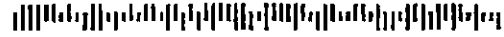




Oklahoma Tax Commission



www.tax.ok.gov



QUAPAW TRIBE OF OKLAHOMA
PO BOX 765
QUAPAW OK 74363-0765

Date Issued: November 1, 2016

Letter ID: L0696087680

Taxpayer ID: **-***6495

TBS

This is in response to your application dated January 21, 1988, concerning the sales taxability of purchases made by QUAPAW TRIBE OF OKLAHOMA.

The Oklahoma Tax Commission (OTC) recognizes that it does not have jurisdiction to tax transactions which occur within "Indian Country", as defined by federal law, where the incidence of the tax falls on a tribe or tribal member. *Oklahoma Tax Commission v. Chickasaw Nation*, 115 S.Ct 2214 (1995).

In a sales tax exemption letter recited by the Court of Appeals in *Chickasaw Nation*, 31 F.3d.964 (10th Cir. 1994), the Commission clarified its position on the sales tax exemption of tribes as follows:

In order to be entitled to the exemption, the sale must satisfy the following requirements:

1. The sale must be made directly to the federally recognized Indian tribe.
2. Payment must be received directly from the tribe.
3. The tribe must be the consumer or user of the purchased good which is consumed or used within Indian country.

This exemption does not extend to individuals, corporations, partnerships or other business or legal entities who are purchasing items which may be used on Indian Country and which are purchased ostensibly "for the Tribe" or for business ventures under tribal license or contract with private parties. The exemption only applies to transactions with a federally-recognized Indian tribe itself.

The exemption also does not extend to purchases of items which a tribe does not use itself, but which it intends to resell to the general public from a business place on Indian Country for the purpose of marketing a tax exemption to those who would otherwise be required to pay sales tax elsewhere. *Chickasaw Nation v. State of Oklahoma*, 31 F.3d 964, 973 (1994).

Pursuant to 68 Oklahoma Statutes Section 1404, any purchase exempt from sales tax is also exempt from use tax. Your Sales Tax Exemption account number is **EXM-10086595-07**.

For assistance contact the OTC at (405) 521-3160 or visit us online at www.tax.ok.gov.

Sincerely,

OKLAHOMA TAX COMMISSION
Taxpayer Assistance Division