

_____ moved to amend as follows:

After line 19, insert:

"Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04,



2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 20
sexual penetration in violation of former section 2907.12 of the 21
Revised Code, a violation of section 2905.04 of the Revised Code 22
as it existed prior to July 1, 1996, a violation of section 23
2919.23 of the Revised Code that would have been a violation of 24
section 2905.04 of the Revised Code as it existed prior to July 25
1, 1996, had the violation been committed prior to that date, or 26
a violation of section 2925.11 of the Revised Code that is not a 27
minor drug possession offense; 28

(b) A violation of an existing or former law of this 29
state, any other state, or the United States that is 30
substantially equivalent to any of the offenses listed in 31
division (A) (1) (a) of this section; 32

(c) If the request is made pursuant to section 3319.39 of 33
the Revised Code for an applicant who is a teacher, any offense 34
specified in section 3319.31 of the Revised Code. 35

(2) On receipt of a request pursuant to section 3712.09 or 36
3721.121 of the Revised Code, a completed form prescribed 37
pursuant to division (C) (1) of this section, and a set of 38
fingerprint impressions obtained in the manner described in 39
division (C) (2) of this section, the superintendent of the 40
bureau of criminal identification and investigation shall 41
conduct a criminal records check with respect to any person who 42
has applied for employment in a position for which a criminal 43
records check is required by those sections. The superintendent 44
shall conduct the criminal records check in the manner described 45
in division (B) of this section to determine whether any 46
information exists that indicates that the person who is the 47
subject of the request previously has been convicted of or 48
pleaded guilty to any of the following: 49

(a) A violation of section 2903.01, 2903.02, 2903.03, 50
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 51
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 52
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 53
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 54
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 55
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 56
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 57
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 58

(b) An existing or former law of this state, any other 59
state, or the United States that is substantially equivalent to 60
any of the offenses listed in division (A) (2) (a) of this 61
section. 62

(3) On receipt of a request pursuant to section 173.27, 63
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 64
5123.081, or 5123.169 of the Revised Code, a completed form 65
prescribed pursuant to division (C) (1) of this section, and a 66
set of fingerprint impressions obtained in the manner described 67
in division (C) (2) of this section, the superintendent of the 68
bureau of criminal identification and investigation shall 69
conduct a criminal records check of the person for whom the 70
request is made. The superintendent shall conduct the criminal 71
records check in the manner described in division (B) of this 72
section to determine whether any information exists that 73
indicates that the person who is the subject of the request 74
previously has been convicted of, has pleaded guilty to, or 75
(except in the case of a request pursuant to section 5164.34, 76
5164.341, or 5164.342 of the Revised Code) has been found 77
eligible for intervention in lieu of conviction for any of the 78
following, regardless of the date of the conviction, the date of 79
entry of the guilty plea, or (except in the case of a request 80

pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86 or 2151.904 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense,

two or more OVI or OVUAC violations committed within the three 142
years immediately preceding the submission of the application or 143
petition that is the basis of the request, or felonious sexual 144
penetration in violation of former section 2907.12 of the 145
Revised Code; 146

(b) A violation of an existing or former law of this 147
state, any other state, or the United States that is 148
substantially equivalent to any of the offenses listed in 149
division (A)(4)(a) of this section. 150

(5) Upon receipt of a request pursuant to section 5104.013 151
of the Revised Code, a completed form prescribed pursuant to 152
division (C)(1) of this section, and a set of fingerprint 153
impressions obtained in the manner described in division (C)(2) 154
of this section, the superintendent of the bureau of criminal 155
identification and investigation shall conduct a criminal 156
records check in the manner described in division (B) of this 157
section to determine whether any information exists that 158
indicates that the person who is the subject of the request has 159
been convicted of or pleaded guilty to any of the following: 160

(a) A violation of section 2151.421, 2903.01, 2903.02, 161
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 162
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 163
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 164
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 165
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 166
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 167
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 168
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 169
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 170
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 171

2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 172
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 173
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 174
3716.11 of the Revised Code, felonious sexual penetration in 175
violation of former section 2907.12 of the Revised Code, a 176
violation of section 2905.04 of the Revised Code as it existed 177
prior to July 1, 1996, a violation of section 2919.23 of the 178
Revised Code that would have been a violation of section 2905.04 179
of the Revised Code as it existed prior to July 1, 1996, had the 180
violation been committed prior to that date, a violation of 181
section 2925.11 of the Revised Code that is not a minor drug 182
possession offense, a violation of section 2923.02 or 2923.03 of 183
the Revised Code that relates to a crime specified in this 184
division, or a second violation of section 4511.19 of the 185
Revised Code within five years of the date of application for 186
licensure or certification. 187

(b) A violation of an existing or former law of this 188
state, any other state, or the United States that is 189
substantially equivalent to any of the offenses or violations 190
described in division (A) (5) (a) of this section. 191

(6) Upon receipt of a request pursuant to section 5153.111 192
of the Revised Code, a completed form prescribed pursuant to 193
division (C) (1) of this section, and a set of fingerprint 194
impressions obtained in the manner described in division (C) (2) 195
of this section, the superintendent of the bureau of criminal 196
identification and investigation shall conduct a criminal 197
records check in the manner described in division (B) of this 198
section to determine whether any information exists that 199
indicates that the person who is the subject of the request 200
previously has been convicted of or pleaded guilty to any of the 201
following: 202

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| (a) A violation of section 2903.01, 2903.02, 2903.03, | 203 |
| 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, | 204 |
| 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, | 205 |
| 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, | 206 |
| 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, | 207 |
| 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, | 208 |
| 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, | 209 |
| 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised | 210 |
| Code, felonious sexual penetration in violation of former | 211 |
| section 2907.12 of the Revised Code, a violation of section | 212 |
| 2905.04 of the Revised Code as it existed prior to July 1, 1996, | 213 |
| a violation of section 2919.23 of the Revised Code that would | 214 |
| have been a violation of section 2905.04 of the Revised Code as | 215 |
| it existed prior to July 1, 1996, had the violation been | 216 |
| committed prior to that date, or a violation of section 2925.11 | 217 |
| of the Revised Code that is not a minor drug possession offense; | 218 |
| | |
| (b) A violation of an existing or former law of this | 219 |
| state, any other state, or the United States that is | 220 |
| substantially equivalent to any of the offenses listed in | 221 |
| division (A) (6) (a) of this section. | 222 |
| | |
| (7) On receipt of a request for a criminal records check | 223 |
| from an individual pursuant to section 4749.03 or 4749.06 of the | 224 |
| Revised Code, accompanied by a completed copy of the form | 225 |
| prescribed in division (C) (1) of this section and a set of | 226 |
| fingerprint impressions obtained in a manner described in | 227 |
| division (C) (2) of this section, the superintendent of the | 228 |
| bureau of criminal identification and investigation shall | 229 |
| conduct a criminal records check in the manner described in | 230 |
| division (B) of this section to determine whether any | 231 |
| information exists indicating that the person who is the subject | 232 |
| of the request has been convicted of or pleaded guilty to a | 233 |

felony in this state or in any other state. If the individual 234
indicates that a firearm will be carried in the course of 235
business, the superintendent shall require information from the 236
federal bureau of investigation as described in division (B) (2) 237
of this section. Subject to division (F) of this section, the 238
superintendent shall report the findings of the criminal records 239
check and any information the federal bureau of investigation 240
provides to the director of public safety. 241

(8) On receipt of a request pursuant to section 1321.37, 242
1321.53, or 4763.05 of the Revised Code, a completed form 243
prescribed pursuant to division (C) (1) of this section, and a 244
set of fingerprint impressions obtained in the manner described 245
in division (C) (2) of this section, the superintendent of the 246
bureau of criminal identification and investigation shall 247
conduct a criminal records check with respect to any person who 248
has applied for a license, permit, or certification from the 249
department of commerce or a division in the department. The 250
superintendent shall conduct the criminal records check in the 251
manner described in division (B) of this section to determine 252
whether any information exists that indicates that the person 253
who is the subject of the request previously has been convicted 254
of or pleaded guilty to any of the following: a violation of 255
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 256
Revised Code; any other criminal offense involving theft, 257
receiving stolen property, embezzlement, forgery, fraud, passing 258
bad checks, money laundering, or drug trafficking, or any 259
criminal offense involving money or securities, as set forth in 260
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 261
the Revised Code; or any existing or former law of this state, 262
any other state, or the United States that is substantially 263
equivalent to those offenses. 264

