

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 161**

**Representatives Bird, Thomas, J.**

**Cosponsors: Representatives Brennan, Hiner**

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**A BILL**

To amend sections 351.01, 351.021, 353.06, 5739.01, 1  
5739.08, 5739.09, 5739.091, and 5741.01 of the 2  
Revised Code to extend sales and use taxes and 3  
local lodging taxes to short-term rentals and to 4  
require collection of those taxes by short-term 5  
rental platforms. 6

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

**Section 1.** That sections 351.01, 351.021, 353.06, 5739.01, 7  
5739.08, 5739.09, 5739.091, and 5741.01 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 351.01.** As used in this chapter: 10

(A) "Convention facilities authority" means a body 11  
corporate and politic created pursuant to section 351.02 of the 12  
Revised Code. 13

(B) "Governmental agency" means a department, division, or 14  
other unit of the state government or of a municipal 15  
corporation, county, township, or other political subdivision of 16  
the state; any state university or college, as defined in 17  
section 3345.12 of the Revised Code, community college, state 18

community college, university branch, or technical college; any 19  
other public corporation or agency having the power to acquire, 20  
construct, or operate facilities; the United States or any 21  
agency thereof; and any agency, commission, or authority 22  
established pursuant to an interstate compact or agreement. 23

(C) "Person" means any individual, firm, partnership, 24  
association, or corporation, or any combination of them. 25

(D) "Facility" or "facilities" means any convention, 26  
entertainment, or sports facility, or combination of them, 27  
located within the territory of the convention facilities 28  
authority, together with all hotels, parking facilities, 29  
walkways, and other auxiliary facilities, real and personal 30  
property, property rights, easements and interests that may be 31  
appropriate for, or used in connection with, the operation of 32  
the facility. 33

(E) "Cost" means the cost of acquisition of all land, 34  
rights-of-way, property rights, easements, franchise rights, and 35  
interests required for such acquisition; the cost of demolishing 36  
or removing any buildings or structures on land so acquired, 37  
including the cost of acquiring any lands to which such 38  
buildings or structures may be moved; the cost of acquiring or 39  
constructing and equipping a principal office of the convention 40  
facilities authority; the cost of diverting highways, 41  
interchange of highways, access roads to private property, 42  
including the cost of land or easements for such access roads; 43  
the cost of public utility and common carrier relocation or 44  
duplication; the cost of all machinery, furnishings, and 45  
equipment; financing charges; interest prior to and during 46  
construction and for no more than eighteen months after 47  
completion of construction; expenses of research and development 48

with respect to facilities; legal expenses; expenses of 49  
obtaining plans, specifications, engineering surveys, studies, 50  
and estimates of cost and revenues; working capital; expenses 51  
necessary or incident to determining the feasibility or 52  
practicability of acquiring or constructing such facility; 53  
administrative expense; and such other expenses as may be 54  
necessary or incident to the acquisition or construction of the 55  
facility, the financing of such acquisition or construction, 56  
including the amount authorized in the resolution of the 57  
convention facilities authority providing for the issuance of 58  
convention facilities authority revenue bonds to be paid into 59  
any special funds from the proceeds of such bonds, the cost of 60  
issuing the bonds, and the financing of the placing of such 61  
facility in operation. Any obligation, cost, or expense incurred 62  
by any governmental agency or person for surveys, borings, 63  
preparation of plans and specifications, and other engineering 64  
services, or any other cost described above, in connection with 65  
the acquisition or construction of a facility may be regarded as 66  
part of the cost of such facility and may be reimbursed out of 67  
the proceeds of convention facilities authority revenue bonds as 68  
authorized by this chapter. 69

(F) "Owner" includes a person having any title or interest 70  
in any property, rights, easements, or interests authorized to 71  
be acquired by Chapter 351. of the Revised Code. 72

(G) "Revenues" means all rentals and other charges 73  
received by the convention facilities authority for the use or 74  
services of any facility, the sale of any merchandise, or the 75  
operation of any concessions; any gift or grant received with 76  
respect to any facility, any moneys received with respect to the 77  
lease, sublease, sale, including installment sale or conditional 78  
sale, or other disposition of a facility or part thereof; moneys 79

received in repayment of and for interest on any loans made by 80  
the authority to a person or governmental agency, whether from 81  
the United States or any department, administration, or agency 82  
thereof, or otherwise; proceeds of convention facilities 83  
authority revenue bonds to the extent the use thereof for 84  
payment of principal or of premium, if any, or interest on the 85  
bonds is authorized by the authority; proceeds from any 86  
insurance, appropriation, or guaranty pertaining to a facility 87  
or property mortgaged to secure bonds or pertaining to the 88  
financing of the facility; income and profit from the investment 89  
of the proceeds of convention facilities authority revenue bonds 90  
or of any revenues; contributions of the proceeds of a tax 91  
levied pursuant to division (C) of section 5739.09 of the 92  
Revised Code; and moneys transmitted to the authority pursuant 93  
to division (B) of section 5739.211 and division (B) of section 94  
5741.031 of the Revised Code. 95

(H) "Public roads" includes all public highways, roads, 96  
and streets in the state, whether maintained by the state, 97  
county, city, township, or other political subdivision. 98

(I) "Construction," unless the context indicates a 99  
different meaning or intent, includes, but is not limited to, 100  
reconstruction, enlargement, improvement, or providing fixtures, 101  
furnishings, and equipment. 102

(J) "Convention facilities authority revenue bonds" or 103  
"revenue bonds," unless the context indicates a different 104  
meaning or intent, includes convention facilities authority 105  
revenue notes, convention facilities authority revenue renewal 106  
notes, and convention facilities authority revenue refunding 107  
bonds. 108

(K) "Convention facilities authority tax anticipation 109

bonds" or "tax anticipation bonds," unless the context indicates 110  
a different meaning, includes convention facilities authority 111  
tax anticipation bonds, tax anticipation notes, tax anticipation 112  
renewal notes, and tax anticipation refunding bonds. 113

(L) "Bonds and notes" means convention facilities 114  
authority revenue bonds and convention facilities authority tax 115  
anticipation bonds. 116

(M) "Territory of the authority" means all of the area of 117  
the county creating the convention facilities authority. 118

(N) "Excise taxes" means any of the taxes levied pursuant 119  
to division (B) or (C) of section 351.021 of the Revised Code. 120  
"Excise taxes" does not include taxes levied pursuant to section 121  
4301.424, 5743.026, or 5743.324 of the Revised Code. 122

(O) "Transaction" means the charge by a hotel or short- 123  
term rental property for each occupancy by transient guests of a 124  
room or suite of rooms used in a hotel or short-term rental 125  
property as a single unit for any period of twenty-four hours or 126  
less. 127

(P) ~~"Hotel"~~ "Hotel," "short-term rental property," and 128  
"transient guests" have the same meanings as in section 5739.01 129  
of the Revised Code. 130

(Q) "Sports facility" means a facility intended to house 131  
major league professional athletic teams. 132

(R) "Constructing" or "construction" includes providing 133  
fixtures, furnishings, and equipment. 134

**Sec. 351.021.** (A) The resolution of the county 135  
commissioners creating a convention facilities authority, or any 136  
amendment or supplement to that resolution, may authorize the 137

authority to levy one or both of the excise taxes authorized by 138  
division (B) of this section to pay the cost of one or more 139  
facilities; to pay principal, interest, and premium on 140  
convention facilities authority tax anticipation bonds issued to 141  
pay those costs; to pay the operating costs of the authority; to 142  
pay operating and maintenance costs of those facilities; and to 143  
pay the costs of administering the excise tax. 144

(B) The board of directors of a convention facilities 145  
authority that has been authorized pursuant to resolution 146  
adopted, amended, or supplemented by the board of county 147  
commissioners pursuant to division (A) of this section may levy, 148  
by resolution adopted on or before December 31, 1988, either or 149  
both of the following: 150

(1) Within the territory of the authority, an additional 151  
excise tax not to exceed four per cent on each transaction. The 152  
excise tax authorized by division (B) (1) of this section shall 153  
be in addition to any excise tax levied pursuant to section 154  
5739.08 or 5739.09 of the Revised Code, or division (B) (2) of 155  
this section. 156

(2) Within that portion of any municipal corporation that 157  
is located within the territory of the authority or within the 158  
boundaries of any township that is located within the territory 159  
of the authority, which municipal corporation or township is 160  
levying any portion of the excise tax authorized by division (A) 161  
of section 5739.08 of the Revised Code, and with the approval, 162  
by ordinance or resolution, of the legislative authority of that 163  
municipal corporation or township, an additional excise tax not 164  
to exceed nine-tenths of one per cent on each transaction. The 165  
excise tax authorized by division (B) (2) of this section may be 166  
levied only if, on the effective date of the levy specified in 167

the resolution making the levy, the amount being levied pursuant 168  
to division (A) of section 5739.08 of the Revised Code by each 169  
municipal corporation or township in which the tax authorized by 170  
division (B) (2) of this section will be levied, when added to 171  
the amount levied under division (B) (2) of this section, does 172  
not exceed three per cent on each transaction. The excise tax 173  
authorized by division (B) (2) of this section shall be in 174  
addition to any excise tax that is levied pursuant to section 175  
5739.08 or 5739.09 of the Revised Code, or division (B) (1) of 176  
this section. 177

(C) (1) The board of directors of a convention facilities 178  
authority that is located in an eligible Appalachian county; 179  
that has been authorized pursuant to resolution adopted, 180  
amended, or supplemented by the board of county commissioners 181  
pursuant to division (A) of this section; and that is not 182  
levying a tax under division (B) (1) or (2) of this section may 183  
levy within the territory of the authority, by resolution 184  
adopted on or before December 31, 2005, an additional excise tax 185  
not to exceed three per cent on each transaction. The excise tax 186  
authorized under division (C) (1) of this section shall be in 187  
addition to any excise tax levied pursuant to section 5739.08 or 188  
5739.09 of the Revised Code. 189

As used in division (C) (1) of this section, "eligible 190  
Appalachian county" means a county in this state designated as 191  
being in the "Appalachian region" under the "Appalachian 192  
Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 193  
403, and having a population less than eighty thousand according 194  
to the most recent federal decennial census. 195

(2) Division (C) (2) of this section applies only to a 196  
convention facilities authority located in a county with a 197

population, according to the 2000 federal decennial census, of 198  
at least one hundred thirty-five thousand and not more than one 199  
hundred fifty thousand and containing entirely within its 200  
boundaries the territory of a municipal corporation with a 201  
population according to that census of more than fifty thousand. 202  
The board of directors of such a convention facilities 203  
authority, by resolution adopted on or before November 1, 2009, 204  
may levy within the territory of the authority an excise tax on 205  
transactions by which lodging by a hotel or short-term rental 206  
property is or is to be furnished to transient guests at a rate 207  
not to exceed three per cent on such transactions for the same 208  
purposes for which a tax may be levied under division (B) of 209  
this section. The resolution may be adopted only if the board of 210  
county commissioners of the county, by resolution, authorizes 211  
the levy of the tax. The resolution of the board of county 212  
commissioners is subject to referendum as prescribed by sections 213  
305.31 to 305.41 of the Revised Code. If, pursuant to those 214  
procedures, a referendum is to be held, the board's resolution 215  
does not take effect until approved by a majority of electors 216  
voting on the question. The convention facilities authority may 217  
adopt the resolution authorized by division (C) (2) of this 218  
section before the election, but the authority's resolution 219  
shall not take effect if the board of commissioners' resolution 220  
is not approved at the election. A tax levied under division (C) 221  
(2) of this section is in addition to any tax levied under 222  
section 5739.09 of the Revised Code. 223

The board of directors of a convention facilities 224  
authority that levies an excise tax under division (C) (2) of 225  
this section may, by resolution adopted by a majority of the 226  
members of the board on or before November 1, 2021, amend the 227  
resolution levying the tax to increase the rate of the tax by 228

not more than an additional one per cent on each transaction. 229  
The resolution shall provide that all revenue from the increase 230  
in rate shall be used for the same purposes for which a tax may 231  
be levied under division (B) of this section. The resolution may 232  
be adopted only if the board of county commissioners of the 233  
county, by resolution, authorizes the rate increase. 234

(3) The board of directors of a convention facilities 235  
authority created between July 1, 2019, and December 31, 2019, 236  
by resolution adopted on or before December 30, 2020, may levy 237  
within the territory of the authority an excise tax on 238  
transactions by which lodging by a hotel or short-term rental 239  
property is or is to be furnished to transient guests at a rate 240  
not to exceed three per cent on such transactions for the 241  
purposes described in division (A) of this section. This tax 242  
shall be in addition to any excise tax levied pursuant to this 243  
section or section 5739.08 or 5739.09 of the Revised Code. The 244  
resolution levying the tax shall not take effect sooner than 245  
ninety days after the convention facilities authority is 246  
created. 247

