



OKLAHOMA
Tax Commission

Oklahoma Business Registration Packet For Nonresident Contractors

Nonresident Contractor Registration

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

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 Form BT-175 Notice of Contract, to each of the following agencies:

1. Oklahoma Tax Commission (OTC), Taxpayer Resource Center
2. Oklahoma Employment Security Commission (OESC)
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 Form BT-163 Nonresident Contractor's Bond 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 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 OTC, the OESC, the Workers' Compensation 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 year from the date of the mailing of said notice of the completion of the contract.

Use Form BT-176 Notice of Completion in this packet or on the OTC website as your written notice to the OTC.

Helpful Websites:

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

Once you have completed your registration forms, mail to:

**Oklahoma Tax Commission
Oklahoma City, Ok 73194**

If you have any questions or comments, contact our Taxpayer Resource Center at 405.521.3160.

Sincerely,
Oklahoma Tax Commission

New Business Video Series

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 (OTC) 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 OTC has produced an online video series to help new business owners, or those interested in starting a business in Oklahoma, with understanding tax laws. These videos concentrate 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

You can view the New Business Video Series on our website at tax.ok.gov.

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 irs.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.

OTC Statutes and Rules Regarding Nonresident Contractors

- 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.

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.

OTC Statutes and Rules Regarding Nonresident Contractors

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.

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.

OTC Statutes and Rules Regarding Nonresident Contractors

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.

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. Your application must be signed before your registration can be processed.

If you have any questions concerning Oklahoma business registration requirements, please contact the Taxpayer Resource Center at 405.521.3160. We also recommend viewing the New Business Video Series. (see page 3 for more information).

Notice Regarding Records and Recordkeeping

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

The OTC 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. For use tax, refer to Rule 710:65-21-1 et seq. Rules can be viewed and downloaded from the OTC website at tax.ok.gov.

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 FEIN or SSN.

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.

Section II. Contact Information

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

Section III. Ownership Information

Item 1: 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 Supp. 2007, Section 71 of the Oklahoma Statutes.

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 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 2: Federal Employer Identification Number

You must have a Federal Employer 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 Identification Number, you may file for one online at [irs.gov](https://www.irs.gov).

Item 3: 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 4: Names of Partners or Responsible Corporate Officers, and Managing Member(s)

Note: Social Security Numbers (SSN) are required by OTC Rule 710:1-3-6. Rules can be viewed and downloaded from the OTC website at tax.ok.gov. If a SSN is not provided, the application will not be processed and will be returned.

Print the name (Last name, first name, and middle initial), SSN, title and the residence 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 3) and FEIN or SSN at the top of the page.

Section IV. Withholding Tax

Items 5 and 6: Complete if your business employs or will employ one or more persons in the State of Oklahoma.

Exceptions:

- An Oklahoma resident who earned wages in another state that requires withholding, or
- A nonresident whose wages earned are not more than \$300.00 a quarter.

Item 5: 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 6: If you will report Oklahoma withholding tax using a different FEI number other than the one you entered in section III, item 2, provide that number.

Section V. Physical Location and Classification Information

Item 7: Enter the trade name or DBA of your business (Example: Joe's Construction).

Item 8: Enter the physical address of the project including the county. Do not use post office boxes or rural route numbers.

Item 9: Enter the phone, fax number and email address where you will be conducting business.

Item 10: Specify the type of contract work you will be doing in Oklahoma. **Be specific.** For definition of "Contractor" see Title 68 Section 1701 of the Oklahoma Statutes, or page 4 of this packet.

Item 11: 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 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 number 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 OTC immediately. Complete OTC Form BT-115-C.

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 OTC of the change in writing.

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 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.

