

_____ moved to amend as follows:

Engross the bill as directed by the commands in the amendments attached hereto, ignoring matter extraneous to those commands

INDEX

The following amendments are attached hereto:

Amendment No.	Subject
g_134_0359	Sunset of Tax Expenditure Review Committee
g_134_0595	Tax abatement and refunds: enterprise zone property
g_134_0639-1	Combined school district property and income tax levies
g_134_0686	Tax abatement and refunds: agricultural society property
g_134_0715-2	ADAMHS district taxing authority
g_134_0786-3	Video service taxation
g_134_0846-2	Property tax refund: school property

Amendment No.	Subject
g_134_0851-4	Appropriation for minor league baseball grants; capital appropriation for Gateway Economic Development and Dayton Dragons
g_134_0935-1	Exemption and abatement of certain TIF property
g_134_0947-2	Income tax: scholarship organization donation credit
g_134_0981	Community school property tax exemption
g_134_1075	Sales tax: tax filing fees and documentary service charges
g_134_1076	Income tax withholding from unemployment benefits
g_134_1271	Refunds of tax penalties
g_134_1305	Income tax: credit for commercial vehicle operator training expenses
g_134_1306	Income tax: credit for commercial vehicle operator training expenses
g_134_1318	Bill title

1 The motion was _____ agreed to.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5703.95" 1
In line _____ of the title, after "_____" insert "Section 130.12 of 2
H.B. 110 of the 134th General Assembly" 3
In line _____ of the title, after "_____" insert "and to modify the 4
sunset date of the Tax Expenditure Review Committee" 5
After line _____, insert: 6
"Section 1. That Section 130.12 of H.B. 110 of the 134th 7
General Assembly be amended to read as follows: 8
Sec. 130.12. That sections 3702.11, 3702.12, 3702.13, 9
3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 10
3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, 11
and 3727.99,~~and 5703.95~~ of the Revised Code are hereby 12
repealed. 13
Section 2. That existing Section 130.12 of H.B. 110 of the 14
134th General Assembly is hereby repealed." 15
After line _____, insert: 16
"Section 3. That section 5703.95 of the Revised Code is 17
hereby repealed." 18

The motion was _____ agreed to.

SYNOPSIS

19

Sunset of Tax Expenditure Review Committee

20

**R.C. 5703.95 (Section 3 and Section 130.12 of H.B. 110 of
the 134th G.A.)**

21

22

Sunsets the Tax Expenditure Review Committee effective on
the amendment's 90-day effective date. The Committee was
discontinued by H.B. 110 of the 134th G.A., but due to a
technical error, the sunset was delayed until September 30,
2024.

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_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "and to permit, 1
for a limited time, the abatement and refund of certain taxes, penalties, 2
and interest for qualifying enterprise zone property" 3

After line _____, insert: 4

"Section 1. (A) As used in this section, "qualified 5
property" means any property that satisfies the qualifications 6
for tax exemption under the terms of sections 5709.61 to 5709.69 7
of the Revised Code. 8

(B) Notwithstanding sections 5713.08 and 5713.081 of the 9
Revised Code, when qualified property has not received a tax 10
exemption due to a failure to comply with Chapter 5713. or 11
section 5715.27 of the Revised Code, the property's owner, at 12
any time on or before twelve months after the effective date of 13
this section, may file with the Tax Commissioner an application 14
requesting all of the following: 15

(1) That the property be placed on the tax exempt list; 16

(2) That all unpaid taxes, penalties, and interest on the 17
property for tax years the property met the qualifications for 18
exemption described in sections 5709.61 to 5709.69 of the 19
Revised Code, including such taxes, interest, and penalties that 20
have become a lien prior to the date of acquisition of title to 21
the property by the applicant be abated; 22

(3) That all paid taxes, penalties, and interest on the 23
property for those tax years be credited or paid to the 24
applicant, including such taxes, interest, and penalties that 25
were paid prior to the date of acquisition of title to the 26
property by the applicant. 27

(C) The application shall be made on the form prescribed 28
by the Commissioner under section 5715.27 of the Revised Code 29
and shall list the name of the county in which the property is 30
located; the property's parcel number or legal description; its 31
assessed value; the amount in dollars of the unpaid taxes, 32
penalties, and interest described in division (B) (2) of this 33
section; the amount of taxes, penalties, and interest described 34
in division (B) (3) of this section; and any other information 35
required by the Commissioner. The county auditor shall supply 36
the required information upon request of the applicant. 37

(D) Upon receipt of the application and after 38
consideration of it, the Commissioner shall determine if the 39
applicant meets the qualifications set forth in this section and 40
if so shall issue an order directing all of the following: 41

(1) That the property be placed on the tax exempt list of 42
the county; 43

(2) That all unpaid taxes, penalties, and interest 44
described under division (B) (2) of this section be abated; 45

(3) That all taxes, penalties, and interest described in 46
division (B) (3) of this section be regarded as an overpayment of 47
taxes under section 5715.22 of the Revised Code and be credited 48
or paid to the applicant in accordance with that section. 49

If the Commissioner finds that the property is not now 50
being used for an exempt purpose or is otherwise ineligible for 51

abatement, credit, or payment of taxes, penalties, and interest 52
under this section, the Commissioner shall issue an order 53
denying the application. 54

(E) If the Commissioner finds that the property is not 55
entitled to tax exemption and to the abatement of unpaid taxes, 56
penalties, and interest, the Commissioner shall order the county 57
treasurer of the county in which the property is located to 58
collect all taxes, penalties, and interest due on the property 59
for those years in accordance with law. 60

(F) The Commissioner may apply this section to any 61
qualified property that is the subject of an application for 62
exemption under section 5715.27 of the Revised Code pending 63
before the Commissioner on the effective date of this section 64
without requiring the property owner to file an additional 65
application, provided that application includes all the 66
information described in division (C) of this section." 67

The motion was _____ agreed to.

SYNOPSIS 68

Tax abatement and refunds: enterprise zone property 69

Section 1 70

Provides a twelve-month period for an owner of property 71
that qualifies for the enterprise zone property tax exemption, 72
but that failed to properly apply for the exemption, to apply to 73
the Tax Commissioner for the property to be placed on the tax 74
exempt list, for the abatement of unpaid taxes, penalties, and 75
interest on the property, including those assessed before the 76

applicant acquired ownership, and for the refund of paid taxes, 77
interest, and penalties that would have been exempt, including 78
those paid by a prior owner. 79

Continuing law exempts qualifying enterprise zone property 80
from taxation, but such property may not be exempted without a 81
proper application and abatement cannot be given for more than 82
three tax years or for unpaid taxes that have become a lien on 83
the property from before the applicant acquired ownership. 84
Similarly, under continuing law, an owner generally may not be 85
refunded property tax overpayments made by a prior owner. 86

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5748.09" 1

In line _____ of the title, after "_____" insert "and to allow a 2
school district to propose to renew an emergency property tax levy and a 3
combination income and property tax levy in a single ballot question" 4

After line _____, insert: 5

"**Section 1.** That section 5748.09 of the Revised Code be 6
amended to read as follows: 7

Sec. 5748.09. (A) The board of education of a city, local, 8
or exempted village school district, at any time by a vote of 9
two-thirds of all its members, may declare by resolution that it 10
may be necessary for the school district to do all of the 11
following: 12

(1) Raise a specified amount of money for school district 13
purposes by levying an annual tax on school district income; 14

(2) Levy an additional property tax in excess of the ten- 15
mill limitation for the purpose of providing for the necessary 16
requirements of the district, stating in the resolution the 17
amount of money to be raised each year for such purpose; 18

(3) Submit the question of the school district income tax 19
and property tax to the electors of the district at a special 20
election. 21

The resolution shall specify whether the income that is to
be subject to the tax is taxable income of individuals and
estates as defined in divisions (E)(1)(a) and (2) of section
5748.01 of the Revised Code or taxable income of individuals as
defined in division (E)(1)(b) of that section.

On adoption of the resolution, the board shall certify a
copy of it to the tax commissioner and the county auditor not
later than one hundred days prior to the date of the special
election at which the board intends to propose the income tax
and property tax. Not later than ten days after receipt of the
resolution, the tax commissioner, in the same manner as required
by division (A) of section 5748.02 of the Revised Code, shall
estimate the rates designated in divisions (A)(1) and (2) of
that section and certify them to the board. Not later than ten
days after receipt of the resolution, the county auditor, in the
same manner as required by section 5705.195 of the Revised Code,
shall make the calculation specified in that section and certify
it to the board.

(B) On receipt of the tax commissioner's and county
auditor's certifications prepared under division (A) of this
section, the board of education of the city, local, or exempted
village school district, by a vote of two-thirds of all its
members, may adopt a resolution declaring that the amount of
taxes that can be raised by all tax levies the district is
authorized to impose, when combined with state and federal
revenues, will be insufficient to provide an adequate amount for
the present and future requirements of the school district, and
that it is therefore necessary to levy, for a specified number
of years or for a continuing period of time, an annual tax for
school district purposes on school district income, and to levy,
for a specified number of years not exceeding ten or for a

continuing period of time, an additional property tax in excess 53
of the ten-mill limitation for the purpose of providing for the 54
necessary requirements of the district, and declaring that the 55
question of the school district income tax and property tax 56
shall be submitted to the electors of the school district at a 57
special election, which shall not be earlier than ninety days 58
after certification of the resolution to the board of elections, 59
and the date of which shall be consistent with section 3501.01 60
of the Revised Code. The resolution shall specify all of the 61
following: 62

(1) The purpose for which the school district income tax 63
is to be imposed and the rate of the tax, which shall be the 64
rate set forth in the tax commissioner's certification rounded 65
to the nearest one-fourth of one per cent; 66

(2) Whether the income that is to be subject to the tax is 67
taxable income of individuals and estates as defined in 68
divisions (E) (1) (a) and (2) of section 5748.01 of the Revised 69
Code or taxable income of individuals as defined in division (E) 70
(1) (b) of that section. The specification shall be the same as 71
the specification in the resolution adopted and certified under 72
division (A) of this section. 73

(3) The number of years the school district income tax 74
will be levied, or that it will be levied for a continuing 75
period of time; 76

(4) The date on which the school district income tax shall 77
take effect, which shall be the first day of January of any year 78
following the year in which the question is submitted; 79

(5) The amount of money it is necessary to raise for the 80
purpose of providing for the necessary requirements of the 81

district for each year the property tax is to be imposed; 82

(6) The number of years the property tax will be levied, 83
or that it will be levied for a continuing period of time; 84

(7) The tax list upon which the property tax shall be 85
first levied, which may be the current year's tax list; 86

(8) The amount of the average tax levy, expressed in 87
dollars for each one hundred thousand dollars of the county 88
auditor's appraised value as well as in mills for each one 89
dollar of taxable value, estimated by the county auditor under 90
division (A) of this section. 91

(C) A resolution adopted under division (B) of this 92
section shall go into immediate effect upon its passage, and no 93
publication of the resolution shall be necessary other than that 94
provided for in the notice of election. Immediately after its 95
adoption and at least ninety days prior to the election at which 96
the question will appear on the ballot, the board of education 97
shall certify a copy of the resolution, along with copies of the 98
county auditor's certification and the resolution under division 99
(A) of this section, to the board of elections of the proper 100
county. The board of education shall make the arrangements for 101
the submission of the question to the electors of the school 102
district, and the election shall be conducted, canvassed, and 103
certified in the same manner as regular elections in the 104
district for the election of county officers. 105

The resolution shall be put before the electors as one 106
ballot question, with a majority vote indicating approval of the 107
school district income tax and the property tax. The board of 108
elections shall publish the notice of the election in a 109
newspaper of general circulation in the school district once a 110

week for two consecutive weeks, or as provided in section 7.16 111
of the Revised Code, prior to the election. If the board of 112
elections operates and maintains a web site, also shall post 113
notice of the election on its web site for thirty days prior to 114
the election. The notice of election shall state all of the 115
following: 116

(1) The questions to be submitted to the electors as a 117
single ballot question; 118

(2) The rate of the school district income tax; 119

(3) The number of years the school district income tax 120
will be levied or that it will be levied for a continuing period 121
of time; 122

(4) The annual proceeds of the proposed property tax levy 123
for the purpose of providing for the necessary requirements of 124
the district; 125

(5) The number of years during which the property tax levy 126
shall be levied, or that it shall be levied for a continuing 127
period of time; 128

(6) The estimated average additional tax rate of the 129
property tax, expressed in dollars for each one hundred thousand 130
dollars of the county auditor's appraised value as well as in 131
mills for each one dollar of taxable value, outside the 132
limitation imposed by Section 2 of Article XII, Ohio 133
Constitution, as certified by the county auditor; 134

(7) The time and place of the special election. 135

(D) The form of the ballot on a question submitted to the 136
electors under this section shall be as follows: 137

"Shall the _____ school district be authorized to do both 138

of the following: 139

(1) Impose an annual income tax of _____ (state the 140
proposed rate of tax) on the school district income of 141
individuals and of estates, for _____ (state the number of 142
years the tax would be levied, or that it would be levied for a 143
continuing period of time), beginning _____ (state the date 144
the tax would first take effect), for the purpose of _____ 145
(state the purpose of the tax)? 146

(2) Impose a property tax levy outside of the ten-mill 147
limitation for the purpose of providing for the necessary 148
requirements of the district in the sum of \$ _____ 149
(here insert annual amount the levy is to produce), estimated by 150
the county auditor to average _____ mills for each \$1 151
of taxable value, which amounts to \$ _____ for each 152
\$100,000 of the county auditor's appraised value, for 153
_____ (state the number of years the tax is to be 154
imposed or that it will be imposed for a continuing period of 155
time), commencing in _____ (first year the tax is to be 156
levied), first due in calendar year _____ (first calendar 157
year in which the tax shall be due)? 158

159

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school 160
district income tax only on the taxable income of individuals as 161
defined in division (E)(1)(b) of section 5748.01 of the Revised 162
Code, the form of the ballot shall be modified by stating that 163

the tax is to be levied on the "earned income of individuals 164
residing in the school district" in lieu of the "school district 165
income of individuals and of estates." 166

(E) The board of elections promptly shall certify the 167
results of the election to the tax commissioner and the county 168
auditor of the county in which the school district is located. 169
If a majority of the electors voting on the question vote in 170
favor of it: 171

(1) The income tax and the applicable provisions of 172
Chapter 5747. of the Revised Code shall take effect on the date 173
specified in the resolution. 174

(2) The board of education of the school district may make 175
the additional property tax levy necessary to raise the amount 176
specified on the ballot for the purpose of providing for the 177
necessary requirements of the district. The property tax levy 178
shall be included in the next tax budget that is certified to 179
the county budget commission. 180

(F) (1) After approval of a question under this section, 181
the board of education may anticipate a fraction of the proceeds 182
of the school district income tax in accordance with section 183
5748.05 of the Revised Code. Any anticipation notes under this 184
division shall be issued as provided in section 133.24 of the 185
Revised Code, shall have principal payments during each year 186
after the year of their issuance over a period not to exceed 187
five years, and may have a principal payment in the year of 188
their issuance. 189

(2) After the approval of a question under this section 190
and prior to the time when the first tax collection from the 191
property tax levy can be made, the board of education may 192

anticipate a fraction of the proceeds of the levy and issue 193
anticipation notes in an amount not exceeding the total 194
estimated proceeds of the levy to be collected during the first 195
year of the levy. Any anticipation notes under this division 196
shall be issued as provided in section 133.24 of the Revised 197
Code, shall have principal payments during each year after the 198
year of their issuance over a period not to exceed five years, 199
and may have a principal payment in the year of their issuance. 200

(G) (1) The question of repeal of a school district income 201
tax levied for more than five years may be initiated and 202
submitted in accordance with section 5748.04 of the Revised 203
Code. 204

(2) A property tax levy for a continuing period of time 205
may be reduced in the manner provided under section 5705.261 of 206
the Revised Code. 207

(H) No board of education shall submit a question under 208
this section to the electors of the school district more than 209
twice in any calendar year. If a board submits the question 210
twice in any calendar year, one of the elections on the question 211
shall be held on the date of the general election. 212

(I) If the electors of the school district approve a 213
question under this section, and if the last calendar year the 214
school district income tax is in effect and the last calendar 215
year of collection of the property tax are the same, the board 216
of education of the school district may propose to submit under 217
this section the combined question of a school district income 218
tax to take effect upon the expiration of the existing income 219
tax and a property tax to be first collected in the calendar 220
year after the calendar year of last collection of the existing 221
property tax, and specify in the resolutions adopted under this 222

section that the proposed taxes would renew the existing taxes. 223
The form of the ballot on a question submitted to the electors 224
under division (I) of this section shall be as follows: 225

"Shall the _____ school district be authorized to do 226
both of the following: 227

(1) Impose an annual income tax of _____ (state the 228
proposed rate of tax) on the school district income of 229
individuals and of estates to renew an income tax expiring at 230
the end of _____ (state the last year the existing income tax 231
may be levied) for _____ (state the number of years the tax 232
would be levied, or that it would be levied for a continuing 233
period of time), beginning _____ (state the date the tax would 234
first take effect), for the purpose of _____ (state the 235
purpose of the tax)? 236

(2) Impose a property tax levy renewing an existing levy 237
outside of the ten-mill limitation for the purpose of providing 238
for the necessary requirements of the district in the sum of 239
\$_____ (here insert annual amount the levy is to 240
produce), estimated by the county auditor to average 241
_____ mills for each \$1 of taxable value, which 242
amounts to \$_____ for each \$100,000 of the county 243
auditor's appraised value, for _____ (state the number 244
of years the tax is to be imposed or that it will be imposed for 245
a continuing period of time), commencing in _____ (first 246
year the tax is to be levied), first due in calendar year 247
_____ (first calendar year in which the tax shall be 248
due)? 249

250

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E) (1) (b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

~~The question of a renewal levy under this division shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in August, during the last year the property tax levy to be renewed may be extended on the real and public-utility property tax list and duplicate, or at any election held in the ensuing year.~~

~~(J)~~ (J) (1) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year in which the property tax is collected are the same, the board of education of the school district may propose to submit under this section the combined question of all of the following:

(a) The renewal of the school district income tax levied under this section, to take effect upon the expiration of the existing income tax;

(b) The renewal of the property tax levied under this

section, to be levied beginning in the tax year after the tax 277
year in which the existing property tax expires; 278

(c) The renewal of a property tax levied under section 279
5705.194 of the Revised Code, regardless of the year it expires, 280
to be levied beginning in the same tax year that the tax 281
described in division (J) (1) (b) of this section is first levied. 282

If the combined question is approved, the existing tax 283
levied under section 5705.194 of the Revised Code may not be 284
levied for the first tax year the renewal tax is levied or any 285
following tax year. 286

(2) In its resolution to be submitted to the tax 287
commissioner and county auditor, the board of education shall 288
include, in addition to the applicable requirements of division 289
(A) of this section, a declaration of the necessity for the 290
renewal of the property tax levied under section 5705.194 of the 291
Revised Code, the purpose of the tax as specified under that 292
section, and the necessity of the submission of the question of 293
the renewal of the school district income tax and both property 294
taxes to the electors of the district at a special election. Not 295
later than ten days after receipt of the resolution, the county 296
auditor shall make a separate calculation and certification with 297
respect to the renewal tax described in division (J) (1) (c) of 298
this section in the same manner as required by section 5705.195 299
of the Revised Code. 300

In its resolution adopted upon receipt of the 301
commissioner's and county auditor's certifications, the board of 302
education shall include, in addition to the applicable 303
requirements of division (B) of this section, a declaration that 304
the amount of taxes that can be raised by all tax levies the 305
district is authorized to impose, when combined with state and 306

federal revenues, will be insufficient to provide an adequate 307
amount for the present and future requirements of the school 308
district, and that it is therefore necessary to renew the 309
existing property tax being levied in excess of the ten-mill 310
limitation under section 5705.194 of the Revised Code for the 311
purpose as specified in that section, for a specified number of 312
years not exceeding ten or for a continuing period of time, and 313
that the question of the renewal of the school district income 314
tax and of both property taxes shall be submitted to the 315
electors of the school district at a special election as 316
described in division (B) of this section. With respect to the 317
renewal tax described in division (J) (1) (c) of this section, the 318
resolution shall specify the amount of money it is necessary to 319
raise for the specified purpose for each calendar year the 320
millage is to be imposed, the tax year that tax is to be first 321
levied, and the estimated rate of that tax, expressed in dollars 322
for each one hundred thousand dollars of the county auditor's 323
appraised value as well as in mills for each one dollar of 324
taxable value, as certified by the county auditor. 325

(3) In addition to the requirements of division (C) of 326
this section, the notice of election shall separately state, 327
with respect to the renewal tax described in division (J) (1) (c) 328
of this section, the annual proceeds of the proposed levy for 329
the specified purpose; the number of years the proposed tax will 330
be levied, or that it shall be levied for a continuing period of 331
time; and the estimated rate of the proposed levy, expressed in 332
dollars for each one hundred thousand dollars of the county 333
auditor's appraised value as well as in mills for each one 334
dollar of taxable value, as certified by the county auditor. 335

(4) The form of the ballot on a question submitted to the 336
electors under division (J) of this section shall be identical 337

to the form of the ballot prescribed in division (I) of this 338
section, except that the following shall be added after the 339
third paragraph and in place of the voting box: "(3) Impose a 340
property tax levy renewing an existing levy outside of the ten- 341
mill limitation for the purpose of _____ (here insert 342
purpose of levy as specified in section 5705.194 of the Revised 343
Code and determined by the board of education) in the sum of \$ 344
_____ (here insert annual amount the levy is to produce), 345
estimated by the county auditor to average _____ mills for 346
each \$1 of taxable value, which amounts to \$ _____ for each 347
\$100,000 of the county auditor's appraised value, for _____ 348
(state the number of years the tax is to be imposed or that it 349
will be imposed for a continuing period of time), commencing in 350
_____ (first year the tax is to be levied), first due in 351
calendar year _____ (first calendar year in which the tax 352
shall be due)? 353

	FOR THE INCOME TAX AND PROPERTY TAXES	
	AGAINST THE INCOME TAX AND PROPERTY TAXES	"

If the existing property tax being levied under section 355
5705.194 of the Revised Code is scheduled to expire in a tax 356
year different from that of the existing property tax being 357
levied under this section, the form of the ballot shall be 358
modified by adding the following statement at the end of the 359
paragraph prescribed in this division: "If approved, any 360
remaining tax years on the existing levy will not be levied 361
after tax year _____ (last tax year the tax will be levied), 362
last due in _____ (last calendar year in which the tax shall 363

be due)." 364

(5) If a majority of the electors voting on the question 365
submitted under division (J) of this section vote in favor of 366
it, the board of education of the school district may, in 367
addition to any other authorization in the Revised Code and 368
prior to the time when the first tax collection from the renewal 369
tax levy can be made, anticipate a fraction of the proceeds of 370
the renewal levy described in division (J)(1)(c) of this section 371
and issue anticipation notes in an amount not exceeding the 372
total estimated proceeds of the levy to be collected during the 373
first year of the levy. Any such anticipation notes shall be 374
issued as provided in section 133.24 of the Revised Code, shall 375
have principal payments during each year after the year of their 376
issuance over a period not to exceed five years, and may have a 377
principal payment in the year of their issuance. 378

(K) The question of a renewal levy under division (I) or 379
(J) of this section shall not be placed on the ballot unless the 380
question is submitted on a date on which a special election may 381
be held under section 3501.01 of the Revised Code, except for 382
the first Tuesday after the first Monday in August, during the 383
last year the existing property tax levy described in division 384
(J)(1)(b) of this section may be extended on the real and public 385
utility property tax list and duplicate, or at any election held 386
in the ensuing year. 387

The failure by the electors to approve the question of a 388
renewal levy under division (I) or (J) of this section does not 389
terminate the authority previously granted by the electors to 390
levy the taxes proposed to be renewed for their previously 391
approved duration. 392

(L) If the electors of the school district approve a 393

question under this section, the board of education of the 394
school district may propose to renew ~~either or both~~ any of the 395
existing taxes as individual ballot questions in accordance with 396
section 5748.02 of the Revised Code, for the school district 397
income tax, or section 5705.194 of the Revised Code, for the 398
property tax or taxes. 399

Section 2. That existing section 5748.09 of the Revised 400
Code is hereby repealed." 401

After line _____, insert: 402

"Section 3. The amendment by this act of section 5748.09 403
of the Revised Code applies to any proceedings commenced or 404
resolutions adopted on or after the amendment's effective date, 405
and, so far as the amendment supports the actions taken, also 406
applies to resolutions adopted or proceedings that are pending, 407
in progress, or completed before that effective date, 408
notwithstanding the applicable law previously in effect. Any 409
resolution adopted or proceedings pending or in progress on the 410
effective date of the amendment shall be deemed to have been 411
taken in conformity with the amendment." 412

The motion was _____ agreed to.

SYNOPSIS 413

Combined school district property and income tax levies 414

R.C. 5748.09; Section 3 415

Allows a school district to propose to renew an emergency 416
property tax levy and a combination income and property tax levy 417
in a single ballot question. Under current law, a school 418

district may renew an emergency property tax levy, or may renew 419
a combination income and property tax levy, but either renewal 420
must be submitted to voters as a separate question on the 421
ballot. 422

Applies the change to resolutions adopted or proceedings 423
that are pending or completed on or before the amendment's 424
effective date, insofar as the amendment supports the actions 425
taken. 426

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "and to permit, 1
for a limited time, the abatement and refund of certain taxes, penalties, 2
and interest for qualifying agricultural society property" 3

After line _____, insert: 4

"**Section 1.** (A) As used in this section, "qualified 5
property" means any property that meets all of the following 6
requirements: 7

(1) It is owned by a county agricultural society formed 8
under Chapter 1711. of the Revised Code. 9

(2) It was acquired by the county agricultural society 10
between March 1, 2021, and March 31, 2021, from a board of 11
county commissioners. 12

(3) It satisfies the qualifications for tax exemption 13
under section 5709.10 of the Revised Code. 14

(B) Upon the request of a county agricultural society that 15
intends to file an application under division (C) of this 16
section, the county treasurer shall determine if all taxes, 17
penalties, and interest that became a lien on the property that 18
will be the subject of the application before it was first used 19
for an exempt purpose have been paid in full. If the treasurer 20
determines they have, the treasurer shall issue a certificate to 21

the property owner stating that all such taxes, penalties, and 22
interest have been paid in full. 23

(C) Notwithstanding sections 5713.08 and 5713.081 of the 24
Revised Code, a county agricultural society that owns qualified 25
property, at any time on or before the date that is twelve 26
months after the effective date of this section, may file with 27
the Tax Commissioner an application requesting all of the 28
following: 29

(1) That the property be placed on the tax exempt list; 30

(2) That all unpaid taxes, penalties, and interest on the 31
property for tax years 2021 and 2022 be abated, provided the 32
property met the qualifications for tax exemption for those tax 33
years and regardless of whether such taxes, interest, and 34
penalties became a lien prior to the date of acquisition of 35
title to the property by the applicant; 36

(3) That all paid taxes, penalties, and interest on the 37
property for those tax years be credited or paid to the 38
applicant. 39

(D) An application submitted pursuant to division (C) of 40
this section shall be made on the form prescribed by the 41
Commissioner under section 5715.27 of the Revised Code and shall 42
list the name of the county in which the property is located; 43
the property's parcel number or legal description; its assessed 44
value; the amount in dollars of the unpaid taxes, penalties, and 45
interest described in division (C) (2) of this section; the 46
amount of taxes, penalties, and interest described in division 47
(C) (3) of this section; and any other information required by 48
the Commissioner. The county auditor shall supply the required 49
information upon request of the applicant. 50

A property owner who has received a certificate pursuant 51
to division (B) of this section shall attach the certificate to 52
the application. 53

(E) Upon receipt of the application and after 54
consideration of it, the Commissioner shall determine if the 55
property is qualified property and if so shall issue an order 56
directing all of the following: 57

(1) That the property be placed on the tax exempt list of 58
the county; 59

(2) That all unpaid taxes, penalties, and interest 60
described under division (C) (2) of this section be abated; 61

(3) That all taxes, penalties, and interest described in 62
division (C) (3) of this section be regarded as an overpayment of 63
taxes under section 5715.22 of the Revised Code and be credited 64
or paid to the applicant in accordance with that section. 65

If the Commissioner finds that the property is not 66
qualified property, the Commissioner shall issue an order 67
denying the application and an order directing the county 68
treasurer of the county in which the property is located to 69
collect all taxes, penalties, and interest due on the property 70
in accordance with law." 71

The motion was _____ agreed to.