(D) The authority shall provide for the administration and 248  
allocation of an excise tax levied pursuant to division (B) or 249  
(C) of this section. All receipts arising from those excise 250  
taxes shall be expended for the purposes provided in, and in 251  
accordance with this section and section 351.141 of the Revised 252  
Code. An excise tax levied under division (B) or (C) of this 253  
section shall remain in effect at the rate at which it is levied 254  
for at least the duration of the period for which the receipts 255  
from the tax have been anticipated and pledged pursuant to 256  
section 351.141 of the Revised Code. 257

(E) Except as provided in division (B) (2) of this section, 258

the levy of an excise tax on each transaction pursuant to 259  
sections 5739.08 and 5739.09 of the Revised Code does not 260  
prevent a convention facilities authority from levying an excise 261  
tax pursuant to division (B) or (C) of this section. 262

(F) A convention facilities authority located in a county 263  
with a population greater than eighty thousand but less than 264  
ninety thousand according to the 2010 federal decennial census 265  
that levies a tax under division (B) of this section may amend 266  
the resolution levying the tax to allocate a portion of the 267  
revenue from the tax for support of tourism-related sites or 268  
facilities and programs operated by the county or a municipal 269  
corporation within the county in which the authority is located 270  
or for the purpose of leasing lands for county fairs, erecting 271  
buildings for county fair purposes, making improvements on a 272  
county fairground, or for any purpose connected with the use of 273  
a county fairground or with the management thereof by the county 274  
in which the authority is located. The revenue allocated by the 275  
authority for such purposes in a calendar year shall not exceed 276  
twenty-five per cent of the total revenue from the tax in the 277  
preceding calendar year. Revenue allocated for such purposes 278  
that is not fully used by the end of the calendar year may be 279  
carried forward for use in subsequent calendar years. Any amount 280  
carried forward does not count toward the limitation on the 281  
amount that may be allocated for such purposes in succeeding 282  
calendar years. 283

**Sec. 353.06.** As used in this section, ~~"hotel"~~ "hotel," 284  
"short-term rental property," and "transient guests" have the 285  
same meanings as in section 5739.01 of the Revised Code. 286

A resolution creating a lake facilities authority under 287  
section 353.02 of the Revised Code, or any amendments or 288

supplements thereto, may authorize the authority to levy an 289  
excise tax on transactions by which lodging in a hotel or short- 290  
term rental property is or is to be furnished to transient 291  
guests to pay any costs authorized under this chapter; to pay 292  
principal, interest, and premium on lake facilities authority 293  
tax anticipation bonds issued to pay those costs; to pay the 294  
operating costs of the authority; and to pay the costs of 295  
administering the tax. 296

Upon the affirmative vote of at least a majority of the 297  
qualified electors in a primary or general election within the 298  
impacted lake district voting at an election held for the 299  
purpose of authorizing the tax, the board of directors of a lake 300  
facilities authority authorized to levy a tax under this section 301  
may, by resolution, levy an additional excise tax within the 302  
territory of the impacted lake district on all transactions by 303  
which lodging in a hotel or short-term rental property is or is 304  
to be furnished to transient guests. The rate of the tax, when 305  
added to the aggregate rate of excise taxes levied in the 306  
impacted lake district pursuant to section 351.021, 5739.08, or 307  
5739.09 of the Revised Code, shall not cause the total aggregate 308  
rate to exceed five per cent on any such transaction. 309

The lake facilities authority shall provide for the 310  
administration and allocation of a tax levied pursuant to this 311  
section. All receipts arising from the tax shall be expended for 312  
the purposes provided in, and in accordance with, this section. 313  
An excise tax levied under this section shall remain in effect 314  
at the rate at which it is levied for at least the duration of 315  
the period for which the receipts from the tax have been 316  
anticipated and pledged pursuant to section 353.08 of the 317  
Revised Code. 318

The form of the ballot in an election held on the question 319  
of levying a tax proposed pursuant to this section shall be as 320  
follows or in any other form acceptable to the secretary of 321  
state: 322

"An excise tax on all transactions by which lodging in a 323  
hotel is or is to be furnished to transient guests within the 324  
territory of the (name of impacted lake district) \_\_\_\_\_ 325  
for the purpose of \_\_\_\_\_ at a rate of \_\_\_\_\_ for 326  
\_\_\_\_\_ (number of years the tax is to be levied). 327

	For the Excise Tax
	Against the Excise Tax

"

**Sec. 5739.01.** As used in this chapter: 329

(A) "Person" includes individuals, receivers, assignees, 330  
trustees in bankruptcy, estates, firms, partnerships, 331  
associations, joint-stock companies, joint ventures, clubs, 332  
societies, corporations, the state and its political 333  
subdivisions, and combinations of individuals of any form. 334

(B) "Sale" and "selling" include all of the following 335  
transactions for a consideration in any manner, whether 336  
absolutely or conditionally, whether for a price or rental, in 337  
money or by exchange, and by any means whatsoever: 338

(1) All transactions by which title or possession, or 339  
both, of tangible personal property, is or is to be transferred, 340  
or a license to use or consume tangible personal property is or 341  
is to be granted; 342

(2) All transactions by which lodging by a hotel or short- 343  
term rental property is or is to be furnished to transient 344

guests; 345

(3) All transactions by which: 346

(a) An item of tangible personal property is or is to be 347  
repaired, except property, the purchase of which would not be 348  
subject to the tax imposed by section 5739.02 of the Revised 349  
Code; 350

(b) An item of tangible personal property is or is to be 351  
installed, except property, the purchase of which would not be 352  
subject to the tax imposed by section 5739.02 of the Revised 353  
Code or property that is or is to be incorporated into and will 354  
become a part of a production, transmission, transportation, or 355  
distribution system for the delivery of a public utility 356  
service; 357

(c) The service of washing, cleaning, waxing, polishing, 358  
or painting a motor vehicle is or is to be furnished; 359

(d) Laundry and dry cleaning services are or are to be 360  
provided; 361

(e) Automatic data processing, computer services, or 362  
electronic information services are or are to be provided for 363  
use in business when the true object of the transaction is the 364  
receipt by the consumer of automatic data processing, computer 365  
services, or electronic information services rather than the 366  
receipt of personal or professional services to which automatic 367  
data processing, computer services, or electronic information 368  
services are incidental or supplemental. Notwithstanding any 369  
other provision of this chapter, such transactions that occur 370  
between members of an affiliated group are not sales. An 371  
"affiliated group" means two or more persons related in such a 372  
way that one person owns or controls the business operation of 373

another member of the group. In the case of corporations with 374  
stock, one corporation owns or controls another if it owns more 375  
than fifty per cent of the other corporation's common stock with 376  
voting rights. 377

(f) Telecommunications service, including prepaid calling 378  
service, prepaid wireless calling service, or ancillary service, 379  
is or is to be provided, but not including coin-operated 380  
telephone service; 381

(g) Landscaping and lawn care service is or is to be 382  
provided; 383

(h) Private investigation and security service is or is to 384  
be provided; 385

(i) Information services or tangible personal property is 386  
provided or ordered by means of a nine hundred telephone call; 387

(j) Building maintenance and janitorial service is or is 388  
to be provided; 389

(k) Exterminating service is or is to be provided; 390

(l) Physical fitness facility service is or is to be 391  
provided; 392

(m) Recreation and sports club service is or is to be 393  
provided; 394

(n) Satellite broadcasting service is or is to be 395  
provided; 396

(o) Personal care service is or is to be provided to an 397  
individual. As used in this division, "personal care service" 398  
includes skin care, the application of cosmetics, manicuring, 399  
pedicuring, hair removal, tattooing, body piercing, tanning, 400

massage, and other similar services. "Personal care service" 401  
does not include a service provided by or on the order of a 402  
licensed physician, certified nurse-midwife, clinical nurse 403  
specialist, certified nurse practitioner, or chiropractor, or 404  
the cutting, coloring, or styling of an individual's hair. 405

(p) The transportation of persons by motor vehicle or 406  
aircraft is or is to be provided, when the transportation is 407  
entirely within this state, except for transportation provided 408  
by an ambulance service, by a transit bus, as defined in section 409  
5735.01 of the Revised Code, and transportation provided by a 410  
citizen of the United States holding a certificate of public 411  
convenience and necessity issued under 49 U.S.C. 41102; 412

(q) Motor vehicle towing service is or is to be provided. 413  
As used in this division, "motor vehicle towing service" means 414  
the towing or conveyance of a wrecked, disabled, or illegally 415  
parked motor vehicle. 416

(r) Snow removal service is or is to be provided. As used 417  
in this division, "snow removal service" means the removal of 418  
snow by any mechanized means, but does not include the providing 419  
of such service by a person that has less than five thousand 420  
dollars in sales of such service during the calendar year. 421

(s) Electronic publishing service is or is to be provided 422  
to a consumer for use in business, except that such transactions 423  
occurring between members of an affiliated group, as defined in 424  
division (B) (3) (e) of this section, are not sales. 425

(4) All transactions by which printed, imprinted, 426  
overprinted, lithographic, multilithic, blueprinted, 427  
photostatic, or other productions or reproductions of written or 428  
graphic matter are or are to be furnished or transferred; 429

(5) The production or fabrication of tangible personal 430  
property for a consideration for consumers who furnish either 431  
directly or indirectly the materials used in the production of 432  
fabrication work; and include the furnishing, preparing, or 433  
serving for a consideration of any tangible personal property 434  
consumed on the premises of the person furnishing, preparing, or 435  
serving such tangible personal property. Except as provided in 436  
section 5739.03 of the Revised Code, a construction contract 437  
pursuant to which tangible personal property is or is to be 438  
incorporated into a structure or improvement on and becoming a 439  
part of real property is not a sale of such tangible personal 440  
property. The construction contractor is the consumer of such 441  
tangible personal property, provided that the sale and 442  
installation of carpeting, the sale and installation of 443  
agricultural land tile, the sale and erection or installation of 444  
portable grain bins, or the provision of landscaping and lawn 445  
care service and the transfer of property as part of such 446  
service is never a construction contract. 447

As used in division (B) (5) of this section: 448

(a) "Agricultural land tile" means fired clay or concrete 449  
tile, or flexible or rigid perforated plastic pipe or tubing, 450  
incorporated or to be incorporated into a subsurface drainage 451  
system appurtenant to land used or to be used primarily in 452  
production by farming, agriculture, horticulture, or 453  
floriculture. The term does not include such materials when they 454  
are or are to be incorporated into a drainage system appurtenant 455  
to a building or structure even if the building or structure is 456  
used or to be used in such production. 457

(b) "Portable grain bin" means a structure that is used or 458  
to be used by a person engaged in farming or agriculture to 459

shelter the person's grain and that is designed to be 460  
disassembled without significant damage to its component parts. 461

(6) All transactions in which all of the shares of stock 462  
of a closely held corporation are transferred, or an ownership 463  
interest in a pass-through entity, as defined in section 5733.04 464  
of the Revised Code, is transferred, if the corporation or pass- 465  
through entity is not engaging in business and its entire assets 466  
consist of boats, planes, motor vehicles, or other tangible 467  
personal property operated primarily for the use and enjoyment 468  
of the shareholders or owners; 469

(7) All transactions in which a warranty, maintenance or 470  
service contract, or similar agreement by which the vendor of 471  
the warranty, contract, or agreement agrees to repair or 472  
maintain the tangible personal property of the consumer is or is 473  
to be provided; 474

(8) The transfer of copyrighted motion picture films used 475  
solely for advertising purposes, except that the transfer of 476  
such films for exhibition purposes is not a sale; 477

(9) All transactions by which tangible personal property 478  
is or is to be stored, except such property that the consumer of 479  
the storage holds for sale in the regular course of business; 480

(10) All transactions in which "guaranteed auto 481  
protection" is provided whereby a person promises to pay to the 482  
consumer the difference between the amount the consumer receives 483  
from motor vehicle insurance and the amount the consumer owes to 484  
a person holding title to or a lien on the consumer's motor 485  
vehicle in the event the consumer's motor vehicle suffers a 486  
total loss under the terms of the motor vehicle insurance policy 487  
or is stolen and not recovered, if the protection and its price 488

are included in the purchase or lease agreement; 489

(11) (a) Except as provided in division (B) (11) (b) of this 490  
section, all transactions by which health care services are paid 491  
for, reimbursed, provided, delivered, arranged for, or otherwise 492  
made available by a medicaid health insuring corporation 493  
pursuant to the corporation's contract with the state. 494