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 OTC'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 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

Number of Copies Attached:	
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Business Name (same as Item 3):	FEIN/SSN:
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IV. Withholding Tax

5. Do you now or do you intend to withhold Oklahoma income tax from employees? Yes No
 (a) If "Yes" on item 5, do you expect to withhold more than \$500 per quarter? Yes No
 (b) If "Yes" on item 5, 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
 6. What FEIN will you use to report withholding tax? -
 (Provide if different than Section III, Item 2)

V. Physical Location and Classification Information

7. Trade Name of Business (DBA): _____
 8. (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
 9. Location Phone: (____) _____ Location Fax: (____) _____
 Location Email: _____
 10. What type of contract work will you be doing in Oklahoma? Be specific.

 11. 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..\$ _____	.00 CSF	Total Amount Due ..\$ _____
Make Checks Payable to: Oklahoma Tax Commission		

C

Use Tax

 COPO

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 (OTC). 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 _____

SIC Code

 NAICS Code

Form Type:
 Long
 Electronic

Mandatory inclusion of Social Security Number and/or Federal Employer Identification Number is required on forms filed with the OTC 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 OTC. The OTC is not required to give 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 (OTC) are required, by the provisions of Title 56, Section 71 (2007) of the Oklahoma Statutes, to provide the OTC 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 and departure number 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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intentionally left blank.

Worksheet for Estimate of Tax Liability Nonresident Contractor



Oklahoma Tax Commission
Oklahoma City, OK 73194

Contract Number:	Contract Amount:
Name:	Federal Employer Identification Number:

A. Estimate for Sales or Use Tax

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

B. Estimate for Employee Withholding Tax

Payroll for Project	\$
Multiplied by Withholding Rate	X 0.05
Total Estimated Withholding Liability	\$

C. Estimate for Unemployment Tax

Payroll for Project	\$
Multiplied by Unemployment Tax Rate	X 0.03125
Total Estimated Unemployment Tax	\$

D. Estimate for Income Tax

Projected Oklahoma Taxable Income for Project	\$
Multiplied by 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 \$

Multiplied by 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 \$

Multiplied by Tax Rate of 1% X 1%

Total Estimated Ad Valorem Tax \$

G. Estimate of Motor Vehicle Taxes (If any)

Motor Vehicle Taxes \$

H. Estimate of Motor Fuel Taxes (If any)

Motor Fuel Taxes \$

Total Estimated Liability for All Tax Types

Sum of Entries on Lines A Through H Above \$

Three 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
Oklahoma City, OK 73194

Contractor Name: _____ FEIN/SSN: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____

In accordance with the requirements of Title 68 Section 1702 (1991) of the Oklahoma Statutes, 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 a 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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intentionally left blank.



Subcontractor List Nonresident Contractor

Oklahoma Tax Commission
Oklahoma City, OK 73194

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

<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>	<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>
<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>	<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>
<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>	<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>
<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>	<p style="text-align: center;"><u>Subcontractor</u></p> <p>_____</p> <p style="text-align: center;">Name</p> <p>_____</p> <p style="text-align: center;">Address</p> <p>_____</p> <p style="text-align: center;">City, State, ZIP</p> <p>Amount of Subcontract \$ _____</p>

(Use additional sheets if necessary.)

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Notice of Completion Nonresident Contractor

Oklahoma Tax Commission
Oklahoma City, OK 73194

Complete and return the information requested below when your project is completed. Title 68 Section 1705 (1981) of the Oklahoma Statutes requires the Oklahoma Tax Commission (OTC) 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 OTC 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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intentionally left blank.

State of Oklahoma
Taxpayer Resource Center - 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 (OTC) 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 Section 1702 (1994) et seq. of the Oklahoma Statutes, provides and requires all nonresident contractors to file with the OTC, 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 OTC 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 OTC, 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 OTC to furnish any and all audit papers to the Surety as may be deemed necessary by the OTC 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: _____
Principal

Secretary President

(Corporate Seal of Surety)

Attest: _____
Surety

Secretary By _____
Attorney-in-Fact

Registered, this _____ day of _____, _____ Oklahoma Tax Commission

By _____
Director, Taxpayer Resource Center

Looking for Additional Information?

No matter what the tax topic, the OTC invites you to visit us at tax.ok.gov to get any additional information you might need.

Still can't find what you need?

Contact our Taxpayer Resource Center at 405.521.3160.