SYNOPSIS 72

Tax abatement and refunds: agricultural society property 73

Section 1 74

Provides a twelve-month period for a county agricultural 75
society that acquired property from a county in March 2021 to 76
apply to the Tax Commissioner for: 77

-- The property to be placed on the tax exempt list; 78

-- The abatement of unpaid taxes, penalties, and interest 79
on the property for tax years 2021 and 2022, including those 80
levied before the society acquired ownership; and 81

-- The refund of paid taxes, interest, and penalties, for 82
tax years 2021 and 2022. 83

Continuing law exempts county agricultural society 84
property from taxation, provided it is used in furtherance of 85
the society's purposes, but such property may not be exempted if 86
it has unpaid taxes nor may taxes be abated if, in either case, 87
the taxes were assessed prior to the property's transfer. 88

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "340.01 and 5705.221" 1 2

In line _____ of the title, after "_____" insert "and to modify the 3
taxing authority of local alcohol, drug addiction, and mental health 4
services boards" 5

After line _____, insert: 6

"Section 1. That sections 340.01 and 5705.221 of the 7
Revised Code be amended to read as follows: 8

Sec. 340.01. (A) As used in this chapter: 9

(1) "Addiction," "addiction services," "alcohol and drug 10
addiction services," "alcoholism," "certifiable services and 11
supports," "community addiction services provider," "community 12
mental health services provider," "drug addiction," "gambling 13
addiction services," "included opioid and co-occurring drug 14
addiction services and recovery supports," "mental health 15
services," "mental illness," and "recovery supports" have the 16
same meanings as in section 5119.01 of the Revised Code. 17

(2) "Medication-assisted treatment" means alcohol and drug 18
addiction services that are accompanied by medication approved 19
by the United States food and drug administration for the 20
treatment of alcoholism or drug addiction, prevention of relapse 21
of alcoholism or drug addiction, or both. 22

(3) "Recovery housing" means housing for individuals 23
recovering from alcoholism or drug addiction that provides an 24
alcohol and drug-free living environment, peer support, 25
assistance with obtaining alcohol and drug addiction services, 26
and other alcoholism and drug addiction recovery assistance. 27

(B) An alcohol, drug addiction, and mental health service 28
district shall be established in any county or combination of 29
counties having a population of at least fifty thousand. With 30
the approval of the director of mental health and addiction 31
services, any county or combination of counties having a 32
population of less than fifty thousand may establish such a 33
district. Districts comprising more than one county shall be 34
known as joint-county districts. 35

The board of county commissioners of any county 36
participating in a joint-county district may submit a resolution 37
requesting withdrawal from the district together with a 38
comprehensive plan or plans that are in compliance with rules 39
adopted by the director of mental health and addiction services 40
under section 5119.22 of the Revised Code, and that provide for 41
the equitable adjustment and division of all services, assets, 42
property, debts, and obligations, if any, of the joint-county 43
district to the board of alcohol, drug addiction, and mental 44
health services, to the boards of county commissioners of each 45
county in the district, and to the director. No county 46
participating in a joint-county service district may withdraw 47
from the district without the consent of the director of mental 48
health and addiction services nor earlier than one year after 49
the submission of such resolution unless all of the 50
participating counties agree to an earlier withdrawal. Any 51
county withdrawing from a joint-county district shall continue 52
to have levied against its tax list and duplicate any tax levied 53

by the district during the period in which the county was a 54
member of the district until such time as the levy expires or is 55
renewed or replaced. 56

(C) For any tax levied under section 5705.19 of the 57
Revised Code by a board of a joint-county district formed on or 58
after the effective date of this amendment, revenue from the tax 59
shall only be expended for the benefit of the residents of the 60
county from which the revenue is derived. For the purpose of 61
this division, a joint-county district is not formed by virtue 62
of a county joining or withdrawing from a district or if a 63
joint-county service district merges with another joint-county 64
district. 65

Sec. 5705.221. (A) At any time, the board of county 66
commissioners of any county by a majority vote of the full 67
membership may declare by resolution and certify to the board of 68
elections of the county that the amount of taxes which may be 69
raised within the ten-mill limitation by levies on the current 70
tax duplicate will be insufficient to provide the necessary 71
requirements of the county's alcohol, drug addiction, and mental 72
health service district established pursuant to Chapter 340. of 73
the Revised Code, or the county's contribution to a joint-county 74
district of which the county is a part, and that it is necessary 75
to levy a tax in excess of such limitation for the operation of 76
community addiction services providers and community mental 77
health services providers and the acquisition, construction, 78
renovation, financing, maintenance, and operation of alcohol and 79
drug addiction facilities and mental health facilities. 80

Such resolution shall conform to section 5705.19 of the 81
Revised Code, except that the increased rate may be in effect 82
for any number of years not exceeding ten. 83

The resolution shall be certified and submitted in the 84
manner provided in section 5705.25 of the Revised Code, except 85
that it may be placed on the ballot in any election, and except 86
as otherwise provided in division (G) of this section. The 87
resolution shall be certified to the board of elections not less 88
than ninety days before the election at which it will be voted 89
upon. 90

If the majority of the electors voting on a levy to 91
supplement general fund appropriations for the support of the 92
comprehensive community addiction and mental health services 93
providers vote in favor of the levy, the board may levy a tax 94
within the county at the additional rate outside the ten-mill 95
limitation during the specified ~~or continuing~~ period, for the 96
purpose stated in the resolution. 97

(B) When electors have approved a tax levy under this 98
section, the board of county commissioners may anticipate a 99
fraction of the proceeds of the levy and, from time to time, 100
issue anticipation notes in accordance with section 5705.191 or 101
5705.193 of the Revised Code. 102

(C) The county auditor who is the fiscal officer of the 103
alcohol, drug addiction, and mental health service district, 104
upon receipt of a resolution from the board of alcohol, drug 105
addiction, and mental health services, shall establish for the 106
district a capital improvements account or a reserve balance 107
account, or both, as specified in the resolution. The capital 108
improvements account shall be a contingency fund for the 109
necessary acquisition, replacement, renovation, or construction 110
of facilities and movable and fixed equipment. Upon the request 111
of the board, funds not needed to pay for current expenses may 112
be appropriated to the capital improvements account, in amounts 113

such that the account does not exceed twenty-five per cent of 114
the replacement value of all capital facilities and equipment 115
currently used by the board for programs and services. Other 116
funds which are available for current capital expenses from 117
federal, state, or local sources may also be appropriated to 118
this account. 119

The reserve balance account shall contain those funds that 120
are not needed to pay for current operating expenses and not 121
deposited in the capital improvements account but that will be 122
needed to pay for operating expenses in the future. Upon the 123
request of a board, such funds shall be appropriated to the 124
reserve balance account. Payments from the capital improvements 125
account and the reserve balance account shall be made by the 126
county treasurer who is the custodian of funds for the district 127
upon warrants issued by the county auditor who is the fiscal 128
officer of the district pursuant to orders of the board. 129

(D) If a board of county commissioners levies a tax under 130
this section for the county's contribution to a joint-county 131
district of which the county is a part, revenue from the tax 132
shall only be expended for the benefit of the residents of the 133
county. 134

(E) If a board of county commissioners levies a tax under 135
this section for the county's contribution to a joint-county 136
district of which the county is a part and that district expands 137
or contracts due to the addition or withdrawal of another 138
county, the board, provided that county remains a part of the 139
newly expanded or contracted joint-county district, shall 140
continue to levy and collect that tax, pursuant to the terms 141
originally approved by electors, for the county's contribution 142
to the newly expanded or contracted joint-county district of 143

which the county is a part. Notwithstanding sections 5705.192 144
and 5705.25 of the Revised Code, the election notice and ballot 145
language of a renewal or replacement of such a levy shall 146
identify the name of the newly expanded or contracted joint- 147
county district. 148

(F) If a board of county commissioners levies a tax under 149
this section for the county's contribution to a joint-county 150
district of which the county is a part and the county withdraws 151
from the district, the board shall continue to levy and collect 152
that tax, pursuant to the terms originally approved by electors, 153
for one of the following purposes, if either situation applies: 154

(1) For the county's contribution to a newly joined joint- 155
county district, if the county joins such a joint-county 156
district in the tax year after the year in which the county 157
withdraws from the other joint-county district; 158

(2) To provide the necessary requirements of the county's 159
alcohol, drug addiction, and mental health service district, if 160
the county establishes such a district under Chapter 340. of the 161
Revised Code in the tax year after the year in which the county 162
withdraws from the joint-county district. 163

Notwithstanding sections 5705.192 and 5705.25 of the 164
Revised Code, the election notice and ballot language of a 165
renewal or replacement of such a levy shall identify the name of 166
the newly established district or newly joined joint-county 167
district. 168

(G) Division (G) of this section applies only if all of 169
the following apply: 170

(1) The county withdraws from a joint-county district. 171

(2) The board of alcohol, drug addiction, and mental 172

health services of that joint-county district levies a tax under 173
section 5705.19 of the Revised Code in the tax year for which 174
the county withdraws from the joint-county district. 175

(3) The board of county commissioners of the withdrawing 176
county adopts a resolution under division (A) of this section 177
proposing a tax under this section that specifies that the first 178
tax year the tax is to be levied by the board is the tax year 179
after the year the tax described in division (G) (2) of this 180
section expires or is renewed or replaced, as authorized under 181
division (B) of section 340.01 of the Revised Code. 182

The proposed tax described in division (G) (3) of this 183
section may be a renewal, renewal and decrease, or renewal and 184
increase of the tax described in division (G) (2) of this 185
section, except that, notwithstanding section 5705.25 of the 186
Revised Code, the election notice and ballot language of a 187
renewal of such a levy shall identify the county as the 188
subdivision within which the tax will be levied and not the 189
joint-county district from which the county withdrew. 190

Alternatively, the tax described in division (G) (3) of 191
this section may be a replacement, replacement and decrease, or 192
replacement and increase of the tax described in division (G) (2) 193
of this section, as authorized under section 5705.192 of the 194
Revised Code, except that, notwithstanding that section, the 195
election notice and ballot language of a replacement of such a 196
levy shall identify the county as the subdivision within which 197
the tax will be levied and not the joint-county district from 198
which the county withdrew. 199

Section 2. That existing sections 340.01 and 5705.221 of 200
the Revised Code are hereby repealed." 201

After line _____, insert: 202

"Section 3. The enactment by this act of division (C) of 203
section 340.01 and divisions (D) to (F) of section 5705.221 of 204
the Revised Code applies to tax years ending on or after the 205
effective date of this section, regardless of the date the taxes 206
described in those divisions were approved by electors. 207

The enactment by this act of division (G) of section 208
5705.221 of the Revised Code applies to resolutions described 209
under division (G) (3) of that section, as enacted by this act, 210
adopted on or after one hundred days after the effective date of 211
this section." 212

The motion was _____ agreed to.

SYNOPSIS 213

ADAMHS district taxing authority 214

R.C. 340.01 and 5705.221; Section 3 215

Requires revenue from a property tax levied by a joint- 216
county alcohol, drug addiction, and mental health services 217
(ADAMHS) district formed after the act's 90-day effective date 218
to be expended for the benefit of the residents of the county 219
from which it is collected. This limitation does not apply if 220
membership in the joint district changes because a county joins 221
or withdraws from a district or if a joint-county district 222
merges with another joint-county district. A joint-county 223
district encompasses two or more counties. 224

Similarly requires property taxes levied by counties for 225
the benefit of a joint-county district to be expended by the 226
joint-county district for the benefit of county residents. 227

Requires a county withdrawing from a joint-county district 228
to continue to levy a tax that had been for the benefit of the 229
joint-county district, provided the withdrawing county 230
immediately forms its own ADAMHS board or joins another joint- 231
county district. The levy will fund the county's board or the 232
newly joined joint-county district. 233

Authorizes a county ADAMHS tax submitted to voters on or 234
after 100 days after the act's 90-day effective date to be the 235
renewal or replacement levy of an expiring joint-county district 236
levy after the county withdraws from that joint-county district. 237

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "1332.21" 1
In line _____ of the title, after "_____" insert "to make 2
clarifications regarding video services" 3
After line _____, insert: 4

"Section 1. That section 1332.21 of the Revised Code be 5
amended to read as follows: 6

Sec. 1332.21. As used in sections 1332.21 to 1332.34 of 7
the Revised Code: 8

(A) "Access to video service" means the capability of a 9
video service provider to provide video service at a household 10
address irrespective of whether a subscriber has ordered the 11
service or whether the service is actually provided at that 12
address. 13

(B) "Basic local exchange service" has the same meaning as 14
in section 4927.01 of the Revised Code. 15

(C) "Cable operator," "cable service," "cable system," 16
"franchise," and "franchising authority" have the same meanings 17
as in the "Cable Communications Policy Act of 1984," Pub. L. No. 18
98-549, 98 Stat. 2780, 2781, 47 U.S.C. 522, as amended by the 19
"Telecommunications Act of 1996," Pub. L. No. 104-104, 110 Stat. 20
56. 21

(D) "Competitive video service agreement" means any 22
agreement, memorandum of understanding, or other document that 23
provides or has the effect of providing, whether or not as a 24
franchise, authorization by a municipal corporation or township 25
for the provision of video service within its boundaries by a 26
person using telecommunications facilities to provide that 27
service. 28

(E) "Household" means, consistent with the regulations of 29
the bureau of the census of the United States department of 30
commerce, a house, an apartment, a mobile home, a group of 31
rooms, or a single room that is intended for occupancy as 32
separate living quarters. "Separate living quarters" are those 33
in which the occupants live and eat separately from any other 34
persons in the building and that have direct access from the 35
outside of the building or through a common hall. 36

(F) "Low-income households" means those residential 37
households that are located within the video service provider's 38
video service area and have an average annual household income 39
of less than thirty-five thousand dollars based on United States 40
census bureau estimates on January 1, 2007. 41

(G) "PEG channel" means a channel, for public, 42
educational, and governmental programming, made available by a 43
video service provider or cable operator for noncommercial use. 44

(H) "Telecommunications service" has the same meaning as 45
in the "Telecommunications Act of 1996," Pub. L. No. 104-104, 46
Title I, Section 3, 110 Stat. 60, 47 U.S.C. 153. 47

(I) "Video programming" has the same meaning as in the 48
"Cable Communications Policy Act of 1984," Pub. L. No. 98-549, 49
98 Stat. 2781, 47 U.S.C. 522. 50

(J) "Video service" means the provision by a video service 51
provider of video programming over wires or cables located at 52
least in part in public rights-of-way, regardless of the 53
technology used to deliver that programming, including internet 54
protocol technology or any other technology. The term includes 55
cable service, but excludes ~~video~~ the following: 56

(1) Video programming provided to persons in their 57
capacity as subscribers to commercial mobile service as defined 58
in the "Telecommunications Act of 1996," Pub. L. No. 104-104, 59
Title VII, Sections 704(a) and 705, 110 Stat. 61, 151, 153, 47 60
U.S.C. 332; ~~video~~ 61

(2) Direct-to-home satellite services as defined in 47 62
U.S.C. 303; 63

(3) Video programming ~~provided solely as part of and~~ 64
accessed via a service that enables users to access content, 65
information, electronic mail, or other services offered over the 66
~~public internet, including video streaming content; and signals~~ 67

(4) Signals distributed by a cable television system to 68
paying subscribers in the unincorporated area of a township 69
prior to October 1, 1979, as authorized under section 505.91 of 70
the Revised Code as that section existed prior to its repeal by 71
S.B. 117 of the 127th general assembly, unless a franchise was 72
subsequently issued to the same company as authorized under that 73
section. 74

(K) "Video service area" means the service area specified 75
pursuant to divisions (A) and (B) of section 1332.25 of the 76
Revised Code. 77

(L) "Video service network" means wires or cables and 78
associated facilities or components used to deliver video 79

service and includes a cable system. 80

(M) "Video service provider" means a person granted a 81
video service authorization under sections 1332.21 to 1332.34 of 82
the Revised Code. 83

Section 2. That existing section 1332.21 of the Revised 84
Code is hereby repealed." 85

The motion was _____ agreed to.

SYNOPSIS 86

Video service 87

R.C. 1332.21 88

Limits "video service" to "the provision by a video 89
service provider of video programming" (a person granted video 90
service authorization under Ohio's Video Service Law). 91

Provides that direct-to-home satellite services, as 92
defined under federal law, and video streaming content, are not 93
video services. 94

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "and to permit, 1
for a limited time, the refund of certain taxes, penalties, and interest 2
for qualifying school district property" 3
After line _____, insert: 4
"Section 1. (A) As used in this section, "qualified 5
property" means any property that meets all of the following 6
requirements: 7
(1) It is owned by a local school district. 8
(2) It was acquired by the local school district between 9
February 1, 2021, and February 28, 2021. 10
(3) It satisfies the qualifications for tax exemption 11
under division (A) (1) of section 5709.07 of the Revised Code for 12
tax year 2022. 13
(B) Notwithstanding the tax exempt status of the property 14
at the time of the application, a local school district that 15
owns qualified property, at any time on or before the date that 16
is twelve months after the effective date of this section, may 17
file with the Tax Commissioner an application pursuant to 18
section 5715.27 of the Revised Code requesting both of the 19
following: 20
(1) That the qualified property be declared to be subject 21

to the exemption authorized under division (A) (1) of section 22
5709.07 of the Revised Code for tax year 2021; 23

(2) Notwithstanding division (C) of section 5713.08 of the 24
Revised Code, remission of the taxes, penalties, and interest, 25
attributable to the property for tax year 2021, payable to the 26
person that paid them. 27

(C) An application submitted pursuant to division (B) of 28
this section shall be made on the form prescribed by the 29
Commissioner under section 5715.27 of the Revised Code. 30

(D) Upon receipt of the application and after 31
consideration of it, the Commissioner shall determine if the 32
property is qualified property and if so shall issue an order 33
directing that the property be added to the tax exempt list for 34
tax year 2021 and that all taxes, penalties, and interest 35
described in division (B) (2) of this section be regarded as an 36
overpayment of taxes under section 5715.22 of the Revised Code 37
and be credited or paid to the person that paid the taxes, in 38
accordance with that section. 39

If the Commissioner finds that the property is not 40
qualified property, the Commissioner shall issue an order 41
denying the application." 42

The motion was _____ agreed to.

SYNOPSIS 43

Property tax refund: school property 44

Section 1 45

Provides a twelve-month period for a local school district 46
that acquired property in February 2021 to apply to the Tax 47
Commissioner for the refund of taxes, interest, and penalties 48
paid for tax year 2021, to whomever paid them. 49

Continuing law exempts school property from taxation, 50
provided it is used for educational purposes. The exempt status 51
of a property is generally determined as of the applicable tax 52
lien date, i.e., January 1 of the tax year for which the 53
exemption is sought. 54

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "to make certain
operating appropriations for the biennium ending June 30, 2023, and
capital appropriations for the biennium ending June 30, 2024,"

After line _____, insert:

"Section 1. All items in this act are hereby appropriated
as designated out of any moneys in the state treasury to the
credit of the designated fund. For all operating appropriations
made in this act, those in the first column are for fiscal year
2022 and those in the second column are for fiscal year 2023.
The operating appropriations made in this act are in addition to
any other operating appropriations made for the FY 2022-FY 2023
biennium."

After line _____, insert:

"Section 2.

15

1 2 3 4 5

A DEV DEPARTMENT OF DEVELOPMENT

B Dedicated Purpose Fund Group

C	5CV3	1956E6	Minor League Relief	\$0	\$30,000,000
D	TOTAL DPF Dedicated Purpose Fund Group			\$0	\$30,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0	\$30,000,000

MINOR LEAGUE RELIEF 16

The foregoing appropriation item 1956E6, Minor League Relief, shall be used, in accordance with the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, by the Department of Development to award grants to all of the following eligible minor league teams: the Akron Rubber Ducks, Dayton Dragons, Lake County Captains, Lake Erie Crushers, Mahoning Valley Scrappers, Toledo Mud Hens, Cincinnati Cyclones, and Toledo Walleye. Grant amounts shall be based on a team's calendar year 2019 gross revenue. 17
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Should the amount appropriated under the foregoing appropriation item 1956E6, Minor League Relief, be determined to be insufficient, the Department of Development shall award grants to the eligible teams in the same manner as grants awarded under the Shuttered Venue Operators Grant program established by the "Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act," Pub. L. No. 116-260, and subsequently amended by the "American Rescue Plan Act of 2021," Pub. L. No. 117-2." 26
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After line _____, insert: 35

"Section 3. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures 36
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from operating appropriations contained in this act shall be 41
accounted for as though made in H.B. 110 of the 134th General 42
Assembly. The operating appropriations made in this act are 43
subject to all provisions of H.B. 110 of the 134th General 44
Assembly that are generally applicable to such appropriations." 45

After line _____, insert: 46

"Section 4. All appropriation items in this act are 47
appropriated as designated out of any moneys in the state 48
treasury to the credit of the designated fund. All capital 49
appropriations made in this act are for the biennium ending June 50
30, 2024." 51

After line _____, insert: 52

"Section 5. 53

54

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3

A FCC FACILITIES CONSTRUCTION COMMISSION

B Cultural and Sports Facilities Building Fund (Fund 7030)

C C230FM Cultural and Sports Facilities Projects \$35,000,000

D TOTAL Cultural and Sports Facilities Building Fund \$35,000,000

E TOTAL ALL FUNDS \$35,000,000

CULTURAL AND SPORTS FACILITIES PROJECTS 55

The foregoing appropriation item C230FM, Cultural and 56
Sports Facilities Projects, shall be used to support the 57
projects listed in this section. 58

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A Project List

B Gateway Economic Development Corporation \$30,000,000
Infrastructure

C Dayton Dragons Improvements \$5,000,000

" 60

After line _____, insert: 61

"Section 6. Within the limits set forth in this act, the 62
Director of Budget and Management shall establish accounts 63
indicating the source and amount of funds for each appropriation 64
made in this act, and shall determine the form and manner in 65
which appropriation accounts shall be maintained. Expenditures 66
from capital appropriations contained in this act shall be 67
accounted for as though made in H.B. 687 of the 134th General 68
Assembly. The capital appropriations made in this act are 69
subject to all provisions of H.B. 687 of the 134th General 70
Assembly that are generally applicable to such appropriations." 71

After line _____, insert: 72

"Section 7. The Treasurer of State is hereby authorized to 73
issue and sell, in accordance with Section 2i of Article VIII, 74
Ohio Constitution, Chapter 154. of the Revised Code, and 75
particularly section 154.23 and other applicable sections of the 76
Revised Code, original obligations in an aggregate principal 77
amount not to exceed \$35,000,000 in addition to the original 78
issuance of obligations heretofore authorized by prior acts of 79
the General Assembly. These authorized obligations shall be 80
issued, subject to applicable constitutional and statutory 81

limitations, as needed to provide sufficient moneys to the 82
credit of the Cultural and Sports Facilities Building Fund (Fund 83
7030) to pay costs of capital facilities for Ohio cultural 84
facilities and Ohio sports facilities." 85

After line _____, insert: 86

"Section 8. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 87
REVISED CODE 88

The capital improvements for which appropriations are made 89
in this act from the Cultural and Sports Facilities Building 90
Fund (Fund 7030) are determined to be capital improvements and 91
capital facilities for Ohio cultural and sports facilities and 92
are designated as capital facilities to which proceeds of 93
obligations issued under Chapter 154. of the Revised Code are to 94
be applied." 95

The motion was _____ agreed to.

SYNOPSIS 96

Department of Development 97

Sections 1 through 3 98

Appropriates \$30,000,000 in FY 2023 under Fund 5CV3 99
appropriation item 1956E6, Minor League Relief, and requires the 100
Department of Development, in accordance with provisions of the 101
federal American Rescue Plan Act, to award grants to all of the 102
following eligible minor league teams: Akron Rubber Ducks, 103
Dayton Dragons, Lake County Captains, Lake Erie Crushers, 104
Mahoning Valley Scrappers, Toledo Mud Hens, Cincinnati Cyclones, 105
and Toledo Walleye. 106

Specifies that the grant amounts awarded under the above 107
appropriation are based on an eligible team's CY 2019 gross 108
revenue; or, if the amount appropriated is insufficient to award 109
grants in that manner, to award grants in the same manner as 110
grants awarded under the federal Shuttered Venue Operators Grant 111
program. 112

Facilities Construction Commission and Treasurer of State 113

Sections 4 through 8 114

Appropriates \$35,000,000 in the FY 2023-FY 2024 biennium 115
from Fund 7030 appropriation item C230FM, Cultural and Sports 116
Facilities Projects, and makes the following earmarks: 117

(1) \$30,000,000 for Gateway Economic Development 118
Corporation Infrastructure; and 119

(2) \$5,000,000 for Dayton Dragons Improvements. 120

Authorizes the Treasurer of State to issue and sell 121
\$35,000,000 in new bonds deposited to the credit of Fund 7030 to 122
support the appropriation. 123

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "and to temporarily allow for the parcel-by-parcel tax exemption of certain property approved for tax increment financing in 2002"

After line _____, insert:

"Section 1. (A) As used in this section:

(1) "Qualified ordinance" means an ordinance adopted by the legislative authority of a municipal corporation between June 1, 2002, and December 31, 2002, pursuant to division (B) of section 5709.40 of the Revised Code.

(2) "Qualified property" means any property that satisfies the qualifications for tax exemption under the terms of a qualified ordinance.

(B) Notwithstanding sections 5713.08, 5713.081, and 5715.27 of the Revised Code, and section 5709.40 of the Revised Code as that section existed on the date the qualified ordinance was adopted, and whether or not a request for exemption for the qualified property filed under section 5715.27 of the Revised Code has already been finally determined, when qualified property has not received a tax exemption pursuant to the terms authorized by a qualified ordinance, the municipal corporation that adopted the ordinance, at any time on or before twelve months after the effective date of this section, may file with

the Tax Commissioner an application requesting both of the 23
following: 24

(1) That the property qualify for the exemption authorized 25
under section 5709.40 of the Revised Code for the tax years 26
authorized by the qualified ordinance; 27

(2) That the exemption for each parcel of qualified 28
property commence in the tax year, and remain in effect for the 29
term, specified for the parcel in the qualified ordinance, 30
whether the ordinance establishes the applicable tax year and 31
term uniformly or on a parcel-by-parcel basis. 32

(C) The application shall be made on the form prescribed 33
by the Commissioner under section 5715.27 of the Revised Code 34
and shall list the name of the county in which the qualified 35
property is located; the property's parcel number or legal 36
description; its assessed value; the amount in dollars of the 37
unpaid taxes, penalties, and interest described in division (B) 38
(2) of this section; the amount of taxes, penalties, and 39
interest described in division (B) (3) of this section; and any 40
other information required by the Commissioner. The county 41
auditor shall supply the required information upon request of 42
the applicant. 43

(D) Upon receipt of the application and after 44
consideration of it, the Commissioner shall determine if the 45
property that is subject of the application is qualified 46
property and, if so, shall issue an order directing all of the 47
following: 48

(1) That the property qualifies for the exemption 49
authorized under section 5709.40 of the Revised Code for the tax 50
years authorized by the qualified ordinance; 51

(2) That the exemption for each parcel of qualified
property commence in the tax year, and remain in effect for the
term, specified in the qualified ordinance, whether the
ordinance establishes the applicable tax year and term uniformly
or on a parcel-by-parcel basis.

(E) The Commissioner may apply this section to any
qualified property that is the subject of an application for
exemption under section 5715.27 of the Revised Code pending
before the Commissioner on the effective date of this section
without requiring the property owner to file an additional
application, provided that application includes all the
information described in division (C) of this section."

The motion was _____ agreed to.

SYNOPSIS

Exemption and abatement of certain TIF property

Section 1

Allows municipal corporations that adopted a tax increment
financing (TIF) ordinance between June 1 and December 31, 2002,
to temporarily file for tax exemption according to the terms of
the ordinance, including terms allowing exemptions to commence
and run on a parcel-by-parcel basis. State law did not
specifically allow for parcel-by-parcel TIF exemption
commencements in 2002.

The application must be filed by the municipality granting
the TIF with the Tax Commissioner within 12 months after the
provision's effective date, but the provision may also apply to

exemption applications pending on that date.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5747.73" 1
In line _____ of the title, after "_____" insert "and regarding the 2
amount of the income tax credit for donations to scholarship organizations 3
for joint filers" 4
After line _____, insert: 5

"Section 1. That section 5747.73 of the Revised Code be 6
amended to read as follows: 7

Sec. 5747.73. (A) As used in this section, "scholarship 8
granting organization" means an entity that is certified as such 9
by the attorney general under division (C) of this section. 10

(B) There is hereby allowed a nonrefundable credit against 11
a taxpayer's aggregate tax liability under section 5747.02 of 12
the Revised Code for a taxpayer that donates cash to scholarship 13
granting organizations during the taxable year. The credit shall 14
equal the amount of cash donations made by the taxpayer and, if 15
filing a joint return, the taxpayer's spouse, except that the 16
credit shall not exceed, for any taxable year, one thousand five 17
hundred dollars for spouses filing a joint return or seven 18
hundred fifty dollars for all other taxpayers. If a taxpayer 19
files a joint return, the credit amount attributable to 20
donations made by each spouse shall not exceed seven hundred 21
fifty dollars. The credit shall be claimed in the order required 22

under section 5747.98 of the Revised Code. 23

If the taxpayer is a direct or indirect investor in a 24
pass-through entity that donates cash to scholarship granting 25
organizations during the taxable year, the taxpayer may claim 26
its proportionate or distributive share of the credit allowed 27
under this section, except that the share that may be claimed by 28
all such investors may not exceed seven hundred fifty dollars 29
for any taxable year. 30

The credit authorized by this section is not allowed 31
unless the taxpayer claiming the credit provides to the tax 32
commissioner, in the form and manner required by the 33
commissioner, a copy of a receipt or other document issued by 34
the scholarship granting organization acknowledging the 35
taxpayer's contribution to the organization and the amount of 36
the contribution. The commissioner may require a taxpayer to 37
furnish any other information necessary to support a claim for 38
the credit. No credit shall be allowed unless a copy of such 39
document or other required information is provided. 40

(C) An entity may apply to the attorney general, on forms 41
and in the manner prescribed by the attorney general, to be 42
certified so that contributions to the entity qualify for the 43
tax credit authorized under this section. The attorney general 44
shall certify an entity as a scholarship granting organization 45
if the entity submits information and documentation, to the 46
attorney general's satisfaction, establishing that the entity 47
satisfies the following: 48

(1) It is a religious or nonreligious nonprofit 49
organization exempt from federal taxation under section 501(a) 50
of the Internal Revenue Code as an organization described in 51
section 501(c)(3) of the Internal Revenue Code. 52

(2) It primarily awards academic scholarships for primary 53
and secondary school students. 54

(3) It prioritizes awarding its scholarships to low-income 55
primary and secondary school students. 56

The attorney general shall notify the applicant of the 57
attorney general's determination within thirty days after the 58
attorney general receives the application. The attorney general 59
shall maintain a list of all scholarship granting organizations. 60
As soon as is practicable after compiling or updating this list, 61
the attorney general shall furnish the list to the tax 62
commissioner, who shall post the list or updated list to the 63
department of taxation's web site. 64

The attorney general shall adopt rules necessary to 65
determine eligibility for and administer the credit authorized 66
under this section. 67

Section 2. That existing section 5747.73 of the Revised 68
Code is hereby repealed." 69

The motion was _____ agreed to.

SYNOPSIS 70

Income tax: scholarship organization donation credit 71

R.C. 5747.73 72

Specifies that the maximum amount of an existing income 73
tax credit for donations to scholarship granting organizations 74
that can be claimed by spouses filing jointly is \$1,500. Current 75
law limits the credit to \$750 per taxpayer; it does not include 76

specific language regarding the treatment of joint returns.