(b) If the centers for medicare and medicaid services of 495  
the United States department of health and human services 496  
determines that the taxation of transactions described in 497  
division (B) (11) (a) of this section constitutes an impermissible 498  
health care-related tax under the "Social Security Act," section 499  
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 500  
the medicaid director shall notify the tax commissioner of that 501  
determination. Beginning with the first day of the month 502  
following that notification, the transactions described in 503  
division (B) (11) (a) of this section are not sales for the 504  
purposes of this chapter or Chapter 5741. of the Revised Code. 505  
The tax commissioner shall order that the collection of taxes 506  
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 507  
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 508  
for transactions occurring on or after that date. 509

(12) All transactions by which a specified digital product 510  
is provided for permanent use or less than permanent use, 511  
regardless of whether continued payment is required. 512

(13) All transactions by a delivery network company for 513  
the company's delivery network services, provided the company 514  
has a waiver issued under section 5741.072 of the Revised Code. 515

Except as provided in this section, "sale" and "selling" 516  
do not include transfers of interest in leased property where 517

the original lessee and the terms of the original lease 518  
agreement remain unchanged, or professional, insurance, or 519  
personal service transactions that involve the transfer of 520  
tangible personal property as an inconsequential element, for 521  
which no separate charges are made. 522

(C) "Vendor" means the person providing the service or by 523  
whom the transfer effected or license given by a sale is or is 524  
to be made or given and, for sales described in division (B) (3) 525  
(i) of this section, the telecommunications service vendor that 526  
provides the nine hundred telephone service; if two or more 527  
persons are engaged in business at the same place of business 528  
under a single trade name in which all collections on account of 529  
sales by each are made, such persons shall constitute a single 530  
vendor. 531

Physicians, certified nurse-midwives, clinical nurse 532  
specialists, certified nurse practitioners, dentists, hospitals, 533  
and veterinarians who are engaged in selling tangible personal 534  
property as received from others, such as eyeglasses, 535  
mouthwashes, dentifrices, or similar articles, are vendors. 536  
Veterinarians who are engaged in transferring to others for a 537  
consideration drugs, the dispensing of which does not require an 538  
order of a licensed veterinarian, physician, certified nurse- 539  
midwife, clinical nurse specialist, or certified nurse 540  
practitioner under federal law, are vendors. 541

The operator of any peer-to-peer car sharing program shall 542  
be considered to be the vendor. 543

The operator of a short-term rental platform shall be 544  
considered to be the vendor on all transactions by which lodging 545  
by a hotel or short-term rental property is or is to be 546  
furnished to transient guests through use of the platform. 547

(D) (1) "Consumer" means the person for whom the service is 548  
provided, to whom the transfer effected or license given by a 549  
sale is or is to be made or given, to whom the service described 550  
in division (B) (3) (f) or (i) of this section is charged, or to 551  
whom the admission is granted. 552

(2) Physicians, certified nurse-midwives, clinical nurse 553  
specialists, certified nurse practitioners, dentists, hospitals, 554  
and blood banks operated by nonprofit institutions and persons 555  
licensed to practice veterinary medicine, surgery, and dentistry 556  
are consumers of all tangible personal property and services 557  
purchased by them in connection with the practice of medicine, 558  
dentistry, the rendition of hospital or blood bank service, or 559  
the practice of veterinary medicine, surgery, and dentistry. In 560  
addition to being consumers of drugs administered by them or by 561  
their assistants according to their direction, veterinarians 562  
also are consumers of drugs that under federal law may be 563  
dispensed only by or upon the order of a licensed veterinarian, 564  
physician, certified nurse-midwife, clinical nurse specialist, 565  
or certified nurse practitioner, when transferred by them to 566  
others for a consideration to provide treatment to animals as 567  
directed by the veterinarian. 568

(3) A person who performs a facility management, or 569  
similar service contract for a contractee is a consumer of all 570  
tangible personal property and services purchased for use in 571  
connection with the performance of such contract, regardless of 572  
whether title to any such property vests in the contractee. The 573  
purchase of such property and services is not subject to the 574  
exception for resale under division (E) of this section. 575

(4) (a) In the case of a person who purchases printed 576  
matter for the purpose of distributing it or having it 577

distributed to the public or to a designated segment of the 578  
public, free of charge, that person is the consumer of that 579  
printed matter, and the purchase of that printed matter for that 580  
purpose is a sale. 581

(b) In the case of a person who produces, rather than 582  
purchases, printed matter for the purpose of distributing it or 583  
having it distributed to the public or to a designated segment 584  
of the public, free of charge, that person is the consumer of 585  
all tangible personal property and services purchased for use or 586  
consumption in the production of that printed matter. That 587  
person is not entitled to claim exemption under division (B) (42) 588  
(f) of section 5739.02 of the Revised Code for any material 589  
incorporated into the printed matter or any equipment, supplies, 590  
or services primarily used to produce the printed matter. 591

(c) The distribution of printed matter to the public or to 592  
a designated segment of the public, free of charge, is not a 593  
sale to the members of the public to whom the printed matter is 594  
distributed or to any persons who purchase space in the printed 595  
matter for advertising or other purposes. 596

(5) A person who makes sales of any of the services listed 597  
in division (B) (3) of this section is the consumer of any 598  
tangible personal property used in performing the service. The 599  
purchase of that property is not subject to the resale exception 600  
under division (E) of this section. 601

(6) A person who engages in highway transportation for 602  
hire is the consumer of all packaging materials purchased by 603  
that person and used in performing the service, except for 604  
packaging materials sold by such person in a transaction 605  
separate from the service. 606

(7) In the case of a transaction for health care services 607  
under division (B) (11) of this section, a medicaid health 608  
insuring corporation is the consumer of such services. The 609  
purchase of such services by a medicaid health insuring 610  
corporation is not subject to the exception for resale under 611  
division (E) of this section or to the exemptions provided under 612  
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 613  
the Revised Code. 614

(E) "Retail sale" and "sales at retail" include all sales, 615  
except those in which the purpose of the consumer is to resell 616  
the thing transferred or benefit of the service provided, by a 617  
person engaging in business, in the form in which the same is, 618  
or is to be, received by the person. 619

(F) "Business" includes any activity engaged in by any 620  
person with the object of gain, benefit, or advantage, either 621  
direct or indirect. "Business" does not include the activity of 622  
a person in managing and investing the person's own funds. 623

(G) "Engaging in business" means commencing, conducting, 624  
or continuing in business, and liquidating a business when the 625  
liquidator thereof holds itself out to the public as conducting 626  
such business. Making a casual sale is not engaging in business. 627

(H) (1) (a) "Price," except as provided in divisions (H) (2), 628  
(3), and (4) of this section, means the total amount of 629  
consideration, including cash, credit, property, and services, 630  
for which tangible personal property or services are sold, 631  
leased, or rented, valued in money, whether received in money or 632  
otherwise, without any deduction for any of the following: 633

(i) The vendor's cost of the property sold; 634

(ii) The cost of materials used, labor or service costs, 635

interest, losses, all costs of transportation to the vendor, all 636  
taxes imposed on the vendor, including the tax imposed under 637  
Chapter 5751. of the Revised Code, and any other expense of the 638  
vendor; 639

(iii) Charges by the vendor for any services necessary to 640  
complete the sale; 641

(iv) Delivery charges. As used in this division, "delivery 642  
charges" means charges by the vendor for preparation and 643  
delivery to a location designated by the consumer of tangible 644  
personal property or a service, including transportation, 645  
shipping, postage, handling, crating, and packing. 646

(v) Installation charges; 647

(vi) Credit for any trade-in. 648

(b) "Price" includes consideration received by the vendor 649  
from a third party, if the vendor actually receives the 650  
consideration from a party other than the consumer, and the 651  
consideration is directly related to a price reduction or 652  
discount on the sale; the vendor has an obligation to pass the 653  
price reduction or discount through to the consumer; the amount 654  
of the consideration attributable to the sale is fixed and 655  
determinable by the vendor at the time of the sale of the item 656  
to the consumer; and one of the following criteria is met: 657

(i) The consumer presents a coupon, certificate, or other 658  
document to the vendor to claim a price reduction or discount 659  
where the coupon, certificate, or document is authorized, 660  
distributed, or granted by a third party with the understanding 661  
that the third party will reimburse any vendor to whom the 662  
coupon, certificate, or document is presented; 663

(ii) The consumer identifies the consumer's self to the 664

seller as a member of a group or organization entitled to a 665  
price reduction or discount. A preferred customer card that is 666  
available to any patron does not constitute membership in such a 667  
group or organization. 668

(iii) The price reduction or discount is identified as a 669  
third party price reduction or discount on the invoice received 670  
by the consumer, or on a coupon, certificate, or other document 671  
presented by the consumer. 672

(c) "Price" does not include any of the following: 673

(i) Discounts, including cash, term, or coupons that are 674  
not reimbursed by a third party that are allowed by a vendor and 675  
taken by a consumer on a sale; 676

(ii) Interest, financing, and carrying charges from credit 677  
extended on the sale of tangible personal property or services, 678  
if the amount is separately stated on the invoice, bill of sale, 679  
or similar document given to the purchaser; 680

(iii) Any taxes legally imposed directly on the consumer 681  
that are separately stated on the invoice, bill of sale, or 682  
similar document given to the consumer. For the purpose of this 683  
division, the tax imposed under Chapter 5751. of the Revised 684  
Code is not a tax directly on the consumer, even if the tax or a 685  
portion thereof is separately stated. 686

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 687  
this section, any discount allowed by an automobile manufacturer 688  
to its employee, or to the employee of a supplier, on the 689  
purchase of a new motor vehicle from a new motor vehicle dealer 690  
in this state. 691

(v) The dollar value of a gift card that is not sold by a 692  
vendor or purchased by a consumer and that is redeemed by the 693

consumer in purchasing tangible personal property or services if 694  
the vendor is not reimbursed and does not receive compensation 695  
from a third party to cover all or part of the gift card value. 696  
For the purposes of this division, a gift card is not sold by a 697  
vendor or purchased by a consumer if it is distributed pursuant 698  
to an awards, loyalty, or promotional program. Past and present 699  
purchases of tangible personal property or services by the 700  
consumer shall not be treated as consideration exchanged for a 701  
gift card. 702

(2) In the case of a sale of any new motor vehicle by a 703  
new motor vehicle dealer, as defined in section 4517.01 of the 704  
Revised Code, in which another motor vehicle is accepted by the 705  
dealer as part of the consideration received, "price" has the 706  
same meaning as in division (H) (1) of this section, reduced by 707  
the credit afforded the consumer by the dealer for the motor 708  
vehicle received in trade. 709

(3) In the case of a sale of any watercraft or outboard 710  
motor by a watercraft dealer licensed in accordance with section 711  
1547.543 of the Revised Code, in which another watercraft, 712  
watercraft and trailer, or outboard motor is accepted by the 713  
dealer as part of the consideration received, "price" has the 714  
same meaning as in division (H) (1) of this section, reduced by 715  
the credit afforded the consumer by the dealer for the 716  
watercraft, watercraft and trailer, or outboard motor received 717  
in trade. As used in this division, "watercraft" includes an 718  
outdrive unit attached to the watercraft. 719

(4) In the case of transactions for health care services 720  
under division (B) (11) of this section, "price" means the amount 721  
of managed care premiums received each month by a medicaid 722  
health insuring corporation. 723

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

(J) "Place of business" means any location at which a person engages in business.

