma, and to the Oklahoma Tax Commission in the sum of

(\$ _____) for the payment of which, well and truly to be made, the said Principal and Surety bind themselves, their successors, heirs and assigns jointly and severally by these presents:

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH, that,

WHEREAS, the said Principal, a nonresident contractor, on the _____ day of _____, _____, entered into a contract with _____ of _____ to construct, alter, repair, dismantle, or demolish certain roads, bridges, viaducts, or other types of construction in _____ County, State of Oklahoma, for the total amount of (\$ _____) and,

WHEREAS, Title 68 O.S. 1994, Section 1701, et.seq., provides and requires all nonresident contractors to file with the Oklahoma Tax Commission, a bond conditioned upon compliance with the tax laws of Oklahoma, both state and local, the Oklahoma Employment Security Act, the Oklahoma Workers' Compensation Act, and this Act, and that the entering into of said contract shall be deemed to constitute an agreement to be subject to the jurisdiction of the courts of this state and shall constitute an appointment of the Secretary of State of Oklahoma as service agent of said contractor; unless said nonresident contractor has received a written waiver of said bond from the Oklahoma Tax Commission as provided by this Act.

NOW THEREFORE, the condition of the foregoing obligation is such that if said Principal shall, while this bond is in force and effect,

beginning at noon, Central Standard Time, on the _____ day of _____, _____, well and truly pay or cause to be paid, any and all taxes due the State of Oklahoma or any subdivision thereof, and shall comply with all tax laws of Oklahoma, both state and local, the Oklahoma Employment Security Act, the Oklahoma Workers' Compensation Act, and this Act, (the amount due to be ascertained by the Oklahoma Tax Commission, whose finding shall be final and conclusive in any action upon said bond to enforce liability thereunder), then this obligation shall be null and void; otherwise, to remain in full force and effect.

BY EXECUTION OF THIS BOND, PRINCIPAL SPECIFICALLY AUTHORIZES THE OKLAHOMA TAX COMMISSION TO FURNISH ANY AND ALL AUDIT PAPERS TO THE SURETY AS MAY BE DEEMED NECESSARY BY THE OKLAHOMA TAX COMMISSION TO SUPPORT ANY CLAIM HEREUNDER.

IN TESTIMONY WHEREOF, the said Principal has executed this bond, if a corporation, by causing this bond to be signed by its president and attested by its secretary, with its corporate seal affixed, or if a partnership, all partners have signed as Principals; and the said Surety has executed this bond or caused same to be executed by its attorney in fact, with its corporate seal hereunto affixed.

Signed and sealed this _____ day of _____, _____.

(CORPORATE SEAL OF PRINCIPAL)

ATTEST:

Secretary

Principal

President

(CORPORATE SEAL OF SURETY)

ATTEST:

Secretary

Surety

By _____
Attorney-in-Fact

Registered, this _____ day of _____, _____.

Oklahoma Tax Commission

By _____
Director, Taxpayer Assistance Division



LOOKING FOR ADDITIONAL INFORMATION?

No matter what the tax topic, from ad valorem taxes to sales tax rates to tag agent locations, the Oklahoma Tax Commission invites you to visit us on the web at www.tax.ok.gov to get any additional information you might need.

Not only will you find forms, publications, motor vehicle information and everything in between, but you are also able to reach us through the "Contact" link on each page.

STILL CAN'T FIND WHAT YOU NEED?

Contact our Taxpayer Service Center at (405) 521-3160.