77

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5713.08 and 5715.27" 1
2

In line _____ of the title, after "_____" insert "and to modify the property tax exemption procedures applicable to community schools" 3
4

After line _____, insert: 5

"Section 1. That sections 5713.08 and 5715.27 of the Revised Code be amended to read as follows: 6
7

Sec. 5713.08. (A) The county auditor shall make a list of all real and personal property in the auditor's county that is exempted from taxation. Such list shall show the name of the owner, the value of the property exempted, and a statement in brief form of the ground on which such exemption has been granted. It shall be corrected annually by adding thereto the items of property which have been exempted during the year, and by striking therefrom the items which in the opinion of the auditor have lost their right of exemption and which have been reentered on the taxable list, but no property shall be struck from the exempt property list solely because the property has been conveyed to a single member limited liability company with a nonprofit purpose from its nonprofit member or because the property has been conveyed by a single member limited liability company with a nonprofit purpose to its nonprofit member. No 8
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additions shall be made to such exempt lists and no additional 23
items of property shall be exempted from taxation without the 24
consent of the tax commissioner as is provided for in section 25
5715.27 of the Revised Code or without the consent of the 26
housing officer under section 3735.67 of the Revised Code, 27
except for property exempted by the auditor under that section, 28
~~property owned by a community school and subject to the~~ 29
~~exemption authorized under division (A)(1) of section 5709.07 of~~ 30
~~the Revised Code for tax years after the tax year for which the~~ 31
~~commissioner grants an application under section 5715.27 of the~~ 32
~~Revised Code, as described in division (I) of that section, or~~ 33
qualifying agricultural real property, as defined in section 34
5709.28 of the Revised Code, that is enrolled in an agriculture 35
security area that is exempt under that section. 36

The commissioner may revise at any time the list in every 37
county so that no property is improperly or illegally exempted 38
from taxation. The auditor shall follow the orders of the 39
commissioner given under this section. An abstract of such list 40
shall be filed annually with the commissioner, on a form 41
approved by the commissioner, and a copy thereof shall be kept 42
on file in the office of each auditor for public inspection. 43

An application for exemption of property shall include a 44
certificate executed by the county treasurer certifying one of 45
the following: 46

(1) That all taxes, interest, and penalties levied and 47
assessed against the property sought to be exempted have been 48
paid in full for all of the tax years preceding the tax year for 49
which the application for exemption is filed, except for such 50
taxes, interest, and penalties that may be remitted under 51
division (C) of this section; 52

(2) That the applicant has entered into a valid delinquent tax contract with the county treasurer pursuant to division (A) of section 323.31 of the Revised Code to pay all of the delinquent taxes, interest, and penalties charged against the property, except for such taxes, interest, and penalties that may be remitted under division (C) of this section. If the auditor receives notice under section 323.31 of the Revised Code that such a written delinquent tax contract has become void, the auditor shall strike such property from the list of exempted property and reenter such property on the taxable list. If property is removed from the exempt list because a written delinquent tax contract has become void, current taxes shall first be extended against that property on the general tax list and duplicate of real and public utility property for the tax year in which the auditor receives the notice required by division (A) of section 323.31 of the Revised Code that the delinquent tax contract has become void or, if that notice is not timely made, for the tax year in which falls the latest date by which the treasurer is required by such section to give such notice. A county auditor shall not remove from any tax list and duplicate the amount of any unpaid delinquent taxes, assessments, interest, or penalties owed on property that is placed on the exempt list pursuant to this division.

(3) That a tax certificate has been issued under section 5721.32 or 5721.33 of the Revised Code with respect to the property that is the subject of the application, and the tax certificate is outstanding.

(B) If the treasurer's certificate is not included with the application or the certificate reflects unpaid taxes, penalties, and interest that may not be remitted, the tax commissioner or county auditor with whom the application was

filed shall notify the property owner of that fact, and the 84
applicant shall be given sixty days from the date that 85
notification was mailed in which to provide the tax commissioner 86
or county auditor with a corrected treasurer's certificate. If a 87
corrected treasurer's certificate is not received within the 88
time permitted, the tax commissioner or county auditor does not 89
have authority to consider the tax exemption application. 90

(C) Any taxes, interest, and penalties which have become a 91
lien after the property was first used for the exempt purpose, 92
but in no case prior to the date of acquisition of the title to 93
the property by the applicant, may be remitted by the 94
commissioner or county auditor, except as is provided in 95
division (A) of section 5713.081 of the Revised Code. 96

(D) Real property acquired by the state in fee simple is 97
exempt from taxation from the date of acquisition of title or 98
date of possession, whichever is the earlier date, provided that 99
all taxes, interest, and penalties as provided in the 100
apportionment provisions of section 319.20 of the Revised Code 101
have been paid to the date of acquisition of title or date of 102
possession by the state, whichever is earlier. The proportionate 103
amount of taxes that are a lien but not yet determined, 104
assessed, and levied for the year in which the property is 105
acquired, shall be remitted by the county auditor for the 106
balance of the year from date of acquisition of title or date of 107
possession, whichever is earlier. This section shall not be 108
construed to authorize the exemption of such property from 109
taxation or the remission of taxes, interest, and penalties 110
thereon until all private use has terminated. 111

Sec. 5715.27. (A) (1) Except as provided in division (A) (2) 112
of this section and in section 3735.67 of the Revised Code, the 113

owner, a vendee in possession under a purchase agreement or a 114
land contract, the beneficiary of a trust, or a lessee for an 115
initial term of not less than thirty years of any property may 116
file an application with the tax commissioner, on forms 117
prescribed by the commissioner, requesting that such property be 118
exempted from taxation and that taxes, interest, and penalties 119
be remitted as provided in division (C) of section 5713.08 of 120
the Revised Code. 121

(2) If the property that is the subject of the application 122
for exemption is any of the following, the application shall be 123
filed with the county auditor of the county in which the 124
property is listed for taxation: 125

(a) A public road or highway; 126

(b) Property belonging to the federal government of the 127
United States; 128

(c) Additions or other improvements to an existing 129
building or structure that belongs to the state or a political 130
subdivision, as defined in section 5713.081 of the Revised Code, 131
and that is exempted from taxation as property used exclusively 132
for a public purpose. 133

(B) The board of education of any school district may 134
request the tax commissioner or county auditor to provide it 135
with notification of applications for exemption from taxation 136
for property located within that district. If so requested, the 137
commissioner or auditor shall send to the board on a monthly 138
basis reports that contain sufficient information to enable the 139
board to identify each property that is the subject of an 140
exemption application, including, but not limited to, the name 141
of the property owner or applicant, the address of the property, 142

and the auditor's parcel number. The commissioner or auditor 143
shall mail the reports by the fifteenth day of the month 144
following the end of the month in which the commissioner or 145
auditor receives the applications for exemption. 146

(C) A board of education that has requested notification 147
under division (B) of this section may, with respect to any 148
application for exemption of property located in the district 149
and included in the commissioner's or auditor's most recent 150
report provided under that division, file a statement with the 151
commissioner or auditor and with the applicant indicating its 152
intent to submit evidence and participate in any hearing on the 153
application. The statements shall be filed prior to the first 154
day of the third month following the end of the month in which 155
that application was docketed by the commissioner or auditor. A 156
statement filed in compliance with this division entitles the 157
district to submit evidence and to participate in any hearing on 158
the property and makes the district a party for purposes of 159
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 160
the commissioner's or auditor's decision to the board of tax 161
appeals. 162

(D) The commissioner or auditor shall not hold a hearing 163
on or grant or deny an application for exemption of property in 164
a school district whose board of education has requested 165
notification under division (B) of this section until the end of 166
the period within which the board may submit a statement with 167
respect to that application under division (C) of this section. 168
The commissioner or auditor may act upon an application at any 169
time prior to that date upon receipt of a written waiver from 170
each such board of education, or, in the case of exemptions 171
authorized by section 725.02, 1728.10, 5709.40, 5709.41, 172
5709.411, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 173

5709.84, or 5709.88 of the Revised Code, upon the request of the 174
property owner. Failure of a board of education to receive the 175
report required in division (B) of this section shall not void 176
an action of the commissioner or auditor with respect to any 177
application. The commissioner or auditor may extend the time for 178
filing a statement under division (C) of this section. 179

(E) A complaint may also be filed with the commissioner or 180
auditor by any person, board, or officer authorized by section 181
5715.19 of the Revised Code to file complaints with the county 182
board of revision against the continued exemption of any 183
property granted exemption by the commissioner or auditor under 184
this section. 185

(F) An application for exemption and a complaint against 186
exemption shall be filed prior to the thirty-first day of 187
December of the tax year for which exemption is requested or for 188
which the liability of the property to taxation in that year is 189
requested. The commissioner or auditor shall consider such 190
application or complaint in accordance with procedures 191
established by the commissioner, determine whether the property 192
is subject to taxation or exempt therefrom, and, if the 193
commissioner makes the determination, certify the determination 194
to the auditor. Upon making the determination or receiving the 195
commissioner's determination, the auditor shall correct the tax 196
list and duplicate accordingly. If a tax certificate has been 197
sold under section 5721.32 or 5721.33 of the Revised Code with 198
respect to property for which an exemption has been requested, 199
the tax commissioner or auditor shall also certify the findings 200
to the county treasurer of the county in which the property is 201
located. 202

(G) Applications and complaints, and documents of any kind 203

related to applications and complaints, filed with the tax 204
commissioner or county auditor under this section are public 205
records within the meaning of section 149.43 of the Revised 206
Code. 207

(H) If the commissioner or auditor determines that the use 208
of property or other facts relevant to the taxability of 209
property that is the subject of an application for exemption or 210
a complaint under this section has changed while the application 211
or complaint was pending, the commissioner or auditor may make 212
the determination under division (F) of this section separately 213
for each tax year beginning with the year in which the 214
application or complaint was filed or the year for which 215
remission of taxes under division (C) of section 5713.08 of the 216
Revised Code was requested, and including each subsequent tax 217
year during which the application or complaint is pending before 218
the commissioner or auditor. 219

~~(I) If the tax commissioner grants an application filed by 220
a community school under this section for the exemption 221
authorized under division (A)(1) of section 5709.07 of the 222
Revised Code, any property that is the subject of that 223
application shall be exempt from property tax for each 224
succeeding tax year regardless of whether the community school 225
files an application under this section with respect to such 226
property. The community school, on or before the thirty-first 227
day of December of each such succeeding tax year, shall submit a 228
statement to the commissioner attesting that the property that 229
is the subject of that initial application qualifies for the 230
exemption authorized under division (A)(1) of section 5709.07 of 231
the Revised Code for that succeeding tax year. If the community 232
school fails to file such a statement for a tax year or if the 233
commissioner otherwise discovers that the property no longer 234~~

~~qualifies for that exemption, the commissioner shall order the~~ 235
~~county auditor to return the property to the tax list.~~ 236

Section 2. That existing sections 5713.08 and 5715.27 of 237
the Revised Code are hereby repealed." 238

After line _____, insert: 239

"Section 3. The amendment by this act of sections 5713.08 240
and 5715.27 of the Revised Code applies to tax year 2021 and 241
every tax year thereafter. An exemption application for tax year 242
2021 or 2022 on the basis of that amendment's application to 243
that tax year shall be filed with the Tax Commissioner before 244
the thirty-first day of December of the year that includes the 245
effective date of this section, notwithstanding the time period 246
prescribed for filing such an application in division (F) of 247
section 5715.27 of the Revised Code. A county auditor shall 248
credit or repay any overpayment of property tax resulting from 249
the Tax Commissioner's approval of such an exemption application 250
in the manner provided in section 5715.22 of the Revised Code, 251
except that no application need be made under that section in 252
order for the county auditor to issue a refund. The county 253
auditor and county treasurer shall otherwise proceed as provided 254
in that section in the same manner as for other overpayments of 255
taxes." 256

The motion was _____ agreed to.

SYNOPSIS 257

Community school property tax exemption 258

R.C. 5713.08 and 5715.27; Section 3 259

Repeals a requirement that community schools file an 260
annual statement with the Tax Commissioner after an initial 261
property tax exemption application is approved as a condition of 262
retaining the property tax exemption for school property. 263

Allows a community school that did not receive the tax 264
exemption for school property for tax year 2021 or 2022 due to 265
the failure to submit to the Tax Commissioner the annual 266
statement to apply to the Commissioner for an abatement or 267
refund of taxes on the property for that year. 268

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5739.01, 5739.02, 1
and 5739.03" 2

In line _____ of the title, after "_____" insert "and to exempt 3
documentary service charges and income tax electronic filing fees from 4
sales and use taxation" 5

After line _____, insert: 6

"**Section 1.** That sections 5739.01, 5739.02, and 5739.03 of 7
the Revised Code be amended to read as follows: 8

Sec. 5739.01. As used in this chapter: 9

(A) "Person" includes individuals, receivers, assignees, 10
trustees in bankruptcy, estates, firms, partnerships, 11
associations, joint-stock companies, joint ventures, clubs, 12
societies, corporations, the state and its political 13
subdivisions, and combinations of individuals of any form. 14

(B) "Sale" and "selling" include all of the following 15
transactions for a consideration in any manner, whether 16
absolutely or conditionally, whether for a price or rental, in 17
money or by exchange, and by any means whatsoever: 18

(1) All transactions by which title or possession, or 19
both, of tangible personal property, is or is to be transferred, 20
or a license to use or consume tangible personal property is or 21

is to be granted;	22
(2) All transactions by which lodging by a hotel is or is	23
to be furnished to transient guests;	24
(3) All transactions by which:	25
(a) An item of tangible personal property is or is to be	26
repaired, except property, the purchase of which would not be	27
subject to the tax imposed by section 5739.02 of the Revised	28
Code;	29
(b) An item of tangible personal property is or is to be	30
installed, except property, the purchase of which would not be	31
subject to the tax imposed by section 5739.02 of the Revised	32
Code or property that is or is to be incorporated into and will	33
become a part of a production, transmission, transportation, or	34
distribution system for the delivery of a public utility	35
service;	36
(c) The service of washing, cleaning, waxing, polishing,	37
or painting a motor vehicle is or is to be furnished;	38
(d) Laundry and dry cleaning services are or are to be	39
provided;	40
(e) Automatic data processing, computer services, or	41
electronic information services are or are to be provided for	42
use in business when the true object of the transaction is the	43
receipt by the consumer of automatic data processing, computer	44
services, or electronic information services rather than the	45
receipt of personal or professional services to which automatic	46
data processing, computer services, or electronic information	47
services are incidental or supplemental. Notwithstanding any	48
other provision of this chapter, such transactions that occur	49
between members of an affiliated group are not sales. An	50

"affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Exterminating service is or is to be provided;

(l) Physical fitness facility service is or is to be provided;

(m) Recreation and sports club service is or is to be provided;

(n) Satellite broadcasting service is or is to be provided;

(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service"

includes skin care, the application of cosmetics, manicuring, 78
pedicuring, hair removal, tattooing, body piercing, tanning, 79
massage, and other similar services. "Personal care service" 80
does not include a service provided by or on the order of a 81
licensed physician or licensed chiropractor, or the cutting, 82
coloring, or styling of an individual's hair. 83

(p) The transportation of persons by motor vehicle or 84
aircraft is or is to be provided, when the transportation is 85
entirely within this state, except for transportation provided 86
by an ambulance service, by a transit bus, as defined in section 87
5735.01 of the Revised Code, and transportation provided by a 88
citizen of the United States holding a certificate of public 89
convenience and necessity issued under 49 U.S.C. 41102; 90

(q) Motor vehicle towing service is or is to be provided. 91
As used in this division, "motor vehicle towing service" means 92
the towing or conveyance of a wrecked, disabled, or illegally 93
parked motor vehicle. 94

(r) Snow removal service is or is to be provided. As used 95
in this division, "snow removal service" means the removal of 96
snow by any mechanized means, but does not include the providing 97
of such service by a person that has less than five thousand 98
dollars in sales of such service during the calendar year. 99

(s) Electronic publishing service is or is to be provided 100
to a consumer for use in business, except that such transactions 101
occurring between members of an affiliated group, as defined in 102
division (B) (3) (e) of this section, are not sales. 103

(4) All transactions by which printed, imprinted, 104
overprinted, lithographic, multilithic, blueprinted, 105
photostatic, or other productions or reproductions of written or 106

graphic matter are or are to be furnished or transferred; 107

(5) The production or fabrication of tangible personal 108
property for a consideration for consumers who furnish either 109
directly or indirectly the materials used in the production of 110
fabrication work; and include the furnishing, preparing, or 111
serving for a consideration of any tangible personal property 112
consumed on the premises of the person furnishing, preparing, or 113
serving such tangible personal property. Except as provided in 114
section 5739.03 of the Revised Code, a construction contract 115
pursuant to which tangible personal property is or is to be 116
incorporated into a structure or improvement on and becoming a 117
part of real property is not a sale of such tangible personal 118
property. The construction contractor is the consumer of such 119
tangible personal property, provided that the sale and 120
installation of carpeting, the sale and installation of 121
agricultural land tile, the sale and erection or installation of 122
portable grain bins, or the provision of landscaping and lawn 123
care service and the transfer of property as part of such 124
service is never a construction contract. 125

As used in division (B) (5) of this section: 126

(a) "Agricultural land tile" means fired clay or concrete 127
tile, or flexible or rigid perforated plastic pipe or tubing, 128
incorporated or to be incorporated into a subsurface drainage 129
system appurtenant to land used or to be used primarily in 130
production by farming, agriculture, horticulture, or 131
floriculture. The term does not include such materials when they 132
are or are to be incorporated into a drainage system appurtenant 133
to a building or structure even if the building or structure is 134
used or to be used in such production. 135

(b) "Portable grain bin" means a structure that is used or 136

to be used by a person engaged in farming or agriculture to 137
shelter the person's grain and that is designed to be 138
disassembled without significant damage to its component parts. 139

(6) All transactions in which all of the shares of stock 140
of a closely held corporation are transferred, or an ownership 141
interest in a pass-through entity, as defined in section 5733.04 142
of the Revised Code, is transferred, if the corporation or pass- 143
through entity is not engaging in business and its entire assets 144
consist of boats, planes, motor vehicles, or other tangible 145
personal property operated primarily for the use and enjoyment 146
of the shareholders or owners; 147

(7) All transactions in which a warranty, maintenance or 148
service contract, or similar agreement by which the vendor of 149
the warranty, contract, or agreement agrees to repair or 150
maintain the tangible personal property of the consumer is or is 151
to be provided; 152

(8) The transfer of copyrighted motion picture films used 153
solely for advertising purposes, except that the transfer of 154
such films for exhibition purposes is not a sale; 155

(9) All transactions by which tangible personal property 156
is or is to be stored, except such property that the consumer of 157
the storage holds for sale in the regular course of business; 158

(10) All transactions in which "guaranteed auto 159
protection" is provided whereby a person promises to pay to the 160
consumer the difference between the amount the consumer receives 161
from motor vehicle insurance and the amount the consumer owes to 162
a person holding title to or a lien on the consumer's motor 163
vehicle in the event the consumer's motor vehicle suffers a 164
total loss under the terms of the motor vehicle insurance policy 165

or is stolen and not recovered, if the protection and its price 166
are included in the purchase or lease agreement; 167

(11) (a) Except as provided in division (B) (11) (b) of this 168
section, all transactions by which health care services are paid 169
for, reimbursed, provided, delivered, arranged for, or otherwise 170
made available by a medicaid health insuring corporation 171
pursuant to the corporation's contract with the state. 172

(b) If the centers for medicare and medicaid services of 173
the United States department of health and human services 174
determines that the taxation of transactions described in 175
division (B) (11) (a) of this section constitutes an impermissible 176
health care-related tax under the "Social Security Act," section 177
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 178
the medicaid director shall notify the tax commissioner of that 179
determination. Beginning with the first day of the month 180
following that notification, the transactions described in 181
division (B) (11) (a) of this section are not sales for the 182
purposes of this chapter or Chapter 5741. of the Revised Code. 183
The tax commissioner shall order that the collection of taxes 184
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 185
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 186
for transactions occurring on or after that date. 187

(12) All transactions by which a specified digital product 188
is provided for permanent use or less than permanent use, 189
regardless of whether continued payment is required. 190

Except as provided in this section, "sale" and "selling" 191
do not include transfers of interest in leased property where 192
the original lessee and the terms of the original lease 193
agreement remain unchanged, or professional, insurance, or 194
personal service transactions that involve the transfer of 195

tangible personal property as an inconsequential element, for 196
which no separate charges are made. 197

(C) "Vendor" means the person providing the service or by 198
whom the transfer effected or license given by a sale is or is 199
to be made or given and, for sales described in division (B)(3) 200
(i) of this section, the telecommunications service vendor that 201
provides the nine hundred telephone service; if two or more 202
persons are engaged in business at the same place of business 203
under a single trade name in which all collections on account of 204
sales by each are made, such persons shall constitute a single 205
vendor. 206

Physicians, dentists, hospitals, and veterinarians who are 207
engaged in selling tangible personal property as received from 208
others, such as eyeglasses, mouthwashes, dentifrices, or similar 209
articles, are vendors. Veterinarians who are engaged in 210
transferring to others for a consideration drugs, the dispensing 211
of which does not require an order of a licensed veterinarian or 212
physician under federal law, are vendors. 213

The operator of any peer-to-peer car sharing program shall 214
be considered to be the vendor. 215

(D)(1) "Consumer" means the person for whom the service is 216
provided, to whom the transfer effected or license given by a 217
sale is or is to be made or given, to whom the service described 218
in division (B)(3)(f) or (i) of this section is charged, or to 219
whom the admission is granted. 220

(2) Physicians, dentists, hospitals, and blood banks 221
operated by nonprofit institutions and persons licensed to 222
practice veterinary medicine, surgery, and dentistry are 223
consumers of all tangible personal property and services 224

purchased by them in connection with the practice of medicine, 225
dentistry, the rendition of hospital or blood bank service, or 226
the practice of veterinary medicine, surgery, and dentistry. In 227
addition to being consumers of drugs administered by them or by 228
their assistants according to their direction, veterinarians 229
also are consumers of drugs that under federal law may be 230
dispensed only by or upon the order of a licensed veterinarian 231
or physician, when transferred by them to others for a 232
consideration to provide treatment to animals as directed by the 233
veterinarian. 234

(3) A person who performs a facility management, or 235
similar service contract for a contractee is a consumer of all 236
tangible personal property and services purchased for use in 237
connection with the performance of such contract, regardless of 238
whether title to any such property vests in the contractee. The 239
purchase of such property and services is not subject to the 240
exception for resale under division (E) of this section. 241

(4) (a) In the case of a person who purchases printed 242
matter for the purpose of distributing it or having it 243
distributed to the public or to a designated segment of the 244
public, free of charge, that person is the consumer of that 245
printed matter, and the purchase of that printed matter for that 246
purpose is a sale. 247

(b) In the case of a person who produces, rather than 248
purchases, printed matter for the purpose of distributing it or 249
having it distributed to the public or to a designated segment 250
of the public, free of charge, that person is the consumer of 251
all tangible personal property and services purchased for use or 252
consumption in the production of that printed matter. That 253
person is not entitled to claim exemption under division (B) (42) 254

(f) of section 5739.02 of the Revised Code for any material 255
incorporated into the printed matter or any equipment, supplies, 256
or services primarily used to produce the printed matter. 257

(c) The distribution of printed matter to the public or to 258
a designated segment of the public, free of charge, is not a 259
sale to the members of the public to whom the printed matter is 260
distributed or to any persons who purchase space in the printed 261
matter for advertising or other purposes. 262

(5) A person who makes sales of any of the services listed 263
in division (B) (3) of this section is the consumer of any 264
tangible personal property used in performing the service. The 265
purchase of that property is not subject to the resale exception 266
under division (E) of this section. 267

(6) A person who engages in highway transportation for 268
hire is the consumer of all packaging materials purchased by 269
that person and used in performing the service, except for 270
packaging materials sold by such person in a transaction 271
separate from the service. 272

(7) In the case of a transaction for health care services 273
under division (B) (11) of this section, a medicaid health 274
insuring corporation is the consumer of such services. The 275
purchase of such services by a medicaid health insuring 276
corporation is not subject to the exception for resale under 277
division (E) of this section or to the exemptions provided under 278
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 279
the Revised Code. 280

(E) "Retail sale" and "sales at retail" include all sales, 281
except those in which the purpose of the consumer is to resell 282
the thing transferred or benefit of the service provided, by a 283

person engaging in business, in the form in which the same is, 284
or is to be, received by the person. 285

(F) "Business" includes any activity engaged in by any 286
person with the object of gain, benefit, or advantage, either 287
direct or indirect. "Business" does not include the activity of 288
a person in managing and investing the person's own funds. 289

(G) "Engaging in business" means commencing, conducting, 290
or continuing in business, and liquidating a business when the 291
liquidator thereof holds itself out to the public as conducting 292
such business. Making a casual sale is not engaging in business. 293

(H) (1) (a) "Price," except as provided in divisions (H) (2), 294
(3), and (4) of this section, means the total amount of 295
consideration, including cash, credit, property, and services, 296
for which tangible personal property or services are sold, 297
leased, or rented, valued in money, whether received in money or 298
otherwise, without any deduction for any of the following: 299

(i) The vendor's cost of the property sold; 300

(ii) The cost of materials used, labor or service costs, 301
interest, losses, all costs of transportation to the vendor, all 302
taxes imposed on the vendor, including the tax imposed under 303
Chapter 5751. of the Revised Code, and any other expense of the 304
vendor; 305

(iii) Charges by the vendor for any services necessary to 306
complete the sale; 307

(iv) Delivery charges. As used in this division, "delivery 308
charges" means charges by the vendor for preparation and 309
delivery to a location designated by the consumer of tangible 310
personal property or a service, including transportation, 311
shipping, postage, handling, crating, and packing. 312

(v) Installation charges;	313
(vi) Credit for any trade-in.	314
(b) "Price" includes consideration received by the vendor	315
from a third party, if the vendor actually receives the	316
consideration from a party other than the consumer, and the	317
consideration is directly related to a price reduction or	318
discount on the sale; the vendor has an obligation to pass the	319
price reduction or discount through to the consumer; the amount	320
of the consideration attributable to the sale is fixed and	321
determinable by the vendor at the time of the sale of the item	322
to the consumer; and one of the following criteria is met:	323
(i) The consumer presents a coupon, certificate, or other	324
document to the vendor to claim a price reduction or discount	325
where the coupon, certificate, or document is authorized,	326
distributed, or granted by a third party with the understanding	327
that the third party will reimburse any vendor to whom the	328
coupon, certificate, or document is presented;	329
(ii) The consumer identifies the consumer's self to the	330
seller as a member of a group or organization entitled to a	331
price reduction or discount. A preferred customer card that is	332
available to any patron does not constitute membership in such a	333
group or organization.	334
(iii) The price reduction or discount is identified as a	335
third party price reduction or discount on the invoice received	336
by the consumer, or on a coupon, certificate, or other document	337
presented by the consumer.	338
(c) "Price" does not include any of the following:	339
(i) Discounts, including cash, term, or coupons that are	340
not reimbursed by a third party that are allowed by a vendor and	341

taken by a consumer on a sale; 342

(ii) Interest, financing, and carrying charges from credit 343
extended on the sale of tangible personal property or services, 344
if the amount is separately stated on the invoice, bill of sale, 345
or similar document given to the purchaser; 346

(iii) Any taxes legally imposed directly on the consumer 347
that are separately stated on the invoice, bill of sale, or 348
similar document given to the consumer. For the purpose of this 349
division, the tax imposed under Chapter 5751. of the Revised 350
Code is not a tax directly on the consumer, even if the tax or a 351
portion thereof is separately stated. 352

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 353
this section, any discount allowed by an automobile manufacturer 354
to its employee, or to the employee of a supplier, on the 355
purchase of a new motor vehicle from a new motor vehicle dealer 356
in this state. 357

(v) The dollar value of a gift card that is not sold by a 358
vendor or purchased by a consumer and that is redeemed by the 359
consumer in purchasing tangible personal property or services if 360
the vendor is not reimbursed and does not receive compensation 361
from a third party to cover all or part of the gift card value. 362
For the purposes of this division, a gift card is not sold by a 363
vendor or purchased by a consumer if it is distributed pursuant 364
to an awards, loyalty, or promotional program. Past and present 365
purchases of tangible personal property or services by the 366
consumer shall not be treated as consideration exchanged for a 367
gift card. 368

(2) In the case of a sale of any new motor vehicle by a 369
new motor vehicle dealer, as defined in section 4517.01 of the 370

Revised Code, in which another motor vehicle is accepted by the 371
dealer as part of the consideration received, "price" has the 372
same meaning as in division (H) (1) of this section, reduced by 373
the credit afforded the consumer by the dealer for the motor 374
vehicle received in trade. 375

(3) In the case of a sale of any watercraft or outboard 376
motor by a watercraft dealer licensed in accordance with section 377
1547.543 of the Revised Code, in which another watercraft, 378
watercraft and trailer, or outboard motor is accepted by the 379
dealer as part of the consideration received, "price" has the 380
same meaning as in division (H) (1) of this section, reduced by 381
the credit afforded the consumer by the dealer for the 382
watercraft, watercraft and trailer, or outboard motor received 383
in trade. As used in this division, "watercraft" includes an 384
outdrive unit attached to the watercraft. 385

(4) In the case of transactions for health care services 386
under division (B) (11) of this section, "price" means the amount 387
of managed care premiums received each month by a medicaid 388
health insuring corporation. 389

(I) "Receipts" means the total amount of the prices of the 390
sales of vendors, provided that the dollar value of gift cards 391
distributed pursuant to an awards, loyalty, or promotional 392
program, and cash discounts allowed and taken on sales at the 393
time they are consummated are not included, minus any amount 394
deducted as a bad debt pursuant to section 5739.121 of the 395
Revised Code. "Receipts" does not include the sale price of 396
property returned or services rejected by consumers when the 397
full sale price and tax are refunded either in cash or by 398
credit. 399

(J) "Place of business" means any location at which a 400

person engages in business. 401

(K) "Premises" includes any real property or portion 402
thereof upon which any person engages in selling tangible 403
personal property at retail or making retail sales and also 404
includes any real property or portion thereof designated for, or 405
devoted to, use in conjunction with the business engaged in by 406
such person. 407

(L) "Casual sale" means a sale of an item of tangible 408
personal property that was obtained by the person making the 409
sale, through purchase or otherwise, for the person's own use 410
and was previously subject to any state's taxing jurisdiction on 411
its sale or use, and includes such items acquired for the 412
seller's use that are sold by an auctioneer employed directly by 413
the person for such purpose, provided the location of such sales 414
is not the auctioneer's permanent place of business. As used in 415
this division, "permanent place of business" includes any 416
location where such auctioneer has conducted more than two 417
auctions during the year. 418

(M) "Hotel" means every establishment kept, used, 419
maintained, advertised, or held out to the public to be a place 420
where sleeping accommodations are offered to guests, in which 421
five or more rooms are used for the accommodation of such 422
guests, whether the rooms are in one or several structures, 423
except as otherwise provided in section 5739.091 of the Revised 424
Code. 425

(N) "Transient guests" means persons occupying a room or 426
rooms for sleeping accommodations for less than thirty 427
consecutive days. 428

(O) "Making retail sales" means the effecting of 429

transactions wherein one party is obligated to pay the price and 430
the other party is obligated to provide a service or to transfer 431
title to or possession of the item sold. "Making retail sales" 432
does not include the preliminary acts of promoting or soliciting 433
the retail sales, other than the distribution of printed matter 434
which displays or describes and prices the item offered for 435
sale, nor does it include delivery of a predetermined quantity 436
of tangible personal property or transportation of property or 437
personnel to or from a place where a service is performed. 438