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

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

(M) "Hotel" means every establishment kept, used,

maintained, advertised, or held out to the public to be a place 754  
where sleeping accommodations are offered to guests, in which 755  
five or more rooms are used for the accommodation of such 756  
guests, whether the rooms are in one or several structures, 757  
~~except as otherwise provided in section 5739.091 of the Revised~~ 758  
~~Code.~~ 759

(N) "Transient guests" means persons occupying a room or 760  
rooms for sleeping accommodations for less than thirty 761  
consecutive days. 762

(O) "Making retail sales" means the effecting of 763  
transactions wherein one party is obligated to pay the price and 764  
the other party is obligated to provide a service or to transfer 765  
title to or possession of the item sold. "Making retail sales" 766  
does not include the preliminary acts of promoting or soliciting 767  
the retail sales, other than the distribution of printed matter 768  
which displays or describes and prices the item offered for 769  
sale, nor does it include delivery of a predetermined quantity 770  
of tangible personal property or transportation of property or 771  
personnel to or from a place where a service is performed. 772

(P) "Used directly in the rendition of a public utility 773  
service" means that property that is to be incorporated into and 774  
will become a part of the consumer's production, transmission, 775  
transportation, or distribution system and that retains its 776  
classification as tangible personal property after such 777  
incorporation; fuel or power used in the production, 778  
transmission, transportation, or distribution system; and 779  
tangible personal property used in the repair and maintenance of 780  
the production, transmission, transportation, or distribution 781  
system, including only such motor vehicles as are specially 782  
designed and equipped for such use. Tangible personal property 783

and services used primarily in providing highway transportation 784  
for hire are not used directly in the rendition of a public 785  
utility service. In this definition, "public utility" includes a 786  
citizen of the United States holding, and required to hold, a 787  
certificate of public convenience and necessity issued under 49 788  
U.S.C. 41102. 789

(Q) "Refining" means removing or separating a desirable 790  
product from raw or contaminated materials by distillation or 791  
physical, mechanical, or chemical processes. 792

(R) "Assembly" and "assembling" mean attaching or fitting 793  
together parts to form a product, but do not include packaging a 794  
product. 795

(S) "Manufacturing operation" means a process in which 796  
materials are changed, converted, or transformed into a 797  
different state or form from which they previously existed and 798  
includes refining materials, assembling parts, and preparing raw 799  
materials and parts by mixing, measuring, blending, or otherwise 800  
committing such materials or parts to the manufacturing process. 801  
"Manufacturing operation" does not include packaging. 802

(T) "Fiscal officer" means, with respect to a regional 803  
transit authority, the secretary-treasurer thereof, and with 804  
respect to a county that is a transit authority, the fiscal 805  
officer of the county transit board if one is appointed pursuant 806  
to section 306.03 of the Revised Code or the county auditor if 807  
the board of county commissioners operates the county transit 808  
system. 809

(U) "Transit authority" means a regional transit authority 810  
created pursuant to section 306.31 of the Revised Code or a 811  
county in which a county transit system is created pursuant to 812

section 306.01 of the Revised Code. For the purposes of this 813  
chapter, a transit authority must extend to at least the entire 814  
area of a single county. A transit authority that includes 815  
territory in more than one county must include all the area of 816  
the most populous county that is a part of such transit 817  
authority. County population shall be measured by the most 818  
recent census taken by the United States census bureau. 819

(V) "Legislative authority" means, with respect to a 820  
regional transit authority, the board of trustees thereof, and 821  
with respect to a county that is a transit authority, the board 822  
of county commissioners. 823

(W) "Territory of the transit authority" means all of the 824  
area included within the territorial boundaries of a transit 825  
authority as they from time to time exist. Such territorial 826  
boundaries must at all times include all the area of a single 827  
county or all the area of the most populous county that is a 828  
part of such transit authority. County population shall be 829  
measured by the most recent census taken by the United States 830  
census bureau. 831

(X) "Providing a service" means providing or furnishing 832  
anything described in division (B) (3) of this section for 833  
consideration. 834

(Y) (1) (a) "Automatic data processing" means processing of 835  
others' data, including keypunching or similar data entry 836  
services together with verification thereof, or providing access 837  
to computer equipment for the purpose of processing data. 838

(b) "Computer services" means providing services 839  
consisting of specifying computer hardware configurations and 840  
evaluating technical processing characteristics, computer 841

programming, and training of computer programmers and operators, 842  
provided in conjunction with and to support the sale, lease, or 843  
operation of taxable computer equipment or systems. 844

(c) "Electronic information services" means providing 845  
access to computer equipment by means of telecommunications 846  
equipment for the purpose of either of the following: 847

(i) Examining or acquiring data stored in or accessible to 848  
the computer equipment; 849

(ii) Placing data into the computer equipment to be 850  
retrieved by designated recipients with access to the computer 851  
equipment. 852

"Electronic information services" does not include 853  
electronic publishing. 854

(d) "Automatic data processing, computer services, or 855  
electronic information services" shall not include personal or 856  
professional services. 857

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 858  
section, "personal and professional services" means all services 859  
other than automatic data processing, computer services, or 860  
electronic information services, including but not limited to: 861

(a) Accounting and legal services such as advice on tax 862  
matters, asset management, budgetary matters, quality control, 863  
information security, and auditing and any other situation where 864  
the service provider receives data or information and studies, 865  
alters, analyzes, interprets, or adjusts such material; 866

(b) Analyzing business policies and procedures; 867

(c) Identifying management information needs; 868

(d) Feasibility studies, including economic and technical 869  
analysis of existing or potential computer hardware or software 870  
needs and alternatives; 871

(e) Designing policies, procedures, and custom software 872  
for collecting business information, and determining how data 873  
should be summarized, sequenced, formatted, processed, 874  
controlled, and reported so that it will be meaningful to 875  
management; 876

(f) Developing policies and procedures that document how 877  
business events and transactions are to be authorized, executed, 878  
and controlled; 879

(g) Testing of business procedures; 880

(h) Training personnel in business procedure applications; 881

(i) Providing credit information to users of such 882  
information by a consumer reporting agency, as defined in the 883  
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 884  
U.S.C. 1681a(f), or as hereafter amended, including but not 885  
limited to gathering, organizing, analyzing, recording, and 886  
furnishing such information by any oral, written, graphic, or 887  
electronic medium; 888

(j) Providing debt collection services by any oral, 889  
written, graphic, or electronic means; 890

(k) Providing digital advertising services; 891

(l) Providing services to electronically file any federal, 892  
state, or local individual income tax return, report, or other 893  
related document or schedule with a federal, state, or local 894  
government entity or to electronically remit a payment of any 895  
such individual income tax to such an entity. For the purpose of 896

this division, "individual income tax" does not include federal, 897  
state, or local taxes withheld by an employer from an employee's 898  
compensation. 899

The services listed in divisions (Y) (2) (a) to (l) of this 900  
section are not automatic data processing or computer services. 901

(Z) "Highway transportation for hire" means the 902  
transportation of personal property belonging to others for 903  
consideration by any of the following: 904

(1) The holder of a permit or certificate issued by this 905  
state or the United States authorizing the holder to engage in 906  
transportation of personal property belonging to others for 907  
consideration over or on highways, roadways, streets, or any 908  
similar public thoroughfare; 909

(2) A person who engages in the transportation of personal 910  
property belonging to others for consideration over or on 911  
highways, roadways, streets, or any similar public thoroughfare 912  
but who could not have engaged in such transportation on 913  
December 11, 1985, unless the person was the holder of a permit 914  
or certificate of the types described in division (Z) (1) of this 915  
section; 916

(3) A person who leases a motor vehicle to and operates it 917  
for a person described by division (Z) (1) or (2) of this 918  
section. 919

"Highway transportation for hire" does not include 920  
delivery network services. 921

(AA) (1) "Telecommunications service" means the electronic 922  
transmission, conveyance, or routing of voice, data, audio, 923  
video, or any other information or signals to a point, or 924  
between or among points. "Telecommunications service" includes 925

such transmission, conveyance, or routing in which computer 926  
processing applications are used to act on the form, code, or 927  
protocol of the content for purposes of transmission, 928  
conveyance, or routing without regard to whether the service is 929  
referred to as voice-over internet protocol service or is 930  
classified by the federal communications commission as enhanced 931  
or value-added. "Telecommunications service" does not include 932  
any of the following: 933

(a) Data processing and information services that allow 934  
data to be generated, acquired, stored, processed, or retrieved 935  
and delivered by an electronic transmission to a consumer where 936  
the consumer's primary purpose for the underlying transaction is 937  
the processed data or information; 938

(b) Installation or maintenance of wiring or equipment on 939  
a customer's premises; 940

(c) Tangible personal property; 941

(d) Advertising, including directory advertising; 942

(e) Billing and collection services provided to third 943  
parties; 944

(f) Internet access service; 945

(g) Radio and television audio and video programming 946  
services, regardless of the medium, including the furnishing of 947  
transmission, conveyance, and routing of such services by the 948  
programming service provider. Radio and television audio and 949  
video programming services include, but are not limited to, 950  
cable service, as defined in 47 U.S.C. 522(6), and audio and 951  
video programming services delivered by commercial mobile radio 952  
service providers, as defined in 47 C.F.R. 20.3; 953

(h) Ancillary service;	954
(i) Digital products delivered electronically, including	955
software, music, video, reading materials, or ring tones.	956
(2) "Ancillary service" means a service that is associated	957
with or incidental to the provision of telecommunications	958
service, including conference bridging service, detailed	959
telecommunications billing service, directory assistance,	960
vertical service, and voice mail service. As used in this	961
division:	962
(a) "Conference bridging service" means an ancillary	963
service that links two or more participants of an audio or video	964
conference call, including providing a telephone number.	965
"Conference bridging service" does not include	966
telecommunications services used to reach the conference bridge.	967
(b) "Detailed telecommunications billing service" means an	968
ancillary service of separately stating information pertaining	969
to individual calls on a customer's billing statement.	970
(c) "Directory assistance" means an ancillary service of	971
providing telephone number or address information.	972
(d) "Vertical service" means an ancillary service that is	973
offered in connection with one or more telecommunications	974
services, which offers advanced calling features that allow	975
customers to identify callers and manage multiple calls and call	976
connections, including conference bridging service.	977
(e) "Voice mail service" means an ancillary service that	978
enables the customer to store, send, or receive recorded	979
messages. "Voice mail service" does not include any vertical	980
services that the customer may be required to have in order to	981
utilize the voice mail service.	982

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

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

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

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

(7) "Coin-operated telephone service" means a 1013  
telecommunications service paid for by inserting money into a 1014  
telephone accepting direct deposits of money to operate. 1015

(8) "Customer" has the same meaning as in section 5739.034 1016  
of the Revised Code. 1017

(BB) "Laundry and dry cleaning services" means removing 1018  
soil or dirt from towels, linens, articles of clothing, or other 1019  
fabric items that belong to others and supplying towels, linens, 1020  
articles of clothing, or other fabric items. "Laundry and dry 1021  
cleaning services" does not include the provision of self- 1022  
service facilities for use by consumers to remove soil or dirt 1023  
from towels, linens, articles of clothing, or other fabric 1024  
items. 1025

(CC) "Magazines distributed as controlled circulation 1026  
publications" means magazines containing at least twenty-four 1027  
pages, at least twenty-five per cent editorial content, issued 1028  
at regular intervals four or more times a year, and circulated 1029  
without charge to the recipient, provided that such magazines 1030  
are not owned or controlled by individuals or business concerns 1031  
which conduct such publications as an auxiliary to, and 1032  
essentially for the advancement of the main business or calling 1033  
of, those who own or control them. 1034

(DD) "Landscaping and lawn care service" means the 1035  
services of planting, seeding, sodding, removing, cutting, 1036  
trimming, pruning, mulching, aerating, applying chemicals, 1037  
watering, fertilizing, and providing similar services to 1038  
establish, promote, or control the growth of trees, shrubs, 1039  
flowers, grass, ground cover, and other flora, or otherwise 1040  
maintaining a lawn or landscape grown or maintained by the owner 1041  
for ornamentation or other nonagricultural purpose. However, 1042

"landscaping and lawn care service" does not include the 1043  
providing of such services by a person who has less than five 1044  
thousand dollars in sales of such services during the calendar 1045  
year. 1046

(EE) "Private investigation and security service" means 1047  
the performance of any activity for which the provider of such 1048  
service is required to be licensed pursuant to Chapter 4749. of 1049  
the Revised Code, or would be required to be so licensed in 1050  
performing such services in this state, and also includes the 1051  
services of conducting polygraph examinations and of monitoring 1052  
or overseeing the activities on or in, or the condition of, the 1053  
consumer's home, business, or other facility by means of 1054  
electronic or similar monitoring devices. "Private investigation 1055  
and security service" does not include special duty services 1056  
provided by off-duty police officers, deputy sheriffs, and other 1057  
peace officers regularly employed by the state or a political 1058  
subdivision. 1059

(FF) "Information services" means providing conversation, 1060  
giving consultation or advice, playing or making a voice or 1061  
other recording, making or keeping a record of the number of 1062  
callers, and any other service provided to a consumer by means 1063  
of a nine hundred telephone call, except when the nine hundred 1064  
telephone call is the means by which the consumer makes a 1065  
contribution to a recognized charity. 1066

(GG) "Research and development" means designing, creating, 1067  
or formulating new or enhanced products, equipment, or 1068  
manufacturing processes, and also means conducting scientific or 1069  
technological inquiry and experimentation in the physical 1070  
sciences with the goal of increasing scientific knowledge which 1071  
may reveal the bases for new or enhanced products, equipment, or 1072

manufacturing processes. 1073

(HH) "Qualified research and development equipment" means 1074  
either of the following: 1075

(1) Capitalized tangible personal property, and leased 1076  
personal property that would be capitalized if purchased, used 1077  
by a person primarily to perform research and development; 1078

(2) Any tangible personal property used by a megaproject 1079  
operator primarily to perform research and development at the 1080  
site of a megaproject that satisfies the criteria described in 1081  
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 1082  
during the period that the megaproject operator has an agreement 1083  
for such megaproject with the tax credit authority under 1084  
division (D) of that section that remains in effect and has not 1085  
expired or been terminated. 1086