(9) On receipt of a request for a criminal records check 265
from the treasurer of state under section 113.041 of the Revised 266
Code or from an individual under section 928.03, 4701.08, 267
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 268
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 269
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 270
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 271
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 272
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 273
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 274
Code, accompanied by a completed form prescribed under division 275
(C)(1) of this section and a set of fingerprint impressions 276
obtained in the manner described in division (C)(2) of this 277
section, the superintendent of the bureau of criminal 278
identification and investigation shall conduct a criminal 279
records check in the manner described in division (B) of this 280
section to determine whether any information exists that 281
indicates that the person who is the subject of the request has 282
been convicted of or pleaded guilty to any criminal offense in 283
this state or any other state. Subject to division (F) of this 284
section, the superintendent shall send the results of a check 285
requested under section 113.041 of the Revised Code to the 286
treasurer of state and shall send the results of a check 287
requested under any of the other listed sections to the 288
licensing board specified by the individual in the request. 289

(10) On receipt of a request pursuant to section 124.74, 290
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 291
Code, a completed form prescribed pursuant to division (C)(1) of 292
this section, and a set of fingerprint impressions obtained in 293
the manner described in division (C)(2) of this section, the 294
superintendent of the bureau of criminal identification and 295

investigation shall conduct a criminal records check in the 296
manner described in division (B) of this section to determine 297
whether any information exists that indicates that the person 298
who is the subject of the request previously has been convicted 299
of or pleaded guilty to any criminal offense under any existing 300
or former law of this state, any other state, or the United 301
States. 302

(11) On receipt of a request for a criminal records check 303
from an appointing or licensing authority under section 3772.07 304
of the Revised Code, a completed form prescribed under division 305
(C) (1) of this section, and a set of fingerprint impressions 306
obtained in the manner prescribed in division (C) (2) of this 307
section, the superintendent of the bureau of criminal 308
identification and investigation shall conduct a criminal 309
records check in the manner described in division (B) of this 310
section to determine whether any information exists that 311
indicates that the person who is the subject of the request 312
previously has been convicted of or pleaded guilty or no contest 313
to any offense under any existing or former law of this state, 314
any other state, or the United States that is a disqualifying 315
offense as defined in section 3772.07 of the Revised Code or 316
substantially equivalent to such an offense. 317

(12) On receipt of a request pursuant to section 2151.33 318
or 2151.412 of the Revised Code, a completed form prescribed 319
pursuant to division (C) (1) of this section, and a set of 320
fingerprint impressions obtained in the manner described in 321
division (C) (2) of this section, the superintendent of the 322
bureau of criminal identification and investigation shall 323
conduct a criminal records check with respect to any person for 324
whom a criminal records check is required under that section. 325
The superintendent shall conduct the criminal records check in 326

the manner described in division (B) of this section to 327
determine whether any information exists that indicates that the 328
person who is the subject of the request previously has been 329
convicted of or pleaded guilty to any of the following: 330

(a) A violation of section 2903.01, 2903.02, 2903.03, 331
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 332
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 333
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 334
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 335
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 336
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 337
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 338
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 339

(b) An existing or former law of this state, any other 340
state, or the United States that is substantially equivalent to 341
any of the offenses listed in division (A)(12)(a) of this 342
section. 343

(13) On receipt of a request pursuant to section 3796.12 344
of the Revised Code, a completed form prescribed pursuant to 345
division (C)(1) of this section, and a set of fingerprint 346
impressions obtained in a manner described in division (C)(2) of 347
this section, the superintendent of the bureau of criminal 348
identification and investigation shall conduct a criminal 349
records check in the manner described in division (B) of this 350
section to determine whether any information exists that 351
indicates that the person who is the subject of the request 352
previously has been convicted of or pleaded guilty to the 353
following: 354

(a) A disqualifying offense as specified in rules adopted 355
under division (B)(2)(b) of section 3796.03 of the Revised Code 356

if the person who is the subject of the request is an 357
administrator or other person responsible for the daily 358
operation of, or an owner or prospective owner, officer or 359
prospective officer, or board member or prospective board member 360
of, an entity seeking a license from the department of commerce 361
under Chapter 3796. of the Revised Code; 362

(b) A disqualifying offense as specified in rules adopted 363
under division (B) (2) (b) of section 3796.04 of the Revised Code 364
if the person who is the subject of the request is an 365
administrator or other person responsible for the daily 366
operation of, or an owner or prospective owner, officer or 367
prospective officer, or board member or prospective board member 368
of, an entity seeking a license from the state board of pharmacy 369
under Chapter 3796. of the Revised Code. 370

(14) On receipt of a request required by section 3796.13 371
of the Revised Code, a completed form prescribed pursuant to 372
division (C) (1) of this section, and a set of fingerprint 373
impressions obtained in a manner described in division (C) (2) of 374
this section, the superintendent of the bureau of criminal 375
identification and investigation shall conduct a criminal 376
records check in the manner described in division (B) of this 377
section to determine whether any information exists that 378
indicates that the person who is the subject of the request 379
previously has been convicted of or pleaded guilty to the 380
following: 381

(a) A disqualifying offense as specified in rules adopted 382
under division (B) (8) (a) of section 3796.03 of the Revised Code 383
if the person who is the subject of the request is seeking 384
employment with an entity licensed by the department of commerce 385
under Chapter 3796. of the Revised Code; 386

(b) A disqualifying offense as specified in rules adopted 387
under division (B) (14) (a) of section 3796.04 of the Revised Code 388
if the person who is the subject of the request is seeking 389
employment with an entity licensed by the state board of 390
pharmacy under Chapter 3796. of the Revised Code. 391

(15) On receipt of a request pursuant to section 4768.06 392
of the Revised Code, a completed form prescribed under division 393
(C) (1) of this section, and a set of fingerprint impressions 394
obtained in the manner described in division (C) (2) of this 395
section, the superintendent of the bureau of criminal 396
identification and investigation shall conduct a criminal 397
records check in the manner described in division (B) of this 398
section to determine whether any information exists indicating 399
that the person who is the subject of the request has been 400
convicted of or pleaded guilty to a felony in this state or in 401
any other state. 402

(16) On receipt of a request pursuant to division (B) of 403
section 4764.07 or division (A) of section 4735.143 of the 404
Revised Code, a completed form prescribed under division (C) (1) 405
of this section, and a set of fingerprint impressions obtained 406
in the manner described in division (C) (2) of this section, the 407
superintendent of the bureau of criminal identification and 408
investigation shall conduct a criminal records check in the 409
manner described in division (B) of this section to determine 410
whether any information exists indicating that the person who is 411
the subject of the request has been convicted of or pleaded 412
guilty to any crime of moral turpitude, a felony, or an 413
equivalent offense in any other state or the United States. 414

(17) On receipt of a request for a criminal records check 415
under section 147.022 of the Revised Code, a completed form 416

prescribed under division (C) (1) of this section, and a set of 417
fingerprint impressions obtained in the manner prescribed in 418
division (C) (2) of this section, the superintendent of the 419
bureau of criminal identification and investigation shall 420
conduct a criminal records check in the manner described in 421
division (B) of this section to determine whether any 422
information exists that indicates that the person who is the 423
subject of the request previously has been convicted of or 424
pleaded guilty or no contest to any disqualifying offense, as 425
defined in section 147.011 of the Revised Code, or to any 426
offense under any existing or former law of this state, any 427
other state, or the United States that is substantially 428
equivalent to such a disqualifying offense. 429