(P) "Used directly in the rendition of a public utility 439
service" means that property that is to be incorporated into and 440
will become a part of the consumer's production, transmission, 441
transportation, or distribution system and that retains its 442
classification as tangible personal property after such 443
incorporation; fuel or power used in the production, 444
transmission, transportation, or distribution system; and 445
tangible personal property used in the repair and maintenance of 446
the production, transmission, transportation, or distribution 447
system, including only such motor vehicles as are specially 448
designed and equipped for such use. Tangible personal property 449
and services used primarily in providing highway transportation 450
for hire are not used directly in the rendition of a public 451
utility service. In this definition, "public utility" includes a 452
citizen of the United States holding, and required to hold, a 453
certificate of public convenience and necessity issued under 49 454
U.S.C. 41102. 455

(Q) "Refining" means removing or separating a desirable 456
product from raw or contaminated materials by distillation or 457
physical, mechanical, or chemical processes. 458

(R) "Assembly" and "assembling" mean attaching or fitting 459

together parts to form a product, but do not include packaging a 460
product. 461

(S) "Manufacturing operation" means a process in which 462
materials are changed, converted, or transformed into a 463
different state or form from which they previously existed and 464
includes refining materials, assembling parts, and preparing raw 465
materials and parts by mixing, measuring, blending, or otherwise 466
committing such materials or parts to the manufacturing process. 467
"Manufacturing operation" does not include packaging. 468

(T) "Fiscal officer" means, with respect to a regional 469
transit authority, the secretary-treasurer thereof, and with 470
respect to a county that is a transit authority, the fiscal 471
officer of the county transit board if one is appointed pursuant 472
to section 306.03 of the Revised Code or the county auditor if 473
the board of county commissioners operates the county transit 474
system. 475

(U) "Transit authority" means a regional transit authority 476
created pursuant to section 306.31 of the Revised Code or a 477
county in which a county transit system is created pursuant to 478
section 306.01 of the Revised Code. For the purposes of this 479
chapter, a transit authority must extend to at least the entire 480
area of a single county. A transit authority that includes 481
territory in more than one county must include all the area of 482
the most populous county that is a part of such transit 483
authority. County population shall be measured by the most 484
recent census taken by the United States census bureau. 485

(V) "Legislative authority" means, with respect to a 486
regional transit authority, the board of trustees thereof, and 487
with respect to a county that is a transit authority, the board 488
of county commissioners. 489

(W) "Territory of the transit authority" means all of the 490
area included within the territorial boundaries of a transit 491
authority as they from time to time exist. Such territorial 492
boundaries must at all times include all the area of a single 493
county or all the area of the most populous county that is a 494
part of such transit authority. County population shall be 495
measured by the most recent census taken by the United States 496
census bureau. 497

(X) "Providing a service" means providing or furnishing 498
anything described in division (B) (3) of this section for 499
consideration. 500

(Y) (1) (a) "Automatic data processing" means processing of 501
others' data, including keypunching or similar data entry 502
services together with verification thereof, or providing access 503
to computer equipment for the purpose of processing data. 504

(b) "Computer services" means providing services 505
consisting of specifying computer hardware configurations and 506
evaluating technical processing characteristics, computer 507
programming, and training of computer programmers and operators, 508
provided in conjunction with and to support the sale, lease, or 509
operation of taxable computer equipment or systems. 510

(c) "Electronic information services" means providing 511
access to computer equipment by means of telecommunications 512
equipment for the purpose of either of the following: 513

(i) Examining or acquiring data stored in or accessible to 514
the computer equipment; 515

(ii) Placing data into the computer equipment to be 516
retrieved by designated recipients with access to the computer 517
equipment. 518

"Electronic information services" does not include 519
electronic publishing. 520

(d) "Automatic data processing, computer services, or 521
electronic information services" shall not include personal or 522
professional services. 523

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 524
section, "personal and professional services" means all services 525
other than automatic data processing, computer services, or 526
electronic information services, including but not limited to: 527

(a) Accounting and legal services such as advice on tax 528
matters, asset management, budgetary matters, quality control, 529
information security, and auditing and any other situation where 530
the service provider receives data or information and studies, 531
alters, analyzes, interprets, or adjusts such material; 532

(b) Analyzing business policies and procedures; 533

(c) Identifying management information needs; 534

(d) Feasibility studies, including economic and technical 535
analysis of existing or potential computer hardware or software 536
needs and alternatives; 537

(e) Designing policies, procedures, and custom software 538
for collecting business information, and determining how data 539
should be summarized, sequenced, formatted, processed, 540
controlled, and reported so that it will be meaningful to 541
management; 542

(f) Developing policies and procedures that document how 543
business events and transactions are to be authorized, executed, 544
and controlled; 545

(g) Testing of business procedures; 546

(h) Training personnel in business procedure applications; 547

(i) Providing credit information to users of such 548
information by a consumer reporting agency, as defined in the 549
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 550
U.S.C. 1681a(f), or as hereafter amended, including but not 551
limited to gathering, organizing, analyzing, recording, and 552
furnishing such information by any oral, written, graphic, or 553
electronic medium; 554

(j) Providing debt collection services by any oral, 555
written, graphic, or electronic means; 556

(k) Providing digital advertising services; 557

(l) Providing services to electronically file any federal, 558
state, or local individual income tax return, report, or other 559
related document or schedule with a federal, state, or local 560
government entity or to electronically remit a payment of any 561
such individual income tax to such an entity. For the purpose of 562
this division, "individual income tax" does not include federal, 563
state, or local taxes withheld by an employer from an employee's 564
compensation. 565

The services listed in divisions (Y) (2) (a) to ~~(k)~~ (l) of 566
this section are not automatic data processing or computer 567
services. 568

(Z) "Highway transportation for hire" means the 569
transportation of personal property belonging to others for 570
consideration by any of the following: 571

(1) The holder of a permit or certificate issued by this 572
state or the United States authorizing the holder to engage in 573
transportation of personal property belonging to others for 574
consideration over or on highways, roadways, streets, or any 575

similar public thoroughfare; 576

(2) A person who engages in the transportation of personal 577
property belonging to others for consideration over or on 578
highways, roadways, streets, or any similar public thoroughfare 579
but who could not have engaged in such transportation on 580
December 11, 1985, unless the person was the holder of a permit 581
or certificate of the types described in division (Z)(1) of this 582
section; 583

(3) A person who leases a motor vehicle to and operates it 584
for a person described by division (Z)(1) or (2) of this 585
section. 586

(AA)(1) "Telecommunications service" means the electronic 587
transmission, conveyance, or routing of voice, data, audio, 588
video, or any other information or signals to a point, or 589
between or among points. "Telecommunications service" includes 590
such transmission, conveyance, or routing in which computer 591
processing applications are used to act on the form, code, or 592
protocol of the content for purposes of transmission, 593
conveyance, or routing without regard to whether the service is 594
referred to as voice-over internet protocol service or is 595
classified by the federal communications commission as enhanced 596
or value-added. "Telecommunications service" does not include 597
any of the following: 598

(a) Data processing and information services that allow 599
data to be generated, acquired, stored, processed, or retrieved 600
and delivered by an electronic transmission to a consumer where 601
the consumer's primary purpose for the underlying transaction is 602
the processed data or information; 603

(b) Installation or maintenance of wiring or equipment on 604

a customer's premises; 605

(c) Tangible personal property; 606

(d) Advertising, including directory advertising; 607

(e) Billing and collection services provided to third parties; 608
609

(f) Internet access service; 610

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; 611
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(h) Ancillary service; 619

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones. 620
621

(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division: 622
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(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. 628
629
630

"Conference bridging service" does not include 631

telecommunications services used to reach the conference bridge. 632

(b) "Detailed telecommunications billing service" means an 633
ancillary service of separately stating information pertaining 634
to individual calls on a customer's billing statement. 635

(c) "Directory assistance" means an ancillary service of 636
providing telephone number or address information. 637

(d) "Vertical service" means an ancillary service that is 638
offered in connection with one or more telecommunications 639
services, which offers advanced calling features that allow 640
customers to identify callers and manage multiple calls and call 641
connections, including conference bridging service. 642

(e) "Voice mail service" means an ancillary service that 643
enables the customer to store, send, or receive recorded 644
messages. "Voice mail service" does not include any vertical 645
services that the customer may be required to have in order to 646
utilize the voice mail service. 647

(3) "900 service" means an inbound toll telecommunications 648
service purchased by a subscriber that allows the subscriber's 649
customers to call in to the subscriber's prerecorded 650
announcement or live service, and which is typically marketed 651
under the name "900 service" and any subsequent numbers 652
designated by the federal communications commission. "900 653
service" does not include the charge for collection services 654
provided by the seller of the telecommunications service to the 655
subscriber, or services or products sold by the subscriber to 656
the subscriber's customer. 657

(4) "Prepaid calling service" means the right to access 658
exclusively telecommunications services, which must be paid for 659
in advance and which enables the origination of calls using an 660
access number or authorization code, whether manually or 661

electronically dialed, and that is sold in predetermined units 662
or dollars of which the number declines with use in a known 663
amount. 664

(5) "Prepaid wireless calling service" means a 665
telecommunications service that provides the right to utilize 666
mobile telecommunications service as well as other non- 667
telecommunications services, including the download of digital 668
products delivered electronically, and content and ancillary 669
services, that must be paid for in advance and that is sold in 670
predetermined units or dollars of which the number declines with 671
use in a known amount. 672

(6) "Value-added non-voice data service" means a 673
telecommunications service in which computer processing 674
applications are used to act on the form, content, code, or 675
protocol of the information or data primarily for a purpose 676
other than transmission, conveyance, or routing. 677

(7) "Coin-operated telephone service" means a 678
telecommunications service paid for by inserting money into a 679
telephone accepting direct deposits of money to operate. 680

(8) "Customer" has the same meaning as in section 5739.034 681
of the Revised Code. 682

(BB) "Laundry and dry cleaning services" means removing 683
soil or dirt from towels, linens, articles of clothing, or other 684
fabric items that belong to others and supplying towels, linens, 685
articles of clothing, or other fabric items. "Laundry and dry 686
cleaning services" does not include the provision of self- 687
service facilities for use by consumers to remove soil or dirt 688
from towels, linens, articles of clothing, or other fabric 689
items. 690

(CC) "Magazines distributed as controlled circulation
publications" means magazines containing at least twenty-four
pages, at least twenty-five per cent editorial content, issued
at regular intervals four or more times a year, and circulated
without charge to the recipient, provided that such magazines
are not owned or controlled by individuals or business concerns
which conduct such publications as an auxiliary to, and
essentially for the advancement of the main business or calling
of, those who own or control them.

(DD) "Landscaping and lawn care service" means the
services of planting, seeding, sodding, removing, cutting,
trimming, pruning, mulching, aerating, applying chemicals,
watering, fertilizing, and providing similar services to
establish, promote, or control the growth of trees, shrubs,
flowers, grass, ground cover, and other flora, or otherwise
maintaining a lawn or landscape grown or maintained by the owner
for ornamentation or other nonagricultural purpose. However,
"landscaping and lawn care service" does not include the
providing of such services by a person who has less than five
thousand dollars in sales of such services during the calendar
year.

(EE) "Private investigation and security service" means
the performance of any activity for which the provider of such
service is required to be licensed pursuant to Chapter 4749. of
the Revised Code, or would be required to be so licensed in
performing such services in this state, and also includes the
services of conducting polygraph examinations and of monitoring
or overseeing the activities on or in, or the condition of, the
consumer's home, business, or other facility by means of
electronic or similar monitoring devices. "Private investigation
and security service" does not include special duty services

provided by off-duty police officers, deputy sheriffs, and other 722
peace officers regularly employed by the state or a political 723
subdivision. 724

(FF) "Information services" means providing conversation, 725
giving consultation or advice, playing or making a voice or 726
other recording, making or keeping a record of the number of 727
callers, and any other service provided to a consumer by means 728
of a nine hundred telephone call, except when the nine hundred 729
telephone call is the means by which the consumer makes a 730
contribution to a recognized charity. 731

(GG) "Research and development" means designing, creating, 732
or formulating new or enhanced products, equipment, or 733
manufacturing processes, and also means conducting scientific or 734
technological inquiry and experimentation in the physical 735
sciences with the goal of increasing scientific knowledge which 736
may reveal the bases for new or enhanced products, equipment, or 737
manufacturing processes. 738

(HH) "Qualified research and development equipment" means 739
either of the following: 740

(1) Capitalized tangible personal property, and leased 741
personal property that would be capitalized if purchased, used 742
by a person primarily to perform research and development; 743

(2) Any tangible personal property used by a megaproject 744
operator primarily to perform research and development at the 745
site of a megaproject that satisfies the criteria described in 746
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 747
during the period that the megaproject operator has an agreement 748
for such megaproject with the tax credit authority under 749
division (D) of that section that remains in effect and has not 750

expired or been terminated. 751

"Qualified research and development equipment" does not 752
include tangible personal property primarily used in testing, as 753
defined in division (A) (4) of section 5739.011 of the Revised 754
Code, or used for recording or storing test results, unless such 755
property is primarily used by the consumer in testing the 756
product, equipment, or manufacturing process being created, 757
designed, or formulated by the consumer in the research and 758
development activity or in recording or storing such test 759
results. 760

(II) "Building maintenance and janitorial service" means 761
cleaning the interior or exterior of a building and any tangible 762
personal property located therein or thereon, including any 763
services incidental to such cleaning for which no separate 764
charge is made. However, "building maintenance and janitorial 765
service" does not include the providing of such service by a 766
person who has less than five thousand dollars in sales of such 767
service during the calendar year. As used in this division, 768
"cleaning" does not include sanitation services necessary for an 769
establishment described in 21 U.S.C. 608 to comply with rules 770
and regulations adopted pursuant to that section. 771

(JJ) "Exterminating service" means eradicating or 772
attempting to eradicate vermin infestations from a building or 773
structure, or the area surrounding a building or structure, and 774
includes activities to inspect, detect, or prevent vermin 775
infestation of a building or structure. 776

(KK) "Physical fitness facility service" means all 777
transactions by which a membership is granted, maintained, or 778
renewed, including initiation fees, membership dues, renewal 779
fees, monthly minimum fees, and other similar fees and dues, by 780

a physical fitness facility such as an athletic club, health 781
spa, or gymnasium, which entitles the member to use the facility 782
for physical exercise. 783

(LL) "Recreation and sports club service" means all 784
transactions by which a membership is granted, maintained, or 785
renewed, including initiation fees, membership dues, renewal 786
fees, monthly minimum fees, and other similar fees and dues, by 787
a recreation and sports club, which entitles the member to use 788
the facilities of the organization. "Recreation and sports club" 789
means an organization that has ownership of, or controls or 790
leases on a continuing, long-term basis, the facilities used by 791
its members and includes an aviation club, gun or shooting club, 792
yacht club, card club, swimming club, tennis club, golf club, 793
country club, riding club, amateur sports club, or similar 794
organization. 795

(MM) "Livestock" means farm animals commonly raised for 796
food, food production, or other agricultural purposes, 797
including, but not limited to, cattle, sheep, goats, swine, 798
poultry, and captive deer. "Livestock" does not include 799
invertebrates, amphibians, reptiles, domestic pets, animals for 800
use in laboratories or for exhibition, or other animals not 801
commonly raised for food or food production. 802

(NN) "Livestock structure" means a building or structure 803
used exclusively for the housing, raising, feeding, or 804
sheltering of livestock, and includes feed storage or handling 805
structures and structures for livestock waste handling. 806

(OO) "Horticulture" means the growing, cultivation, and 807
production of flowers, fruits, herbs, vegetables, sod, 808
mushrooms, and nursery stock. As used in this division, "nursery 809
stock" has the same meaning as in section 927.51 of the Revised 810

Code. 811

(PP) "Horticulture structure" means a building or 812
structure used exclusively for the commercial growing, raising, 813
or overwintering of horticultural products, and includes the 814
area used for stocking, storing, and packing horticultural 815
products when done in conjunction with the production of those 816
products. 817

(QQ) "Newspaper" means an unbound publication bearing a 818
title or name that is regularly published, at least as 819
frequently as biweekly, and distributed from a fixed place of 820
business to the public in a specific geographic area, and that 821
contains a substantial amount of news matter of international, 822
national, or local events of interest to the general public. 823

(RR) (1) "Feminine hygiene products" means tampons, panty 824
liners, menstrual cups, sanitary napkins, and other similar 825
tangible personal property designed for feminine hygiene in 826
connection with the human menstrual cycle, but does not include 827
grooming and hygiene products. 828

(2) "Grooming and hygiene products" means soaps and 829
cleaning solutions, shampoo, toothpaste, mouthwash, 830
antiperspirants, and sun tan lotions and screens, regardless of 831
whether any of these products are over-the-counter drugs. 832

(3) "Over-the-counter drugs" means a drug that contains a 833
label that identifies the product as a drug as required by 21 834
C.F.R. 201.66, which label includes a drug facts panel or a 835
statement of the active ingredients with a list of those 836
ingredients contained in the compound, substance, or 837
preparation. 838

(SS) (1) "Lease" or "rental" means any transfer of the 839

possession or control of tangible personal property for a fixed 840
or indefinite term, for consideration. "Lease" or "rental" 841
includes future options to purchase or extend, and agreements 842
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 843
trailers where the amount of consideration may be increased or 844
decreased by reference to the amount realized upon the sale or 845
disposition of the property. "Lease" or "rental" does not 846
include: 847

(a) A transfer of possession or control of tangible 848
personal property under a security agreement or a deferred 849
payment plan that requires the transfer of title upon completion 850
of the required payments; 851

(b) A transfer of possession or control of tangible 852
personal property under an agreement that requires the transfer 853
of title upon completion of required payments and payment of an 854
option price that does not exceed the greater of one hundred 855
dollars or one per cent of the total required payments; 856

(c) Providing tangible personal property along with an 857
operator for a fixed or indefinite period of time, if the 858
operator is necessary for the property to perform as designed. 859
For purposes of this division, the operator must do more than 860
maintain, inspect, or set up the tangible personal property. 861

(2) "Lease" and "rental," as defined in division (SS) of 862
this section, shall not apply to leases or rentals that exist 863
before June 26, 2003. 864

(3) "Lease" and "rental" have the same meaning as in 865
division (SS) (1) of this section regardless of whether a 866
transaction is characterized as a lease or rental under 867
generally accepted accounting principles, the Internal Revenue 868

Code, Title XIII of the Revised Code, or other federal, state, 869
or local laws. 870

(TT) "Mobile telecommunications service" has the same 871
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 872
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 873
amended, and, on and after August 1, 2003, includes related fees 874
and ancillary services, including universal service fees, 875
detailed billing service, directory assistance, service 876
initiation, voice mail service, and vertical services, such as 877
caller ID and three-way calling. 878

(UU) "Certified service provider" has the same meaning as 879
in section 5740.01 of the Revised Code. 880

(VV) "Satellite broadcasting service" means the 881
distribution or broadcasting of programming or services by 882
satellite directly to the subscriber's receiving equipment 883
without the use of ground receiving or distribution equipment, 884
except the subscriber's receiving equipment or equipment used in 885
the uplink process to the satellite, and includes all service 886
and rental charges, premium channels or other special services, 887
installation and repair service charges, and any other charges 888
having any connection with the provision of the satellite 889
broadcasting service. 890

(WW) "Tangible personal property" means personal property 891
that can be seen, weighed, measured, felt, or touched, or that 892
is in any other manner perceptible to the senses. For purposes 893
of this chapter and Chapter 5741. of the Revised Code, "tangible 894
personal property" includes motor vehicles, electricity, water, 895
gas, steam, and prewritten computer software. 896

(XX) "Municipal gas utility" means a municipal corporation 897

that owns or operates a system for the distribution of natural 898
gas. 899

(YY) "Computer" means an electronic device that accepts 900
information in digital or similar form and manipulates it for a 901
result based on a sequence of instructions. 902

(ZZ) "Computer software" means a set of coded instructions 903
designed to cause a computer or automatic data processing 904
equipment to perform a task. 905

(AAA) "Delivered electronically" means delivery of 906
computer software from the seller to the purchaser by means 907
other than tangible storage media. 908

(BBB) "Prewritten computer software" means computer 909
software, including prewritten upgrades, that is not designed 910
and developed by the author or other creator to the 911
specifications of a specific purchaser. The combining of two or 912
more prewritten computer software programs or prewritten 913
portions thereof does not cause the combination to be other than 914
prewritten computer software. "Prewritten computer software" 915
includes software designed and developed by the author or other 916
creator to the specifications of a specific purchaser when it is 917
sold to a person other than the purchaser. If a person modifies 918
or enhances computer software of which the person is not the 919
author or creator, the person shall be deemed to be the author 920
or creator only of such person's modifications or enhancements. 921
Prewritten computer software or a prewritten portion thereof 922
that is modified or enhanced to any degree, where such 923
modification or enhancement is designed and developed to the 924
specifications of a specific purchaser, remains prewritten 925
computer software; provided, however, that where there is a 926
reasonable, separately stated charge or an invoice or other 927

statement of the price given to the purchaser for the 928
modification or enhancement, the modification or enhancement 929
shall not constitute prewritten computer software. 930

(CCC) (1) "Food" means substances, whether in liquid, 931
concentrated, solid, frozen, dried, or dehydrated form, that are 932
sold for ingestion or chewing by humans and are consumed for 933
their taste or nutritional value. "Food" does not include 934
alcoholic beverages, dietary supplements, soft drinks, or 935
tobacco. 936

(2) As used in division (CCC) (1) of this section: 937

(a) "Alcoholic beverages" means beverages that are 938
suitable for human consumption and contain one-half of one per 939
cent or more of alcohol by volume. 940

(b) "Dietary supplements" means any product, other than 941
tobacco, that is intended to supplement the diet and that is 942
intended for ingestion in tablet, capsule, powder, softgel, 943
gelcap, or liquid form, or, if not intended for ingestion in 944
such a form, is not represented as conventional food for use as 945
a sole item of a meal or of the diet; that is required to be 946
labeled as a dietary supplement, identifiable by the "supplement 947
facts" box found on the label, as required by 21 C.F.R. 101.36; 948
and that contains one or more of the following dietary 949
ingredients: 950

(i) A vitamin; 951

(ii) A mineral; 952

(iii) An herb or other botanical; 953

(iv) An amino acid; 954

(v) A dietary substance for use by humans to supplement 955

the diet by increasing the total dietary intake; 956

(vi) A concentrate, metabolite, constituent, extract, or 957
combination of any ingredient described in divisions (CCC) (2) (b) 958
(i) to (v) of this section. 959

(c) "Soft drinks" means nonalcoholic beverages that 960
contain natural or artificial sweeteners. "Soft drinks" does not 961
include beverages that contain milk or milk products, soy, rice, 962
or similar milk substitutes, or that contains greater than fifty 963
per cent vegetable or fruit juice by volume. 964

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 965
tobacco, or any other item that contains tobacco. 966

(DDD) "Drug" means a compound, substance, or preparation, 967
and any component of a compound, substance, or preparation, 968
other than food, dietary supplements, or alcoholic beverages 969
that is recognized in the official United States pharmacopoeia, 970
official homeopathic pharmacopoeia of the United States, or 971
official national formulary, and supplements to them; is 972
intended for use in the diagnosis, cure, mitigation, treatment, 973
or prevention of disease; or is intended to affect the structure 974
or any function of the body. 975

(EEE) "Prescription" means an order, formula, or recipe 976
issued in any form of oral, written, electronic, or other means 977
of transmission by a duly licensed practitioner authorized by 978
the laws of this state to issue a prescription. 979

(FFF) "Durable medical equipment" means equipment, 980
including repair and replacement parts for such equipment, that 981
can withstand repeated use, is primarily and customarily used to 982
serve a medical purpose, generally is not useful to a person in 983
the absence of illness or injury, and is not worn in or on the 984

body. "Durable medical equipment" does not include mobility 985
enhancing equipment. 986

(GGG) "Mobility enhancing equipment" means equipment, 987
including repair and replacement parts for such equipment, that 988
is primarily and customarily used to provide or increase the 989
ability to move from one place to another and is appropriate for 990
use either in a home or a motor vehicle, that is not generally 991
used by persons with normal mobility, and that does not include 992
any motor vehicle or equipment on a motor vehicle normally 993
provided by a motor vehicle manufacturer. "Mobility enhancing 994
equipment" does not include durable medical equipment. 995

(HHH) "Prosthetic device" means a replacement, corrective, 996
or supportive device, including repair and replacement parts for 997
the device, worn on or in the human body to artificially replace 998
a missing portion of the body, prevent or correct physical 999
deformity or malfunction, or support a weak or deformed portion 1000
of the body. As used in this division, before July 1, 2019, 1001
"prosthetic device" does not include corrective eyeglasses, 1002
contact lenses, or dental prosthesis. On or after July 1, 2019, 1003
"prosthetic device" does not include dental prosthesis but does 1004
include corrective eyeglasses or contact lenses. 1005

(III) (1) "Fractional aircraft ownership program" means a 1006
program in which persons within an affiliated group sell and 1007
manage fractional ownership program aircraft, provided that at 1008
least one hundred airworthy aircraft are operated in the program 1009
and the program meets all of the following criteria: 1010

(a) Management services are provided by at least one 1011
program manager within an affiliated group on behalf of the 1012
fractional owners. 1013

(b) Each program aircraft is owned or possessed by at least one fractional owner. 1014
1015

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 1016
1017
1018

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 1019
1020

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 1021
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1023

(2) As used in division (III)(1) of this section: 1024

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 1025
1026

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section. 1027
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 1031
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and 1038
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offered by the program manager to the fractional owners, 1042
including, at a minimum, the establishment and implementation of 1043
safety guidelines; the coordination of the scheduling of the 1044
program aircraft and crews; program aircraft maintenance; 1045
program aircraft insurance; crew training for crews employed, 1046
furnished, or contracted by the program manager or the 1047
fractional owner; the satisfaction of record-keeping 1048
requirements; and the development and use of an operations 1049
manual and a maintenance manual for the fractional aircraft 1050
ownership program. 1051

(e) "Program manager" means the person that offers 1052
management services to fractional owners pursuant to a 1053
management services agreement under division (III)(1)(e) of this 1054
section. 1055

(JJJ) "Electronic publishing" means providing access to 1056
one or more of the following primarily for business customers, 1057
including the federal government or a state government or a 1058
political subdivision thereof, to conduct research: news; 1059
business, financial, legal, consumer, or credit materials; 1060
editorials, columns, reader commentary, or features; photos or 1061
images; archival or research material; legal notices, identity 1062
verification, or public records; scientific, educational, 1063
instructional, technical, professional, trade, or other literary 1064
materials; or other similar information which has been gathered 1065
and made available by the provider to the consumer in an 1066
electronic format. Providing electronic publishing includes the 1067
functions necessary for the acquisition, formatting, editing, 1068
storage, and dissemination of data or information that is the 1069
subject of a sale. 1070

(KKK) "Medicaid health insuring corporation" means a 1071

health insuring corporation that holds a certificate of 1072
authority under Chapter 1751. of the Revised Code and is under 1073
contract with the department of medicaid pursuant to section 1074
5167.10 of the Revised Code. 1075

(LLL) "Managed care premium" means any premium, 1076
capitation, or other payment a medicaid health insuring 1077
corporation receives for providing or arranging for the 1078
provision of health care services to its members or enrollees 1079
residing in this state. 1080

(MMM) "Captive deer" means deer and other cervidae that 1081
have been legally acquired, or their offspring, that are 1082
privately owned for agricultural or farming purposes. 1083

(NNN) "Gift card" means a document, card, certificate, or 1084
other record, whether tangible or intangible, that may be 1085
redeemed by a consumer for a dollar value when making a purchase 1086
of tangible personal property or services. 1087

(OOO) "Specified digital product" means an electronically 1088
transferred digital audiovisual work, digital audio work, or 1089
digital book. 1090

As used in division (OOO) of this section: 1091

(1) "Digital audiovisual work" means a series of related 1092
images that, when shown in succession, impart an impression of 1093
motion, together with accompanying sounds, if any. 1094

(2) "Digital audio work" means a work that results from 1095
the fixation of a series of musical, spoken, or other sounds, 1096
including digitized sound files that are downloaded onto a 1097
device and that may be used to alert the customer with respect 1098
to a communication. 1099

(3) "Digital book" means a work that is generally 1100
recognized in the ordinary and usual sense as a book. 1101

(4) "Electronically transferred" means obtained by the 1102
purchaser by means other than tangible storage media. 1103

(PPP) "Digital advertising services" means providing 1104
access, by means of telecommunications equipment, to computer 1105
equipment that is used to enter, upload, download, review, 1106
manipulate, store, add, or delete data for the purpose of 1107
electronically displaying, delivering, placing, or transferring 1108
promotional advertisements to potential customers about products 1109
or services or about industry or business brands. 1110

(QQQ) "Peer-to-peer car sharing program" has the same 1111
meaning as in section 4516.01 of the Revised Code. 1112

(RRR) "Megaproject" and "megaproject operator" have the 1113
same meanings as in section 122.17 of the Revised Code. 1114

Sec. 5739.02. For the purpose of providing revenue with 1115
which to meet the needs of the state, for the use of the general 1116
revenue fund of the state, for the purpose of securing a 1117
thorough and efficient system of common schools throughout the 1118
state, for the purpose of affording revenues, in addition to 1119
those from general property taxes, permitted under 1120
constitutional limitations, and from other sources, for the 1121
support of local governmental functions, and for the purpose of 1122
reimbursing the state for the expense of administering this 1123
chapter, an excise tax is hereby levied on each retail sale made 1124
in this state. 1125

(A) (1) The tax shall be collected as provided in section 1126
5739.025 of the Revised Code. The rate of the tax shall be five 1127
and three-fourths per cent. The tax applies and is collectible 1128

when the sale is made, regardless of the time when the price is 1129
paid or delivered. 1130

(2) In the case of the lease or rental, with a fixed term 1131
of more than thirty days or an indefinite term with a minimum 1132
period of more than thirty days, of any motor vehicles designed 1133
by the manufacturer to carry a load of not more than one ton, 1134
watercraft, outboard motor, or aircraft, or of any tangible 1135
personal property, other than motor vehicles designed by the 1136
manufacturer to carry a load of more than one ton, to be used by 1137
the lessee or renter primarily for business purposes, the tax 1138
shall be collected by the vendor at the time the lease or rental 1139
is consummated and shall be calculated by the vendor on the 1140
basis of the total amount to be paid by the lessee or renter 1141
under the lease agreement. If the total amount of the 1142
consideration for the lease or rental includes amounts that are 1143
not calculated at the time the lease or rental is executed, the 1144
tax shall be calculated and collected by the vendor at the time 1145
such amounts are billed to the lessee or renter. In the case of 1146
an open-end lease or rental, the tax shall be calculated by the 1147
vendor on the basis of the total amount to be paid during the 1148
initial fixed term of the lease or rental, and for each 1149
subsequent renewal period as it comes due. As used in this 1150
division, "motor vehicle" has the same meaning as in section 1151
4501.01 of the Revised Code, and "watercraft" includes an 1152
outdrive unit attached to the watercraft. 1153