"Qualified research and development equipment" does not 1087  
include tangible personal property primarily used in testing, as 1088  
defined in division (A) (4) of section 5739.011 of the Revised 1089  
Code, or used for recording or storing test results, unless such 1090  
property is primarily used by the consumer in testing the 1091  
product, equipment, or manufacturing process being created, 1092  
designed, or formulated by the consumer in the research and 1093  
development activity or in recording or storing such test 1094  
results. 1095

(II) "Building maintenance and janitorial service" means 1096  
cleaning the interior or exterior of a building and any tangible 1097  
personal property located therein or thereon, including any 1098  
services incidental to such cleaning for which no separate 1099  
charge is made. However, "building maintenance and janitorial 1100  
service" does not include the providing of such service by a 1101

person who has less than five thousand dollars in sales of such 1102  
service during the calendar year. As used in this division, 1103  
"cleaning" does not include sanitation services necessary for an 1104  
establishment described in 21 U.S.C. 608 to comply with rules 1105  
and regulations adopted pursuant to that section. 1106

(JJ) "Exterminating service" means eradicating or 1107  
attempting to eradicate vermin infestations from a building or 1108  
structure, or the area surrounding a building or structure, and 1109  
includes activities to inspect, detect, or prevent vermin 1110  
infestation of a building or structure. 1111

(KK) "Physical fitness facility service" means all 1112  
transactions by which a membership is granted, maintained, or 1113  
renewed, including initiation fees, membership dues, renewal 1114  
fees, monthly minimum fees, and other similar fees and dues, by 1115  
a physical fitness facility such as an athletic club, health 1116  
spa, or gymnasium, which entitles the member to use the facility 1117  
for physical exercise. 1118

(LL) "Recreation and sports club service" means all 1119  
transactions by which a membership is granted, maintained, or 1120  
renewed, including initiation fees, membership dues, renewal 1121  
fees, monthly minimum fees, and other similar fees and dues, by 1122  
a recreation and sports club, which entitles the member to use 1123  
the facilities of the organization. "Recreation and sports club" 1124  
means an organization that has ownership of, or controls or 1125  
leases on a continuing, long-term basis, the facilities used by 1126  
its members and includes an aviation club, gun or shooting club, 1127  
yacht club, card club, swimming club, tennis club, golf club, 1128  
country club, riding club, amateur sports club, or similar 1129  
organization. 1130

(MM) "Livestock" means farm animals commonly raised for 1131

food, food production, or other agricultural purposes, 1132  
including, but not limited to, cattle, sheep, goats, swine, 1133  
poultry, and captive deer. "Livestock" does not include 1134  
invertebrates, amphibians, reptiles, domestic pets, animals for 1135  
use in laboratories or for exhibition, or other animals not 1136  
commonly raised for food or food production. 1137

(NN) "Livestock structure" means a building or structure 1138  
used exclusively for the housing, raising, feeding, or 1139  
sheltering of livestock, and includes feed storage or handling 1140  
structures and structures for livestock waste handling. 1141

(OO) "Horticulture" means the growing, cultivation, and 1142  
production of flowers, fruits, herbs, vegetables, sod, 1143  
mushrooms, and nursery stock. As used in this division, "nursery 1144  
stock" has the same meaning as in section 927.51 of the Revised 1145  
Code. 1146

(PP) "Horticulture structure" means a building or 1147  
structure used exclusively for the commercial growing, raising, 1148  
or overwintering of horticultural products, and includes the 1149  
area used for stocking, storing, and packing horticultural 1150  
products when done in conjunction with the production of those 1151  
products. 1152

(QQ) "Newspaper" means an unbound publication bearing a 1153  
title or name that is regularly published, at least as 1154  
frequently as biweekly, and distributed from a fixed place of 1155  
business to the public in a specific geographic area, and that 1156  
contains a substantial amount of news matter of international, 1157  
national, or local events of interest to the general public. 1158

(RR) (1) "Feminine hygiene products" means tampons, panty 1159  
liners, menstrual cups, sanitary napkins, and other similar 1160

tangible personal property designed for feminine hygiene in 1161  
connection with the human menstrual cycle, but does not include 1162  
grooming and hygiene products. 1163

(2) "Grooming and hygiene products" means soaps and 1164  
cleaning solutions, shampoo, toothpaste, mouthwash, 1165  
antiperspirants, and sun tan lotions and screens, regardless of 1166  
whether any of these products are over-the-counter drugs. 1167

(3) "Over-the-counter drugs" means a drug that contains a 1168  
label that identifies the product as a drug as required by 21 1169  
C.F.R. 201.66, which label includes a drug facts panel or a 1170  
statement of the active ingredients with a list of those 1171  
ingredients contained in the compound, substance, or 1172  
preparation. 1173

(SS) (1) "Lease" or "rental" means any transfer of the 1174  
possession or control of tangible personal property for a fixed 1175  
or indefinite term, for consideration. "Lease" or "rental" 1176  
includes future options to purchase or extend, and agreements 1177  
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 1178  
trailers where the amount of consideration may be increased or 1179  
decreased by reference to the amount realized upon the sale or 1180  
disposition of the property. "Lease" or "rental" does not 1181  
include: 1182

(a) A transfer of possession or control of tangible 1183  
personal property under a security agreement or a deferred 1184  
payment plan that requires the transfer of title upon completion 1185  
of the required payments; 1186

(b) A transfer of possession or control of tangible 1187  
personal property under an agreement that requires the transfer 1188  
of title upon completion of required payments and payment of an 1189

option price that does not exceed the greater of one hundred 1190  
dollars or one per cent of the total required payments; 1191

(c) Providing tangible personal property along with an 1192  
operator for a fixed or indefinite period of time, if the 1193  
operator is necessary for the property to perform as designed. 1194  
For purposes of this division, the operator must do more than 1195  
maintain, inspect, or set up the tangible personal property. 1196

(2) "Lease" and "rental," as defined in division (SS) of 1197  
this section, shall not apply to leases or rentals that exist 1198  
before June 26, 2003. 1199

(3) "Lease" and "rental" have the same meaning as in 1200  
division (SS) (1) of this section regardless of whether a 1201  
transaction is characterized as a lease or rental under 1202  
generally accepted accounting principles, the Internal Revenue 1203  
Code, Title XIII of the Revised Code, or other federal, state, 1204  
or local laws. 1205

(TT) "Mobile telecommunications service" has the same 1206  
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 1207  
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 1208  
amended, and, on and after August 1, 2003, includes related fees 1209  
and ancillary services, including universal service fees, 1210  
detailed billing service, directory assistance, service 1211  
initiation, voice mail service, and vertical services, such as 1212  
caller ID and three-way calling. 1213

(UU) "Certified service provider" has the same meaning as 1214  
in section 5740.01 of the Revised Code. 1215

(VV) "Satellite broadcasting service" means the 1216  
distribution or broadcasting of programming or services by 1217  
satellite directly to the subscriber's receiving equipment 1218

without the use of ground receiving or distribution equipment, 1219  
except the subscriber's receiving equipment or equipment used in 1220  
the uplink process to the satellite, and includes all service 1221  
and rental charges, premium channels or other special services, 1222  
installation and repair service charges, and any other charges 1223  
having any connection with the provision of the satellite 1224  
broadcasting service. 1225

(WW) "Tangible personal property" means personal property 1226  
that can be seen, weighed, measured, felt, or touched, or that 1227  
is in any other manner perceptible to the senses. For purposes 1228  
of this chapter and Chapter 5741. of the Revised Code, "tangible 1229  
personal property" includes motor vehicles, electricity, water, 1230  
gas, steam, and prewritten computer software. 1231

(XX) "Municipal gas utility" means a municipal corporation 1232  
that owns or operates a system for the distribution of natural 1233  
gas. 1234

(YY) "Computer" means an electronic device that accepts 1235  
information in digital or similar form and manipulates it for a 1236  
result based on a sequence of instructions. 1237

(ZZ) "Computer software" means a set of coded instructions 1238  
designed to cause a computer or automatic data processing 1239  
equipment to perform a task. 1240

(AAA) "Delivered electronically" means delivery of 1241  
computer software from the seller to the purchaser by means 1242  
other than tangible storage media. 1243

(BBB) "Prewritten computer software" means computer 1244  
software, including prewritten upgrades, that is not designed 1245  
and developed by the author or other creator to the 1246  
specifications of a specific purchaser. The combining of two or 1247

more prewritten computer software programs or prewritten 1248  
portions thereof does not cause the combination to be other than 1249  
prewritten computer software. "Prewritten computer software" 1250  
includes software designed and developed by the author or other 1251  
creator to the specifications of a specific purchaser when it is 1252  
sold to a person other than the purchaser. If a person modifies 1253  
or enhances computer software of which the person is not the 1254  
author or creator, the person shall be deemed to be the author 1255  
or creator only of such person's modifications or enhancements. 1256  
Prewritten computer software or a prewritten portion thereof 1257  
that is modified or enhanced to any degree, where such 1258  
modification or enhancement is designed and developed to the 1259  
specifications of a specific purchaser, remains prewritten 1260  
computer software; provided, however, that where there is a 1261  
reasonable, separately stated charge or an invoice or other 1262  
statement of the price given to the purchaser for the 1263  
modification or enhancement, the modification or enhancement 1264  
shall not constitute prewritten computer software. 1265

(CCC) (1) "Food" means substances, whether in liquid, 1266  
concentrated, solid, frozen, dried, or dehydrated form, that are 1267  
sold for ingestion or chewing by humans and are consumed for 1268  
their taste or nutritional value. "Food" does not include 1269  
alcoholic beverages, dietary supplements, soft drinks, or 1270  
tobacco. 1271

(2) As used in division (CCC) (1) of this section: 1272

(a) "Dietary supplements" means any product, other than 1273  
tobacco, that is intended to supplement the diet and that is 1274  
intended for ingestion in tablet, capsule, powder, softgel, 1275  
gelcap, or liquid form, or, if not intended for ingestion in 1276  
such a form, is not represented as conventional food for use as 1277

a sole item of a meal or of the diet; that is required to be 1278  
labeled as a dietary supplement, identifiable by the "supplement 1279  
facts" box found on the label, as required by 21 C.F.R. 101.36; 1280  
and that contains one or more of the following dietary 1281  
ingredients: 1282

(i) A vitamin; 1283

(ii) A mineral; 1284

(iii) An herb or other botanical; 1285

(iv) An amino acid; 1286

(v) A dietary substance for use by humans to supplement 1287  
the diet by increasing the total dietary intake; 1288

(vi) A concentrate, metabolite, constituent, extract, or 1289  
combination of any ingredient described in divisions (CCC) (2) (a) 1290  
(i) to (v) of this section. 1291

(b) "Soft drinks" means nonalcoholic beverages that 1292  
contain natural or artificial sweeteners. "Soft drinks" does not 1293  
include beverages that contain milk or milk products, soy, rice, 1294  
or similar milk substitutes, or that contains greater than fifty 1295  
per cent vegetable or fruit juice by volume. 1296

(DDD) "Drug" means a compound, substance, or preparation, 1297  
and any component of a compound, substance, or preparation, 1298  
other than food, dietary supplements, or alcoholic beverages 1299  
that is recognized in the official United States pharmacopoeia, 1300  
official homeopathic pharmacopoeia of the United States, or 1301  
official national formulary, and supplements to them; is 1302  
intended for use in the diagnosis, cure, mitigation, treatment, 1303  
or prevention of disease; or is intended to affect the structure 1304  
or any function of the body. 1305

(EEE) "Prescription" means an order, formula, or recipe 1306  
issued in any form of oral, written, electronic, or other means 1307  
of transmission by a duly licensed practitioner authorized by 1308  
the laws of this state to issue a prescription. 1309

(FFF) "Durable medical equipment" means equipment, 1310  
including repair and replacement parts for such equipment, that 1311  
can withstand repeated use, is primarily and customarily used to 1312  
serve a medical purpose, generally is not useful to a person in 1313  
the absence of illness or injury, and is not worn in or on the 1314  
body. "Durable medical equipment" does not include mobility 1315  
enhancing equipment. 1316

(GGG) "Mobility enhancing equipment" means equipment, 1317  
including repair and replacement parts for such equipment, that 1318  
is primarily and customarily used to provide or increase the 1319  
ability to move from one place to another and is appropriate for 1320  
use either in a home or a motor vehicle, that is not generally 1321  
used by persons with normal mobility, and that does not include 1322  
any motor vehicle or equipment on a motor vehicle normally 1323  
provided by a motor vehicle manufacturer. "Mobility enhancing 1324  
equipment" does not include durable medical equipment. 1325