(18) On receipt of a request pursuant to section 3770.32 430
of the Revised Code, a completed form prescribed under division 431
(C) (1) of this section, and a set of fingerprint impressions 432
obtained in the manner described in division (C) (2) of this 433
section, the superintendent of the bureau of criminal 434
identification and investigation shall conduct a criminal 435
records check in the manner described in division (B) of this 436
section to determine whether any information exists indicating 437
that the person who is the subject of the request has been 438
convicted of or pleaded guilty or no contest to any offense 439
under any existing or former law of this state, any other state, 440
or the United States that is a disqualifying offense as 441
described in division (A) (3) of section 3770.36 of the Revised 442
Code or substantially equivalent to a disqualifying offense as 443
described in that section. 444

(B) Subject to division (F) of this section, the 445
superintendent shall conduct any criminal records check to be 446
conducted under this section as follows: 447

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3770.32, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B) (1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the

federal government pursuant to the national crime prevention and 479
privacy compact set forth in section 109.571 of the Revised 480
Code. 481

(4) The superintendent shall include in the results of the 482
criminal records check a list or description of the offenses 483
listed or described in division (A) (1), (2), (3), (4), (5), (6), 484
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 485
of this section, whichever division requires the superintendent 486
to conduct the criminal records check. The superintendent shall 487
exclude from the results any information the dissemination of 488
which is prohibited by federal law. 489

(5) The superintendent shall send the results of the 490
criminal records check to the person to whom it is to be sent 491
not later than the following number of days after the date the 492
superintendent receives the request for the criminal records 493
check, the completed form prescribed under division (C) (1) of 494
this section, and the set of fingerprint impressions obtained in 495
the manner described in division (C) (2) of this section: 496

(a) If the superintendent is required by division (A) of 497
this section (other than division (A) (3) of this section) to 498
conduct the criminal records check, thirty; 499

(b) If the superintendent is required by division (A) (3) 500
of this section to conduct the criminal records check, sixty. 501

(C) (1) The superintendent shall prescribe a form to obtain 502
the information necessary to conduct a criminal records check 503
from any person for whom a criminal records check is to be 504
conducted under this section. The form that the superintendent 505
prescribes pursuant to this division may be in a tangible 506
format, in an electronic format, or in both tangible and 507

electronic formats. 508

(2) The superintendent shall prescribe standard impression 509
sheets to obtain the fingerprint impressions of any person for 510
whom a criminal records check is to be conducted under this 511
section. Any person for whom a records check is to be conducted 512
under this section shall obtain the fingerprint impressions at a 513
county sheriff's office, municipal police department, or any 514
other entity with the ability to make fingerprint impressions on 515
the standard impression sheets prescribed by the superintendent. 516
The office, department, or entity may charge the person a 517
reasonable fee for making the impressions. The standard 518
impression sheets the superintendent prescribes pursuant to this 519
division may be in a tangible format, in an electronic format, 520
or in both tangible and electronic formats. 521

(3) Subject to division (D) of this section, the 522
superintendent shall prescribe and charge a reasonable fee for 523
providing a criminal records check under this section. The 524
person requesting the criminal records check shall pay the fee 525
prescribed pursuant to this division. In the case of a request 526
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 527
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 528
fee shall be paid in the manner specified in that section. 529

(4) The superintendent of the bureau of criminal 530
identification and investigation may prescribe methods of 531
forwarding fingerprint impressions and information necessary to 532
conduct a criminal records check, which methods shall include, 533
but not be limited to, an electronic method. 534

(D) The results of a criminal records check conducted 535
under this section, other than a criminal records check 536
specified in division (A) (7) of this section, are valid for the 537

person who is the subject of the criminal records check for a 538
period of one year from the date upon which the superintendent 539
completes the criminal records check. If during that period the 540
superintendent receives another request for a criminal records 541
check to be conducted under this section for that person, the 542
superintendent shall provide the results from the previous 543
criminal records check of the person at a lower fee than the fee 544
prescribed for the initial criminal records check. 545

(E) When the superintendent receives a request for 546
information from a registered private provider, the 547
superintendent shall proceed as if the request was received from 548
a school district board of education under section 3319.39 of 549
the Revised Code. The superintendent shall apply division (A) (1) 550
(c) of this section to any such request for an applicant who is 551
a teacher. 552

(F) (1) Subject to division (F) (2) of this section, all 553
information regarding the results of a criminal records check 554
conducted under this section that the superintendent reports or 555
sends under division (A) (7) or (9) of this section to the 556
director of public safety, the treasurer of state, or the 557
person, board, or entity that made the request for the criminal 558
records check shall relate to the conviction of the subject 559
person, or the subject person's plea of guilty to, a criminal 560
offense. 561

(2) Division (F) (1) of this section does not limit, 562
restrict, or preclude the superintendent's release of 563
information that relates to the arrest of a person who is 564
eighteen years of age or older, to an adjudication of a child as 565
a delinquent child, or to a criminal conviction of a person 566
under eighteen years of age in circumstances in which a release 567

of that nature is authorized under division (E) (2), (3), or (4) 568
of section 109.57 of the Revised Code pursuant to a rule adopted 569
under division (E) (1) of that section. 570

(G) As used in this section: 571

(1) "Criminal records check" means any criminal records 572
check conducted by the superintendent of the bureau of criminal 573
identification and investigation in accordance with division (B) 574
of this section. 575

(2) "Minor drug possession offense" has the same meaning 576
as in section 2925.01 of the Revised Code. 577

(3) "OVI or OVUAC violation" means a violation of section 578
4511.19 of the Revised Code or a violation of an existing or 579
former law of this state, any other state, or the United States 580
that is substantially equivalent to section 4511.19 of the 581
Revised Code. 582

(4) "Registered private provider" means a nonpublic school 583
or entity registered with the superintendent of public 584
instruction under section 3310.41 of the Revised Code to 585
participate in the autism scholarship program or section 3310.58 586
of the Revised Code to participate in the Jon Peterson special 587
needs scholarship program." 588

Delete lines 20 through 606 589

Delete lines 2027 through 2183 590

After line 2183, insert: 591

"Sec. 5703.21. (A) Except as provided in divisions (B) 592
and (C) of this section, no agent of the department of taxation, 593
except in the agent's report to the department or when called on 594
to testify in any court or proceeding, shall divulge any 595

information acquired by the agent as to the transactions, 596
property, or business of any person while acting or claiming to 597
act under orders of the department. Whoever violates this 598
provision shall thereafter be disqualified from acting as an 599
officer or employee or in any other capacity under appointment 600
or employment of the department. 601

(B) (1) For purposes of an audit pursuant to section 117.15 602
of the Revised Code, or an audit of the department pursuant to 603
Chapter 117. of the Revised Code, or an audit, pursuant to that 604
chapter, the objective of which is to express an opinion on a 605
financial report or statement prepared or issued pursuant to 606
division (A) (7) or (9) of section 126.21 of the Revised Code, 607
the officers and employees of the auditor of state charged with 608
conducting the audit shall have access to and the right to 609
examine any state tax returns and state tax return information 610
in the possession of the department to the extent that the 611
access and examination are necessary for purposes of the audit. 612
Any information acquired as the result of that access and 613
examination shall not be divulged for any purpose other than as 614
required for the audit or unless the officers and employees are 615
required to testify in a court or proceeding under compulsion of 616
legal process. Whoever violates this provision shall thereafter 617
be disqualified from acting as an officer or employee or in any 618
other capacity under appointment or employment of the auditor of 619
state. 620

(2) For purposes of an internal audit pursuant to section 621
126.45 of the Revised Code, the officers and employees of the 622
office of internal audit in the office of budget and management 623
charged with directing the internal audit shall have access to 624
and the right to examine any state tax returns and state tax 625
return information in the possession of the department to the 626

extent that the access and examination are necessary for 627
purposes of the internal audit. Any information acquired as the 628
result of that access and examination shall not be divulged for 629
any purpose other than as required for the internal audit or 630
unless the officers and employees are required to testify in a 631
court or proceeding under compulsion of legal process. Whoever 632
violates this provision shall thereafter be disqualified from 633
acting as an officer or employee or in any other capacity under 634
appointment or employment of the office of internal audit. 635

