



**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**REV 12-2023**

CHAPTER 150

DEPARTMENT OF REVENUE

**FILED**

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ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Certificate of Compliance with Oregon Tax Laws

EFFECTIVE DATE: 06/15/2023 THROUGH 12/11/2023

AGENCY APPROVED DATE: 06/09/2023

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**NEED FOR THE RULE(S):**

The rule amendment is needed to provide immediate guidance on the process for obtaining a certificate of tax compliance for applicants for business or occupational licenses, such as cannabis retail licenses, or others that are required to provide such a certificate.

**JUSTIFICATION OF TEMPORARY FILING:**

(1) The Oregon Liquor and Cannabis Commission is planning to adopt a temporary rule to require applicants for new and renewal cannabis retail licenses to provide a certificate of tax compliance to the commission pursuant to the May 16th, 2023 Governor's Directive to OLCC related to the regulation of cannabis retailers and state tax compliance for new or renewed cannabis retail licenses. Certificates of tax compliance will also be required for changes of ownership and certain changes in business structures. If the Department of Revenue does not promptly amend the rule to include the provisions regarding obtaining a certificate of tax compliance, applicants will be seriously prejudiced by having no guidance on the process or the circumstances under which the department will approve or deny a request for a tax compliance certificate. There are also other state programs that require a certificate of tax compliance, and the department needs to provide guidance on the tax certification process and criteria for those programs as well. In addition, the rule amendment is needed to clarify the process for a taxpayer to provide a self-certification regarding their tax compliance under the Public Contracting Code and ORS 305.385.

(2) Cannabis retailers, along with other program applicants required to obtain a certificate of tax compliance, will suffer if they are unable to operate due to their inability to obtain a tax compliance certificate through failure to understand the process or criteria for obtaining the certificate.

(3) If the department fails to amend the rule, cannabis retailers would be required to seek a certification of tax compliance, pursuant to OLCC requirements, but would not have a clearly laid out process and guidance on how they can qualify as being in tax compliance.

(4) The proposed rule amendment will provide clear guidelines to applicants on how and when the department will issue a tax compliance certificate and when the department will not certify tax compliance.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Oregon Revised Statutes 475C.037; 418.255; 305.385;

The Oregon Revised Statutes are available on the legislature's website:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors475C.html](https://www.oregonlegislature.gov/bills_laws/ors/ors475C.html)

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors418.html](https://www.oregonlegislature.gov/bills_laws/ors/ors418.html)

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors305.html](https://www.oregonlegislature.gov/bills_laws/ors/ors305.html)

Oregon Administrative Rules Chapter 845, Division 25. The rules in OAR chapter 845 division 25 are available from the Secretary of State's website. <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3873>.

AMEND: 150-305-0304

RULE SUMMARY: Provides guidance to taxpayers on circumstances under which the Department will issue a certificate of tax compliance and circumstances under which the Department will notify the taxpayer they are not in compliance. Provides guidance to taxpayers required to attest to tax compliance under Oregon law without providing a certificate issued by the Department.

CHANGES TO RULE:

150-305-0304

Certificate of Compliance With Oregon Tax Laws ¶¶

~~(1) Each certificate of compliance with Oregon tax laws and local taxes administered by the department~~The Department of Revenue may issue a certificate of tax compliance to a taxpayer upon request. The certificate acts as an official acknowledgement by the department that the taxpayer is in compliance with all tax or fee programs administered by the department to which the taxpayer is subject, including any local tax administered by the department under ORS 305.620, as of the date the certificate is issued based on information available to the department. For purposes of this rule, a taxpayer is "subject" to a tax or fee program if the taxpayer is required to file a report or return or pay any tax or fee for that program under any law administered by the department.¶¶

~~(2) A taxpayer is considered in compliance for purposes of this rule, and the department will issue a certificate to the taxpayer, if all required returns or reports have been filed for the three years preceding the date of the request for a certificate of tax compliance; and~~¶¶

~~(a) All tax and fee assessments, including any applicable penalties and interest, are paid in full for all tax and fee programs to which the taxpayer is subject, or the taxpayer has a pending good faith appeal in the Oregon Tax Court of any assessment that remains unpaid; or~~¶¶

~~(b) The taxpayer is in compliance with a department-approved payment plan for all assessed taxes and fees owed by the taxpayer for department administered programs to which the taxpayer is subject.~~¶¶

~~(3) If the taxpayer has not met the requirements of section (2) of this rule for all tax and fee programs to which they are subject, the department will notify them that they are not in compliance and provide them with information on how to achieve tax compliance. The notification from the department under this section does not constitute a certificate of tax compliance.~~¶¶

~~(4) A taxpayer required to attest or certify under ORS 279B.110(2)(e), ORS 305.385(6), or any other law that requires the taxpayer to provide a statement of compliance that is not issued by the Department, regarding the taxpayer's compliance with Oregon tax laws and local taxes administered by the department may request a certificate of tax compliance under section (1) of this rule as a method of certifying tax compliance in lieu of providing a written statement, signed under penalty of perjury, as further described in this section.~~¶¶

~~(a) A written statement provided in lieu of a certificate issued by the Department under section (1) of this rule shall contain the following elements:~~¶¶

~~(aA) For individuals, including sole proprietors and individual owners of disregarded business entities, a statement certifying under penalty of perjury that the individual is, to the best of the individual's knowledge, in compliance with all Oregon tax laws administered by the department.~~¶¶

~~(bB) For corporations, partnerships, estates and trust, trusts, and all other non-disregarded entities, a statement by an authorized individual authorized by the entity certifying under penalty of perjury that the vendor entity is, to the best of the representative's knowledge, in compliance with all Oregon tax laws.~~¶¶

~~(c) A list of the Oregon tax laws referred to in ORS 305.380(4) administered by the department.~~¶¶

~~(2b) Notarization by a notary public is not required.~~¶¶

~~(3c) An example of an acceptable format for the certificate is: [See PDF link below.]~~¶¶

(5) A certificate issued under section (1) of this rule certifies that a taxpayer is in tax compliance only as of the date it is issued and does not affect the authority of the department to conduct an examination of any return or report of a taxpayer or to issue any assessment it determines is appropriate for any tax or fee program to which the taxpayer is subject.

Statutory/Other Authority: ORS 305.100

Statutes/Other Implemented: ORS 305.385, 418.255, 475C.037, Governor's Executive Order 17-09

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

**CERTIFICATE OF COMPLIANCE WITH OREGON TAX LAWS**

I, the undersigned, hereby swear or affirm under penalty of perjury: (Check one)  
\_\_\_\_\_ that I am, to the best of my knowledge, not in violation of any Oregon tax laws.  
\_\_\_\_\_ that I am authorized to act on behalf of (corporation, partnership, trust or estate), that I have authority and knowledge regarding the payment of taxes, and that (corporation, partnership, trust or estate) is, to the best of my knowledge, not in violation of any Oregon tax laws.

For purposes of this certificate, ‘Oregon tax laws’ means those programs listed in ORS 305.380(4). Examples include the estate tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, and local taxes administered by the Department of Revenue (Lane Transit District Self-Employment Tax, Lane Transit District Employer Payroll Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_