(HHH) "Prosthetic device" means a replacement, corrective, 1326  
or supportive device, including repair and replacement parts for 1327  
the device, worn on or in the human body to artificially replace 1328  
a missing portion of the body, prevent or correct physical 1329  
deformity or malfunction, or support a weak or deformed portion 1330  
of the body. As used in this division, before July 1, 2019, 1331  
"prosthetic device" does not include corrective eyeglasses, 1332  
contact lenses, or dental prosthesis. On or after July 1, 2019, 1333  
"prosthetic device" does not include dental prosthesis but does 1334  
include corrective eyeglasses or contact lenses. 1335

(III) (1) "Fractional aircraft ownership program" means a 1336  
program in which persons within an affiliated group sell and 1337  
manage fractional ownership program aircraft, provided that at 1338  
least one hundred airworthy aircraft are operated in the program 1339  
and the program meets all of the following criteria: 1340

(a) Management services are provided by at least one 1341  
program manager within an affiliated group on behalf of the 1342  
fractional owners. 1343

(b) Each program aircraft is owned or possessed by at 1344  
least one fractional owner. 1345

(c) Each fractional owner owns or possesses at least a 1346  
one-sixteenth interest in at least one fixed-wing program 1347  
aircraft. 1348

(d) A dry-lease aircraft interchange arrangement is in 1349  
effect among all of the fractional owners. 1350

(e) Multi-year program agreements are in effect regarding 1351  
the fractional ownership, management services, and dry-lease 1352  
aircraft interchange arrangement aspects of the program. 1353

(2) As used in division (III) (1) of this section: 1354

(a) "Affiliated group" has the same meaning as in division 1355  
(B) (3) (e) of this section. 1356

(b) "Fractional owner" means a person that owns or 1357  
possesses at least a one-sixteenth interest in a program 1358  
aircraft and has entered into the agreements described in 1359  
division (III) (1) (e) of this section. 1360

(c) "Fractional ownership program aircraft" or "program 1361  
aircraft" means a turbojet aircraft that is owned or possessed 1362  
by a fractional owner and that has been included in a dry-lease 1363

aircraft interchange arrangement and agreement under divisions 1364  
(III) (1) (d) and (e) of this section, or an aircraft a program 1365  
manager owns or possesses primarily for use in a fractional 1366  
aircraft ownership program. 1367

(d) "Management services" means administrative and 1368  
aviation support services furnished under a fractional aircraft 1369  
ownership program in accordance with a management services 1370  
agreement under division (III) (1) (e) of this section, and 1371  
offered by the program manager to the fractional owners, 1372  
including, at a minimum, the establishment and implementation of 1373  
safety guidelines; the coordination of the scheduling of the 1374  
program aircraft and crews; program aircraft maintenance; 1375  
program aircraft insurance; crew training for crews employed, 1376  
furnished, or contracted by the program manager or the 1377  
fractional owner; the satisfaction of record-keeping 1378  
requirements; and the development and use of an operations 1379  
manual and a maintenance manual for the fractional aircraft 1380  
ownership program. 1381

(e) "Program manager" means the person that offers 1382  
management services to fractional owners pursuant to a 1383  
management services agreement under division (III) (1) (e) of this 1384  
section. 1385

(JJJ) "Electronic publishing" means providing access to 1386  
one or more of the following primarily for business customers, 1387  
including the federal government or a state government or a 1388  
political subdivision thereof, to conduct research: news; 1389  
business, financial, legal, consumer, or credit materials; 1390  
editorials, columns, reader commentary, or features; photos or 1391  
images; archival or research material; legal notices, identity 1392  
verification, or public records; scientific, educational, 1393

instructional, technical, professional, trade, or other literary 1394  
materials; or other similar information which has been gathered 1395  
and made available by the provider to the consumer in an 1396  
electronic format. Providing electronic publishing includes the 1397  
functions necessary for the acquisition, formatting, editing, 1398  
storage, and dissemination of data or information that is the 1399  
subject of a sale. 1400

(KKK) "Medicaid health insuring corporation" means a 1401  
health insuring corporation that holds a certificate of 1402  
authority under Chapter 1751. of the Revised Code and is under 1403  
contract with the department of medicaid pursuant to section 1404  
5167.10 of the Revised Code. 1405

(LLL) "Managed care premium" means any premium, 1406  
capitation, or other payment a medicaid health insuring 1407  
corporation receives for providing or arranging for the 1408  
provision of health care services to its members or enrollees 1409  
residing in this state. 1410

(MMM) "Captive deer" means deer and other cervidae that 1411  
have been legally acquired, or their offspring, that are 1412  
privately owned for agricultural or farming purposes. 1413

(NNN) "Gift card" means a document, card, certificate, or 1414  
other record, whether tangible or intangible, that may be 1415  
redeemed by a consumer for a dollar value when making a purchase 1416  
of tangible personal property or services. 1417

(OOO) "Specified digital product" means an electronically 1418  
transferred digital audiovisual work, digital audio work, or 1419  
digital book. 1420

As used in division (OOO) of this section: 1421

(1) "Digital audiovisual work" means a series of related 1422

images that, when shown in succession, impart an impression of 1423  
motion, together with accompanying sounds, if any. 1424

(2) "Digital audio work" means a work that results from 1425  
the fixation of a series of musical, spoken, or other sounds, 1426  
including digitized sound files that are downloaded onto a 1427  
device and that may be used to alert the customer with respect 1428  
to a communication. 1429

(3) "Digital book" means a work that is generally 1430  
recognized in the ordinary and usual sense as a book. 1431

(4) "Electronically transferred" means obtained by the 1432  
purchaser by means other than tangible storage media. 1433

(PPP) "Digital advertising services" means providing 1434  
access, by means of telecommunications equipment, to computer 1435  
equipment that is used to enter, upload, download, review, 1436  
manipulate, store, add, or delete data for the purpose of 1437  
electronically displaying, delivering, placing, or transferring 1438  
promotional advertisements to potential customers about products 1439  
or services or about industry or business brands. 1440

(QQQ) "Peer-to-peer car sharing program" has the same 1441  
meaning as in section 4516.01 of the Revised Code. 1442

(RRR) "Megaproject" and "megaproject operator" have the 1443  
same meanings as in section 122.17 of the Revised Code. 1444

(SSS) (1) "Diaper" means an absorbent garment worn by 1445  
humans who are incapable of, or have difficulty, controlling 1446  
their bladder or bowel movements. 1447

(2) "Children's diaper" means a diaper marketed to be worn 1448  
by children. 1449

(3) "Adult diaper" means a diaper other than a children's 1450

diaper. 1451

(TTT) "Sales tax holiday" means three or more dates on 1452  
which sales of all eligible tangible personal property are 1453  
exempt from the taxes levied under sections 5739.02, 5739.021, 1454  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 1455  
the Revised Code. 1456

(UUU) "Eligible tangible personal property" means any item 1457  
of tangible personal property that meets both of the following 1458  
requirements: 1459

(1) The price of the item does not exceed five hundred 1460  
dollars; 1461

(2) The item is not a watercraft or outboard motor 1462  
required to be titled pursuant to Chapter 1548. of the Revised 1463  
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 1464  
product as defined in section 5743.01 of the Revised Code, or an 1465  
item that contains marijuana as defined in section 3796.01 of 1466  
the Revised Code. 1467

(VVV) "Alcoholic beverages" means beverages that are 1468  
suitable for human consumption and contain one-half of one per 1469  
cent or more of alcohol by volume. 1470

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 1471  
tobacco, or any other item that contains tobacco. 1472

(XXX) (1) "Delivery network company" means a person that 1473  
operates a business platform, including a web site or mobile 1474  
application, to facilitate delivery network services. 1475

(2) "Delivery network courier" means an individual 1476  
connected to a consumer through a delivery network company and 1477  
who provides delivery network services to that consumer. 1478

(3) "Delivery network services" means both of the 1479  
following when performed as part of a single transaction: 1480

(a) Pickup of a local product by a delivery network 1481  
courier from a local merchant that is not under common ownership 1482  
or control of the delivery network company through which the 1483  
transaction was initiated, and which may include selection, 1484  
collection, and purchase of the local product; 1485

(b) Delivery by the delivery network courier of that local 1486  
product to a location designated by the consumer that is not 1487  
more than seventy-five miles from the local merchant's place of 1488  
business where the pickup described in division (XXX) (3) (a) of 1489  
this section occurs. 1490

(4) "Local merchant" means a person engaged in selling 1491  
local products from a temporary or fixed place of business in 1492  
this state, including a kitchen, restaurant, grocery store, 1493  
retail store, or convenience store. 1494

(5) "Local product" means any tangible personal property, 1495  
including food, but excluding freight, mail, or a package to 1496  
which postage is affixed. 1497

(YYY) "Short-term rental platform" means a person that 1498  
operates a business platform that uses any online-enabled 1499  
application, software, web site, or system to connect owners of 1500  
short-term rental properties to transient guests to enable the 1501  
lodging of guests for consideration. 1502

(ZZZ) "Short-term rental property" means an establishment 1503  
kept, used, maintained, advertised, or held out to the public to 1504  
be a place where sleeping accommodations are offered to guests, 1505  
in which four or fewer rooms are used for the accommodation of 1506  
such guests, whether the rooms are in one or several structures. 1507

**Sec. 5739.08.** (A) A municipal corporation or township may 1508  
levy an excise tax for any lawful purpose not to exceed three 1509  
per cent on transactions by which lodging by a hotel or short- 1510  
term rental property is or is to be furnished to transient 1511  
guests in addition to the tax levied by section 5739.02 of the 1512  
Revised Code. If a municipal corporation or township repeals a 1513  
tax imposed under division (A) of this section, and a county in 1514  
which the municipal corporation or township has territory has a 1515  
tax imposed under division (M) of section 5739.09 of the Revised 1516  
Code in effect, the municipal corporation or township may not 1517  
reimpose its tax as long as that county tax remains in effect. A 1518  
municipal corporation or township in which a tax is levied under 1519  
division (B) (2) of section 351.021 of the Revised Code may not 1520  
increase the rate of its tax levied under division (A) of this 1521  
section to any rate that would cause the total taxes levied 1522  
under both of those divisions to exceed three per cent on any 1523  
lodging transaction within the municipal corporation or 1524  
township. 1525

(B) The legislative authority of a municipal corporation 1526  
or the board of trustees of a township that is not wholly or 1527  
partly located in a county that has in effect a resolution 1528  
levying an excise tax pursuant to division (A) of section 1529  
5739.09 of the Revised Code may, by ordinance or resolution, 1530  
levy an additional excise tax not to exceed three per cent on 1531  
transactions by which lodging by a hotel or short-term rental 1532  
property is or is to be furnished to transient guests. The 1533  
legislative authority of the municipal corporation or the board 1534  
of trustees of the township shall deposit at least fifty per 1535  
cent of the revenue from the tax levied pursuant to this 1536  
division into a separate fund, which shall be spent solely to 1537  
make contributions to convention and visitors' bureaus operating 1538

within the county in which the municipal corporation or township 1539  
is wholly or partly located, and the balance of that revenue 1540  
shall be deposited in the general fund. The municipal 1541  
corporation or township shall establish all regulations 1542  
necessary to provide for the administration and allocation of 1543  
the tax. The regulations may prescribe the time for payment of 1544  
the tax, and may provide for the imposition of a penalty or 1545  
interest, or both, for late payments, provided that the penalty 1546  
does not exceed ten per cent of the amount of tax due, and the 1547  
rate at which interest accrues does not exceed the rate per 1548  
annum prescribed pursuant to section 5703.47 of the Revised 1549  
Code. The levy of a tax under this division is in addition to 1550  
any tax imposed on the same transaction by a municipal 1551  
corporation or a township under division (A) of this section. 1552

(C) (1) As used in division (C) of this section, "cost" has 1553  
the same meaning as in section 351.01 of the Revised Code, and 1554  
"convention center" has the same meaning as in section 307.695 1555  
of the Revised Code. 1556

(2) The legislative authority of the most populous 1557  
municipal corporation located wholly or partly in a county in 1558  
which the board of county commissioners has levied a tax under 1559  
division (D) of section 5739.09 of the Revised Code may amend, 1560  
on or before September 30, 2002, that municipal corporation's 1561  
ordinance or resolution that levies an excise tax on 1562  
transactions by which lodging by a hotel or short-term rental 1563  
property is or is to be furnished to transient guests, to 1564  
provide for all of the following: 1565

(a) That the rate of the tax shall be increased by not 1566  
more than an additional one per cent on each transaction; 1567

(b) That all of the revenue from the increase in rate 1568

shall be pledged and contributed to a convention facilities 1569  
authority established by the board of county commissioners under 1570  
Chapter 351. of the Revised Code on or before May 15, 2002, and 1571  
be used to pay costs of constructing, expanding, maintaining, 1572  
operating, or promoting a convention center in the county, 1573  
including paying bonds, or notes issued in anticipation of 1574  
bonds, as provided by that chapter; 1575