(3) As provided by section 6103(d)(2) of the Internal 636
Revenue Code, any federal tax returns or federal tax information 637
that the department has acquired from the internal revenue 638
service, through federal and state statutory authority, may be 639
disclosed to the auditor of state or the office of internal 640
audit solely for purposes of an audit of the department. 641

(4) For purposes of Chapter 3739. of the Revised Code, an 642
agent of the department of taxation may share information with 643
the division of state fire marshal that the agent finds during 644
the course of an investigation. 645

(C) Division (A) of this section does not prohibit any of 646
the following: 647

(1) Divulging information contained in applications, 648
complaints, and related documents filed with the department 649
under section 5715.27 of the Revised Code or in applications 650
filed with the department under section 5715.39 of the Revised 651
Code; 652

(2) Providing information to the office of child support 653
within the department of job and family services pursuant to 654
section 3125.43 of the Revised Code; 655

| | |
|---|---|
| (3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code; | 656 657 658 659 660 |
| (4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; | 661 662 663 |
| (5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; | 664 665 666 |
| (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; | 667 668 669 670 |
| (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; | 671 672 673 674 675 676 677 678 679 |
| (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; | 680 681 682 |
| (9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the | 683 684 |

county auditor's county. Unless authorized by law to disclose 685
documents so provided, the county auditor shall not disclose 686
such documents; 687

(10) Providing to a county auditor sales or use tax return 688
or audit information under section 333.06 of the Revised Code; 689

(11) Subject to section 4301.441 of the Revised Code, 690
disclosing to the appropriate state agency information in the 691
possession of the department of taxation that is necessary to 692
verify a permit holder's gallonage or noncompliance with taxes 693
levied under Chapter 4301. or 4305. of the Revised Code; 694

(12) Disclosing to the department of natural resources 695
information in the possession of the department of taxation that 696
is necessary for the department of taxation to verify the 697
taxpayer's compliance with section 5749.02 of the Revised Code 698
or to allow the department of natural resources to enforce 699
Chapter 1509. of the Revised Code; 700

(13) Disclosing to the department of job and family 701
services, industrial commission, and bureau of workers' 702
compensation information in the possession of the department of 703
taxation solely for the purpose of identifying employers that 704
misclassify employees as independent contractors or that fail to 705
properly report and pay employer tax liabilities. The department 706
of taxation shall disclose only such information that is 707
necessary to verify employer compliance with law administered by 708
those agencies. 709

(14) Disclosing to the Ohio casino control commission 710
information in the possession of the department of taxation that 711
is necessary to verify a casino operator's compliance with 712
section 5747.063 or 5753.02 of the Revised Code and sections 713

related thereto; 714

(15) Disclosing to the state lottery commission 715
information in the possession of the department of taxation that 716
is necessary to verify a sports gaming or lottery sales agent's 717
compliance with section 5747.063, 5747.064, or 5753.021 of the 718
Revised Code and sections related thereto. 719

(16) Disclosing to the development services agency 720
information in the possession of the department of taxation that 721
is necessary to ensure compliance with the laws of this state 722
governing taxation and to verify information reported to the 723
development services agency for the purpose of evaluating 724
potential tax credits, grants, or loans. Such information shall 725
not include information received from the internal revenue 726
service the disclosure of which is prohibited by section 6103 of 727
the Internal Revenue Code. No officer, employee, or agent of the 728
development services agency shall disclose any information 729
provided to the development services agency by the department of 730
taxation under division (C)(16) of this section except when 731
disclosure of the information is necessary for, and made solely 732
for the purpose of facilitating, the evaluation of potential tax 733
credits, grants, or loans. 734

(17) Disclosing to the department of insurance information 735
in the possession of the department of taxation that is 736
necessary to ensure a taxpayer's compliance with the 737
requirements with any tax credit administered by the development 738
services agency and claimed by the taxpayer against any tax 739
administered by the superintendent of insurance. No officer, 740
employee, or agent of the department of insurance shall disclose 741
any information provided to the department of insurance by the 742
department of taxation under division (C)(17) of this section. 743

(18) Disclosing to the division of liquor control 744
information in the possession of the department of taxation that 745
is necessary for the division and department to comply with the 746
requirements of sections 4303.26 and 4303.271 of the Revised 747
Code. 748

(19) Disclosing to the department of education, upon that 749
department's request, information in the possession of the 750
department of taxation that is necessary only to verify whether 751
the family income of a student applying for or receiving a 752
scholarship under the educational choice scholarship pilot 753
program is equal to, less than, or greater than the income 754
thresholds prescribed by section 3310.02 or 3310.032 of the 755
Revised Code. The department of education shall provide 756
sufficient information about the student and the student's 757
family to enable the department of taxation to make the 758
verification." 759

Delete lines 2184 through 2339 760

After line 2339, insert: 761

"Sec. 5747.02. (A) For the purpose of providing revenue 762
for the support of schools and local government functions, to 763
provide relief to property taxpayers, to provide revenue for the 764
general revenue fund, and to meet the expenses of administering 765
the tax levied by this chapter, there is hereby levied on every 766
individual, trust, and estate residing in or earning or 767
receiving income in this state, on every individual, trust, and 768
estate earning or receiving lottery winnings, prizes, or awards 769
pursuant to Chapter 3770. of the Revised Code, on every 770
individual, trust, and estate earning or receiving winnings on 771
casino or sports gaming, and on every individual, trust, and 772
estate otherwise having nexus with or in this state under the 773

Constitution of the United States, an annual tax measured as 774
prescribed in divisions (A)(1) to (4) of this section. 775

(1) In the case of trusts, the tax imposed by this section 776
shall be measured by modified Ohio taxable income under division 777
(D) of this section and levied in the same amount as the tax is 778
imposed on estates as prescribed in division (A)(2) of this 779
section. 780

(2) In the case of estates, the tax imposed by this 781
section shall be measured by Ohio taxable income. The tax shall 782
be levied at the rate of one and forty-two thousand seven 783
hundred forty-four hundred-thousandths per cent for the first 784
twenty-one thousand seven hundred fifty dollars of such income 785
and, for income in excess of that amount, the tax shall be 786
levied at the same rates prescribed in division (A)(3) of this 787
section for individuals. 788

(3) In the case of individuals, the tax imposed by this 789
section on income other than taxable business income shall be 790
measured by Ohio adjusted gross income, less taxable business 791
income and less an exemption for the taxpayer, the taxpayer's 792
spouse, and each dependent as provided in section 5747.025 of 793
the Revised Code. If the balance thus obtained is equal to or 794
less than twenty-one thousand seven hundred fifty dollars, no 795
tax shall be imposed on that balance. If the balance thus 796
obtained is greater than twenty-one thousand seven hundred fifty 797
dollars, the tax is hereby levied as follows: 798

799

| A | OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES) | TAX |
|---|---|--|
| B | More than \$21,750 but not more than \$43,450 | \$310.47 plus 2.850% of the amount in excess of \$21,750 |
| C | More than \$43,450 but not more than \$86,900 | \$928.92 plus 3.326% of the amount in excess of \$43,450 |
| D | More than \$86,900 but not more than \$108,700 | \$2,374.07 plus 3.802% of the amount in excess of \$86,900 |
| E | More than \$108,700 but not more than \$217,400 | \$3,202.91 plus 4.413% of the amount in excess of \$108,700 |
| F | More than \$217,400 | \$7,999.84 plus 4.797% of the amount in excess of \$217,400 |

(4) (a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A) (4) (b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A) (3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A) (4) (a) of this section.