A lease with a renewal clause and a termination penalty or 1154
similar provision that applies if the renewal clause is not 1155
exercised is presumed to be a sham transaction. In such a case, 1156
the tax shall be calculated and paid on the basis of the entire 1157
length of the lease period, including any renewal periods, until 1158
the termination penalty or similar provision no longer applies. 1159

The taxpayer shall bear the burden, by a preponderance of the 1160
evidence, that the transaction or series of transactions is not 1161
a sham transaction. 1162

(3) Except as provided in division (A) (2) of this section, 1163
in the case of a sale, the price of which consists in whole or 1164
in part of the lease or rental of tangible personal property, 1165
the tax shall be measured by the installments of that lease or 1166
rental. 1167

(4) In the case of a sale of a physical fitness facility 1168
service or recreation and sports club service, the price of 1169
which consists in whole or in part of a membership for the 1170
receipt of the benefit of the service, the tax applicable to the 1171
sale shall be measured by the installments thereof. 1172

(B) The tax does not apply to the following: 1173

(1) Sales to the state or any of its political 1174
subdivisions, or to any other state or its political 1175
subdivisions if the laws of that state exempt from taxation 1176
sales made to this state and its political subdivisions; 1177

(2) Sales of food for human consumption off the premises 1178
where sold; 1179

(3) Sales of food sold to students only in a cafeteria, 1180
dormitory, fraternity, or sorority maintained in a private, 1181
public, or parochial school, college, or university; 1182

(4) Sales of newspapers and sales or transfers of 1183
magazines distributed as controlled circulation publications; 1184

(5) The furnishing, preparing, or serving of meals without 1185
charge by an employer to an employee provided the employer 1186
records the meals as part compensation for services performed or 1187

work done; 1188

(6) (a) Sales of motor fuel upon receipt, use, 1189
distribution, or sale of which in this state a tax is imposed by 1190
the law of this state, but this exemption shall not apply to the 1191
sale of motor fuel on which a refund of the tax is allowable 1192
under division (A) of section 5735.14 of the Revised Code; and 1193
the tax commissioner may deduct the amount of tax levied by this 1194
section applicable to the price of motor fuel when granting a 1195
refund of motor fuel tax pursuant to division (A) of section 1196
5735.14 of the Revised Code and shall cause the amount deducted 1197
to be paid into the general revenue fund of this state; 1198

(b) Sales of motor fuel other than that described in 1199
division (B) (6) (a) of this section and used for powering a 1200
refrigeration unit on a vehicle other than one used primarily to 1201
provide comfort to the operator or occupants of the vehicle. 1202

(7) Sales of natural gas by a natural gas company or 1203
municipal gas utility, of water by a water-works company, or of 1204
steam by a heating company, if in each case the thing sold is 1205
delivered to consumers through pipes or conduits, and all sales 1206
of communications services by a telegraph company, all terms as 1207
defined in section 5727.01 of the Revised Code, and sales of 1208
electricity delivered through wires; 1209

(8) Casual sales by a person, or auctioneer employed 1210
directly by the person to conduct such sales, except as to such 1211
sales of motor vehicles, watercraft or outboard motors required 1212
to be titled under section 1548.06 of the Revised Code, 1213
watercraft documented with the United States coast guard, 1214
snowmobiles, and all-purpose vehicles as defined in section 1215
4519.01 of the Revised Code; 1216

(9) (a) Sales of services or tangible personal property, 1217
other than motor vehicles, mobile homes, and manufactured homes, 1218
by churches, organizations exempt from taxation under section 1219
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 1220
organizations operated exclusively for charitable purposes as 1221
defined in division (B) (12) of this section, provided that the 1222
number of days on which such tangible personal property or 1223
services, other than items never subject to the tax, are sold 1224
does not exceed six in any calendar year, except as otherwise 1225
provided in division (B) (9) (b) of this section. If the number of 1226
days on which such sales are made exceeds six in any calendar 1227
year, the church or organization shall be considered to be 1228
engaged in business and all subsequent sales by it shall be 1229
subject to the tax. In counting the number of days, all sales by 1230
groups within a church or within an organization shall be 1231
considered to be sales of that church or organization. 1232

(b) The limitation on the number of days on which tax- 1233
exempt sales may be made by a church or organization under 1234
division (B) (9) (a) of this section does not apply to sales made 1235
by student clubs and other groups of students of a primary or 1236
secondary school, or a parent-teacher association, booster 1237
group, or similar organization that raises money to support or 1238
fund curricular or extracurricular activities of a primary or 1239
secondary school. 1240

(c) Divisions (B) (9) (a) and (b) of this section do not 1241
apply to sales by a noncommercial educational radio or 1242
television broadcasting station. 1243

(10) Sales not within the taxing power of this state under 1244
the Constitution or laws of the United States or the 1245
Constitution of this state; 1246

(11) Except for transactions that are sales under division 1247
(B) (3) (p) of section 5739.01 of the Revised Code, the 1248
transportation of persons or property, unless the transportation 1249
is by a private investigation and security service; 1250

(12) Sales of tangible personal property or services to 1251
churches, to organizations exempt from taxation under section 1252
501(c) (3) of the Internal Revenue Code of 1986, and to any other 1253
nonprofit organizations operated exclusively for charitable 1254
purposes in this state, no part of the net income of which 1255
inures to the benefit of any private shareholder or individual, 1256
and no substantial part of the activities of which consists of 1257
carrying on propaganda or otherwise attempting to influence 1258
legislation; sales to offices administering one or more homes 1259
for the aged or one or more hospital facilities exempt under 1260
section 140.08 of the Revised Code; and sales to organizations 1261
described in division (D) of section 5709.12 of the Revised 1262
Code. 1263

"Charitable purposes" means the relief of poverty; the 1264
improvement of health through the alleviation of illness, 1265
disease, or injury; the operation of an organization exclusively 1266
for the provision of professional, laundry, printing, and 1267
purchasing services to hospitals or charitable institutions; the 1268
operation of a home for the aged, as defined in section 5701.13 1269
of the Revised Code; the operation of a radio or television 1270
broadcasting station that is licensed by the federal 1271
communications commission as a noncommercial educational radio 1272
or television station; the operation of a nonprofit animal 1273
adoption service or a county humane society; the promotion of 1274
education by an institution of learning that maintains a faculty 1275
of qualified instructors, teaches regular continuous courses of 1276
study, and confers a recognized diploma upon completion of a 1277

specific curriculum; the operation of a parent-teacher 1278
association, booster group, or similar organization primarily 1279
engaged in the promotion and support of the curricular or 1280
extracurricular activities of a primary or secondary school; the 1281
operation of a community or area center in which presentations 1282
in music, dramatics, the arts, and related fields are made in 1283
order to foster public interest and education therein; the 1284
production of performances in music, dramatics, and the arts; or 1285
the promotion of education by an organization engaged in 1286
carrying on research in, or the dissemination of, scientific and 1287
technological knowledge and information primarily for the 1288
public. 1289

Nothing in this division shall be deemed to exempt sales 1290
to any organization for use in the operation or carrying on of a 1291
trade or business, or sales to a home for the aged for use in 1292
the operation of independent living facilities as defined in 1293
division (A) of section 5709.12 of the Revised Code. 1294

(13) Building and construction materials and services sold 1295
to construction contractors for incorporation into a structure 1296
or improvement to real property under a construction contract 1297
with this state or a political subdivision of this state, or 1298
with the United States government or any of its agencies; 1299
building and construction materials and services sold to 1300
construction contractors for incorporation into a structure or 1301
improvement to real property that are accepted for ownership by 1302
this state or any of its political subdivisions, or by the 1303
United States government or any of its agencies at the time of 1304
completion of the structures or improvements; building and 1305
construction materials sold to construction contractors for 1306
incorporation into a horticulture structure or livestock 1307
structure for a person engaged in the business of horticulture 1308

or producing livestock; building materials and services sold to 1309
a construction contractor for incorporation into a house of 1310
public worship or religious education, or a building used 1311
exclusively for charitable purposes under a construction 1312
contract with an organization whose purpose is as described in 1313
division (B)(12) of this section; building materials and 1314
services sold to a construction contractor for incorporation 1315
into a building under a construction contract with an 1316
organization exempt from taxation under section 501(c)(3) of the 1317
Internal Revenue Code of 1986 when the building is to be used 1318
exclusively for the organization's exempt purposes; building and 1319
construction materials sold for incorporation into the original 1320
construction of a sports facility under section 307.696 of the 1321
Revised Code; building and construction materials and services 1322
sold to a construction contractor for incorporation into real 1323
property outside this state if such materials and services, when 1324
sold to a construction contractor in the state in which the real 1325
property is located for incorporation into real property in that 1326
state, would be exempt from a tax on sales levied by that state; 1327
building and construction materials for incorporation into a 1328
transportation facility pursuant to a public-private agreement 1329
entered into under sections 5501.70 to 5501.83 of the Revised 1330
Code; until one calendar year after the construction of a 1331
convention center that qualifies for property tax exemption 1332
under section 5709.084 of the Revised Code is completed, 1333
building and construction materials and services sold to a 1334
construction contractor for incorporation into the real property 1335
comprising that convention center; and building and construction 1336
materials sold for incorporation into a structure or improvement 1337
to real property that is used primarily as, or primarily in 1338
support of, a manufacturing facility or research and development 1339
facility and that is to be owned by a megaproject operator upon 1340

completion and located at the site of a megaproject that 1341
satisfies the criteria described in division (A) (11) (a) (ii) of 1342
section 122.17 of the Revised Code, provided that the sale 1343
occurs during the period that the megaproject operator has an 1344
agreement for such megaproject with the tax credit authority 1345
under division (D) of section 122.17 of the Revised Code that 1346
remains in effect and has not expired or been terminated. 1347

(14) Sales of ships or vessels or rail rolling stock used 1348
or to be used principally in interstate or foreign commerce, and 1349
repairs, alterations, fuel, and lubricants for such ships or 1350
vessels or rail rolling stock; 1351

(15) Sales to persons primarily engaged in any of the 1352
activities mentioned in division (B) (42) (a), (g), or (h) of this 1353
section, to persons engaged in making retail sales, or to 1354
persons who purchase for sale from a manufacturer tangible 1355
personal property that was produced by the manufacturer in 1356
accordance with specific designs provided by the purchaser, of 1357
packages, including material, labels, and parts for packages, 1358
and of machinery, equipment, and material for use primarily in 1359
packaging tangible personal property produced for sale, 1360
including any machinery, equipment, and supplies used to make 1361
labels or packages, to prepare packages or products for 1362
labeling, or to label packages or products, by or on the order 1363
of the person doing the packaging, or sold at retail. "Packages" 1364
includes bags, baskets, cartons, crates, boxes, cans, bottles, 1365
bindings, wrappings, and other similar devices and containers, 1366
but does not include motor vehicles or bulk tanks, trailers, or 1367
similar devices attached to motor vehicles. "Packaging" means 1368
placing in a package. Division (B) (15) of this section does not 1369
apply to persons engaged in highway transportation for hire. 1370

(16) Sales of food to persons using supplemental nutrition 1371
assistance program benefits to purchase the food. As used in 1372
this division, "food" has the same meaning as in 7 U.S.C. 2012 1373
and federal regulations adopted pursuant to the Food and 1374
Nutrition Act of 2008. 1375

(17) Sales to persons engaged in farming, agriculture, 1376
horticulture, or floriculture, of tangible personal property for 1377
use or consumption primarily in the production by farming, 1378
agriculture, horticulture, or floriculture of other tangible 1379
personal property for use or consumption primarily in the 1380
production of tangible personal property for sale by farming, 1381
agriculture, horticulture, or floriculture; or material and 1382
parts for incorporation into any such tangible personal property 1383
for use or consumption in production; and of tangible personal 1384
property for such use or consumption in the conditioning or 1385
holding of products produced by and for such use, consumption, 1386
or sale by persons engaged in farming, agriculture, 1387
horticulture, or floriculture, except where such property is 1388
incorporated into real property; 1389

(18) Sales of drugs for a human being that may be 1390
dispensed only pursuant to a prescription; insulin as recognized 1391
in the official United States pharmacopoeia; urine and blood 1392
testing materials when used by diabetics or persons with 1393
hypoglycemia to test for glucose or acetone; hypodermic syringes 1394
and needles when used by diabetics for insulin injections; 1395
epoetin alfa when purchased for use in the treatment of persons 1396
with medical disease; hospital beds when purchased by hospitals, 1397
nursing homes, or other medical facilities; and medical oxygen 1398
and medical oxygen-dispensing equipment when purchased by 1399
hospitals, nursing homes, or other medical facilities; 1400

(19) Sales of prosthetic devices, durable medical	1401
equipment for home use, or mobility enhancing equipment, when	1402
made pursuant to a prescription and when such devices or	1403
equipment are for use by a human being.	1404
(20) Sales of emergency and fire protection vehicles and	1405
equipment to nonprofit organizations for use solely in providing	1406
fire protection and emergency services, including trauma care	1407
and emergency medical services, for political subdivisions of	1408
the state;	1409
(21) Sales of tangible personal property manufactured in	1410
this state, if sold by the manufacturer in this state to a	1411
retailer for use in the retail business of the retailer outside	1412
of this state and if possession is taken from the manufacturer	1413
by the purchaser within this state for the sole purpose of	1414
immediately removing the same from this state in a vehicle owned	1415
by the purchaser;	1416
(22) Sales of services provided by the state or any of its	1417
political subdivisions, agencies, instrumentalities,	1418
institutions, or authorities, or by governmental entities of the	1419
state or any of its political subdivisions, agencies,	1420
instrumentalities, institutions, or authorities;	1421
(23) Sales of motor vehicles to nonresidents of this state	1422
under the circumstances described in division (B) of section	1423
5739.029 of the Revised Code;	1424
(24) Sales to persons engaged in the preparation of eggs	1425
for sale of tangible personal property used or consumed directly	1426
in such preparation, including such tangible personal property	1427
used for cleaning, sanitizing, preserving, grading, sorting, and	1428
classifying by size; packages, including material and parts for	1429

packages, and machinery, equipment, and material for use in 1430
packaging eggs for sale; and handling and transportation 1431
equipment and parts therefor, except motor vehicles licensed to 1432
operate on public highways, used in intraplant or interplant 1433
transfers or shipment of eggs in the process of preparation for 1434
sale, when the plant or plants within or between which such 1435
transfers or shipments occur are operated by the same person. 1436
"Packages" includes containers, cases, baskets, flats, fillers, 1437
filler flats, cartons, closure materials, labels, and labeling 1438
materials, and "packaging" means placing therein. 1439

(25) (a) Sales of water to a consumer for residential use; 1440

(b) Sales of water by a nonprofit corporation engaged 1441
exclusively in the treatment, distribution, and sale of water to 1442
consumers, if such water is delivered to consumers through pipes 1443
or tubing. 1444

(26) Fees charged for inspection or reinspection of motor 1445
vehicles under section 3704.14 of the Revised Code; 1446

(27) Sales to persons licensed to conduct a food service 1447
operation pursuant to section 3717.43 of the Revised Code, of 1448
tangible personal property primarily used directly for the 1449
following: 1450

(a) To prepare food for human consumption for sale; 1451

(b) To preserve food that has been or will be prepared for 1452
human consumption for sale by the food service operator, not 1453
including tangible personal property used to display food for 1454
selection by the consumer; 1455

(c) To clean tangible personal property used to prepare or 1456
serve food for human consumption for sale. 1457

(28) Sales of animals by nonprofit animal adoption	1458
services or county humane societies;	1459
(29) Sales of services to a corporation described in	1460
division (A) of section 5709.72 of the Revised Code, and sales	1461
of tangible personal property that qualifies for exemption from	1462
taxation under section 5709.72 of the Revised Code;	1463
(30) Sales and installation of agricultural land tile, as	1464
defined in division (B) (5) (a) of section 5739.01 of the Revised	1465
Code;	1466
(31) Sales and erection or installation of portable grain	1467
bins, as defined in division (B) (5) (b) of section 5739.01 of the	1468
Revised Code;	1469
(32) The sale, lease, repair, and maintenance of, parts	1470
for, or items attached to or incorporated in, motor vehicles	1471
that are primarily used for transporting tangible personal	1472
property belonging to others by a person engaged in highway	1473
transportation for hire, except for packages and packaging used	1474
for the transportation of tangible personal property;	1475
(33) Sales to the state headquarters of any veterans'	1476
organization in this state that is either incorporated and	1477
issued a charter by the congress of the United States or is	1478
recognized by the United States veterans administration, for use	1479
by the headquarters;	1480
(34) Sales to a telecommunications service vendor, mobile	1481
telecommunications service vendor, or satellite broadcasting	1482
service vendor of tangible personal property and services used	1483
directly and primarily in transmitting, receiving, switching, or	1484
recording any interactive, one- or two-way electromagnetic	1485
communications, including voice, image, data, and information,	1486

through the use of any medium, including, but not limited to, 1487
poles, wires, cables, switching equipment, computers, and record 1488
storage devices and media, and component parts for the tangible 1489
personal property. The exemption provided in this division shall 1490
be in lieu of all other exemptions under division (B) (42) (a) or 1491
(n) of this section to which the vendor may otherwise be 1492
entitled, based upon the use of the thing purchased in providing 1493
the telecommunications, mobile telecommunications, or satellite 1494
broadcasting service. 1495

(35) (a) Sales where the purpose of the consumer is to use 1496
or consume the things transferred in making retail sales and 1497
consisting of newspaper inserts, catalogues, coupons, flyers, 1498
gift certificates, or other advertising material that prices and 1499
describes tangible personal property offered for retail sale. 1500

(b) Sales to direct marketing vendors of preliminary 1501
materials such as photographs, artwork, and typesetting that 1502
will be used in printing advertising material; and of printed 1503
matter that offers free merchandise or chances to win sweepstake 1504
prizes and that is mailed to potential customers with 1505
advertising material described in division (B) (35) (a) of this 1506
section; 1507

(c) Sales of equipment such as telephones, computers, 1508
facsimile machines, and similar tangible personal property 1509
primarily used to accept orders for direct marketing retail 1510
sales. 1511

(d) Sales of automatic food vending machines that preserve 1512
food with a shelf life of forty-five days or less by 1513
refrigeration and dispense it to the consumer. 1514

For purposes of division (B) (35) of this section, "direct 1515

marketing" means the method of selling where consumers order 1516
tangible personal property by United States mail, delivery 1517
service, or telecommunication and the vendor delivers or ships 1518
the tangible personal property sold to the consumer from a 1519
warehouse, catalogue distribution center, or similar fulfillment 1520
facility by means of the United States mail, delivery service, 1521
or common carrier. 1522

(36) Sales to a person engaged in the business of 1523
horticulture or producing livestock of materials to be 1524
incorporated into a horticulture structure or livestock 1525
structure; 1526

(37) Sales of personal computers, computer monitors, 1527
computer keyboards, modems, and other peripheral computer 1528
equipment to an individual who is licensed or certified to teach 1529
in an elementary or a secondary school in this state for use by 1530
that individual in preparation for teaching elementary or 1531
secondary school students; 1532

(38) Sales of tangible personal property that is not 1533
required to be registered or licensed under the laws of this 1534
state to a citizen of a foreign nation that is not a citizen of 1535
the United States, provided the property is delivered to a 1536
person in this state that is not a related member of the 1537
purchaser, is physically present in this state for the sole 1538
purpose of temporary storage and package consolidation, and is 1539
subsequently delivered to the purchaser at a delivery address in 1540
a foreign nation. As used in division (B)(38) of this section, 1541
"related member" has the same meaning as in section 5733.042 of 1542
the Revised Code, and "temporary storage" means the storage of 1543
tangible personal property for a period of not more than sixty 1544
days. 1545

(39) Sales of used manufactured homes and used mobile 1546
homes, as defined in section 5739.0210 of the Revised Code, made 1547
on or after January 1, 2000; 1548

(40) Sales of tangible personal property and services to a 1549
provider of electricity used or consumed directly and primarily 1550
in generating, transmitting, or distributing electricity for use 1551
by others, including property that is or is to be incorporated 1552
into and will become a part of the consumer's production, 1553
transmission, or distribution system and that retains its 1554
classification as tangible personal property after 1555
incorporation; fuel or power used in the production, 1556
transmission, or distribution of electricity; energy conversion 1557
equipment as defined in section 5727.01 of the Revised Code; and 1558
tangible personal property and services used in the repair and 1559
maintenance of the production, transmission, or distribution 1560
system, including only those motor vehicles as are specially 1561
designed and equipped for such use. The exemption provided in 1562
this division shall be in lieu of all other exemptions in 1563
division (B) (42) (a) or (n) of this section to which a provider 1564
of electricity may otherwise be entitled based on the use of the 1565
tangible personal property or service purchased in generating, 1566
transmitting, or distributing electricity. 1567

(41) Sales to a person providing services under division 1568
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 1569
personal property and services used directly and primarily in 1570
providing taxable services under that section. 1571

(42) Sales where the purpose of the purchaser is to do any 1572
of the following: 1573

(a) To incorporate the thing transferred as a material or 1574
a part into tangible personal property to be produced for sale 1575

by manufacturing, assembling, processing, or refining; or to use 1576
or consume the thing transferred directly in producing tangible 1577
personal property for sale by mining, including, without 1578
limitation, the extraction from the earth of all substances that 1579
are classed geologically as minerals, or directly in the 1580
rendition of a public utility service, except that the sales tax 1581
levied by this section shall be collected upon all meals, 1582
drinks, and food for human consumption sold when transporting 1583
persons. This paragraph does not exempt from "retail sale" or 1584
"sales at retail" the sale of tangible personal property that is 1585
to be incorporated into a structure or improvement to real 1586
property. 1587

(b) To hold the thing transferred as security for the 1588
performance of an obligation of the vendor; 1589

(c) To resell, hold, use, or consume the thing transferred 1590
as evidence of a contract of insurance; 1591

(d) To use or consume the thing directly in commercial 1592
fishing; 1593

(e) To incorporate the thing transferred as a material or 1594
a part into, or to use or consume the thing transferred directly 1595
in the production of, magazines distributed as controlled 1596
circulation publications; 1597

(f) To use or consume the thing transferred in the 1598
production and preparation in suitable condition for market and 1599
sale of printed, imprinted, overprinted, lithographic, 1600
multilithic, blueprinted, photostatic, or other productions or 1601
reproductions of written or graphic matter; 1602

(g) To use the thing transferred, as described in section 1603
5739.011 of the Revised Code, primarily in a manufacturing 1604

operation to produce tangible personal property for sale; 1605

(h) To use the benefit of a warranty, maintenance or 1606
service contract, or similar agreement, as described in division 1607
(B) (7) of section 5739.01 of the Revised Code, to repair or 1608
maintain tangible personal property, if all of the property that 1609
is the subject of the warranty, contract, or agreement would not 1610
be subject to the tax imposed by this section; 1611

(i) To use the thing transferred as qualified research and 1612
development equipment; 1613

(j) To use or consume the thing transferred primarily in 1614
storing, transporting, mailing, or otherwise handling purchased 1615
sales inventory in a warehouse, distribution center, or similar 1616
facility when the inventory is primarily distributed outside 1617
this state to retail stores of the person who owns or controls 1618
the warehouse, distribution center, or similar facility, to 1619
retail stores of an affiliated group of which that person is a 1620
member, or by means of direct marketing. This division does not 1621
apply to motor vehicles registered for operation on the public 1622
highways. As used in this division, "affiliated group" has the 1623
same meaning as in division (B) (3) (e) of section 5739.01 of the 1624
Revised Code and "direct marketing" has the same meaning as in 1625
division (B) (35) of this section. 1626

(k) To use or consume the thing transferred to fulfill a 1627
contractual obligation incurred by a warrantor pursuant to a 1628
warranty provided as a part of the price of the tangible 1629
personal property sold or by a vendor of a warranty, maintenance 1630
or service contract, or similar agreement the provision of which 1631
is defined as a sale under division (B) (7) of section 5739.01 of 1632
the Revised Code; 1633

(l) To use or consume the thing transferred in the 1634
production of a newspaper for distribution to the public; 1635

(m) To use tangible personal property to perform a service 1636
listed in division (B)(3) of section 5739.01 of the Revised 1637
Code, if the property is or is to be permanently transferred to 1638
the consumer of the service as an integral part of the 1639
performance of the service; 1640

(n) To use or consume the thing transferred primarily in 1641
producing tangible personal property for sale by farming, 1642
agriculture, horticulture, or floriculture. Persons engaged in 1643
rendering farming, agriculture, horticulture, or floriculture 1644
services for others are deemed engaged primarily in farming, 1645
agriculture, horticulture, or floriculture. This paragraph does 1646
not exempt from "retail sale" or "sales at retail" the sale of 1647
tangible personal property that is to be incorporated into a 1648
structure or improvement to real property. 1649

(o) To use or consume the thing transferred in acquiring, 1650
formatting, editing, storing, and disseminating data or 1651
information by electronic publishing; 1652

(p) To provide the thing transferred to the owner or 1653
lessee of a motor vehicle that is being repaired or serviced, if 1654
the thing transferred is a rented motor vehicle and the 1655
purchaser is reimbursed for the cost of the rented motor vehicle 1656
by a manufacturer, warrantor, or provider of a maintenance, 1657
service, or other similar contract or agreement, with respect to 1658
the motor vehicle that is being repaired or serviced; 1659

(q) To use or consume the thing transferred directly in 1660
production of crude oil and natural gas for sale. Persons 1661
engaged in rendering production services for others are deemed 1662

engaged in production. 1663

As used in division (B) (42) (q) of this section, 1664
"production" means operations and tangible personal property 1665
directly used to expose and evaluate an underground reservoir 1666
that may contain hydrocarbon resources, prepare the wellbore for 1667
production, and lift and control all substances yielded by the 1668
reservoir to the surface of the earth. 1669

(i) For the purposes of division (B) (42) (q) of this 1670
section, the "thing transferred" includes, but is not limited 1671
to, any of the following: 1672

(I) Services provided in the construction of permanent 1673
access roads, services provided in the construction of the well 1674
site, and services provided in the construction of temporary 1675
impoundments; 1676

(II) Equipment and rigging used for the specific purpose 1677
of creating with integrity a wellbore pathway to underground 1678
reservoirs; 1679

(III) Drilling and workover services used to work within a 1680
subsurface wellbore, and tangible personal property directly 1681
used in providing such services; 1682

(IV) Casing, tubulars, and float and centralizing 1683
equipment; 1684

(V) Trailers to which production equipment is attached; 1685

(VI) Well completion services, including cementing of 1686
casing, and tangible personal property directly used in 1687
providing such services; 1688

(VII) Wireline evaluation, mud logging, and perforation 1689
services, and tangible personal property directly used in 1690

providing such services; 1691

(VIII) Reservoir stimulation, hydraulic fracturing, and 1692
acidizing services, and tangible personal property directly used 1693
in providing such services, including all material pumped 1694
downhole; 1695

(IX) Pressure pumping equipment; 1696

(X) Artificial lift systems equipment; 1697

(XI) Wellhead equipment and well site equipment used to 1698
separate, stabilize, and control hydrocarbon phases and produced 1699
water; 1700

(XII) Tangible personal property directly used to control 1701
production equipment. 1702

(ii) For the purposes of division (B) (42) (q) of this 1703
section, the "thing transferred" does not include any of the 1704
following: 1705

(I) Tangible personal property used primarily in the 1706
exploration and production of any mineral resource regulated 1707
under Chapter 1509. of the Revised Code other than oil or gas; 1708

(II) Tangible personal property used primarily in storing, 1709
holding, or delivering solutions or chemicals used in well 1710
stimulation as defined in section 1509.01 of the Revised Code; 1711

(III) Tangible personal property used primarily in 1712
preparing, installing, or reclaiming foundations for drilling or 1713
pumping equipment or well stimulation material tanks; 1714

(IV) Tangible personal property used primarily in 1715
transporting, delivering, or removing equipment to or from the 1716
well site or storing such equipment before its use at the well 1717

site;	1718
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	1719 1720 1721 1722
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	1723 1724
(VII) Well site fencing, lighting, or security systems;	1725
(VIII) Communication devices or services;	1726
(IX) Office supplies;	1727
(X) Trailers used as offices or lodging;	1728
(XI) Motor vehicles of any kind;	1729
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	1730 1731
(XIII) Tangible personal property used primarily as a safety device;	1732 1733
(XIV) Data collection or monitoring devices;	1734
(XV) Access ladders, stairs, or platforms attached to storage tanks.	1735 1736
The enumeration of tangible personal property in division (B) (42) (q) (ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B) (42) (q) of this section.	1737 1738 1739 1740 1741
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the	1742 1743

commissioner deems necessary to administer division (B) (42) (q) 1744
of this section. 1745

As used in division (B) (42) of this section, "thing" 1746
includes all transactions included in divisions (B) (3) (a), (b), 1747
and (e) of section 5739.01 of the Revised Code. 1748

(43) Sales conducted through a coin operated device that 1749
activates vacuum equipment or equipment that dispenses water, 1750
whether or not in combination with soap or other cleaning agents 1751
or wax, to the consumer for the consumer's use on the premises 1752
in washing, cleaning, or waxing a motor vehicle, provided no 1753
other personal property or personal service is provided as part 1754
of the transaction. 1755

(44) Sales of replacement and modification parts for 1756
engines, airframes, instruments, and interiors in, and paint 1757
for, aircraft used primarily in a fractional aircraft ownership 1758
program, and sales of services for the repair, modification, and 1759
maintenance of such aircraft, and machinery, equipment, and 1760
supplies primarily used to provide those services. 1761

(45) Sales of telecommunications service that is used 1762
directly and primarily to perform the functions of a call 1763
center. As used in this division, "call center" means any 1764
physical location where telephone calls are placed or received 1765
in high volume for the purpose of making sales, marketing, 1766
customer service, technical support, or other specialized 1767
business activity, and that employs at least fifty individuals 1768
that engage in call center activities on a full-time basis, or 1769
sufficient individuals to fill fifty full-time equivalent 1770
positions. 1771

(46) Sales by a telecommunications service vendor of 900 1772

service to a subscriber. This division does not apply to 1773
information services. 1774