(c) That the increase in rate shall not be subject to 1576  
diminution by initiative or referendum or by law while any 1577  
bonds, or notes in anticipation of bonds, issued by the 1578  
authority under Chapter 351. of the Revised Code to which the 1579  
revenue is pledged, remain outstanding in accordance with their 1580  
terms, unless provision is made by law, by the board of county 1581  
commissioners, or by the legislative authority, for an adequate 1582  
substitute therefor that is satisfactory to the trustee if a 1583  
trust agreement secures the bonds. 1584

(3) The legislative authority of a municipal corporation 1585  
that, pursuant to division (C) (2) of this section, has amended 1586  
its ordinance or resolution to increase the rate of the tax 1587  
authorized by division (B) of this section may further amend the 1588  
ordinance or resolution to provide that the revenue referred to 1589  
in division (C) (2) (b) of this section shall be pledged and 1590  
contributed both to a convention facilities authority to pay the 1591  
costs of constructing, expanding, maintaining, or operating one 1592  
or more convention centers in the county, including paying 1593  
bonds, or notes issued in anticipation of bonds, as provided in 1594  
Chapter 351. of the Revised Code, and to a convention and 1595  
visitors' bureau to pay the costs of promoting one or more 1596  
convention centers in the county. 1597

(D) As used in division (D) of this section, "eligible 1598

municipal corporation" means a municipal corporation that, on 1599  
September 29, 2017, levied a tax under division (B) of this 1600  
section at a rate of three per cent and that is located in a 1601  
county that, on that date, levied a tax under division (A) of 1602  
section 5739.09 of the Revised Code at a rate of three per cent 1603  
and that has, according to the most recent federal decennial 1604  
census, a population exceeding three hundred thousand but not 1605  
greater than three hundred fifty thousand. 1606

The legislative authority of an eligible municipal 1607  
corporation may amend, on or before December 31, 2017, that 1608  
municipal corporation's ordinance or resolution that levies an 1609  
excise tax on transactions by which lodging by a hotel or short- 1610  
term rental property is or is to be furnished to transient 1611  
guests, to provide for the following: 1612

(1) That the rate of the tax shall be increased by not 1613  
more than an additional three per cent on each transaction; 1614

(2) That all of the revenue from the increase in rate 1615  
shall be used by the municipal corporation for economic 1616  
development and tourism-related purposes. 1617

(E) (1) As used in division (E) of this section, "cost" and 1618  
"facility" have the same meanings as in section 351.01 of the 1619  
Revised Code, except that "facility" does not include a "sports 1620  
facility," as that term is defined in that section, other than a 1621  
facility intended to house a major league soccer team. 1622

(2) The legislative authority of a municipal corporation 1623  
that has a population exceeding three hundred thousand but less 1624  
than three hundred fifty thousand and that has adopted a 1625  
resolution or ordinance levying a tax authorized by division (A) 1626  
of this section may amend the resolution or ordinance to provide 1627

that all or a portion of the revenue referred to in division (A) 1628  
of this section may be pledged and contributed to a convention 1629  
facilities authority or a port authority to pay the costs of 1630  
acquiring, constructing, renovating, expanding, maintaining, or 1631  
operating one or more facilities in the county, including paying 1632  
bonds, or notes issued in anticipation of bonds, or paying the 1633  
expenses of maintaining, operating, or promoting one or more 1634  
facilities. 1635

(3) The legislative authority of any municipal corporation 1636  
that, pursuant to division (C) (2) of this section, has amended a 1637  
resolution or ordinance levying the tax authorized by division 1638  
(D) of section 5739.09 of the Revised Code may further amend the 1639  
resolution or ordinance to provide that all or a portion of the 1640  
revenue referred to in division (C) (2) (b) of this section may be 1641  
pledged and contributed to an issuing authority, as defined in 1642  
section 5739.093 of the Revised Code, to pay the costs of 1643  
acquiring, constructing, renovating, expanding, maintaining, or 1644  
operating one or more facilities in the county, including paying 1645  
bonds, or notes issued in anticipation of bonds, or paying the 1646  
expenses of maintaining, operating, or promoting one or more 1647  
facilities. 1648

**Sec. 5739.09.** (A) (1) A board of county commissioners may, 1649  
by resolution adopted by a majority of the members of the board, 1650  
levy an excise tax not to exceed three per cent on transactions 1651  
by which lodging by a hotel or short-term rental property is or 1652  
is to be furnished to transient guests. The board shall 1653  
establish all regulations necessary to provide for the 1654  
administration and allocation of the tax. The regulations may 1655  
prescribe the time for payment of the tax, and may provide for 1656  
the imposition of a penalty or interest, or both, for late 1657  
payments, provided that the penalty does not exceed ten per cent 1658

of the amount of tax due, and the rate at which interest accrues 1659  
does not exceed the rate per annum prescribed pursuant to 1660  
section 5703.47 of the Revised Code. Except as otherwise 1661  
provided in this section, the regulations shall provide, after 1662  
deducting the real and actual costs of administering the tax, 1663  
for the return to each municipal corporation or township that 1664  
does not levy an excise tax on the transactions, a uniform 1665  
percentage of the tax collected in the municipal corporation or 1666  
in the unincorporated portion of the township from each 1667  
transaction, not to exceed thirty-three and one-third per cent. 1668  
Except as provided in this section, the remainder of the revenue 1669  
arising from the tax shall be deposited in a separate fund and 1670  
shall be spent either (a) to make contributions to the 1671  
convention and visitors' bureau operating within the county, 1672  
including a pledge and contribution of any portion of the 1673  
remainder pursuant to an agreement authorized by section 307.678 1674  
or 307.695 of the Revised Code or (b) to pay, if authorized in 1675  
the regulations, for public safety services in a resort area 1676  
designated under section 5739.101 of the Revised Code. 1677

(2) If the board of county commissioners of an eligible 1678  
county as defined in section 307.678 or 307.695 of the Revised 1679  
Code adopts a resolution amending a resolution levying a tax 1680  
under division (A) of this section to provide that revenue from 1681  
the tax shall be used by the board as described in either 1682  
division (D) of section 307.678 or division (H) of section 1683  
307.695 of the Revised Code, the remainder of the revenue shall 1684  
be used as described in the resolution making that amendment. 1685

(3) Except as provided in division (B), (C), (D), (E), 1686  
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 1687  
after May 10, 1994, a board of county commissioners may not levy 1688  
an excise tax pursuant to division (A) of this section in any 1689

municipal corporation or township located wholly or partly 1690  
within the county that has in effect an ordinance or resolution 1691  
levying an excise tax pursuant to division (B) of section 1692  
5739.08 of the Revised Code. 1693

(4) The board of a county that has levied a tax under 1694  
division (M) of this section may, by resolution adopted within 1695  
ninety days after July 15, 1985, by a majority of the members of 1696  
the board, amend the resolution levying a tax under division (A) 1697  
of this section to provide for a portion of that tax to be 1698  
pledged and contributed in accordance with an agreement entered 1699  
into under section 307.695 of the Revised Code. A tax, any 1700  
revenue from which is pledged pursuant to such an agreement, 1701  
shall remain in effect at the rate at which it is imposed for 1702  
the duration of the period for which the revenue from the tax 1703  
has been so pledged. 1704

(5) The board of county commissioners of an eligible 1705  
county as defined in section 307.695 of the Revised Code may, by 1706  
resolution adopted by a majority of the members of the board, 1707  
amend a resolution levying a tax under division (A) of this 1708  
section to provide that the revenue from the tax shall be used 1709  
by the board as described in division (H) of section 307.695 of 1710  
the Revised Code, in which case the tax shall remain in effect 1711  
at the rate at which it was imposed for the duration of any 1712  
agreement entered into by the board under section 307.695 of the 1713  
Revised Code, the duration during which any securities issued by 1714  
the board under that section are outstanding, or the duration of 1715  
the period during which the board owns a project as defined in 1716  
section 307.695 of the Revised Code, whichever duration is 1717  
longest. 1718

(6) The board of county commissioners of an eligible 1719

county as defined in section 307.678 of the Revised Code may, by 1720  
resolution, amend a resolution levying a tax under division (A) 1721  
of this section to provide that revenue from the tax, not to 1722  
exceed five hundred thousand dollars each year, may be used as 1723  
described in division (E) of section 307.678 of the Revised 1724  
Code. 1725

(7) Notwithstanding division (A) of this section, the 1726  
board of county commissioners of a county described in division 1727  
(H) (1) of this section may, by resolution, amend a resolution 1728  
levying a tax under division (A) of this section to provide that 1729  
all or a portion of the revenue from the tax, including any 1730  
revenue otherwise required to be returned to townships or 1731  
municipal corporations under that division, may be used or 1732  
pledged for the payment of debt service on securities issued to 1733  
pay the costs of constructing, operating, and maintaining sports 1734  
facilities described in division (H) (2) of this section. 1735

(8) The board of county commissioners of a county 1736  
described in division (I) of this section may, by resolution, 1737  
amend a resolution levying a tax under division (A) of this 1738  
section to provide that all or a portion of the revenue from the 1739  
tax may be used for the purposes described in section 307.679 of 1740  
the Revised Code. 1741

(B) A board of county commissioners that levies an excise 1742  
tax under division (A) of this section on June 30, 1997, at a 1743  
rate of three per cent, and that has pledged revenue from the 1744  
tax to an agreement entered into under section 307.695 of the 1745  
Revised Code or, in the case of the board of county 1746  
commissioners of an eligible county as defined in section 1747  
307.695 of the Revised Code, has amended a resolution levying a 1748  
tax under division (M) of this section to provide that proceeds 1749

from the tax shall be used by the board as described in division 1750  
(H) of section 307.695 of the Revised Code, may, at any time by 1751  
a resolution adopted by a majority of the members of the board, 1752  
amend the resolution levying a tax under division (A) of this 1753  
section to provide for an increase in the rate of that tax up to 1754  
seven per cent on each transaction; to provide that revenue from 1755  
the increase in the rate shall be used as described in division 1756  
(H) of section 307.695 of the Revised Code or be spent solely to 1757  
make contributions to the convention and visitors' bureau 1758  
operating within the county to be used specifically for 1759  
promotion, advertising, and marketing of the region in which the 1760  
county is located; and to provide that the rate in excess of the 1761  
three per cent levied under division (A) of this section shall 1762  
remain in effect at the rate at which it is imposed for the 1763  
duration of the period during which any agreement is in effect 1764  
that was entered into under section 307.695 of the Revised Code 1765  
by the board of county commissioners levying a tax under 1766  
division (A) of this section, the duration of the period during 1767  
which any securities issued by the board under division (I) of 1768  
section 307.695 of the Revised Code are outstanding, or the 1769  
duration of the period during which the board owns a project as 1770  
defined in section 307.695 of the Revised Code, whichever 1771  
duration is longest. The amendment also shall provide that no 1772  
portion of that revenue need be returned to townships or 1773  
municipal corporations as would otherwise be required under 1774  
division (A) of this section. 1775

(C) (1) As used in division (C) of this section, "cost" and 1776  
"facility" have the same meanings as in section 351.01 of the 1777  
Revised Code, and "convention center" has the same meaning as in 1778  
section 307.695 of the Revised Code. 1779

(2) A board of county commissioners that levies a tax 1780

under division (A) of this section on March 18, 1999, at a rate 1781  
of three per cent may, by resolution adopted not later than 1782  
forty-five days after March 18, 1999, amend the resolution 1783  
levying the tax to provide for all of the following: 1784

(a) That the rate of the tax shall be increased by not 1785  
more than an additional four per cent on each transaction; 1786

(b) That all of the revenue from the increase in the rate 1787  
shall be pledged and contributed to a convention facilities 1788  
authority established by the board of county commissioners under 1789  
Chapter 351. of the Revised Code on or before November 15, 1998, 1790  
and used to pay costs of constructing, maintaining, operating, 1791  
and promoting a facility in the county, including paying bonds, 1792  
or notes issued in anticipation of bonds, as provided by that 1793  
chapter; 1794

(c) That no portion of the revenue arising from the 1795  
increase in rate need be returned to municipal corporations or 1796  
townships as otherwise required under division (A) of this 1797  
section; 1798

(d) That the increase in rate shall not be subject to 1799  
diminution by initiative or referendum or by law while any 1800  
bonds, or notes in anticipation of bonds, issued by the 1801  
authority under Chapter 351. of the Revised Code to which the 1802  
revenue is pledged, remain outstanding in accordance with their 1803  
terms, unless provision is made by law or by the board of county 1804  
commissioners for an adequate substitute therefor that is 1805  
satisfactory to the trustee if a trust agreement secures the 1806  
bonds. 1807

