

## Income/Franchise:

### Oregon: New Law Revises Broadcaster Apportionment by Sourcing Sales Based on Audience Location

S.B. 136, signed by gov. 5/21/21. Effective on the 91st day after the date of adjournment sine die of the Oregon 2021 legislative regular session, and applicable to tax years beginning on or after January 1, 2020, new law in Oregon effectively repeals Oregon's "commercial domicile" special apportionment provisions for interstate broadcasters and now requires interstate broadcasters to calculate their sales factor numerator for broadcasting sales utilizing a sourcing method based on audience and/or subscriber location. The legislation provides that taxpayers engaged in broadcasting services generally must use third-party ratings or information from their own books and records to determine the location of their audience and/or subscribers for purposes of sourcing receipts from their broadcasting sales and calculating their sales factor numerator. If such information is not available, the legislation provides for some alternative measures to calculate the sales factor numerator. Moreover, the legislation permits a taxpayer engaged in broadcasting to elect use of similar audience and/or subscriber location-based sourcing methods to apportion its total gross receipts rather than just its receipts from broadcasting sales.

**URL:** <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB136>

See recently released Multistate Tax Alert for more details on this new law, and please contact us with any questions.

**URL:** <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-mta-oregon-enacts-sales-factor-apportionment-rules-for-broadcasters.pdf>

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