(5) Except as otherwise provided in this division, in 810
August of each year, the tax commissioner shall make a new 811
adjustment to the income amounts prescribed in divisions (A) (2) 812
and (3) of this section by multiplying the percentage increase 813
in the gross domestic product deflator computed that year under 814
section 5747.025 of the Revised Code by each of the income 815
amounts resulting from the adjustment under this division in the 816
preceding year, adding the resulting product to the 817
corresponding income amount resulting from the adjustment in the 818
preceding year, and rounding the resulting sum to the nearest 819
multiple of fifty dollars. The tax commissioner also shall 820
recompute each of the tax dollar amounts to the extent necessary 821
to reflect the new adjustment of the income amounts. To 822
recompute the tax dollar amount corresponding to the lowest tax 823
rate in division (A) (3) of this section, the commissioner shall 824
multiply the tax rate prescribed in division (A) (2) of this 825
section by the income amount specified in that division and as 826
adjusted according to this paragraph. The rates of taxation 827
shall not be adjusted. 828

The adjusted amounts apply to taxable years beginning in 829
the calendar year in which the adjustments are made and to 830
taxable years beginning in each ensuing calendar year until a 831
calendar year in which a new adjustment is made pursuant to this 832
division. The tax commissioner shall not make a new adjustment 833
in any year in which the amount resulting from the adjustment 834
would be less than the amount resulting from the adjustment in 835
the preceding year. 836

(B) If the director of budget and management makes a 837
certification to the tax commissioner under division (B) of 838
section 131.44 of the Revised Code, the amount of tax as 839
determined under divisions (A) (1) to (3) of this section shall 840

be reduced by the percentage prescribed in that certification 841
for taxable years beginning in the calendar year in which that 842
certification is made. 843

(C) (1) The tax imposed by this section on a trust shall be 844
computed by multiplying the Ohio modified taxable income of the 845
trust by the rates prescribed by division (A) of this section. 846

(2) A resident trust may claim a credit against the tax 847
computed under division (C) of this section equal to the lesser 848
of (a) the tax paid to another state or the District of Columbia 849
on the resident trust's modified nonbusiness income, other than 850
the portion of the resident trust's nonbusiness income that is 851
qualifying investment income as defined in section 5747.012 of 852
the Revised Code, or (b) the effective tax rate, based on 853
modified Ohio taxable income, multiplied by the resident trust's 854
modified nonbusiness income other than the portion of the 855
resident trust's nonbusiness income that is qualifying 856
investment income. The credit applies before any other 857
applicable credits. 858

(3) Any credit authorized against the tax imposed by this 859
section applies to a trust subject to division (C) of this 860
section only if the trust otherwise qualifies for the credit. To 861
the extent that the trust distributes income for the taxable 862
year for which a credit is available to the trust, the credit 863
shall be shared by the trust and its beneficiaries. The tax 864
commissioner and the trust shall be guided by applicable 865
regulations of the United States treasury regarding the sharing 866
of credits. 867

(D) For the purposes of this section, "trust" means any 868
trust described in Subchapter J of Chapter 1 of the Internal 869
Revenue Code, excluding trusts that are not irrevocable as 870

defined in division (I) (3) (b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(E) Nothing in division (A) (3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of twenty-one thousand seven hundred fifty dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter."

Delete lines 2566 through 2806

After line 2806, insert:

"Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice

required of that individual under this chapter shall be made and 900
filed by that decedent's executor, administrator, or other 901
person charged with the property of that decedent. 902

(B) If an individual is unable to make a return or notice 903
required by this chapter, the return or notice required of that 904
individual shall be made and filed by the individual's duly 905
authorized agent, guardian, conservator, fiduciary, or other 906
person charged with the care of the person or property of that 907
individual. 908

(C) Returns or notices required of an estate or a trust 909
shall be made and filed by the fiduciary of the estate or trust. 910

(D) (1) (a) Except as otherwise provided in division (D) (1) 911
(b) of this section, any pass-through entity may file a single 912
return on behalf of one or more of the entity's investors other 913
than an investor that is a person subject to the tax imposed 914
under section 5733.06 of the Revised Code. The single return 915
shall set forth the name, address, and social security number or 916
other identifying number of each of those pass-through entity 917
investors and shall indicate the distributive share of each of 918
those pass-through entity investor's income taxable in this 919
state in accordance with sections 5747.20 to 5747.231 of the 920
Revised Code. Such pass-through entity investors for whom the 921
pass-through entity elects to file a single return are not 922
entitled to the exemption or credit provided for by sections 923
5747.02 and 5747.022 of the Revised Code; shall calculate the 924
tax before business credits at the highest rate of tax set forth 925
in section 5747.02 of the Revised Code for the taxable year for 926
which the return is filed; and are entitled to only their 927
distributive share of the business credits as defined in 928
division (D) (2) of this section. A single check drawn by the 929

pass-through entity shall accompany the return in full payment 930
of the tax due, as shown on the single return, for such 931
investors, other than investors who are persons subject to the 932
tax imposed under section 5733.06 of the Revised Code. 933

(b) (i) A pass-through entity shall not include in such a 934
single return any investor that is a trust to the extent that 935
any direct or indirect current, future, or contingent 936
beneficiary of the trust is a person subject to the tax imposed 937
under section 5733.06 of the Revised Code. 938

(ii) A pass-through entity shall not include in such a 939
single return any investor that is itself a pass-through entity 940
to the extent that any direct or indirect investor in the second 941
pass-through entity is a person subject to the tax imposed under 942
section 5733.06 of the Revised Code. 943

(c) Nothing in division (D) of this section precludes the 944
tax commissioner from requiring such investors to file the 945
return and make the payment of taxes and related interest, 946
penalty, and interest penalty required by this section or 947
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 948
Nothing in division (D) of this section precludes such an 949
investor from filing the annual return under this section, 950
utilizing the refundable credit equal to the investor's 951
proportionate share of the tax paid by the pass-through entity 952
on behalf of the investor under division (I) of this section, 953
and making the payment of taxes imposed under section 5747.02 of 954
the Revised Code. Nothing in division (D) of this section shall 955
be construed to provide to such an investor or pass-through 956
entity any additional deduction or credit, other than the credit 957
provided by division (I) of this section, solely on account of 958
the entity's filing a return in accordance with this section. 959

Such a pass-through entity also shall make the filing and 960
payment of estimated taxes on behalf of the pass-through entity 961
investors other than an investor that is a person subject to the 962
tax imposed under section 5733.06 of the Revised Code. 963

(2) For the purposes of this section, "business credits" 964
means the credits listed in section 5747.98 of the Revised Code 965
excluding the following credits: 966

(a) The retirement income credit under division (B) of 967
section 5747.055 of the Revised Code; 968

(b) The senior citizen credit under division (F) of 969
section 5747.055 of the Revised Code; 970

(c) The lump sum distribution credit under division (G) of 971
section 5747.055 of the Revised Code; 972

(d) The dependent care credit under section 5747.054 of 973
the Revised Code; 974

(e) The lump sum retirement income credit under division 975
(C) of section 5747.055 of the Revised Code; 976

(f) The lump sum retirement income credit under division 977
(D) of section 5747.055 of the Revised Code; 978

(g) The lump sum retirement income credit under division 979
(E) of section 5747.055 of the Revised Code; 980

(h) The credit for displaced workers who pay for job 981
training under section 5747.27 of the Revised Code; 982

(i) The twenty-dollar personal exemption credit under 983
section 5747.022 of the Revised Code; 984

(j) The joint filing credit under division (E) of section 985
5747.05 of the Revised Code; 986

| | |
|---|--|
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 987 988 |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 989 990 |
| (m) The earned income tax credit under section 5747.71 of the Revised Code; | 991 992 |
| (n) The lead abatement credit under section 5747.26 of the Revised Code. | 993 994 |
| (3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. | 995 996 997 998 999 1000 1001 1002 |
| (4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the | 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 |

pass-through entity had the single return been filed in a manner 1016
reflecting the commissioner's findings. Nothing in division (D) 1017
of this section shall be construed to make or hold a pass- 1018
through entity liable for tax attributable to a pass-through 1019
entity investor's income from a source other than the pass- 1020
through entity electing to file the single return. 1021

(E) If a husband and wife file a joint federal income tax 1022
return for a taxable year, they shall file a joint return under 1023
this section for that taxable year, and their liabilities are 1024
joint and several, but, if the federal income tax liability of 1025
either spouse is determined on a separate federal income tax 1026
return, they shall file separate returns under this section. 1027