(47) Sales of value-added non-voice data service. This 1775
division does not apply to any similar service that is not 1776
otherwise a telecommunications service. 1777

(48) Sales of feminine hygiene products. 1778

(49) Sales of materials, parts, equipment, or engines used 1779
in the repair or maintenance of aircraft or avionics systems of 1780
such aircraft, and sales of repair, remodeling, replacement, or 1781
maintenance services in this state performed on aircraft or on 1782
an aircraft's avionics, engine, or component materials or parts. 1783
As used in division (B) (49) of this section, "aircraft" means 1784
aircraft of more than six thousand pounds maximum certified 1785
takeoff weight or used exclusively in general aviation. 1786

(50) Sales of full flight simulators that are used for 1787
pilot or flight-crew training, sales of repair or replacement 1788
parts or components, and sales of repair or maintenance services 1789
for such full flight simulators. "Full flight simulator" means a 1790
replica of a specific type, or make, model, and series of 1791
aircraft cockpit. It includes the assemblage of equipment and 1792
computer programs necessary to represent aircraft operations in 1793
ground and flight conditions, a visual system providing an out- 1794
of-the-cockpit view, and a system that provides cues at least 1795
equivalent to those of a three-degree-of-freedom motion system, 1796
and has the full range of capabilities of the systems installed 1797
in the device as described in appendices A and B of part 60 of 1798
chapter 1 of title 14 of the Code of Federal Regulations. 1799

(51) Any transfer or lease of tangible personal property 1800
between the state and JobsOhio in accordance with section 1801

4313.02 of the Revised Code. 1802

(52) (a) Sales to a qualifying corporation. 1803

(b) As used in division (B) (52) of this section: 1804

(i) "Qualifying corporation" means a nonprofit corporation 1805
organized in this state that leases from an eligible county 1806
land, buildings, structures, fixtures, and improvements to the 1807
land that are part of or used in a public recreational facility 1808
used by a major league professional athletic team or a class A 1809
to class AAA minor league affiliate of a major league 1810
professional athletic team for a significant portion of the 1811
team's home schedule, provided the following apply: 1812

(I) The facility is leased from the eligible county 1813
pursuant to a lease that requires substantially all of the 1814
revenue from the operation of the business or activity conducted 1815
by the nonprofit corporation at the facility in excess of 1816
operating costs, capital expenditures, and reserves to be paid 1817
to the eligible county at least once per calendar year. 1818

(II) Upon dissolution and liquidation of the nonprofit 1819
corporation, all of its net assets are distributable to the 1820
board of commissioners of the eligible county from which the 1821
corporation leases the facility. 1822

(ii) "Eligible county" has the same meaning as in section 1823
307.695 of the Revised Code. 1824

(53) Sales to or by a cable service provider, video 1825
service provider, or radio or television broadcast station 1826
regulated by the federal government of cable service or 1827
programming, video service or programming, audio service or 1828
programming, or electronically transferred digital audiovisual 1829
or audio work. As used in division (B) (53) of this section, 1830

"cable service" and "cable service provider" have the same 1831
meanings as in section 1332.01 of the Revised Code, and "video 1832
service," "video service provider," and "video programming" have 1833
the same meanings as in section 1332.21 of the Revised Code. 1834

(54) Sales of a digital audio work electronically 1835
transferred for delivery through use of a machine, such as a 1836
juke box, that does all of the following: 1837

(a) Accepts direct payments to operate; 1838

(b) Automatically plays a selected digital audio work for 1839
a single play upon receipt of a payment described in division 1840
(B) (54) (a) of this section; 1841

(c) Operates exclusively for the purpose of playing 1842
digital audio works in a commercial establishment. 1843

(55) (a) Sales of the following occurring on the first 1844
Friday of August and the following Saturday and Sunday of each 1845
year, beginning in 2018: 1846

(i) An item of clothing, the price of which is seventy- 1847
five dollars or less; 1848

(ii) An item of school supplies, the price of which is 1849
twenty dollars or less; 1850

(iii) An item of school instructional material, the price 1851
of which is twenty dollars or less. 1852

(b) As used in division (B) (55) of this section: 1853

(i) "Clothing" means all human wearing apparel suitable 1854
for general use. "Clothing" includes, but is not limited to, 1855
aprons, household and shop; athletic supporters; baby receiving 1856
blankets; bathing suits and caps; beach capes and coats; belts 1857

and suspenders; boots; coats and jackets; costumes; diapers, 1858
children and adult, including disposable diapers; earmuffs; 1859
footlets; formal wear; garters and garter belts; girdles; gloves 1860
and mittens for general use; hats and caps; hosiery; insoles for 1861
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 1862
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 1863
sneakers; socks and stockings; steel-toed shoes; underwear; 1864
uniforms, athletic and nonathletic; and wedding apparel. 1865
"Clothing" does not include items purchased for use in a trade 1866
or business; clothing accessories or equipment; protective 1867
equipment; sports or recreational equipment; belt buckles sold 1868
separately; costume masks sold separately; patches and emblems 1869
sold separately; sewing equipment and supplies including, but 1870
not limited to, knitting needles, patterns, pins, scissors, 1871
sewing machines, sewing needles, tape measures, and thimbles; 1872
and sewing materials that become part of "clothing" including, 1873
but not limited to, buttons, fabric, lace, thread, yarn, and 1874
zippers. 1875

(ii) "School supplies" means items commonly used by a 1876
student in a course of study. "School supplies" includes only 1877
the following items: binders; book bags; calculators; cellophane 1878
tape; blackboard chalk; compasses; composition books; crayons; 1879
erasers; folders, expandable, pocket, plastic, and manila; glue, 1880
paste, and paste sticks; highlighters; index cards; index card 1881
boxes; legal pads; lunch boxes; markers; notebooks; paper, 1882
loose-leaf ruled notebook paper, copy paper, graph paper, 1883
tracing paper, manila paper, colored paper, poster board, and 1884
construction paper; pencil boxes and other school supply boxes; 1885
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 1886
and writing tablets. "School supplies" does not include any item 1887
purchased for use in a trade or business. 1888

(iii) "School instructional material" means written 1889
material commonly used by a student in a course of study as a 1890
reference and to learn the subject being taught. "School 1891
instructional material" includes only the following items: 1892
reference books, reference maps and globes, textbooks, and 1893
workbooks. "School instructional material" does not include any 1894
material purchased for use in a trade or business. 1895

(56) (a) Sales of diapers or incontinence underpads sold 1896
pursuant to a prescription, for the benefit of a medicaid 1897
recipient with a diagnosis of incontinence, and by a medicaid 1898
provider that maintains a valid provider agreement under section 1899
5164.30 of the Revised Code with the department of medicaid, 1900
provided that the medicaid program covers diapers or 1901
incontinence underpads as an incontinence garment. 1902

(b) As used in division (B) (56) (a) of this section: 1903

(i) "Diaper" means an absorbent garment worn by humans who 1904
are incapable of, or have difficulty, controlling their bladder 1905
or bowel movements. 1906

(ii) "Incontinence underpad" means an absorbent product, 1907
not worn on the body, designed to protect furniture or other 1908
tangible personal property from soiling or damage due to human 1909
incontinence. 1910

(57) Sales of investment metal bullion and investment 1911
coins. "Investment metal bullion" means any bullion described in 1912
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 1913
whether that bullion is in the physical possession of a trustee. 1914
"Investment coin" means any coin composed primarily of gold, 1915
silver, platinum, or palladium. 1916

(58) Sales of tangible personal property used primarily 1917

for any of the following purposes by a megaproject operator at 1918
the site of a megaproject that satisfies the criteria described 1919
in division (A) (11) (a) (ii) of section 122.17 of the Revised 1920
Code, provided that the sale occurs during the period that the 1921
megaproject operator has an agreement for such megaproject with 1922
the tax credit authority under division (D) of section 122.17 of 1923
the Revised Code that remains in effect and has not expired or 1924
been terminated: 1925

(a) To store, transmit, convey, distribute, recycle, 1926
circulate, or clean water, steam, or other gases used in or 1927
produced as a result of manufacturing activity, including items 1928
that support or aid in the operation of such property; 1929

(b) To clean or prepare inventory, at any stage of storage 1930
or production, or equipment used in a manufacturing activity, 1931
including chemicals, solvents, catalysts, soaps, and other items 1932
that support or aid in the operation of property; 1933

(c) To regulate, treat, filter, condition, improve, clean, 1934
maintain, or monitor environmental conditions within areas where 1935
manufacturing activities take place; 1936

(d) To handle, transport, or convey inventory during 1937
production or manufacturing. 1938

(59) Documentary services charges imposed pursuant to 1939
section 4517.261 or 4781.24 of the Revised Code. 1940

(C) For the purpose of the proper administration of this 1941
chapter, and to prevent the evasion of the tax, it is presumed 1942
that all sales made in this state are subject to the tax until 1943
the contrary is established. 1944

(D) The tax collected by the vendor from the consumer 1945
under this chapter is not part of the price, but is a tax 1946

collection for the benefit of the state, and of counties levying 1947
an additional sales tax pursuant to section 5739.021 or 5739.026 1948
of the Revised Code and of transit authorities levying an 1949
additional sales tax pursuant to section 5739.023 of the Revised 1950
Code. Except for the discount authorized under section 5739.12 1951
of the Revised Code and the effects of any rounding pursuant to 1952
section 5703.055 of the Revised Code, no person other than the 1953
state or such a county or transit authority shall derive any 1954
benefit from the collection or payment of the tax levied by this 1955
section or section 5739.021, 5739.023, or 5739.026 of the 1956
Revised Code. 1957

Sec. 5739.03. (A) Except as provided in section 5739.05 or 1958
section 5739.051 of the Revised Code, the tax imposed by or 1959
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 1960
the Revised Code shall be paid by the consumer to the vendor, 1961
and each vendor shall collect from the consumer, as a trustee 1962
for the state of Ohio, the full and exact amount of the tax 1963
payable on each taxable sale, in the manner and at the times 1964
provided as follows: 1965

(1) If the price is, at or prior to the provision of the 1966
service or the delivery of possession of the thing sold to the 1967
consumer, paid in currency passed from hand to hand by the 1968
consumer or the consumer's agent to the vendor or the vendor's 1969
agent, the vendor or the vendor's agent shall collect the tax 1970
with and at the same time as the price; 1971

(2) If the price is otherwise paid or to be paid, the 1972
vendor or the vendor's agent shall, at or prior to the provision 1973
of the service or the delivery of possession of the thing sold 1974
to the consumer, charge the tax imposed by or pursuant to 1975
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 1976

Code to the account of the consumer, which amount shall be 1977
collected by the vendor from the consumer in addition to the 1978
price. Such sale shall be reported on and the amount of the tax 1979
applicable thereto shall be remitted with the return for the 1980
period in which the sale is made, and the amount of the tax 1981
shall become a legal charge in favor of the vendor and against 1982
the consumer. 1983

(B) (1) (a) If any sale is claimed to be exempt under 1984
division (E) of section 5739.01 of the Revised Code or under 1985
section 5739.02 of the Revised Code, with the exception of 1986
divisions (B) (1) to (11), (28), (48), ~~or (55)~~, or (59) of 1987
section 5739.02 of the Revised Code, the consumer must provide 1988
to the vendor, and the vendor must obtain from the consumer, a 1989
certificate specifying the reason that the sale is not legally 1990
subject to the tax. The certificate shall be in such form, and 1991
shall be provided either in a hard copy form or electronic form, 1992
as the tax commissioner prescribes. 1993

(b) A vendor that obtains a fully completed exemption 1994
certificate from a consumer is relieved of liability for 1995
collecting and remitting tax on any sale covered by that 1996
certificate. If it is determined the exemption was improperly 1997
claimed, the consumer shall be liable for any tax due on that 1998
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 1999
Chapter 5741. of the Revised Code. Relief under this division 2000
from liability does not apply to any of the following: 2001

(i) A vendor that fraudulently fails to collect tax; 2002

(ii) A vendor that solicits consumers to participate in 2003
the unlawful claim of an exemption; 2004

(iii) A vendor that accepts an exemption certificate from 2005

a consumer that claims an exemption based on who purchases or 2006
who sells property or a service, when the subject of the 2007
transaction sought to be covered by the exemption certificate is 2008
actually received by the consumer at a location operated by the 2009
vendor in this state, and this state has posted to its web site 2010
an exemption certificate form that clearly and affirmatively 2011
indicates that the claimed exemption is not available in this 2012
state; 2013

(iv) A vendor that accepts an exemption certificate from a 2014
consumer who claims a multiple points of use exemption under 2015
division (D) of section 5739.033 of the Revised Code, if the 2016
item purchased is tangible personal property, other than 2017
prewritten computer software. 2018

(2) The vendor shall maintain records, including exemption 2019
certificates, of all sales on which a consumer has claimed an 2020
exemption, and provide them to the tax commissioner on request. 2021

(3) The tax commissioner may establish an identification 2022
system whereby the commissioner issues an identification number 2023
to a consumer that is exempt from payment of the tax. The 2024
consumer must present the number to the vendor, if any sale is 2025
claimed to be exempt as provided in this section. 2026

(4) If no certificate is provided or obtained within 2027
ninety days after the date on which such sale is consummated, it 2028
shall be presumed that the tax applies. Failure to have so 2029
provided or obtained a certificate shall not preclude a vendor, 2030
within one hundred twenty days after the tax commissioner gives 2031
written notice of intent to levy an assessment, from either 2032
establishing that the sale is not subject to the tax, or 2033
obtaining, in good faith, a fully completed exemption 2034
certificate. 2035

(5) Certificates need not be obtained nor provided where 2036
the identity of the consumer is such that the transaction is 2037
never subject to the tax imposed or where the item of tangible 2038
personal property sold or the service provided is never subject 2039
to the tax imposed, regardless of use, or when the sale is in 2040
interstate commerce. 2041

(6) If a transaction is claimed to be exempt under 2042
division (B) (13) of section 5739.02 of the Revised Code, the 2043
contractor shall obtain certification of the claimed exemption 2044
from the contractee. This certification shall be in addition to 2045
an exemption certificate provided by the contractor to the 2046
vendor. A contractee that provides a certification under this 2047
division shall be deemed to be the consumer of all items 2048
purchased by the contractor under the claim of exemption, if it 2049
is subsequently determined that the exemption is not properly 2050
claimed. The certification shall be in such form as the tax 2051
commissioner prescribes. 2052

(C) As used in this division, "contractee" means a person 2053
who seeks to enter or enters into a contract or agreement with a 2054
contractor or vendor for the construction of real property or 2055
for the sale and installation onto real property of tangible 2056
personal property. 2057

Any contractor or vendor may request from any contractee a 2058
certification of what portion of the property to be transferred 2059
under such contract or agreement is to be incorporated into the 2060
realty and what portion will retain its status as tangible 2061
personal property after installation is completed. The 2062
contractor or vendor shall request the certification by 2063
certified mail delivered to the contractee, return receipt 2064
requested. Upon receipt of such request and prior to entering 2065

into the contract or agreement, the contractee shall provide to 2066
the contractor or vendor a certification sufficiently detailed 2067
to enable the contractor or vendor to ascertain the resulting 2068
classification of all materials purchased or fabricated by the 2069
contractor or vendor and transferred to the contractee. This 2070
requirement applies to a contractee regardless of whether the 2071
contractee holds a direct payment permit under section 5739.031 2072
of the Revised Code or provides to the contractor or vendor an 2073
exemption certificate as provided under this section. 2074

For the purposes of the taxes levied by this chapter and 2075
Chapter 5741. of the Revised Code, the contractor or vendor may 2076
in good faith rely on the contractee's certification. 2077
Notwithstanding division (B) of section 5739.01 of the Revised 2078
Code, if the tax commissioner determines that certain property 2079
certified by the contractee as tangible personal property 2080
pursuant to this division is, in fact, real property, the 2081
contractee shall be considered to be the consumer of all 2082
materials so incorporated into that real property and shall be 2083
liable for the applicable tax, and the contractor or vendor 2084
shall be excused from any liability on those materials. 2085

If a contractee fails to provide such certification upon 2086
the request of the contractor or vendor, the contractor or 2087
vendor shall comply with the provisions of this chapter and 2088
Chapter 5741. of the Revised Code without the certification. If 2089
the tax commissioner determines that such compliance has been 2090
performed in good faith and that certain property treated as 2091
tangible personal property by the contractor or vendor is, in 2092
fact, real property, the contractee shall be considered to be 2093
the consumer of all materials so incorporated into that real 2094
property and shall be liable for the applicable tax, and the 2095
construction contractor or vendor shall be excused from any 2096

liability on those materials. 2097

This division does not apply to any contract or agreement 2098
where the tax commissioner determines as a fact that a 2099
certification under this division was made solely on the 2100
decision or advice of the contractor or vendor. 2101

(D) Notwithstanding division (B) of section 5739.01 of the 2102
Revised Code, whenever the total rate of tax imposed under this 2103
chapter is increased after the date after a construction 2104
contract is entered into, the contractee shall reimburse the 2105
construction contractor for any additional tax paid on tangible 2106
property consumed or services received pursuant to the contract. 2107

(E) A vendor who files a petition for reassessment 2108
contesting the assessment of tax on sales for which the vendor 2109
obtained no valid exemption certificates and for which the 2110
vendor failed to establish that the sales were properly not 2111
subject to the tax during the one-hundred-twenty-day period 2112
allowed under division (B) of this section, may present to the 2113
tax commissioner additional evidence to prove that the sales 2114
were properly subject to a claim of exception or exemption. The 2115
vendor shall file such evidence within ninety days of the 2116
receipt by the vendor of the notice of assessment, except that, 2117
upon application and for reasonable cause, the period for 2118
submitting such evidence shall be extended thirty days. 2119

The commissioner shall consider such additional evidence 2120
in reaching the final determination on the assessment and 2121
petition for reassessment. 2122

(F) Whenever a vendor refunds the price, minus any 2123
separately stated delivery charge, of an item of tangible 2124
personal property on which the tax imposed under this chapter 2125

has been paid, the vendor shall also refund the amount of tax 2126
paid, minus the amount of tax attributable to the delivery 2127
charge. 2128

Section 2. That existing sections 5739.01, 5739.02, and 2129
5739.03 of the Revised Code are hereby repealed." 2130

After line _____, insert: 2131

"Section 3. The amendment by this act of sections 5739.01 2132
and 5739.02 of the Revised Code applies on and after the first 2133
day of the first month beginning after the effective date of 2134
this section." 2135

The motion was _____ agreed to.

SYNOPSIS 2136

Sales tax: tax filing fees and documentary service charges 2137

R.C. 5739.01, 5739.02, and 5739.03; Section 3 2138

Exempts from sales and use tax all of the following: 2139

-- Electronic tax filing and payment services used in 2140
business to report or pay income tax, other than employee 2141
withholding, on behalf of an individual. 2142

-- Certain taxable services that might be provided 2143
incidentally or supplementally to those electronic tax 2144
preparation services. 2145

-- Documentary service charges imposed by motor vehicle 2146
and manufactured home dealers. 2147

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "Section 8 of S.B. 1
18 of the 134th General Assembly, as subsequently amended," 2

In line _____ of the title, after "_____" insert "and to delay the 3
date by which the state must begin to withhold state income tax from 4
unemployment compensation upon request" 5

After line _____, insert: 6

"**Section 1.** That Section 8 of S.B. 18 of the 134th General 7
Assembly (as amended by H.B. 110 of the 134th General Assembly) 8
be amended to read as follows: 9

Sec. 8. The election authorized under section 4141.321 of 10
the Revised Code to withhold state income taxes applies to 11
unemployment compensation benefits paid on or after January 1, 12
~~2023~~2025. 13

On or before December 1, ~~2022~~2024, the Director of Job and 14
Family Services shall notify each individual that was receiving 15
on that date, and that continues to receive, unemployment 16
compensation benefits and that made an election under division 17
(B) of that section with respect to federal income tax that the 18
individual may elect to have state income tax withheld from 19
those benefits for benefits paid on or after January 1, 20
~~2023~~2025, in accordance with that division. Such an election is 21
not a change in withholding status for the purpose of division 22

(A) (4) of that section. 23

Section 2. That existing Section 8 of S.B. 18 of the 134th 24
General Assembly (as amended by H.B. 110 of the 134th General 25
Assembly) is hereby repealed." 26

The motion was _____ agreed to.

SYNOPSIS 27

Income tax withholding from unemployment benefits 28

Section 8 of S.B. 18 of the 134th G.A. (as amended by H.B. 29
110 of the 134th G.A.) 30

Delays by two years, from 2023 to 2025, the date by which 31
the Department of Job and Family Services must begin to accept 32
state income tax withholding requests from unemployment 33
compensation recipients. 34

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "128.47, 718.91, 1
3734.905, 4307.05, 5725.222, 5726.30, 5727.28, 5727.91, 5728.061, 2
5729.102, 5735.11, 5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.53, 3
5745.11, 5747.11, 5749.08, 5751.08, and 5753.06" 4

In line _____ of the title, after "_____" insert "and to 5
specifically authorize the refund of penalties assessed on state taxes" 6

After line _____, insert: 7

"Section 1. That sections 128.47, 718.91, 3734.905, 8
4307.05, 5725.222, 5726.30, 5727.28, 5727.91, 5728.061, 9
5729.102, 5735.11, 5735.122, 5736.08, 5739.07, 5739.104, 10
5741.10, 5743.53, 5745.11, 5747.11, 5749.08, 5751.08, and 11
5753.06 of the Revised Code be amended to read as follows: 12

Sec. 128.47. Beginning January 1, 2014: 13

(A) A wireless service provider, reseller, seller, 14
wireless service subscriber, or consumer of a prepaid wireless 15
calling service may apply to the tax commissioner for a refund 16
of wireless 9-1-1 charges described in division (B) of this 17
section and of any penalties assessed with respect to such 18
charges. The application shall be made on the form prescribed by 19
the tax commissioner. The application shall be made not later 20
than four years after the date of the illegal or erroneous 21
payment ~~of the wireless 9-1-1 charge~~ by the subscriber or 22

consumer, unless the wireless service provider, reseller, or 23
seller waives the time limitation under division (A) (3) of 24
section 128.462 of the Revised Code. If the time limitation is 25
waived, the refund application period shall be extended for the 26
same period as the waiver. 27

(B) (1) If a wireless service provider, reseller, or seller 28
refunds to a subscriber or consumer the full amount of wireless 29
9-1-1 charges that the subscriber or consumer paid illegally or 30
erroneously, and if the provider, reseller, or seller remitted 31
that amount under section 128.46 of the Revised Code, the tax 32
commissioner shall refund that amount to the provider, reseller, 33
or seller. 34

(2) If a wireless service provider, reseller, or seller 35
has illegally or erroneously billed a subscriber or charged a 36
consumer for a wireless 9-1-1 charge, and if the provider, 37
reseller, or seller has not collected the charge but has 38
remitted that amount under section 128.46 of the Revised Code, 39
the tax commissioner shall refund that amount to the provider, 40
reseller, or seller. 41

(C) (1) The tax commissioner may refund to a subscriber or 42
consumer wireless 9-1-1 charges paid illegally or erroneously to 43
a provider, reseller, or seller only if both of the following 44
apply: 45

(a) The tax commissioner has not refunded the wireless 9- 46
1-1 charges to the provider, reseller, or seller. 47

(b) The provider, reseller, or seller has not refunded the 48
wireless 9-1-1 charges to the subscriber or consumer. 49

(2) The tax commissioner may require the subscriber or 50
consumer to obtain from the provider, reseller, or seller a 51

written statement confirming that the provider, reseller, or
seller has not refunded the wireless 9-1-1 charges to the
subscriber or consumer and that the provider, reseller, or
seller has not filed an application for a refund under this
section. The tax commissioner may also require the provider,
reseller, or seller to provide this statement.

(D) On the filing of an application for a refund under
this section, the tax commissioner shall determine the amount of
refund to which the applicant is entitled. If the amount is not
less than that claimed, the commissioner shall certify the
determined amount to the director of budget and management and
the treasurer of state for payment from the tax refund fund
created under section 5703.052 of the Revised Code. If the
amount is less than that claimed, the commissioner shall proceed
in accordance with section 5703.70 of the Revised Code.

(E) Refunds granted under this section shall include
interest as provided by section 5739.132 of the Revised Code.

Sec. 718.91. (A) An application to refund to a taxpayer—
~~the amount of taxes paid on any illegal, erroneous, or excessive~~
~~payment of tax under sections 718.80 to 718.95 of the Revised~~
~~Code, including assessments, amounts that were overpaid, paid~~
illegally or erroneously, or paid on an illegal or erroneous
assessment pursuant to sections 718.80 to 718.95 of the Revised
Code shall be filed with the tax commissioner within three years
after the date of the illegal, erroneous, or excessive payment—
~~of the tax~~, or within any additional period allowed by division
(A) of section 718.90 of the Revised Code. The application shall
be filed in the form prescribed by the tax commissioner.

(B) (1) On the filing of a refund application, the tax
commissioner shall determine the amount of refund to which the

applicant is entitled. The amount determined shall be based on 82
the amount overpaid per return or assessment. If the amount is 83
greater than ten dollars and not less than that claimed, the 84
commissioner shall certify that amount to the director of budget 85
and management and the treasurer of state for payment from the 86
tax refund fund created in section 5703.052 of the Revised Code. 87
If the amount is greater than ten dollars but less than that 88
claimed, the commissioner shall proceed in accordance with 89
section 5703.70 of the Revised Code. 90

(2) Upon issuance of a refund under this section, the 91
commissioner shall notify each municipal corporation of the 92
amount refunded to the taxpayer attributable to that municipal 93
corporation, which shall be deducted from the municipal 94
corporation's next distribution under section 718.83 of the 95
Revised Code. 96

(C) Any portion of a refund determined under division (B) 97
of this section that is not issued within ninety days after such 98
determination shall bear interest at the rate per annum 99
prescribed by section 5703.47 of the Revised Code from the 100
ninety-first day after such determination until the day the 101
refund is paid or credited. On an illegal or erroneous 102
assessment, interest shall be paid at that rate from the date of 103
payment on the illegal or erroneous assessment until the day the 104
refund is paid or credited. 105

Sec. 3734.905. (A) The treasurer of state shall refund the 106
fee imposed by section 3734.901 of the Revised Code paid 107
illegally or erroneously, or paid on an illegal or erroneous 108
assessment, or any penalty assessed with respect to such a fee. 109
Applications for refund shall be filed with the tax commissioner 110
on a form prescribed by the commissioner, within four years of 111

the illegal or erroneous payment ~~of the fee.~~ 112

On the filing of the application, the commissioner shall 113
determine the amount of refund to which the applicant is 114
entitled. If the amount is not less than that claimed, the 115
commissioner shall certify the amount to the director of budget 116
and management and treasurer of state for payment from the tax 117
refund fund created by section 5703.052 of the Revised Code. If 118
the amount is less than that claimed, the commissioner shall 119
proceed in accordance with section 5703.70 of the Revised Code. 120

The certified amount shall include interest calculated at 121
the rate per annum prescribed by section 5703.47 of the Revised 122
Code from the date of overpayment to the date of the 123
commissioner's certification. 124

(B) When the fee imposed pursuant to section 3734.901 of 125
the Revised Code has been paid on tires that are sold by a 126
retail dealer or wholesale distributor to a motor vehicle 127
manufacturer, or to a wholesale distributor or retail dealer for 128
the purpose of resale outside this state, the seller in this 129
state is entitled to a refund of the amount of the fee actually 130
paid on the tires. To obtain a refund under this division, the 131
seller shall apply to the tax commissioner, shall furnish 132
documentary evidence satisfactory to the commissioner that the 133
price paid by the purchaser did not include the fee, and shall 134
provide the name and address of the purchaser to the 135
commissioner. The seller shall apply on the form prescribed by 136
the commissioner, within four years after the date of the sale. 137
Upon receipt of an application, the commissioner shall determine 138
the amount of any refund due and shall certify that amount to 139
the director of budget and management and the treasurer of state 140
for payment from the tax refund fund created in section 5703.052 141

of the Revised Code. The certified amount shall include interest 142
calculated at the rate per annum prescribed by section 5703.47 143
of the Revised Code from the date of overpayment to the date of 144
the commissioner's certification. 145

(C) If any person entitled to a refund ~~of fees~~ under this 146
section, or section 5703.70 of the Revised Code, is indebted to 147
the state for any tax administered by the tax commissioner, or 148
any charge, penalties, or interest arising from such tax, the 149
amount allowable on the application for refund first shall be 150
applied in satisfaction of the debt. 151

Sec. 4307.05. (A) The tax commissioner shall refund to 152
persons required to pay the tax levied under section 4301.42, 153
4301.421, 4301.424, 4301.43, 4301.432, 4303.33, or 4305.01 of 154
the Revised Code ~~the amount of tax amounts~~ paid illegally or 155
erroneously or paid on an illegal or erroneous assessment. 156
Applications for refund shall be filed with the commissioner, on 157
the form prescribed by the commissioner, within three years from 158
the date of the illegal or erroneous payment ~~of the tax or~~ 159
~~assessment.~~ 160

On the filing of the application, the commissioner shall 161
determine the amount of the refund to which the applicant is 162
entitled. If the amount is not less than that claimed, the 163
commissioner shall certify the amount to the director of budget 164
and management and treasurer of state for payment from the tax 165
refund fund created by section 5703.052 of the Revised Code. If 166
the amount is less than that claimed, the commissioner shall 167
proceed in accordance with section 5703.70 of the Revised Code. 168

(B) The holder of a B-3 permit is entitled to a refund of 169
the actual amount of tax paid on wine sold for sacramental 170
purposes, upon the conditions that the permit holder make 171

affidavit that the wine was so sold, that the tax had been paid 172
on the wine, and that the permit holder furnish both of the 173
following: 174

(1) A written acknowledgment from the purchaser that the 175
purchaser has received the wine and that the price paid did not 176
include the tax; 177

(2) The name and address of the purchaser. 178

Application for a refund shall be made as an application 179
for refund of ~~tax~~amounts erroneously paid and shall be subject 180
to the requirements and procedures of division (A) of this 181
section. On the filing of the application, the commissioner 182
shall determine the amount of refund due and certify that amount 183
to the director of budget and management and treasurer of state 184
for payment from the tax refund fund. When a refund is granted 185
for payment of an illegal or erroneous assessment issued by the 186
commissioner, the refund shall include interest on the amount of 187
the refund from the date of the overpayment. The interest shall 188
be computed at the rate per annum prescribed by section 5703.47 189
of the Revised Code. 190

