

OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
RICK MILLER, DIRECTOR

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January 26, 2016

Re: LR 16-004; Income Tax

Dear

This is in response to your email inquiry of January 20, 2016 wherein you requested clarification for the 2015 tax year. What follows is verbatim your questions and our responses thereto.

QUESTION:

I am writing to you to receive clarification for the 2015 tax year. Please be advised this information is to be distributed across as a reference for the preparation of the 2015 individual income tax returns.

Please provide clarification on the following:

1. Does Oklahoma accept the treaty exemption? (Based on Federal treaty exemption)

For Oklahoma income tax purposes, the starting point for calculating tax is federal Adjusted Gross income for individuals.

2. Does Oklahoma accept the federal filing extension?

Individual income taxes are typically due April 15 for calendar year filers, but the extension to file the return can be accomplished by filing OTC Form 504.

3. Does Oklahoma require a copy of the Federal Form 1040 to be attached to the state tax return when filing?

Yes, under certain conditions. See enclosed instructions for OTC Form 511 / 511NR.

4. Is the state tax return eligible for e-filing if the taxpayer is a non-resident of the US (and files a federal Form 1040NR)?

Oklahoma only accepts linked (aka Fed/State) e-filed returns. Since the federal Form 1040NR cannot be e-filed, neither can the Oklahoma return.

5. Is the state tax return eligible for e-filing if the taxpayer is a non-resident of the US and has a spouse that is a non-resident alien of the US (spouse would not have an SSN)?

If the federal form cannot be e-filed, neither can the Oklahoma return.

6. Does Oklahoma allow a credit for taxes paid to

- a. Other states; and/or
- b. Canada; and/or
- c. Canadian Provinces

U.S. states and political subdivisions only. See enclosed instructions for OTC Form 511 / 511NR; specifically for Schedule TX, as well as 68 O.S. §2353 which defines state for Oklahoma Income tax purposes.

7. If Oklahoma allows for a credit to other states, Canada and/or Canadian Provinces, is the credit limited to the amount not used on the Federal Form 1116 (Foreign Tax Credit)?

See enclosed instructions for OTC Form 511 / 511NR; specifically for Schedule TX.

8. Does Oklahoma have any reciprocal agreements with any other federal or state tax authorities?

Oklahoma participates in data sharing agreements with the IRS and other state tax authorities.

9. Does Oklahoma provide a tax return transcript and/or statement of account?

No. The Account Maintenance Division of the Oklahoma Tax Commission can assist with any account issues.

10. What is the process to receive a tax return transcript and/or statement of account?

Not Applicable – see question 9 above.

If I can be of further assistance, please feel free to call me at (405) 521-3133.

Sincerely,

OKLAHOMA TAX COMMISSION



Michael C. Kaufmann
Tax Policy Analyst