If either spouse is not required to file a federal income 1028
tax return and either or both are required to file a return 1029
pursuant to this chapter, they may elect to file separate or 1030
joint returns, and, pursuant to that election, their liabilities 1031
are separate or joint and several. If a husband and wife file 1032
separate returns pursuant to this chapter, each must claim the 1033
taxpayer's own exemption, but not both, as authorized under 1034
section 5747.02 of the Revised Code on the taxpayer's own 1035
return. 1036

(F) Each return or notice required to be filed under this 1037
section shall contain the signature of the taxpayer or the 1038
taxpayer's duly authorized agent and of the person who prepared 1039
the return for the taxpayer, and shall include the taxpayer's 1040
social security number. Each return shall be verified by a 1041
declaration under the penalties of perjury. The tax commissioner 1042
shall prescribe the form that the signature and declaration 1043
shall take. 1044

(G) Each return or notice required to be filed under this 1045

section shall be made and filed as required by section 5747.04 1046
of the Revised Code, on or before the fifteenth day of April of 1047
each year, on forms that the tax commissioner shall prescribe, 1048
together with remittance made payable to the treasurer of state 1049
in the combined amount of the state and all school district 1050
income taxes shown to be due on the form. 1051

Upon good cause shown, the commissioner may extend the 1052
period for filing any notice or return required to be filed 1053
under this section and may adopt rules relating to extensions. 1054
If the extension results in an extension of time for the payment 1055
of any state or school district income tax liability with 1056
respect to which the return is filed, the taxpayer shall pay at 1057
the time the tax liability is paid an amount of interest 1058
computed at the rate per annum prescribed by section 5703.47 of 1059
the Revised Code on that liability from the time that payment is 1060
due without extension to the time of actual payment. Except as 1061
provided in section 5747.132 of the Revised Code, in addition to 1062
all other interest charges and penalties, all taxes imposed 1063
under this chapter or Chapter 5748. of the Revised Code and 1064
remaining unpaid after they become due, except combined amounts 1065
due of one dollar or less, bear interest at the rate per annum 1066
prescribed by section 5703.47 of the Revised Code until paid or 1067
until the day an assessment is issued under section 5747.13 of 1068
the Revised Code, whichever occurs first. 1069

If the commissioner considers it necessary in order to 1070
ensure the payment of the tax imposed by section 5747.02 of the 1071
Revised Code or any tax imposed under Chapter 5748. of the 1072
Revised Code, the commissioner may require returns and payments 1073
to be made otherwise than as provided in this section. 1074

To the extent that any provision in this division 1075

conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails. 1076
1077

(H) The amounts withheld by an employer pursuant to 1078
section 5747.06 of the Revised Code, a casino operator or sports 1079
gaming agent pursuant to section 5747.063 of the Revised Code, 1080
or a lottery sales agent pursuant to section 5747.064 of the 1081
Revised Code shall be allowed to the recipient of the 1082
compensation, casino or sports gaming winnings, or lottery prize 1083
award as credits against payment of the appropriate taxes 1084
imposed on the recipient by section 5747.02 and under Chapter 1085
5748. of the Revised Code. 1086

(I) If a pass-through entity elects to file a single 1087
return under division (D) of this section and if any investor is 1088
required to file the annual return and make the payment of taxes 1089
required by this chapter on account of the investor's other 1090
income that is not included in a single return filed by a pass- 1091
through entity or any other investor elects to file the annual 1092
return, the investor is entitled to a refundable credit equal to 1093
the investor's proportionate share of the tax paid by the pass- 1094
through entity on behalf of the investor. The investor shall 1095
claim the credit for the investor's taxable year in which or 1096
with which ends the taxable year of the pass-through entity. 1097
Nothing in this chapter shall be construed to allow any credit 1098
provided in this chapter to be claimed more than once. For the 1099
purpose of computing any interest, penalty, or interest penalty, 1100
the investor shall be deemed to have paid the refundable credit 1101
provided by this division on the day that the pass-through 1102
entity paid the estimated tax or the tax giving rise to the 1103
credit. 1104

(J) The tax commissioner shall ensure that each return 1105

required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) A taxpayer claiming the deduction under division (A) (31) of section 5747.01 of the Revised Code for a taxable year shall indicate on the taxpayer's return the north American industry classification system code of each business or professional activity from which the taxpayer's business income was derived. The tax commissioner shall provide space on the return for this purpose and shall prescribe, by rule adopted in accordance with Chapter 119. of the Revised Code, the manner by

which such a taxpayer shall determine the taxpayer's proper 1137
classification codes and business or professional activities 1138
from which the taxpayer derives business income. 1139

(M) The tax commissioner may adopt rules to administer 1140
this section." 1141

Delete lines 2920 through 3704 1142

After line 3704, insert: 1143

"Sec. 5751.01. As used in this chapter: 1144

(A) "Person" means, but is not limited to, individuals, 1145
combinations of individuals of any form, receivers, assignees, 1146
trustees in bankruptcy, firms, companies, joint-stock companies, 1147
business trusts, estates, partnerships, limited liability 1148
partnerships, limited liability companies, associations, joint 1149
ventures, clubs, societies, for-profit corporations, S 1150
corporations, qualified subchapter S subsidiaries, qualified 1151
subchapter S trusts, trusts, entities that are disregarded for 1152
federal income tax purposes, and any other entities. 1153

(B) "Consolidated elected taxpayer" means a group of two 1154
or more persons treated as a single taxpayer for purposes of 1155
this chapter as the result of an election made under section 1156
5751.011 of the Revised Code. 1157

(C) "Combined taxpayer" means a group of two or more 1158
persons treated as a single taxpayer for purposes of this 1159
chapter under section 5751.012 of the Revised Code. 1160

(D) "Taxpayer" means any person, or any group of persons 1161
in the case of a consolidated elected taxpayer or combined 1162
taxpayer treated as one taxpayer, required to register or pay 1163
tax under this chapter. "Taxpayer" does not include excluded 1164

persons. 1165

(E) "Excluded person" means any of the following: 1166

(1) Any person with not more than one hundred fifty 1167
thousand dollars of taxable gross receipts during the calendar 1168
year. Division (E) (1) of this section does not apply to a person 1169
that is a member of a consolidated elected taxpayer; 1170

(2) A public utility that paid the excise tax imposed by 1171
section 5727.24 or 5727.30 of the Revised Code based on one or 1172
more measurement periods that include the entire tax period 1173
under this chapter, except that a public utility that is a 1174
combined company is a taxpayer with regard to the following 1175
gross receipts: 1176

(a) Taxable gross receipts directly attributed to a public 1177
utility activity, but not directly attributed to an activity 1178
that is subject to the excise tax imposed by section 5727.24 or 1179
5727.30 of the Revised Code; 1180

(b) Taxable gross receipts that cannot be directly 1181
attributed to any activity, multiplied by a fraction whose 1182
numerator is the taxable gross receipts described in division 1183
(E) (2) (a) of this section and whose denominator is the total 1184
taxable gross receipts that can be directly attributed to any 1185
activity; 1186

(c) Except for any differences resulting from the use of 1187
an accrual basis method of accounting for purposes of 1188
determining gross receipts under this chapter and the use of the 1189
cash basis method of accounting for purposes of determining 1190
gross receipts under section 5727.24 of the Revised Code, the 1191
gross receipts directly attributed to the activity of a natural 1192
gas company shall be determined in a manner consistent with 1193

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| division (D) of section 5727.03 of the Revised Code. | 1194 |
| As used in division (E) (2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code. | 1195 1196 1197 |
| (3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter; | 1198 1199 1200 1201 |
| (4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter. | 1202 1203 1204 1205 1206 |
| For the purposes of division (E) (4) of this section, a person owns another person under the following circumstances: | 1207 1208 |
| (a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights; | 1209 1210 1211 1212 |
| (b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company; | 1213 1214 1215 1216 1217 |
| (c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the | 1218 1219 1220 1221 |

affairs of the organization, that person has a beneficial 1222
interest in the organization's profits, surpluses, losses, or 1223
distributions of fifty per cent or more of the combined 1224
beneficial interests of all persons having such an interest in 1225
the organization. 1226