Sec. 5725.222. (A) An application to refund to a domestic 191
insurance company any taxes imposed by section 3737.71 of the 192
Revised Code or amounts imposed under this chapter that are 193
overpaid, paid illegally or erroneously, or paid on any illegal, 194
erroneous, or excessive assessment, with interest thereon as 195
provided by section 5725.221 of the Revised Code, shall be filed 196
with the superintendent of insurance, on the form prescribed by 197
the superintendent, within three years after the date of the 198
illegal, erroneous, or excessive payment ~~of the tax~~. No refund 199
shall be allowed unless an application has been filed in 200
accordance with this section. The time limit imposed under this 201

division may be extended if both the domestic insurance company 202
and the superintendent of insurance agree in writing to the 203
extension. 204

(B) Except as otherwise provided in this division, the 205
superintendent may make an assessment against a domestic 206
insurance company for any deficiency for the period for which a 207
report, tax return, or tax payment is due for any taxes imposed 208
by section 3737.71 of the Revised Code or this chapter, based on 209
any information in the superintendent's possession. No 210
assessment shall be made against a domestic insurance company 211
more than three years after the later of the final date the 212
report, tax return, or tax payment subject to the assessment was 213
required to be filed or paid, or the date the report or tax 214
return was filed, provided that there shall be no bar if the 215
domestic insurance company failed to file the required report or 216
tax return or if the deficiency results from fraud or any 217
felonious act. The time limit may be extended if both the 218
domestic insurance company and the superintendent agree in 219
writing to the extension. For the purposes of this division, an 220
assessment is made on the date the notification of the 221
assessment is sent by the department of insurance or the date of 222
an invoice for the assessment from the treasurer of state, 223
whichever is earlier. 224

Sec. 5726.30. (A) The tax commissioner shall refund ~~the~~ 225
~~amount of taxes~~ amounts imposed under this chapter that a person 226
overpaid, paid illegally or erroneously, or paid on an illegal 227
or erroneous assessment. The person shall file an application 228
for refund with the tax commissioner, on the form prescribed by 229
the commissioner, within four years after the date of the 230
illegal or erroneous payment ~~of the tax~~, or within any 231
additional period allowed under division (B) of section 5726.20 232

of the Revised Code. The applicant shall provide the amount of 233
the requested refund along with the claimed reasons for, and 234
documentation to support, the issuance of a refund. 235

For purposes of this division, a payment that an applicant 236
made before the due date for filing the report to which the 237
payment relates shall be deemed to have been made on the due 238
date of the report. 239

(B) Upon the filing of a refund application, the tax 240
commissioner shall determine the amount of refund to which the 241
applicant is entitled. If the amount is not less than that 242
claimed, the commissioner shall certify the amount to the 243
director of budget and management and treasurer of state for 244
payment from the tax refund fund created under section 5703.052 245
of the Revised Code. If the amount is less than that claimed, 246
the commissioner shall proceed in accordance with section 247
5703.70 of the Revised Code. 248

(C) (1) Except as provided in division (C) (2) of this 249
section, interest on a refund applied for under this section, 250
computed at the rate provided for in section 5703.47 of the 251
Revised Code, shall be allowed from the later of the date the 252
~~tax amount~~ was paid or the date the ~~tax~~ payment was due until 253
the refund is paid. 254

(2) No interest shall be allowed under this section on an 255
amount refunded to a person to the extent that the refund 256
results from the allowance of a refundable credit against the 257
tax imposed by section 5726.02 of the Revised Code. 258

Sec. 5727.28. (A) The tax commissioner shall refund to a 259
natural gas company or combined company subject to the tax 260
imposed by section 5727.24 of the Revised Code, ~~the amount of~~ 261

~~tax~~ amounts paid illegally or erroneously, or paid on an 262
illegal or erroneous assessment. Applications for a refund shall 263
be filed with the tax commissioner, on a form prescribed by the 264
commissioner, within four years of the illegal or erroneous 265
payment ~~of the tax~~. 266

On the filing of the application, the commissioner shall 267
determine the amount of refund to which the applicant is 268
entitled. If the amount is not less than that claimed, the 269
commissioner shall notify the director of budget and management 270
and issue the refund from the tax refund fund under section 271
5703.052 of the Revised Code. If the amount is less than that 272
claimed, the commissioner shall proceed in accordance with 273
section 5703.70 of the Revised Code. 274

If the application for refund is for ~~taxes paid on payment~~ 275
of an illegal or erroneous assessment, the commissioner shall 276
include in the certified amount interest calculated at the rate 277
per annum prescribed by section 5703.47 of the Revised Code from 278
the date of overpayment to the date of the commissioner's 279
certification. 280

(B) If a natural gas company or combined company entitled 281
to a refund ~~of taxes~~ under this section, or section 5703.70 of 282
the Revised Code, is indebted to the state for any tax or fee 283
administered by the tax commissioner that is paid to the state, 284
or any charge, penalty, or interest arising from such a tax or 285
fee, the amount refundable may be applied in satisfaction of 286
that debt. If the amount refundable is less than the amount of 287
the debt, it may be applied in partial satisfaction of the debt. 288
If the amount refundable is greater than the amount of the debt, 289
the amount remaining after satisfaction of the debt shall be 290
refunded. 291

(C) In lieu of granting a refund under division (A) or (B) 292
of this section, the tax commissioner may allow a natural gas 293
company or combined company to claim a credit of the amount of 294
the tax refund on the return for the period during which the tax 295
became refundable. The commissioner may require the company to 296
submit information to support a claim for a credit under this 297
division, and the commissioner may disallow the credit if the 298
information is not provided. 299

Sec. 5727.91. (A) The treasurer of state shall refund the 300
amount of tax paid under section 5727.81 or 5727.811 of the 301
Revised Code that was paid illegally or erroneously, or paid on 302
an illegal or erroneous assessment, or any penalty assessed with 303
respect to such taxes. A natural gas distribution company, an 304
electric distribution company, or a self-assessing purchaser 305
shall file an application for a refund with the tax commissioner 306
on a form prescribed by the commissioner, within four years of 307
the illegal or erroneous payment ~~of the tax.~~ 308

On the filing of the application, the commissioner shall 309
determine the amount of refund to which the applicant is 310
entitled. If the amount is not less than that claimed, the 311
commissioner shall certify that amount to the director of budget 312
and management and the treasurer of state for payment from the 313
tax refund fund under section 5703.052 of the Revised Code. If 314
the amount is less than that claimed, the commissioner shall 315
proceed in accordance with section 5703.70 of the Revised Code. 316

The commissioner shall include in the certified amount 317
interest calculated at the rate per annum prescribed by section 318
5703.47 of the Revised Code from the date of overpayment to the 319
date of the commissioner's certification. 320

(B) If a natural gas distribution company or an electric 321

distribution company entitled to a refund ~~of taxes~~ under this 322
section, or section 5703.70 of the Revised Code, is indebted to 323
the state for any tax or fee administered by the tax 324
commissioner that is paid to the state, or any charge, penalty, 325
or interest arising from such a tax or fee, the amount 326
refundable may be applied in satisfaction of the debt. If the 327
amount refundable is less than the amount of the debt, it may be 328
applied in partial satisfaction of the debt. If the amount 329
refundable is greater than the amount of the debt, the amount 330
remaining after satisfaction of the debt shall be refunded. If 331
the natural gas distribution company or electric distribution 332
company has more than one such debt, any debt subject to section 333
5739.33 or division (G) of section 5747.07 of the Revised Code 334
shall be satisfied first. This section applies only to debts 335
that have become final. 336

(C) (1) Any electric distribution company that can 337
substantiate to the tax commissioner that the tax imposed by 338
section 5727.81 of the Revised Code was paid on electricity 339
distributed via wires and consumed at a location outside of this 340
state may claim a refund in the manner and within the time 341
period prescribed in division (A) of this section. 342

(2) Any natural gas distribution company that can 343
substantiate to the tax commissioner that the tax imposed by 344
section 5727.811 of the Revised Code was paid on natural gas 345
distributed via its facilities and consumed at a location 346
outside of this state may claim a refund in the manner and 347
within the time period prescribed in division (A) of this 348
section. 349

(3) If the commissioner certifies a refund based on an 350
application filed under division (C) (1) or (2) of this section, 351

the commissioner shall include in the certified amount interest 352
calculated at the rate per annum prescribed by section 5703.47 353
of the Revised Code from the date of overpayment to the date of 354
the commissioner's certification. 355

(D) Before a refund is issued under this section or 356
section 5703.70 of the Revised Code, a natural gas company or an 357
electric distribution company shall certify, as prescribed by 358
the tax commissioner, that it either did not include the tax 359
imposed by section 5727.81 of the Revised Code in the case of an 360
electric distribution company, or the tax imposed by section 361
5727.811 of the Revised Code in the case of a natural gas 362
distribution company, in its distribution charge to its customer 363
upon which a refund of the tax is claimed, or it has refunded or 364
credited to the customer the excess distribution charge related 365
to the tax that was erroneously included in the customer's 366
distribution charge. 367

Sec. 5728.061. The treasurer of state shall refund the 368
amount of fuel use taxes overpaid, paid illegally or 369
erroneously, or paid on any illegal or erroneous assessment, or 370
any penalty assessed with respect to such taxes. Applications 371
for refund shall be filed with the tax commissioner, on the form 372
prescribed by the commissioner, within four years from the date 373
of the overpayment, the illegal or erroneous payment ~~of the tax,~~ 374
or the payment of the illegal or erroneous assessment. An 375
application shall be filed by the person who made the payment of 376
~~the tax~~ for which the refund is claimed. When a refund is 377
granted for payment of an illegal or erroneous assessment issued 378
by the commissioner, the refund shall include interest on the 379
amount of the refund from the date of the payment. The interest 380
shall be computed at the rate per annum prescribed by section 381
5703.47 of the Revised Code. 382

On the filing of the application, the commissioner shall 383
determine the amount of refund to which the applicant is 384
entitled. If the amount is not less than that claimed, the 385
commissioner shall certify the amount to the director of budget 386
and management and treasurer of state for payment from the tax 387
refund fund created by section 5703.052 of the Revised Code. If 388
the amount is less than that claimed, the commissioner shall 389
proceed in accordance with section 5703.70 of the Revised Code. 390

Sec. 5729.102. (A) An application to refund to a foreign 391
insurance company any taxes imposed by section 3737.71 of the 392
Revised Code or amounts imposed under this chapter that are 393
overpaid, paid illegally or erroneously, or paid on any illegal, 394
erroneous, or excessive assessment, with interest thereon as 395
provided by section 5729.101 of the Revised Code, shall be filed 396
with the superintendent of insurance, on the form prescribed by 397
the superintendent, within three years after the date of the 398
illegal, erroneous, or excessive payment ~~of the tax~~. No refund 399
shall be allowed unless an application has been filed in 400
accordance with this section. The time limit imposed under this 401
division may be extended if both the foreign insurance company 402
and the superintendent of insurance agree in writing to the 403
extension. 404

(B) Except as otherwise provided in this division, the 405
superintendent may make an assessment against a foreign 406
insurance company for any deficiency for the period for which a 407
report, tax return, or tax payment is due for any taxes imposed 408
by section 3737.71 of the Revised Code or this chapter, based on 409
any information in the superintendent's possession. No 410
assessment shall be made against a foreign insurance company 411
more than three years after the later of the final date the 412
report, tax return, or tax payment subject to the assessment was 413

required to be filed or paid, or the date the report or tax 414
return was filed, provided that there shall be no bar if the 415
foreign insurance company failed to file the required report or 416
tax return or if the deficiency results from fraud or any 417
felonious act. The time limit may be extended if both the 418
foreign insurance company and the superintendent agree in 419
writing to the extension. For the purposes of this division, an 420
assessment is made on the date the notification of the 421
assessment is sent by the department of insurance or the date of 422
an invoice for the assessment from the treasurer of state, 423
whichever is earlier. 424

Sec. 5735.11. (A) If the tax or any portion of the tax 425
imposed by this chapter, whether determined by the tax 426
commissioner or the motor fuel dealer, is not paid on or before 427
the date prescribed in section 5735.06 of the Revised Code, 428
interest shall be collected and paid in the same manner as the 429
tax upon the unpaid amount, computed at the rate per annum 430
prescribed by section 5703.47 of the Revised Code, from the date 431
prescribed for payment of the tax to the date of payment or to 432
the date an assessment is issued under section 5735.12 or 433
5735.121 of the Revised Code, whichever occurs first. Interest 434
may be collected by assessment in the manner provided in section 435
5735.12 or 5735.121 of the Revised Code. All interest shall be 436
paid in the same manner as the tax and shall be considered as 437
revenue arising from the portion of the tax described in 438
division (A) of section 5735.05 of the Revised Code. 439

(B) Interest shall be allowed and paid upon any refund 440
granted in respect to the payment of an illegal or erroneous 441
assessment ~~for any tax~~ imposed under this chapter from the date 442
of the overpayment. The interest shall be computed at the rate 443
per annum prescribed by section 5703.47 of the Revised Code. 444

Sec. 5735.122. The tax commissioner shall refund to 445
dealers or to any person assessed motor fuel tax ~~the amount of~~ 446
~~taxes amounts~~ paid illegally or erroneously or paid on an 447
illegal or erroneous assessment. Applications for refund shall 448
be filed with the tax commissioner, on the form prescribed by 449
the commissioner, within four years from the date of the illegal 450
or erroneous payment. No person shall file a claim for the tax 451
on fewer than one hundred gallons of motor fuel. 452

On the filing of the application, the commissioner shall 453
determine the amount of refund to which the applicant is 454
entitled. If the amount is not less than that claimed, the 455
commissioner shall certify the amount to the director of budget 456
and management and treasurer of state for payment from the tax 457
refund fund created by section 5703.052 of the Revised Code, 458
except that no refund shall be authorized or paid on a claim for 459
the tax on fewer than one hundred gallons of motor fuel. If the 460
amount is less than that claimed, the commissioner shall proceed 461
in accordance with section 5703.70 of the Revised Code. 462

The refund authorized by this section or section 5703.70 463
of the Revised Code shall be reduced by the cents per gallon 464
amount of any qualified fuel credit received under section 465
5735.145 of the Revised Code, as determined by the commissioner, 466
for each gallon of qualified fuel included in the total 467
gallage of motor fuel upon which the refund is computed. 468

Sec. 5736.08. (A) An application for refund to the 469
taxpayer of ~~the amount of taxes amounts~~ imposed under this 470
chapter that are overpaid, paid illegally or erroneously, or 471
paid on any illegal or erroneous assessment shall be filed by 472
the taxpayer with the tax commissioner, on the form prescribed 473
by the commissioner, within four years after the date of the 474

illegal or erroneous payment ~~of the tax~~, or within any 475
additional period allowed under division (F) of section 5736.09 476
of the Revised Code. The applicant shall provide the amount of 477
the requested refund along with the claimed reasons for, and 478
documentation to support, the issuance of a refund. 479

(B) On the filing of the refund application, the 480
commissioner shall determine the amount of refund to which the 481
applicant is entitled. If the amount is not less than that 482
claimed, the commissioner shall certify the amount to the 483
director of budget and management and treasurer of state for 484
payment from the tax refund fund created under section 5703.052 485
of the Revised Code. If the amount is less than that claimed, 486
the commissioner shall proceed in accordance with section 487
5703.70 of the Revised Code. 488

(C) Interest on a refund applied for under this section, 489
computed at the rate provided for in section 5703.47 of the 490
Revised Code, shall be allowed from the later of the date the 491
~~tax amount~~ was paid or when the ~~tax~~ payment was due. 492

(D) Except as provided in section 5736.081 of the Revised 493
Code, the commissioner may provide for the crediting against tax 494
due for a tax period the amount of any refund due the taxpayer 495
under this chapter for a preceding tax period. 496

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 497
has paid taxes to the treasurer of state or the treasurer of 498
state's agent, or to the tax commissioner or the commissioner's 499
agent, the commissioner shall refund to the vendor the amount of 500
taxes paid, and any penalties assessed with respect to such 501
taxes, if the vendor has refunded to the consumer the full 502
amount of taxes the consumer paid illegally or erroneously or if 503
the vendor has illegally or erroneously billed the consumer but 504

has not collected the taxes from the consumer. 505

(B) When, pursuant to this chapter, a consumer has paid 506
taxes directly to the treasurer of state or the treasurer of 507
state's agent, or to the tax commissioner or the commissioner's 508
agent, and the payment or assessment was illegal or erroneous, 509
the commissioner shall refund to the consumer the full amount of 510
illegal or erroneous taxes paid and any penalties assessed with 511
respect to such taxes. 512

(C) The commissioner shall refund to the consumer ~~taxes~~ 513
amounts paid illegally or erroneously to a vendor only if: 514

(1) The commissioner has not refunded the tax to the 515
vendor and the vendor has not refunded the tax to the consumer; 516
or 517

(2) The consumer has received a refund from a manufacturer 518
or other person, other than the vendor, of the full purchase 519
price, but not the tax, paid to the vendor in settlement of a 520
complaint by the consumer about the property or service 521
purchased. 522

The commissioner may require the consumer to obtain or the 523
vendor to provide a written statement confirming that the vendor 524
has not refunded the tax to the consumer and has not filed an 525
application for refund of the tax with the commissioner. 526

(D) Subject to division (E) of this section, an 527
application for refund shall be filed with the tax commissioner 528
on the form prescribed by the commissioner within four years 529
from the date of the illegal or erroneous payment ~~of the tax,~~ 530
unless the vendor or consumer waives the time limitation under 531
division (A) (3) of section 5739.16 of the Revised Code. If the 532
time limitation is waived, the refund application period shall 533

be extended for the same period as the waiver. 534

(E) An application for refund shall be filed in accordance 535
with division (D) of this section unless a person is subject to 536
an assessment that is subject to the time limit of division (B) 537
of section 5703.58 of the Revised Code for ~~a tax~~ amounts not 538
reported and paid between the four-year time limit described in 539
division (D) of this section and the seven-year limit described 540
in division (B) of section 5703.58 of the Revised Code, in which 541
case the person may file an application within six months after 542
the date the assessment is issued. Any refund allowed under this 543
division shall not exceed the amount of the assessment due for 544
the same period. 545

(F) On the filing of an application for a refund, the 546
commissioner shall determine the amount of refund to which the 547
applicant is entitled. If the amount is not less than that 548
claimed, the commissioner shall certify that amount to the 549
director of budget and management and the treasurer of state for 550
payment from the tax refund fund created by section 5703.052 of 551
the Revised Code. If the amount is less than that claimed, the 552
commissioner shall proceed in accordance with section 5703.70 of 553
the Revised Code. 554

(G) When a refund is granted under this section, it shall 555
include interest thereon as provided by section 5739.132 of the 556
Revised Code. 557

Sec. 5739.104. The tax commissioner shall refund to a 558
person subject to a tax under section 5739.101 of the Revised 559
Code ~~the amount of taxes~~ amounts paid illegally or erroneously 560
or paid on an illegal or erroneous assessment. Applications for 561
a refund shall be filed with the commissioner, on a form 562
prescribed by the commissioner, within four years from the date 563

of the illegal or erroneous payment~~of the tax~~, except where the 564
person subject to the tax waives the time limitation under 565
division (C) of section 5739.16 of the Revised Code, in which 566
case the four-year refund limitation shall be extended for the 567
same period of time as the waiver. 568

On the filing of an application for a refund, the 569
commissioner shall determine the amount of refund to which the 570
applicant is entitled. If the amount is not less than that 571
claimed, the commissioner shall certify the amount to the 572
treasurer of state for payment from the current resort area 573
excise tax receipts of the municipal corporation or township 574
from which the refund is due. If the amount is less than that 575
claimed, the commissioner shall proceed in accordance with 576
section 5703.70 of the Revised Code. 577

If a refund is granted for payment of an illegal or 578
erroneous assessment issued by the commissioner, the refund 579
shall include interest computed at the rate per annum prescribed 580
under section 5703.47 of the Revised Code. 581

Sec. 5741.10. Refunds of ~~taxes~~amounts paid pursuant to 582
this chapter by a seller or consumer illegally or erroneously 583
shall be made in the same manner as refunds are made to a vendor 584
or consumer under section 5739.07 of the Revised Code. 585

Sec. 5743.53. (A) The treasurer of state shall refund to a 586
taxpayer any of the following: 587

(1) ~~Any tobacco products or vapor products tax~~Amounts 588
imposed under this chapter that were paid illegally or 589
~~erroneously;~~ 590

~~(2) Any tobacco products or vapor products tax or~~ paid on 591
an illegal or erroneous assessment; 592

~~(3)~~ (2) Any tax paid on tobacco products or vapor products 593
that have been sold or shipped to retail dealers, wholesale 594
dealers, or vapor distributors outside this state, returned to 595
the manufacturer, or destroyed by the taxpayer with the prior 596
approval of the tax commissioner. 597

Any application for refund shall be filed with the 598
commissioner on a form prescribed by the commissioner for that 599
purpose. The commissioner may not pay any refund on an 600
application for refund filed with the commissioner more than 601
three years from the date of the payment ~~of the tax~~. 602

(B) On the filing of the application for refund, the 603
commissioner shall determine the amount of the refund to which 604
the applicant is entitled. If the amount is not less than that 605
claimed, the commissioner shall certify the amount to the 606
director of budget and management and to the treasurer of state 607
for payment from the tax refund fund created by section 5703.052 608
of the Revised Code. If the amount is less than that claimed, 609
the commissioner shall proceed in accordance with section 610
5703.70 of the Revised Code. 611

If a refund is granted for payment of an illegal or 612
erroneous assessment issued by the department of taxation, the 613
refund shall include interest on the amount of the refund from 614
the date of the overpayment. The interest shall be computed at 615
the rate per annum in the manner prescribed by section 5703.47 616
of the Revised Code. 617

(C) If any person entitled to a refund ~~of tax~~ under this 618
section or section 5703.70 of the Revised Code is indebted to 619
the state for any tax administered by the tax commissioner, or 620
any charge, penalties, or interest arising from such tax, the 621
amount allowable on the application for refund first shall be 622

applied in satisfaction of the debt. 623

(D) In lieu of granting a refund payable under division 624
~~(A) (3)~~ (A) (2) of this section, the tax commissioner may allow a 625
taxpayer to claim a credit of the amount of refundable tax on 626
the return for the period during which the tax became 627
refundable. The commissioner may require taxpayers to submit any 628
information necessary to support a claim for a credit under this 629
section, and the commissioner shall allow no credit if that 630
information is not provided. 631

Sec. 5745.11. An application to refund to a taxpayer ~~the~~ 632
~~amount of taxes paid on any illegal, erroneous, or excessive~~ 633
~~payment of tax under this chapter, including assessments,~~amounts 634
paid under this chapter that are overpaid, paid illegally or 635
erroneously, or paid on any illegal or erroneous assessment 636
shall be filed with the tax commissioner within three years 637
after the date of the illegal, erroneous, or excessive payment- 638
~~of the tax,~~ or within any additional period allowed by division 639
(A) of section 5745.12 of the Revised Code. The application 640
shall be filed in the form prescribed by the tax commissioner. 641

On the filing of a refund application, the commissioner 642
shall determine the amount of refund to which the applicant is 643
entitled. If the amount is not less than that claimed, the 644
commissioner shall certify the amount of the refund to each 645
municipal corporation to which the overpayment was made. If the 646
amount is less than that claimed, the commissioner shall proceed 647
in accordance with divisions (A) to (C) of section 5703.70 of 648
the Revised Code and shall certify to each municipal corporation 649
to which the overpayment was made the amount to be refunded 650
under division (B) or (C) of that section. 651

On receipt of a certification of a refund, the municipal 652

corporation shall issue a refund to the taxpayer, or, upon the
taxpayer's written request, shall credit the amount of the
refund against the taxpayer's estimated tax payments to the
municipal corporation for an ensuing taxable year.

Any portion of the refund not issued within ninety days
after the tax commissioner's notice is received by the municipal
corporation shall bear interest at the rate per annum prescribed
by section 5703.47 of the Revised Code from the ninetieth day
after such notice is received by the municipal corporation until
the day the refund is paid or credited. On an illegal or
erroneous assessment, interest shall be paid at that rate from
the date of payment on the illegal or erroneous assessment until
the day the refund is paid or credited.

Sec. 5747.11. (A) The tax commissioner shall refund to
employers, qualifying entities, electing pass-through entities,
or taxpayers subject to a tax imposed under section 5733.41,
5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised
Code the amount of any overpayment of such tax amounts that were
overpaid, paid illegally or erroneously, or paid on an illegal
or erroneous assessment.

(B) (1) Except as otherwise provided under divisions (D)
and (E) of this section, applications for refund shall be filed
with the tax commissioner, on the form prescribed by the
commissioner, within four years from the date of the illegal,
erroneous, or excessive payment ~~of the tax~~, or within any
additional period allowed by division (B) (3) (b) of section
5747.05, division (E) of section 5747.10, division (A) of
section 5747.13, or division (C) of section 5747.45 of the
Revised Code.

On filing of the refund application, the commissioner

shall determine the amount of refund due and, if that amount
exceeds one dollar, certify such amount to the director of
budget and management and treasurer of state for payment from
the tax refund fund created by section 5703.052 of the Revised
Code. Payment shall be made as provided in division (C) of
section 126.35 of the Revised Code.

(2) If an individual taxpayer is deceased, a refund may be
issued in the name of the decedent and of the executor,
administrator, or other person charged with the decedent's
property, upon the request of that person. Such a request shall
include any documentation, including a copy of the taxpayer's
death certificate and any fiduciary or court documents, that the
tax commissioner considers necessary to prove that the person
making the request is qualified to receive the refund. If the
request is for a refund that was previously issued in only the
decedent's name, the person making the request must also provide
the previously issued payment to the commissioner.

(C) (1) Interest shall be allowed and paid at the rate per
annum prescribed by section 5703.47 of the Revised Code on
amounts refunded with respect to the tax imposed under section
5747.02 or Chapter 5748. of the Revised Code from the date of
the overpayment until the date of the refund of the overpayment,
except that if any overpayment is refunded within ninety days
after the final filing date of the annual return or ninety days
after the return is filed, whichever is later, no interest shall
be allowed on such overpayment. If the overpayment results from
the carryback of a net operating loss or net capital loss to a
previous taxable year, the overpayment is deemed not to have
been made prior to the filing date, including any extension
thereof, for the taxable year in which the net operating loss or
net capital loss arises. For purposes of the payment of interest

on overpayments, no amount of tax, for any taxable year, shall 714
be treated as having been paid before the date on which the tax 715
return for that year was due without regard to any extension of 716
time for filing such return. 717

(2) Interest shall be allowed at the rate per annum 718
prescribed by section 5703.47 of the Revised Code on amounts 719
refunded with respect to the taxes imposed under sections 720
5733.41 and 5747.41 or under section 5747.38 of the Revised 721
Code. The interest shall run from whichever of the following 722
days is the latest until the day the refund is paid: the day the 723
illegal, erroneous, or excessive payment was made; the ninetieth 724
day after the final day the annual report was required to be 725
filed under section 5747.42 of the Revised Code; or the 726
ninetieth day after the day that report was filed. 727

(D) "Ninety days" shall be substituted for "four years" in 728
division (B) of this section if the taxpayer satisfies both of 729
the following conditions: 730

(1) The taxpayer has applied for a refund based in whole 731
or in part upon section 5747.059 of the Revised Code; 732

(2) The taxpayer asserts that either the imposition or 733
collection of the tax imposed or charged by this chapter or any 734
portion of such tax violates the Constitution of the United 735
States or the Constitution of Ohio. 736

(E) (1) Division (E) (2) of this section applies only if all 737
of the following conditions are satisfied: 738

(a) A qualifying entity pays an amount of the tax imposed 739
by section 5733.41 or 5747.41 of the Revised Code; 740

(b) The taxpayer is a qualifying investor as to that 741
qualifying entity; 742

(c) The taxpayer did not claim the credit provided for in 743
section 5747.059 of the Revised Code as to the tax described in 744
division (E) (1) (a) of this section; 745

(d) The four-year period described in division (B) of this 746
section has ended as to the taxable year for which the taxpayer 747
otherwise would have claimed that credit. 748

(2) A taxpayer shall file an application for refund 749
pursuant to division (E) of this section within one year after 750
the date the payment described in division (E) (1) (a) of this 751
section is made. An application filed under division (E) (2) of 752
this section shall claim refund only of overpayments resulting 753
from the taxpayer's failure to claim the credit described in 754
division (E) (1) (c) of this section. Nothing in division (E) of 755
this section shall be construed to relieve a taxpayer from 756
complying with division (A) (15) of section 5747.01 of the 757
Revised Code. 758

Sec. 5749.08. The tax commissioner shall refund to 759
taxpayers ~~the amount of taxes levied by section 5749.02 of the~~ 760
~~Revised Code and amounts due~~ amounts paid under this chapter or 761
section 1509.50 of the Revised Code that were paid illegally or 762
erroneously or paid on an illegal or erroneous assessment. 763
Applications for refund shall be filed with the commissioner, on 764
the form prescribed by the commissioner, within four years from 765
the date of the illegal or erroneous payment. On the filing of 766
the application, the commissioner shall determine the amount of 767
refund to which the applicant is entitled, plus interest 768
computed in accordance with section 5703.47 of the Revised Code 769
from the date of the payment of an erroneous or illegal 770
assessment until the date the refund is paid. If the amount is 771
not less than that claimed, the commissioner shall certify the 772

amount to the director of budget and management and treasurer of 773
state for payment from the tax refund fund created by section 774
5703.052 of the Revised Code. If the amount is less than that 775
claimed, the commissioner shall proceed in accordance with 776
section 5703.70 of the Revised Code. 777

Sec. 5751.08. (A) An application for refund to the 778
taxpayer of ~~the amount of taxes~~ amounts imposed under this 779
chapter that are overpaid, paid illegally or erroneously, or 780
paid on any illegal or erroneous assessment shall be filed by 781
the reporting person with the tax commissioner, on the form 782
prescribed by the commissioner, within four years after the date 783
of the illegal or erroneous payment ~~of the tax~~, or within any 784
additional period allowed under division (F) of section 5751.09 785
of the Revised Code. The applicant shall provide the amount of 786
the requested refund along with the claimed reasons for, and 787
documentation to support, the issuance of a refund. 788

(B) On the filing of the refund application, the tax 789
commissioner shall determine the amount of refund to which the 790
applicant is entitled. If the amount is not less than that 791
claimed, the commissioner shall certify the amount to the 792
director of budget and management and treasurer of state for 793
payment from the tax refund fund created under section 5703.052 794
of the Revised Code. If the amount is less than that claimed, 795
the commissioner shall proceed in accordance with section 796
5703.70 of the Revised Code. 797

(C) Interest on a refund applied for under this section, 798
computed at the rate provided for in section 5703.47 of the 799
Revised Code, shall be allowed from the later of the date the 800
~~tax amount~~ was paid or when the ~~tax payment amount~~ was due. 801

(D) A calendar quarter taxpayer with more than one million 802

dollars in taxable gross receipts in a calendar year other than 803
calendar year 2005 and that is not able to exclude one million 804
dollars in taxable gross receipts because of the operation of 805
the taxpayer's business in that calendar year may file for a 806
refund under this section to obtain the full exclusion of one 807
million dollars in taxable gross receipts for that calendar 808
year. 809

(E) Except as provided in section 5751.081 of the Revised 810
Code, the tax commissioner may, with the consent of the 811
taxpayer, provide for the crediting against tax due for a tax 812
period the amount of any refund due the taxpayer under this 813
chapter for a preceding tax period. 814

Sec. 5753.06. (A) A taxpayer may apply to the tax 815
commissioner for a refund of the amount of taxes under section 816
5753.02 or 5753.021 of the Revised Code amounts imposed under 817
this chapter that were overpaid, paid illegally or erroneously, 818
or paid on an illegal or erroneous assessment. The application 819
shall be on a form prescribed by the tax commissioner. The 820
taxpayer shall provide the amount of the requested refund along 821
with the claimed reasons for, and documentation to support, the 822
issuance of a refund. The taxpayer shall file the application 823
with the tax commissioner within four years after the date the 824
payment was made, unless the applicant has waived the time 825
limitation under division (D) of section 5753.07 of the Revised 826
Code. In the latter event, the four-year limitation is extended 827
for the same period of time as the waiver. 828

(B) Upon the filing of a refund application, the tax 829
commissioner shall determine the amount of refund to which the 830
applicant is entitled. If the amount is not less than that 831
claimed, the tax commissioner shall certify the amount to the 832

director of budget and management and treasurer of state for 833
payment from the tax refund fund. If the amount is less than 834
that claimed, the tax commissioner shall proceed under section 835
5703.70 of the Revised Code. 836

(C) Interest on a refund applied for under this section, 837
computed at the rate provided for in section 5703.47 of the 838
Revised Code, shall be allowed from the later of the date the 839
~~tax amount~~ was due or the date payment ~~of the tax~~ was made. 840
Except as provided in section 5753.07 of the Revised Code, the 841
tax commissioner may, with the consent of the taxpayer, provide 842
for crediting against the tax due for a tax period, the amount 843
of any refund due the taxpayer for a preceding tax period. 844

(D) Refunds under this section are subject to offset under 845
section 5753.061 of the Revised Code. 846

Section 2. That existing sections 128.47, 718.91, 847
3734.905, 4307.05, 5725.222, 5726.30, 5727.28, 5727.91, 848
5728.061, 5729.102, 5735.11, 5735.122, 5736.08, 5739.07, 849
5739.104, 5741.10, 5743.53, 5745.11, 5747.11, 5749.08, 5751.08, 850
and 5753.06 of the Revised Code are hereby repealed." 851

After line _____, insert: 852

"Section 3. Section 5747.11 of the Revised Code is 853
presented in this act as a composite of the section as amended 854
by both S.B. 231 and S.B. 246 of the 134th General Assembly. The 855
General Assembly, applying the principle stated in division (B) 856
of section 1.52 of the Revised Code that amendments are to be 857
harmonized if reasonably capable of simultaneous operation, 858
finds that the composite is the resulting version of the section 859
in effect prior to the effective date of the section as 860
presented in this act." 861

The motion was _____ agreed to.

