

A motion by Oklahoma to amend the SSUTA by adopting a new section relating to “best practices” and requiring states to complete a “best practices matrix”:

Section 335: BEST PRACTICES

- A. For purposes of this section, “best practices” shall mean those practices as adopted by the governing board as the best practices in administration of the sales and use taxes in the member states regarding certain identified products, services, procedures or transactions.
- B. A majority vote of the entire governing board is required to approve a motion to adopt a best practices standard. The governing board shall provide public notice and opportunity for comment prior to voting on a motion to adopt a best practice.
- C. Best practices adopted by the governing board shall be maintained in an Appendix to the Agreement.
- D. Conformance by the member states to best practices adopted by the governing board shall be voluntary and no state shall be found not in compliance with the Agreement because the effect of the state’s laws, rules, regulations, and policies do not conform to each of the best practices adopted by the governing board. However, all member states are encouraged to conform to the best practices as much as possible.
- E. Notwithstanding paragraph D. of this section, all member states shall be required to complete the matrix described in Section 335.1 of the Agreement.

Section 335.1: BEST PRACTICES MATRIX

- A. To inform the general public of its practices regarding certain products, services, procedures or transactions, each member state shall complete the best practices matrix as adopted by the governing board. The member state’s entries in the matrix shall be provided and maintained in a database that is in a downloadable format approved by the governing board.
- B. In completing the best practices matrix, each state shall affirm whether the state conforms to each provision of the best practices standard. If a state does not conform to one or more of the provisions of the best practice standard, the state will enumerate the differences between its practice and the best practice as adopted by the governing board.
- C. Each member state shall annually complete the best practices matrix and post the completed matrix on that state’s web site. A member state shall provide notice of changes in its best practices listed in the matrix as soon as reasonably practicable. Said notice shall be posted on the tax agency’s website and submitted to the governing board. The governing board shall post notice of the change on its website and shall notify each certified service provider (CSP) of the change.
- D. A member state shall relieve sellers and CSPs from liability to the member state and its local jurisdictions for having charged and collected the incorrect amount of sales or use tax resulting from the seller or CSP relying on erroneous data provided by the member state in the best practices matrix.

- E. To the fullest extent possible, a member state shall relieve sellers and CSPs from liability to the member state and its local jurisdictions until the first day of the calendar month that is at least 30 days after notice of a change to the best practices matrix is submitted to the governing board.