(5) A domestic insurance company or foreign insurance 1227
company, as defined in section 5725.01 of the Revised Code, that 1228
paid the insurance company premiums tax imposed by section 1229
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 1230
insurance company whose gross premiums are subject to tax under 1231
section 3905.36 of the Revised Code based on one or more 1232
measurement periods that include the entire tax period under 1233
this chapter; 1234

(6) A person that solely facilitates or services one or 1235
more securitizations of phase-in-recovery property pursuant to a 1236
final financing order as those terms are defined in section 1237
4928.23 of the Revised Code. For purposes of this division, 1238
"securitization" means transferring one or more assets to one or 1239
more persons and then issuing securities backed by the right to 1240
receive payment from the asset or assets so transferred. 1241

(7) Except as otherwise provided in this division, a pre- 1242
income tax trust as defined in section 5747.01 of the Revised 1243
Code and any pass-through entity of which such pre-income tax 1244
trust owns or controls, directly, indirectly, or constructively 1245
through related interests, more than five per cent of the 1246
ownership or equity interests. If the pre-income tax trust has 1247
made a qualifying pre-income tax trust election under division 1248
(EE) of section 5747.01 of the Revised Code, then the trust and 1249
the pass-through entities of which it owns or controls, 1250
directly, indirectly, or constructively through related 1251

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| interests, more than five per cent of the ownership or equity | 1252 |
| interests, shall not be excluded persons for purposes of the tax | 1253 |
| imposed under section 5751.02 of the Revised Code. | 1254 |
| (8) Nonprofit organizations or the state and its agencies, | 1255 |
| instrumentalities, or political subdivisions. | 1256 |
| (F) Except as otherwise provided in divisions (F) (2), (3), | 1257 |
| and (4) of this section, "gross receipts" means the total amount | 1258 |
| realized by a person, without deduction for the cost of goods | 1259 |
| sold or other expenses incurred, that contributes to the | 1260 |
| production of gross income of the person, including the fair | 1261 |
| market value of any property and any services received, and any | 1262 |
| debt transferred or forgiven as consideration. | 1263 |
| (1) The following are examples of gross receipts: | 1264 |
| (a) Amounts realized from the sale, exchange, or other | 1265 |
| disposition of the taxpayer's property to or with another; | 1266 |
| (b) Amounts realized from the taxpayer's performance of | 1267 |
| services for another; | 1268 |
| (c) Amounts realized from another's use or possession of | 1269 |
| the taxpayer's property or capital; | 1270 |
| (d) Any combination of the foregoing amounts. | 1271 |
| (2) "Gross receipts" excludes the following amounts: | 1272 |
| (a) Interest income except interest on credit sales; | 1273 |
| (b) Dividends and distributions from corporations, and | 1274 |
| distributive or proportionate shares of receipts and income from | 1275 |
| a pass-through entity as defined under section 5733.04 of the | 1276 |
| Revised Code; | 1277 |
| (c) Receipts from the sale, exchange, or other disposition | 1278 |

of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee,

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| former employee, or the employee's legal successor for services | 1309 |
| rendered to or for an employer, including reimbursements | 1310 |
| received by or for an individual for medical or education | 1311 |
| expenses, health insurance premiums, or employee expenses, or on | 1312 |
| account of a dependent care spending account, legal services | 1313 |
| plan, any cafeteria plan described in section 125 of the | 1314 |
| Internal Revenue Code, or any similar employee reimbursement; | 1315 |
| | |
| (h) Proceeds received from the issuance of the taxpayer's | 1316 |
| own stock, options, warrants, puts, or calls, or from the sale | 1317 |
| of the taxpayer's treasury stock; | 1318 |
| | |
| (i) Proceeds received on the account of payments from | 1319 |
| insurance policies, except those proceeds received for the loss | 1320 |
| of business revenue; | 1321 |
| | |
| (j) Gifts or charitable contributions received; membership | 1322 |
| dues received by trade, professional, homeowners', or | 1323 |
| condominium associations; and payments received for educational | 1324 |
| courses, meetings, meals, or similar payments to a trade, | 1325 |
| professional, or other similar association; and fundraising | 1326 |
| receipts received by any person when any excess receipts are | 1327 |
| donated or used exclusively for charitable purposes; | 1328 |
| | |
| (k) Damages received as the result of litigation in excess | 1329 |
| of amounts that, if received without litigation, would be gross | 1330 |
| receipts; | 1331 |
| | |
| (l) Property, money, and other amounts received or | 1332 |
| acquired by an agent on behalf of another in excess of the | 1333 |
| agent's commission, fee, or other remuneration; | 1334 |
| | |
| (m) Tax refunds, other tax benefit recoveries, and | 1335 |
| reimbursements for the tax imposed under this chapter made by | 1336 |
| entities that are part of the same combined taxpayer or | 1337 |

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| consolidated elected taxpayer group, and reimbursements made by | 1338 |
| entities that are not members of a combined taxpayer or | 1339 |
| consolidated elected taxpayer group that are required to be made | 1340 |
| for economic parity among multiple owners of an entity whose tax | 1341 |
| obligation under this chapter is required to be reported and | 1342 |
| paid entirely by one owner, pursuant to the requirements of | 1343 |
| sections 5751.011 and 5751.012 of the Revised Code; | 1344 |
| (n) Pension reversions; | 1345 |
| (o) Contributions to capital; | 1346 |
| (p) Sales or use taxes collected as a vendor or an out-of- | 1347 |
| state seller on behalf of the taxing jurisdiction from a | 1348 |
| consumer or other taxes the taxpayer is required by law to | 1349 |
| collect directly from a purchaser and remit to a local, state, | 1350 |
| or federal tax authority; | 1351 |
| (q) In the case of receipts from the sale of cigarettes, | 1352 |
| tobacco products, or vapor products by a wholesale dealer, | 1353 |
| retail dealer, distributor, manufacturer, vapor distributor, or | 1354 |
| seller, all as defined in section 5743.01 of the Revised Code, | 1355 |
| an amount equal to the federal and state excise taxes paid by | 1356 |
| any person on or for such cigarettes, tobacco products, or vapor | 1357 |
| products under subtitle E of the Internal Revenue Code or | 1358 |
| Chapter 5743. of the Revised Code; | 1359 |
| (r) In the case of receipts from the sale, transfer, | 1360 |
| exchange, or other disposition of motor fuel as "motor fuel" is | 1361 |
| defined in section 5736.01 of the Revised Code, an amount equal | 1362 |
| to the value of the motor fuel, including federal and state | 1363 |
| motor fuel excise taxes and receipts from billing or invoicing | 1364 |
| the tax imposed under section 5736.02 of the Revised Code to | 1365 |
| another person; | 1366 |

(s) In the case of receipts from the sale of beer or
intoxicating liquor, as defined in section 4301.01 of the
Revised Code, by a person holding a permit issued under Chapter
4301. or 4303. of the Revised Code, an amount equal to federal
and state excise taxes paid by any person on or for such beer or
intoxicating liquor under subtitle E of the Internal Revenue
Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or
used motor vehicle dealer, as defined in section 4517.01 of the
Revised Code, from the sale or other transfer of a motor
vehicle, as defined in that section, to another motor vehicle
dealer for the purpose of resale by the transferee motor vehicle
dealer, but only if the sale or other transfer was based upon
the transferee's need to meet a specific customer's preference
for a motor vehicle;

(u) Receipts from a financial institution described in
division (E)(3) of this section for services provided to the
financial institution in connection with the issuance,
processing, servicing, and management of loans or credit
accounts, if such financial institution and the recipient of
such receipts have at least fifty per cent of their ownership
interests owned or controlled, directly or constructively
through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic
drugs and other cancer chemotherapy, biologicals, therapeutic
agents, and supportive drugs in a physician's office to patients
with cancer;

(w) Funds received or used by a mortgage broker that is
not a dealer in intangibles, other than fees or other
consideration, pursuant to a table-funding mortgage loan or

