(127th General Assembly)
(Substitute House Bill Number 224)

AN ACT

To amend section 718.05 of the Revised Code to specify that the municipal income tax annual return filing date shall not be earlier than the federal income tax filing date, to allow return preparers to use facsimile signatures on returns, and to permit taxpayers to authorize return preparers to communicate directly with municipal tax administrators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 718.05 of the Revised Code be amended to read as follows:

Sec. 718.05. (A) As used in this section:

(1) "Generic form" means an electronic or paper form designed for reporting estimated municipal income taxes and annual municipal income tax liability or for filing a refund claim that is not prescribed by a particular municipal corporation for the reporting of that municipal corporation's tax on income.

(2) "Return preparer" means any person other than a taxpayer that is authorized by a taxpayer to complete or file an income tax return, report, or other document for or on behalf of the taxpayer.

(B) ~~A~~ Except as otherwise provided in division (D) of this section or section 718.051 of the Revised Code, a municipal corporation shall not require a taxpayer to file an annual income tax return or report ~~prior to~~ on any date before the filing date for the corresponding tax reporting period as prescribed for such a taxpayer under the Internal Revenue Code. ~~For taxable years beginning after 2003, except as otherwise provided in section 718.051 of the Revised Code and division (D) of this section, a municipal corporation shall not require a taxpayer to file an annual income tax return or report on any date other than the fifteenth day of the fourth month following the end of the taxpayer's taxable year.~~

(C)(1) On and after January 1, 2001, any municipal corporation that requires taxpayers to file income tax returns, reports, or other documents

shall accept for filing a generic form of such a return, report, or document if the generic form, once completed and filed, contains all of the information required to be submitted with the municipal corporation's prescribed returns, reports, or documents, and if the taxpayer or return preparer filing the generic form otherwise complies with rules or ordinances of the municipal corporation governing the filing of returns, reports, or documents.

(2) Any municipal corporation that requires taxpayers to file income tax returns, reports, or other documents requiring the signature of a return preparer shall accept a facsimile of such a signature in lieu of a manual signature.

(3) On any annual municipal income tax return, a box or other space shall be included whereby a taxpayer may elect to authorize a return preparer to communicate with the tax administrator about matters pertaining to the return. The return or instructions accompanying the return shall indicate that, by making the election, the taxpayer authorizes the tax administrator to contact the return preparer concerning questions that arise during the processing of the return and authorizes the return preparer only to provide the administrator with information that is missing from the return, to contact the administrator 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 administrator and has shown to the return preparer.

(D) Except as otherwise provided in section 718.051 of the Revised Code, beginning January 1, 2001, any taxpayer that has requested an extension for filing a federal income tax return may request an extension for the filing of a municipal income tax return. The taxpayer shall make the request by filing a copy of the taxpayer's request for a federal filing extension with the individual or office charged with the administration of the municipal income tax. The request for extension shall be filed not later than the last day for filing the municipal income tax return as prescribed by ordinance or rule of the municipal corporation and division (B) of this section. ~~A municipal corporation shall grant such a request for extension filed before January 1, 2004, for a period not less than the period of the federal extension request. For taxable years beginning after 2003, the~~ The extended due date of the municipal income tax return shall be the last day of the month following the month to which the due date of the federal income tax return has been extended. A municipal corporation may deny a taxpayer's request for extension only if the taxpayer fails to timely file the request, fails to file a copy of the request for the federal extension, owes the municipal corporation any delinquent income tax or any penalty, interest,

assessment, or other charge for the late payment or nonpayment of income tax, or has failed to file any required income tax return, report, or other related document for a prior tax period. The granting of an extension for filing a municipal corporation income tax return does not extend the last date for paying the tax without penalty unless the municipal corporation grants an extension of that date.

SECTION 2. That existing section 718.05 of the Revised Code is hereby repealed.

SECTION 3. The amendment by this act of section 718.05 of the Revised Code applies to taxable years beginning on or after the effective date of this act.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____