SYNOPSIS

862

Refunds of tax penalties

863

R.C. 128.47, 718.91, 3734.905, 4307.05, 5725.222, 5726.30,
5727.28, 5727.91, 5728.061, 5729.102, 5735.11, 5735.122,
5736.08, 5739.07, 5739.104, 5741.10, 5743.53, 5745.11, 5747.11,
5749.08, 5751.08, and 5753.06

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867

Allows taxpayers to apply to the Tax Commissioner or
Superintendent of Insurance for a refund of any amount the
taxpayer overpaid, including tax-related penalties and fees. In
general, current law specifies that the Commissioner or
Superintendent may only refund overpaid taxes, with interest.

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As with refunded taxes under current law, awards interest
on any overpaid tax-related penalty or fee.

873

874

Provides that any refunded amount, not just taxes, may be
intercepted by the Tax Commissioner and applied to a debt the
taxpayer owes to the state, as authorized under continuing law.

875

876

877

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5741.02" 1

In line _____ of the title, after "_____" insert "and to exempt 2
from state and local use taxes certain watercraft seasonally stored or 3
repaired in Ohio" 4

After line _____, insert: 5

"**Section 1.** That section 5741.02 of the Revised Code be 6
amended to read as follows: 7

Sec. 5741.02. (A) (1) For the use of the general revenue 8
fund of the state, an excise tax is hereby levied on the 9
storage, use, or other consumption in this state of tangible 10
personal property or the benefit realized in this state of any 11
service provided. The tax shall be collected as provided in 12
section 5739.025 of the Revised Code. The rate of the tax shall 13
be five and three-fourths per cent. 14

(2) In the case of the lease or rental, with a fixed term 15
of more than thirty days or an indefinite term with a minimum 16
period of more than thirty days, of any motor vehicles designed 17
by the manufacturer to carry a load of not more than one ton, 18
watercraft, outboard motor, or aircraft, or of any tangible 19
personal property, other than motor vehicles designed by the 20
manufacturer to carry a load of more than one ton, to be used by 21
the lessee or renter primarily for business purposes, the tax 22

shall be collected by the seller at the time the lease or rental 23
is consummated and shall be calculated by the seller on the 24
basis of the total amount to be paid by the lessee or renter 25
under the lease or rental agreement. If the total amount of the 26
consideration for the lease or rental includes amounts that are 27
not calculated at the time the lease or rental is executed, the 28
tax shall be calculated and collected by the seller at the time 29
such amounts are billed to the lessee or renter. In the case of 30
an open-end lease or rental, the tax shall be calculated by the 31
seller on the basis of the total amount to be paid during the 32
initial fixed term of the lease or rental, and for each 33
subsequent renewal period as it comes due. As used in this 34
division, "motor vehicle" has the same meaning as in section 35
4501.01 of the Revised Code, and "watercraft" includes an 36
outdrive unit attached to the watercraft. 37

(3) Except as provided in division (A) (2) of this section, 38
in the case of a transaction, the price of which consists in 39
whole or part of the lease or rental of tangible personal 40
property, the tax shall be measured by the installments of those 41
leases or rentals. 42

(B) Each consumer, storing, using, or otherwise consuming 43
in this state tangible personal property or realizing in this 44
state the benefit of any service provided, shall be liable for 45
the tax, and such liability shall not be extinguished until the 46
tax has been paid to this state; provided, that the consumer 47
shall be relieved from further liability for the tax if the tax 48
has been paid to a seller in accordance with section 5741.04 of 49
the Revised Code or prepaid by the seller in accordance with 50
section 5741.06 of the Revised Code. 51

(C) The tax does not apply to the storage, use, or 52

consumption in this state of the following described tangible 53
personal property or services, nor to the storage, use, or 54
consumption or benefit in this state of tangible personal 55
property or services purchased under the following described 56
circumstances: 57

(1) When the sale of property or service in this state is 58
subject to the excise tax imposed by sections 5739.01 to 5739.31 59
of the Revised Code, provided said tax has been paid; 60

(2) Except as provided in division (D) of this section, 61
tangible personal property or services, the acquisition of 62
which, if made in Ohio, would be a sale not subject to the tax 63
imposed by sections 5739.01 to 5739.31 of the Revised Code; 64

(3) Property or services, the storage, use, or other 65
consumption of or benefit from which this state is prohibited 66
from taxing by the Constitution of the United States, laws of 67
the United States, or the Constitution of this state. This 68
exemption shall not exempt from the application of the tax 69
imposed by this section the storage, use, or consumption of 70
tangible personal property that was purchased in interstate 71
commerce, but that has come to rest in this state, provided that 72
fuel to be used or transported in carrying on interstate 73
commerce that is stopped within this state pending transfer from 74
one conveyance to another is exempt from the excise tax imposed 75
by this section and section 5739.02 of the Revised Code; 76

(4) Transient use of tangible personal property in this 77
state by a nonresident tourist or vacationer, or a nonbusiness 78
use within this state by a nonresident of this state, if the 79
property so used was purchased outside this state for use 80
outside this state and is not required to be registered or 81
licensed under the laws of this state; 82

(5) Tangible personal property or services rendered, upon 83
which taxes have been paid to another jurisdiction to the extent 84
of the amount of the tax paid to such other jurisdiction. Where 85
the amount of the tax imposed by this section and imposed 86
pursuant to section 5741.021, 5741.022, or 5741.023 of the 87
Revised Code exceeds the amount paid to another jurisdiction, 88
the difference shall be allocated between the tax imposed by 89
this section and any tax imposed by a county or a transit 90
authority pursuant to section 5741.021, 5741.022, or 5741.023 of 91
the Revised Code, in proportion to the respective rates of such 92
taxes. 93

As used in this subdivision, "taxes paid to another 94
jurisdiction" means the total amount of retail sales or use tax 95
or similar tax based upon the sale, purchase, or use of tangible 96
personal property or services rendered legally, levied by and 97
paid to another state or political subdivision thereof, or to 98
the District of Columbia, where the payment of such tax does not 99
entitle the taxpayer to any refund or credit for such payment. 100

(6) The transfer of a used manufactured home or used 101
mobile home, as defined by section 5739.0210 of the Revised 102
Code, made on or after January 1, 2000; 103

(7) Drugs that are or are intended to be distributed free 104
of charge to a practitioner licensed to prescribe, dispense, and 105
administer drugs to a human being in the course of a 106
professional practice and that by law may be dispensed only by 107
or upon the order of such a practitioner; 108

(8) Computer equipment and related software leased from a 109
lessor located outside this state and initially received in this 110
state on behalf of the consumer by a third party that will 111
retain possession of such property for not more than ninety days 112

and that will, within that ninety-day period, deliver such 113
property to the consumer at a location outside this state. 114
Division (C) (8) of this section does not provide exemption from 115
taxation for any otherwise taxable charges associated with such 116
property while it is in this state or for any subsequent 117
storage, use, or consumption of such property in this state by 118
or on behalf of the consumer. 119

(9) Tangible personal property held for sale by a person 120
but not for that person's own use and donated by that person, 121
without charge or other compensation, to either of the 122
following: 123

(a) A nonprofit organization operated exclusively for 124
charitable purposes in this state, no part of the net income of 125
which inures to the benefit of any private shareholder or 126
individual and no substantial part of the activities of which 127
consists of carrying on propaganda or otherwise attempting to 128
influence legislation; or 129

(b) This state or any political subdivision of this state, 130
but only if donated for exclusively public purposes. 131

For the purposes of division (C) (9) of this section, 132
"charitable purposes" has the same meaning as in division (B) 133
(12) of section 5739.02 of the Revised Code. 134

(10) Equipment stored, used, or otherwise consumed in this 135
state by an out-of-state disaster business during a disaster 136
response period during which the business conducts disaster work 137
pursuant to a qualifying solicitation received by the business, 138
provided the equipment is removed from the state before the last 139
day of that period. All terms used in division (C) (10) of this 140
section have the same meanings as in section 5703.94 of the 141

Revised Code. 142

(11) (a) Watercraft, if all of the following apply: 143

(i) The watercraft is in this state only for storage and 144
maintenance purposes. 145

(ii) The watercraft is not used or stored in this state 146
between the first day of May and the last day of September of 147
any year. 148

(iii) The watercraft is not required to be registered in 149
this state under section 1547.54 of the Revised Code. 150

(iv) The owner paid taxes to another jurisdiction on the 151
sale, use, or consumption of the watercraft or paid sales tax on 152
the watercraft under section 5739.027 of the Revised Code, 153
unless the watercraft is used and titled or registered in a 154
jurisdiction that does not impose a sales or use tax or similar 155
excise tax on the ownership or use of the watercraft. 156

(b) As used in division (C) (11) of this section: 157

(i) "Taxes paid to another jurisdiction" has the same 158
meaning as in division (C) (5) of this section. 159

(ii) "Maintenance" means any act to preserve or improve 160
the condition or efficiency of a watercraft including cleaning 161
and repairing the watercraft and installing equipment, fixtures, 162
or technology in or on the watercraft. 163

(c) Nothing in division (C) (11) of this section exempts 164
sales of storage of watercraft taxable under division (B) (9) of 165
section 5739.01 of the Revised Code or sales of repair or 166
installation of tangible personal property in or on the 167
watercraft taxable under division (B) (3) (a) or (b) of that 168
section. 169

(D) The tax applies to the storage, use, or other 170
consumption in this state of tangible personal property or 171
services, the acquisition of which at the time of sale was 172
excepted under division (E) of section 5739.01 of the Revised 173
Code from the tax imposed by section 5739.02 of the Revised 174
Code, but which has subsequently been temporarily or permanently 175
stored, used, or otherwise consumed in a taxable manner. 176

(E) (1) (a) If any transaction is claimed to be exempt under 177
division (E) of section 5739.01 of the Revised Code or under 178
section 5739.02 of the Revised Code, with the exception of 179
divisions (B) (1) to (11) or (28) of section 5739.02 of the 180
Revised Code, the consumer shall provide to the seller, and the 181
seller shall obtain from the consumer, a certificate specifying 182
the reason that the transaction is not subject to the tax. The 183
certificate shall be in such form, and shall be provided either 184
in a hard copy form or electronic form, as the tax commissioner 185
prescribes. 186

(b) A seller that obtains a fully completed exemption 187
certificate from a consumer is relieved of liability for 188
collecting and remitting tax on any sale covered by that 189
certificate. If it is determined the exemption was improperly 190
claimed, the consumer shall be liable for any tax due on that 191
sale under this chapter. Relief under this division from 192
liability does not apply to any of the following: 193

(i) A seller that fraudulently fails to collect tax; 194

(ii) A seller that solicits consumers to participate in 195
the unlawful claim of an exemption; 196

(iii) A seller that accepts an exemption certificate from 197
a consumer that claims an exemption based on who purchases or 198

who sells property or a service, when the subject of the 199
transaction sought to be covered by the exemption certificate is 200
actually received by the consumer at a location operated by the 201
seller in this state, and this state has posted to its web site 202
an exemption certificate form that clearly and affirmatively 203
indicates that the claimed exemption is not available in this 204
state; 205

(iv) A seller that accepts an exemption certificate from a 206
consumer who claims a multiple points of use exemption under 207
division (D) of section 5739.033 of the Revised Code, if the 208
item purchased is tangible personal property, other than 209
prewritten computer software. 210

(2) The seller shall maintain records, including exemption 211
certificates, of all sales on which a consumer has claimed an 212
exemption, and provide them to the tax commissioner on request. 213

(3) If no certificate is provided or obtained within 214
ninety days after the date on which the transaction is 215
consummated, it shall be presumed that the tax applies. Failure 216
to have so provided or obtained a certificate shall not preclude 217
a seller, within one hundred twenty days after the tax 218
commissioner gives written notice of intent to levy an 219
assessment, from either establishing that the transaction is not 220
subject to the tax, or obtaining, in good faith, a fully 221
completed exemption certificate. 222

(4) If a transaction is claimed to be exempt under 223
division (B)(13) of section 5739.02 of the Revised Code, the 224
contractor shall obtain certification of the claimed exemption 225
from the contractee. This certification shall be in addition to 226
an exemption certificate provided by the contractor to the 227
seller. A contractee that provides a certification under this 228

division shall be deemed to be the consumer of all items 229
purchased by the contractor under the claim of exemption, if it 230
is subsequently determined that the exemption is not properly 231
claimed. The certification shall be in such form as the tax 232
commissioner prescribes. 233

(F) A seller who files a petition for reassessment 234
contesting the assessment of tax on transactions for which the 235
seller obtained no valid exemption certificates, and for which 236
the seller failed to establish that the transactions were not 237
subject to the tax during the one-hundred-twenty-day period 238
allowed under division (E) of this section, may present to the 239
tax commissioner additional evidence to prove that the 240
transactions were exempt. The seller shall file such evidence 241
within ninety days of the receipt by the seller of the notice of 242
assessment, except that, upon application and for reasonable 243
cause, the tax commissioner may extend the period for submitting 244
such evidence thirty days. 245

(G) For the purpose of the proper administration of 246
sections 5741.01 to 5741.22 of the Revised Code, and to prevent 247
the evasion of the tax hereby levied, it shall be presumed that 248
any use, storage, or other consumption of tangible personal 249
property in this state is subject to the tax until the contrary 250
is established. 251

(H) The tax collected by the seller from the consumer 252
under this chapter is not part of the price, but is a tax 253
collection for the benefit of the state, and of counties levying 254
an additional use tax pursuant to section 5741.021 or 5741.023 255
of the Revised Code and of transit authorities levying an 256
additional use tax pursuant to section 5741.022 of the Revised 257
Code. Except for the discount authorized under section 5741.12 258

of the Revised Code and the effects of any rounding pursuant to 259
section 5703.055 of the Revised Code, no person other than the 260
state or such a county or transit authority shall derive any 261
benefit from the collection of such tax. 262

Section 2. That existing section 5741.02 of the Revised 263
Code is hereby repealed." 264

After line _____, insert: 265

"Section 3. The amendment by this act of section 5741.02 266
of the Revised Code applies beginning the first day of the first 267
month beginning on or after the effective date of this section." 268

After line _____, insert: 269

"Section 4. Pursuant to division (G) of section 5703.95 of 270
the Revised Code, which states that any bill introduced in the 271
House of Representatives or the Senate that proposes to enact or 272
modify one or more tax expenditures should include a statement 273
explaining the objectives of the tax expenditure or its 274
modification and the sponsor's intent in proposing the tax 275
expenditure or its modification: 276

The objective of this act is to increase business to 277
Ohio's marine industry by removing a disincentive for out-of- 278
state boat owners from coming into Ohio with their business. 279

Currently, subjecting boats to use taxes on the value of 280
the boat has resulted in out-of-state boats going elsewhere for 281
winter storage, repair, and refitting work. The charge for 282
winter storage notwithstanding, most winter work orders from 283
customers are estimated to range from fifteen thousand dollars 284
to one hundred thousand dollars. The loss of even one major job, 285
never mind several, could mean the success or failure of a 286
marine business. 287

The state of Ohio also suffers significant losses. 288
Virtually everything related to winter storage and work is 289
subject to sales tax, including parts, materials, labor, and 290
storage. When a boat is not winter-stored in Ohio, there are not 291
only no related sales taxes collected, but also no commercial 292
activity taxes and no income taxes." 293

The motion was _____ agreed to.

SYNOPSIS 294

Use tax: Seasonally stored watercraft exemption 295

R.C. 5741.02; Section 3 296

Exempts from state and local use tax certain watercraft 297
that are seasonally stored or repaired in Ohio including 298
watercraft purchased outside the state, watercraft purchased in 299
Ohio but titled, registered, or used outside the state, even if 300
the jurisdiction of titling or registration does not tax the 301
sale, use, or ownership of the watercraft, and watercraft 302
purchased by a nonresident who paid a portion of Ohio sales tax 303
at the time of purchase. 304

Specifies that the exemption does not apply to watercraft 305
storage, repair, or installation services, which are subject to 306
sales and use tax under continuing law. 307

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5747.98" 1
In line _____ of the title, after "_____" insert "122.91 and 2
5747.82" 3
In line _____ of the title, after "_____" insert "and to authorize 4
a temporary income tax credit for an employer's expenses to train a 5
commercial vehicle operator" 6
After line _____, insert: 7

"Section 1. That section 5747.98 be amended and sections 8
122.91 and 5747.82 of the Revised Code be enacted to read as 9
follows: 10

Sec. 122.91. (A) As used in this section: 11

(1) "Qualifying individual" means an individual who holds 12
a valid commercial driver's license or who is eligible to obtain 13
such a license. 14

(2) "Commercial driver's license" and "commercial motor 15
vehicle" have the same meanings as in section 4506.01 of the 16
Revised Code. 17

(3) "Training expense" means any cost customarily incurred 18
by an employer to train an employee who is a qualifying 19
individual to obtain a commercial driver's license or to operate 20
a commercial motor vehicle. "Training expense" shall not include 21

such an employee's wages. 22

(4) "Tax credit-eligible training expense" means any 23
training expense certified under division (B) of this section. 24

(5) "Director" means the director of development. 25

(B) (1) For calendar years 2023 through 2026, an employer 26
may apply to the director, on or before the first day of 27
December of each year and on a form prescribed by the director, 28
to certify training expenses that an employer estimates the 29
employer will incur during the following calendar year as tax 30
credit-eligible training expenses. Within thirty days after 31
receiving such an application, the director shall certify to 32
each applicant the amount of the applicant's submitted expenses 33
the director finds to be tax credit-eligible training expenses. 34
The director shall not certify more than fifty thousand dollars 35
of training expenses per year as tax credit-eligible training 36
expenses for any employer. 37

(2) The director shall not certify more than three million 38
dollars in tax credit-eligible training expenses for each 39
calendar year, increased by the sum of tax credit-eligible 40
expenses the director was authorized to certify within the limit 41
described in division (B) (2) of this section for preceding years 42
that were not the basis of a tax credit certificate issued under 43
division (C) (2) of this section in the current year or any 44
preceding year. 45

(C) (1) An employer that incurs tax credit-eligible 46
training expenses in a calendar year that were certified for 47
that year under division (B) of this section may apply to the 48
director for a nonrefundable credit against the tax imposed by 49
section 5747.02 of the Revised Code. The credit shall equal one- 50

half of the tax credit-eligible training expenses actually 51
incurred by the employer in, and certified for, the preceding 52
calendar year. The application may be submitted after the first 53
day and before the twenty-first day of January of the year 54
following the year for which the director certified the 55
expenses. The application shall be submitted on a form 56
prescribed by the director and shall, at a minimum, include an 57
itemized list of tax credit-eligible training expenses incurred 58
by the employer for each employee and the identities of those 59
employees. 60

(2) If the director approves an application described in 61
division (C) (1) of this section, the director, within fifteen 62
days after receipt of the application, shall issue a tax credit 63
certificate to the applicant. The director in consultation with 64
the tax commissioner shall prescribe the form and manner of 65
issuing certificates. The director shall assign a unique 66
identifying number to each tax credit certificate and shall 67
record the certificate in a register devised and maintained by 68
the director for that purpose. The certificate shall state the 69
amount of the tax credit-eligible training expenses on which the 70
credit is based, the amount of the credit, and the date the 71
certificate is issued. Upon issuance of a certificate, the 72
director shall certify to the tax commissioner the name of the 73
applicant, the amount of tax credit-eligible training expenses 74
stated on the certificate, and any other information required by 75
the rules adopted under this section. 76

(D) (1) An employer that has been issued a tax credit 77
certificate under division (C) (2) of this section during the 78
preceding calendar year shall file a form with the director 79
identifying all employees, the training of which is the basis of 80
that tax credit, whose employment with the employer was 81

terminated during the preceding calendar year, the amount of the 82
tax credit that is attributable to those employees, and any 83
other information requested by the director. The form shall be 84
prescribed by the director, and shall be filed on or before the 85
twenty-first day of January of the year following the issuance 86
year stated on the certificate. 87

(2) The director shall annually submit to the general 88
assembly a report in accordance with division (B) of section 89
101.68 of the Revised Code that includes the total number of 90
employees described in division (D) (1) of this section and 91
reported to the director for the preceding calendar year, the 92
total amount of tax credits attributable to those employees, and 93
any other information the director finds pertinent. 94

(E) The director in consultation with the tax commissioner 95
shall adopt rules under Chapter 119. of the Revised Code for the 96
administration of this section. Such rules shall set forth the 97
types of expenses that qualify as training expenses for purposes 98
of this section. 99

Sec. 5747.82. There is allowed a nonrefundable credit 100
against a taxpayer's aggregate tax liability under section 101
5747.02 of the Revised Code for a taxpayer that has been issued 102
a tax credit certificate under section 122.91 of the Revised 103
Code. The amount of the credit shall equal the credit amount 104
stated on the certificate. The credit shall be claimed for the 105
taxpayer's most recently concluded taxable year that ended 106
before the issuance date stated on the certificate. 107

The credit shall be claimed in the order required under 108
section 5747.98 of the Revised Code. Any credit amount in excess 109
of the aggregate amount of tax due under section 5747.02 of the 110
Revised Code, after allowing for any other credits preceding the 111

credit in that order, may be carried forward for five taxable 112
years, but the amount of the excess credit allowed in any such 113
year shall be deducted from the balance carried forward to the 114
next year. 115

Nothing in this section limits or disallows pass-through 116
treatment of the credit if the credit certificate has been 117
issued to a pass-through entity. 118

Sec. 5747.98. (A) To provide a uniform procedure for 119
calculating a taxpayer's aggregate tax liability under section 120
5747.02 of the Revised Code, a taxpayer shall claim any credits 121
to which the taxpayer is entitled in the following order: 122

Either the retirement income credit under division (B) of 123
section 5747.055 of the Revised Code or the lump sum retirement 124
income credits under divisions (C), (D), and (E) of that 125
section; 126

Either the senior citizen credit under division (F) of 127
section 5747.055 of the Revised Code or the lump sum 128
distribution credit under division (G) of that section; 129

The dependent care credit under section 5747.054 of the 130
Revised Code; 131

The credit for displaced workers who pay for job training 132
under section 5747.27 of the Revised Code; 133

The campaign contribution credit under section 5747.29 of 134
the Revised Code; 135

The twenty-dollar personal exemption credit under section 136
5747.022 of the Revised Code; 137

The joint filing credit under division (G) of section 138
5747.05 of the Revised Code; 139

The earned income credit under section 5747.71 of the Revised Code;	140 141
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	142 143
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	144 145 146
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	147 148 149
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	150 151
The credit for adoption of a minor child under section 5747.37 of the Revised Code;	152 153
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	154 155
The enterprise zone credit under section 5709.66 of the Revised Code;	156 157
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	158 159 160
<u>The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;</u>	161 162
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	163 164 165
The credit for purchases of qualifying grape production	166

property under section 5747.28 of the Revised Code;	167
The small business investment credit under section 5747.81	168
of the Revised Code;	169
The nonrefundable lead abatement credit under section	170
5747.26 of the Revised Code;	171
The opportunity zone investment credit under section	172
122.84 of the Revised Code;	173
The enterprise zone credits under section 5709.65 of the	174
Revised Code;	175
The research and development credit under section 5747.331	176
of the Revised Code;	177
The credit for rehabilitating a historic building under	178
section 5747.76 of the Revised Code;	179
The nonresident credit under division (A) of section	180
5747.05 of the Revised Code;	181
The credit for a resident's out-of-state income under	182
division (B) of section 5747.05 of the Revised Code;	183
The refundable motion picture and Broadway theatrical	184
production credit under section 5747.66 of the Revised Code;	185
The refundable jobs creation credit or job retention	186
credit under division (A) of section 5747.058 of the Revised	187
Code;	188
The refundable credit for taxes paid by a qualifying	189
entity granted under section 5747.059 of the Revised Code;	190
The refundable credits for taxes paid by a qualifying	191
pass-through entity granted under division (I) of section	192
5747.08 of the Revised Code;	193

The refundable credit under section 5747.80 of the Revised 194
Code for losses on loans made to the Ohio venture capital 195
program under sections 150.01 to 150.10 of the Revised Code; 196

The refundable credit for rehabilitating a historic 197
building under section 5747.76 of the Revised Code; 198

The refundable credit under section 5747.39 of the Revised 199
Code for taxes levied under section 5747.38 of the Revised Code 200
paid by an electing pass-through entity. 201

(B) For any credit, except the refundable credits 202
enumerated in this section and the credit granted under division 203
(H) of section 5747.08 of the Revised Code, the amount of the 204
credit for a taxable year shall not exceed the taxpayer's 205
aggregate amount of tax due under section 5747.02 of the Revised 206
Code, after allowing for any other credit that precedes it in 207
the order required under this section. Any excess amount of a 208
particular credit may be carried forward if authorized under the 209
section creating that credit. Nothing in this chapter shall be 210
construed to allow a taxpayer to claim, directly or indirectly, 211
a credit more than once for a taxable year. 212

Section 2. That existing section 5747.98 of the Revised 213
Code is hereby repealed." 214

After line _____, insert: 215

"Section 3. In adopting the rules required under division 216
(E) of section 122.91 of the Revised Code, as enacted by this 217
act, the Director of Development shall file the notice and text 218
of the proposed rules as required by division (B) of section 219
119.03 of the Revised Code not later than one hundred fifty days 220
after the effective date of this section." 221

After line _____, insert: 222

"Section 4. Section 5747.98 of the Revised Code is 223
presented in this act as a composite of the section as amended 224
by H.B. 95, S.B. 166, and S.B. 246, all of the 134th General 225
Assembly. The General Assembly, applying the principle stated in 226
division (B) of section 1.52 of the Revised Code that amendments 227
are to be harmonized if reasonably capable of simultaneous 228
operation, finds that the composite is the resulting version of 229
the section in effect prior to the effective date of the section 230
as presented in this act." 231

The motion was _____ agreed to.

SYNOPSIS 232

**Income tax: credit for commercial vehicle operator 233
training expenses 234**

R.C. 122.91, 5747.82, and 5747.98; Section 3 235

Authorizes a temporary nonrefundable personal income tax 236
credit for one-half of training expenses, other than wages, paid 237
by employers to train employees to obtain a commercial driver's 238
license or operate a commercial vehicle. Requires employers to 239
apply to the Director of Development with an estimate of the 240
training expenses that the employer expects to pay in the 241
upcoming year. Authorizes the Director to certify up to \$50,000 242
of expenses as eligible for the credit, limiting the credit 243
amount to no more than \$25,000. Allows the credit to be carried 244
forward for up to five years. 245

Limits the total amount of credits that may be awarded 246
each year to \$1.5 million, except if the amount of credits 247

awarded is less than \$1.5 million in any year, the difference	248
may be carried forward and added to the limit for the following	249
year. Applies the credit to training expenses paid on or after	250
January 1, 2024, but before January 1, 2028.	251

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "to revise the tax 1
laws and to make certain operating appropriations for the biennium ending 2
June 30, 2023, and capital appropriations for the biennium ending June 30, 3
2024," 4

After line _____, insert: 5

"**Section 1.** Notwithstanding any other amendment to the 6
title of H.B. 66 by the components of omnibus amendment AM4305, 7
the bill title shall state the bill's content as expressed in 8
lines 1 to 4 of this amendment." 9

The motion was _____ agreed to.

SYNOPSIS 10

Bill title 11

Section ____ 12

Harmonizes the various amendments to the bill's title. 13