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| warehouse-lending mortgage loan. Terms used in division (F) (2) | 1397 |
| (w) of this section have the same meanings as in section 1322.01 | 1398 |
| of the Revised Code, except "mortgage broker" means a person | 1399 |
| assisting a buyer in obtaining a mortgage loan for a fee or | 1400 |
| other consideration paid by the buyer or a lender, or a person | 1401 |
| engaged in table-funding or warehouse-lending mortgage loans | 1402 |
| that are first lien mortgage loans. | 1403 |
| | |
| (x) Property, money, and other amounts received by a | 1404 |
| professional employer organization, as defined in section | 1405 |
| 4125.01 of the Revised Code, from a client employer, as defined | 1406 |
| in that section, in excess of the administrative fee charged by | 1407 |
| the professional employer organization to the client employer; | 1408 |
| | |
| (y) In the case of amounts retained as commissions by a | 1409 |
| permit holder under Chapter 3769. of the Revised Code, an amount | 1410 |
| equal to the amounts specified under that chapter that must be | 1411 |
| paid to or collected by the tax commissioner as a tax and the | 1412 |
| amounts specified under that chapter to be used as purse money; | 1413 |
| | |
| (z) Qualifying distribution center receipts as determined | 1414 |
| under section 5751.40 of the Revised Code. | 1415 |
| | |
| (aa) Receipts of an employer from payroll deductions | 1416 |
| relating to the reimbursement of the employer for advancing | 1417 |
| moneys to an unrelated third party on an employee's behalf; | 1418 |
| | |
| (bb) Cash discounts allowed and taken; | 1419 |
| | |
| (cc) Returns and allowances; | 1420 |
| | |
| (dd) Bad debts from receipts on the basis of which the tax | 1421 |
| imposed by this chapter was paid in a prior quarterly tax | 1422 |
| payment period. For the purpose of this division, "bad debts" | 1423 |
| means any debts that have become worthless or uncollectible | 1424 |

between the preceding and current quarterly tax payment periods, 1425
have been uncollected for at least six months, and that may be 1426
claimed as a deduction under section 166 of the Internal Revenue 1427
Code and the regulations adopted under that section, or that 1428
could be claimed as such if the taxpayer kept its accounts on 1429
the accrual basis. "Bad debts" does not include repossessed 1430
property, uncollectible amounts on property that remains in the 1431
possession of the taxpayer until the full purchase price is 1432
paid, or expenses in attempting to collect any account 1433
receivable or for any portion of the debt recovered; 1434

(ee) Any amount realized from the sale of an account 1435
receivable to the extent the receipts from the underlying 1436
transaction giving rise to the account receivable were included 1437
in the gross receipts of the taxpayer; 1438

(ff) Any receipts directly attributed to a transfer 1439
agreement or to the enterprise transferred under that agreement 1440
under section 4313.02 of the Revised Code. 1441

(gg) Qualified uranium receipts as determined under 1442
section 5751.41 of the Revised Code. 1443

(hh) In the case of amounts collected by a licensed casino 1444
operator from casino gaming, amounts in excess of the casino 1445
operator's gross casino revenue. In this division, "casino 1446
operator" and "casino gaming" have the meanings defined in 1447
section 3772.01 of the Revised Code, and "gross casino revenue" 1448
has the meaning defined in section 5753.01 of the Revised Code. 1449

(ii) Receipts realized from the sale of agricultural 1450
commodities by an agricultural commodity handler, both as 1451
defined in section 926.01 of the Revised Code, that is licensed 1452
by the director of agriculture to handle agricultural 1453

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| commodities in this state. | 1454 |
| (jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code. | 1455 1456 |
| (kk) In the case of a railroad company described in division (D) (9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code. | 1457 1458 1459 1460 1461 1462 1463 1464 1465 1466 1467 1468 1469 |
| (ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F) (2) (ll) of this section have the same meanings as in section 5703.94 of the Revised Code. | 1470 1471 1472 1473 1474 1475 |
| (mm) <u>In the case of amounts collected by a sports gaming agent from sports gaming, amounts in excess of the agent's sports gaming receipts. In this division, "sports gaming agent" has the same meaning as in section 3770.30 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.</u> | 1476 1477 1478 1479 1480 1481 |
| <u>(nn)</u> Any receipts for which the tax imposed by this | 1482 |

chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that

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| the person can be required to remit the tax imposed under this | 1511 |
| chapter under the Constitution of the United States. | 1512 |
| (I) A person has "bright-line presence" in this state for | 1513 |
| a reporting period and for the remaining portion of the calendar | 1514 |
| year if any of the following applies. The person: | 1515 |
| (1) Has at any time during the calendar year property in | 1516 |
| this state with an aggregate value of at least fifty thousand | 1517 |
| dollars. For the purpose of division (I)(1) of this section, | 1518 |
| owned property is valued at original cost and rented property is | 1519 |
| valued at eight times the net annual rental charge. | 1520 |
| (2) Has during the calendar year payroll in this state of | 1521 |
| at least fifty thousand dollars. Payroll in this state includes | 1522 |
| all of the following: | 1523 |
| (a) Any amount subject to withholding by the person under | 1524 |
| section 5747.06 of the Revised Code; | 1525 |
| (b) Any other amount the person pays as compensation to an | 1526 |
| individual under the supervision or control of the person for | 1527 |
| work done in this state; and | 1528 |
| (c) Any amount the person pays for services performed in | 1529 |
| this state on its behalf by another. | 1530 |
| (3) Has during the calendar year taxable gross receipts of | 1531 |
| at least five hundred thousand dollars. | 1532 |
| (4) Has at any time during the calendar year within this | 1533 |
| state at least twenty-five per cent of the person's total | 1534 |
| property, total payroll, or total gross receipts. | 1535 |
| (5) Is domiciled in this state as an individual or for | 1536 |
| corporate, commercial, or other business purposes. | 1537 |

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| (J) "Tangible personal property" has the same meaning as | 1538 |
| in section 5739.01 of the Revised Code. | 1539 |
| (K) "Internal Revenue Code" means the Internal Revenue | 1540 |
| Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term | 1541 |
| used in this chapter that is not otherwise defined has the same | 1542 |
| meaning as when used in a comparable context in the laws of the | 1543 |
| United States relating to federal income taxes unless a | 1544 |
| different meaning is clearly required. Any reference in this | 1545 |
| chapter to the Internal Revenue Code includes other laws of the | 1546 |
| United States relating to federal income taxes. | 1547 |
| (L) "Calendar quarter" means a three-month period ending | 1548 |
| on the thirty-first day of March, the thirtieth day of June, the | 1549 |
| thirtieth day of September, or the thirty-first day of December. | 1550 |
| (M) "Tax period" means the calendar quarter or calendar | 1551 |
| year on the basis of which a taxpayer is required to pay the tax | 1552 |
| imposed under this chapter. | 1553 |
| (N) "Calendar year taxpayer" means a taxpayer for which | 1554 |
| the tax period is a calendar year. | 1555 |
| (O) "Calendar quarter taxpayer" means a taxpayer for which | 1556 |
| the tax period is a calendar quarter. | 1557 |
| (P) "Agent" means a person authorized by another person to | 1558 |
| act on its behalf to undertake a transaction for the other, | 1559 |
| including any of the following: | 1560 |
| (1) A person receiving a fee to sell financial | 1561 |
| instruments; | 1562 |
| (2) A person retaining only a commission from a | 1563 |
| transaction with the other proceeds from the transaction being | 1564 |
| remitted to another person; | 1565 |

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| (3) A person issuing licenses and permits under section 1533.13 of the Revised Code; | 1566 1567 |
| (4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; | 1568 1569 |
| (5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. | 1570 1571 |
| (Q) "Received" includes amounts accrued under the accrual method of accounting. | 1572 1573 |
| (R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group." | 1574 1575 1576 1577 1578 1579 1580 |
| Delete lines 4253 through 4256 and insert "Section 109.572 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly." | 1581 1582 1583 |

The motion was _____ agreed to.

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| <u>SYNOPSIS</u> | 1584 |
| LSC technical amendment | 1585 |
| R.C. 109.572, 5703.21, 5747.02, 5747.08, and 5751.01 | 1586 |
| Updates several sections of law in the bill to reflect the current versions of those sections. | 1587 1588 |