

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 96**

**Senator Hughes**

**Cosponsors: Senators Bacon, Beagle, Eklund, Patton, Brown, Yuko**

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**A BILL**

To amend section 5715.39 of the Revised Code to  
waive any penalty due with respect to unpaid  
property taxes resulting when a mortgage lender  
fails to notify the county auditor of a  
satisfied mortgage.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5715.39 of the Revised Code be  
amended to read as follows:

**Sec. 5715.39.** (A) The tax commissioner may remit real  
property taxes, manufactured home taxes, penalties, and interest  
found by the commissioner to have been illegally assessed. The  
commissioner also may remit any penalty charged against any real  
property or manufactured or mobile home that was the subject of  
an application for exemption from taxation under section 5715.27  
of the Revised Code if the commissioner determines that the  
applicant requested such exemption in good faith. The  
commissioner shall include notice of the remission in the  
commissioner's certification to the county auditor required  
under that section.

(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty for late payment of any real property taxes or manufactured home taxes when:

(1) The taxpayer could not make timely payment of the tax because of the negligence or error of the county auditor or county treasurer in the performance of a statutory duty relating to the levy or collection of such tax.

(2) In cases other than those described in division (B)(1) of this section, and except as provided in division (B)(5) of this section, the taxpayer failed to receive a tax bill or a correct tax bill, and the taxpayer made a good faith effort to obtain such bill within thirty days after the last day for payment of the tax.

(3) The tax was not timely paid because of the death or serious injury of the taxpayer, or the taxpayer's confinement in a hospital within sixty days preceding the last day for payment of the tax if, in any case, the tax was subsequently paid within sixty days after the last day for payment of such tax.

(4) The taxpayer demonstrates that the full payment was properly deposited in the mail in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(5) With respect to the first payment due after a taxpayer fully satisfies a mortgage against a parcel of real property, the mortgagee failed to notify the auditor of the satisfaction of the mortgage, and the tax bill was sent to the mortgagee but not the taxpayer.

(C) The board of revision shall remit a penalty for late payment of any real property taxes or manufactured homes taxes if, in cases other than those described in division (B) (1) to (4) of this section, the taxpayer's failure to make timely payment of the tax is due to reasonable cause and not willful neglect.

(D) The taxpayer, upon application within sixty days after the mailing of the county auditor's or board of revision's decision, may request the tax commissioner to review the denial of the remission of a penalty by the auditor or board. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the taxpayer, to the county treasurer, and to the county auditor, who shall correct the tax list and duplicate accordingly. The commissioner may issue orders and instructions for the uniform implementation of this section by all county boards of revision, county auditors, and county treasurers, and such orders and instructions shall be followed by such officers and boards.

(E) This section shall not provide to the taxpayer any remedy with respect to any matter that the taxpayer may be authorized to complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of the Revised Code.

(F) Applications for remission, and documents of any kind related to those applications, filed with the tax commissioner under this section are public records within the meaning of section 149.43 of the Revised Code unless otherwise excepted

under that section.

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**Section 2.** That existing section 5715.39 of the Revised  
Code is hereby repealed.

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