(3) Division (C) of this section does not apply to the 1808  
board of county commissioners of any county in which a 1809

convention center or facility exists or is being constructed on 1810  
November 15, 1998, or of any county in which a convention 1811  
facilities authority levies a tax pursuant to section 351.021 of 1812  
the Revised Code on that date. 1813

(D) (1) As used in division (D) of this section, "cost" has 1814  
the same meaning as in section 351.01 of the Revised Code, and 1815  
"convention center" has the same meaning as in section 307.695 1816  
of the Revised Code. 1817

(2) A board of county commissioners that levies a tax 1818  
under division (A) of this section on June 30, 2002, at a rate 1819  
of three per cent may, by resolution adopted not later than 1820  
September 30, 2002, amend the resolution levying the tax to 1821  
provide for all of the following: 1822

(a) That the rate of the tax shall be increased by not 1823  
more than an additional three and one-half per cent on each 1824  
transaction; 1825

(b) That all of the revenue from the increase in rate 1826  
shall be pledged and contributed to a convention facilities 1827  
authority established by the board of county commissioners under 1828  
Chapter 351. of the Revised Code on or before May 15, 2002, and 1829  
be used to pay costs of constructing, expanding, maintaining, 1830  
operating, or promoting a convention center in the county, 1831  
including paying bonds, or notes issued in anticipation of 1832  
bonds, as provided by that chapter; 1833

(c) That no portion of the revenue arising from the 1834  
increase in rate need be returned to municipal corporations or 1835  
townships as otherwise required under division (A) of this 1836  
section; 1837

(d) That the increase in rate shall not be subject to 1838

diminution by initiative or referendum or by law while any 1839  
bonds, or notes in anticipation of bonds, issued by the 1840  
authority under Chapter 351. of the Revised Code to which the 1841  
revenue is pledged, remain outstanding in accordance with their 1842  
terms, unless provision is made by law or by the board of county 1843  
commissioners for an adequate substitute therefor that is 1844  
satisfactory to the trustee if a trust agreement secures the 1845  
bonds. 1846

(3) Any board of county commissioners that, pursuant to 1847  
division (D) (2) of this section, has amended a resolution 1848  
levying the tax authorized by division (A) of this section may 1849  
further amend the resolution to provide that the revenue 1850  
referred to in division (D) (2) (b) of this section shall be 1851  
pledged and contributed both to a convention facilities 1852  
authority to pay the costs of constructing, expanding, 1853  
maintaining, or operating one or more convention centers in the 1854  
county, including paying bonds, or notes issued in anticipation 1855  
of bonds, as provided in Chapter 351. of the Revised Code, and 1856  
to a convention and visitors' bureau to pay the costs of 1857  
promoting one or more convention centers in the county. 1858

(E) (1) As used in division (E) of this section: 1859

(a) "Port authority" means a port authority created under 1860  
Chapter 4582. of the Revised Code. 1861

(b) "Port authority military-use facility" means port 1862  
authority facilities on which or adjacent to which is located an 1863  
installation of the armed forces of the United States, a reserve 1864  
component thereof, or the national guard and at least part of 1865  
which is made available for use, for consideration, by the armed 1866  
forces of the United States, a reserve component thereof, or the 1867  
national guard. 1868

(2) For the purpose of contributing revenue to pay 1869  
operating expenses of a port authority that operates a port 1870  
authority military-use facility, the board of county 1871  
commissioners of a county that created, participated in the 1872  
creation of, or has joined such a port authority may do one or 1873  
both of the following: 1874

(a) Amend a resolution previously adopted under division 1875  
(A) of this section to designate some or all of the revenue from 1876  
the tax levied under the resolution to be used for that purpose, 1877  
notwithstanding that division; 1878

(b) Amend a resolution previously adopted under division 1879  
(A) of this section to increase the rate of the tax by not more 1880  
than an additional two per cent and use the revenue from the 1881  
increase exclusively for that purpose. 1882

(3) If a board of county commissioners amends a resolution 1883  
to increase the rate of a tax as authorized in division (E) (2) 1884  
(b) of this section, the board also may amend the resolution to 1885  
specify that the increase in rate of the tax does not apply to 1886  
"hotels," as otherwise defined in section 5739.01 of the Revised 1887  
Code, having fewer rooms used for the accommodation of guests 1888  
than a number of rooms specified by the board. This limitation 1889  
on the hotels to which the tax applies does not apply on and 1890  
after the first day of the first month starting thirty or more 1891  
days after the effective date of this amendment. 1892

(F) (1) A board of county commissioners of a county 1893  
organized under a county charter adopted pursuant to Article X, 1894  
Section 3, Ohio Constitution, and that levies an excise tax 1895  
under division (A) of this section at a rate of three per cent 1896  
and levies an additional excise tax under division (O) of this 1897  
section at a rate of one and one-half per cent may, by 1898

resolution adopted not later than January 1, 2008, by a majority  
of the members of the board, amend the resolution levying a tax  
under division (A) of this section to provide for an increase in  
the rate of that tax by not more than an additional one per cent  
on transactions by which lodging by a hotel or short-term rental  
property is or is to be furnished to transient guests.

Notwithstanding divisions (A) and (O) of this section, the  
resolution shall provide that all of the revenue from the  
increase in rate, after deducting the real and actual costs of  
administering the tax, shall be used to pay the costs of  
improving, expanding, equipping, financing, or operating a  
convention center by a convention and visitors' bureau in the  
county.

(2) The increase in rate shall remain in effect for the  
period specified in the resolution, not to exceed ten years, and  
may be extended for an additional period of time not to exceed  
ten years thereafter by a resolution adopted by a majority of  
the members of the board.

(3) The increase in rate shall be subject to the  
regulations adopted under division (A) of this section, except  
that the resolution may provide that no portion of the revenue  
from the increase in the rate shall be returned to townships or  
municipal corporations as would otherwise be required under that  
division.

(G) (1) Division (G) of this section applies only to a  
county with a population greater than sixty-five thousand and  
less than seventy thousand according to the most recent federal  
decennial census and in which, on December 31, 2006, an excise  
tax is levied under division (A) of this section at a rate not  
less than and not greater than three per cent, and in which the

most recent increase in the rate of that tax was enacted or took 1929  
effect in November 1984. 1930

(2) The board of county commissioners of a county to which 1931  
division (G) of this section applies, by resolution adopted by a 1932  
majority of the members of the board, may increase the rate of 1933  
the tax by not more than one per cent on transactions by which 1934  
lodging by a hotel or short-term rental property is or is to be 1935  
furnished to transient guests. The increase in rate shall be for 1936  
the purpose of paying expenses deemed necessary by the 1937  
convention and visitors' bureau operating in the county to 1938  
promote travel and tourism. 1939

(3) The increase in rate shall remain in effect for the 1940  
period specified in the resolution, not to exceed twenty years, 1941  
provided that the increase in rate may not continue beyond the 1942  
time when the purpose for which the increase is levied ceases to 1943  
exist. If revenue from the increase in rate is pledged to the 1944  
payment of debt charges on securities, the increase in rate is 1945  
not subject to diminution by initiative or referendum or by law 1946  
for so long as the securities are outstanding, unless provision 1947  
is made by law or by the board of county commissioners for an 1948  
adequate substitute for that revenue that is satisfactory to the 1949  
trustee if a trust agreement secures payment of the debt 1950  
charges. 1951

(4) The increase in rate shall be subject to the 1952  
regulations adopted under division (A) of this section, except 1953  
that the resolution may provide that no portion of the revenue 1954  
from the increase in the rate shall be returned to townships or 1955  
municipal corporations as would otherwise be required under 1956  
division (A) of this section. 1957

(5) A resolution adopted under division (G) of this 1958

section is subject to referendum under sections 305.31 to 305.99 1959  
of the Revised Code. 1960

(H) (1) Division (H) of this section applies only to a 1961  
county satisfying all of the following: 1962

(a) The population of the county is greater than one 1963  
hundred seventy-five thousand and less than two hundred twenty- 1964  
five thousand according to the most recent federal decennial 1965  
census. 1966

(b) An amusement park with an average yearly attendance in 1967  
excess of two million guests is located in the county. 1968

(c) On December 31, 2014, an excise tax was levied in the 1969  
county under division (A) of this section at a rate of three per 1970  
cent. 1971

(2) The board of county commissioners of a county to which 1972  
division (H) of this section applies, by resolution adopted by a 1973  
majority of the members of the board, may increase the rate of 1974  
the tax by not more than one per cent on transactions by which 1975  
lodging by a hotel or short-term rental property is or is to be 1976  
furnished to transient guests. The increase in rate shall be 1977  
used to pay the costs of constructing and maintaining facilities 1978  
owned by the county or by a port authority created under Chapter 1979  
4582. of the Revised Code, and designed to host sporting events 1980  
and expenses deemed necessary by the convention and visitors' 1981  
bureau operating in the county to promote travel and tourism 1982  
with reference to the sports facilities, and to pay or pledge to 1983  
the payment of debt service on securities issued to pay the 1984  
costs of constructing, operating, and maintaining the sports 1985  
facilities. 1986

(3) The increase in rate shall remain in effect for the 1987

period specified in the resolution. If revenue from the increase 1988  
in rate is pledged to the payment of debt charges on securities, 1989  
the increase in rate is not subject to diminution by initiative 1990  
or referendum or by law for so long as the securities are 1991  
outstanding, unless provision is made by law or by the board of 1992  
county commissioners for an adequate substitute for that revenue 1993  
that is satisfactory to the trustee if a trust agreement secures 1994  
payment of the debt charges. 1995

(4) The increase in rate shall be subject to the 1996  
regulations adopted under division (A) of this section, except 1997  
that the resolution may provide that no portion of the revenue 1998  
from the increase in the rate shall be returned to townships or 1999  
municipal corporations as would otherwise be required under 2000  
division (A) of this section. 2001

(I) (1) The board of county commissioners of a county with 2002  
a population greater than seventy-five thousand and less than 2003  
seventy-eight thousand, by resolution adopted by a majority of 2004  
the members of the board not later than October 15, 2015, may 2005  
increase the rate of the tax by not more than one per cent on 2006  
transactions by which lodging by a hotel or short-term rental 2007  
property is or is to be furnished to transient guests. The 2008  
increase in rate shall be for the purposes described in section 2009  
307.679 of the Revised Code or for the promotion of travel and 2010  
tourism in the county, including travel and tourism to sports 2011  
facilities. 2012

(2) The increase in rate shall remain in effect for the 2013  
period specified in the resolution and as necessary to fulfill 2014  
the county's obligations under a cooperative agreement entered 2015  
into under section 307.679 of the Revised Code. If the 2016  
resolution is adopted by the board before September 29, 2015, 2017

but after that enactment becomes law, the increase in rate shall 2018  
become effective beginning on September 29, 2015. If revenue 2019  
from the increase in rate is pledged to the payment of debt 2020  
charges on securities, or to substitute for other revenues 2021  
pledged to the payment of such debt, the increase in rate is not 2022  
subject to diminution by initiative or referendum or by law for 2023  
so long as the securities are outstanding, unless provision is 2024  
made by law or by the board of county commissioners for an 2025  
adequate substitute for that revenue that is satisfactory to the 2026  
trustee if a trust agreement secures payment of the debt 2027  
charges. 2028

(3) The increase in rate shall be subject to the 2029  
regulations adopted under division (A) of this section, except 2030  
that no portion of the revenue from the increase in the rate 2031  
shall be returned to townships or municipal corporations as 2032  
would otherwise be required under division (A) of this section. 2033

(J) (1) Division (J) of this section applies only to 2034  
counties satisfying either of the following: 2035

(a) A county that, on July 1, 2015, does not levy an 2036  
excise tax under division (A) of this section and that has a 2037  
population of at least thirty-nine thousand but not more than 2038  
forty thousand according to the 2010 federal decennial census; 2039

(b) A county that, on July 1, 2015, levies an excise tax 2040  
under division (A) of this section at a rate of three per cent 2041  
and that has a population of at least seventy-one thousand but 2042  
not more than seventy-five thousand according to 2010 federal 2043  
decennial census. 2044

(2) The board of county commissioners of a county to which 2045  
division (J) of this section applies, by resolution adopted by a 2046

majority of the members of the board, may levy an excise tax at 2047  
a rate not to exceed three per cent on transactions by which 2048  
lodging by a hotel or short-term rental property is or is to be 2049  
furnished to transient guests for the purpose of acquiring, 2050  
constructing, equipping, or repairing permanent improvements, as 2051  
defined in section 133.01 of the Revised Code. 2052

(3) If the board does not levy a tax under division (A) of 2053  
this section, the board shall establish regulations necessary to 2054  
provide for the administration of the tax, which may prescribe 2055  
the time for payment of the tax and the imposition of penalty or 2056  
interest subject to the limitations on penalty and interest 2057  
provided in division (A) of this section. No portion of the 2058  
revenue shall be returned to townships or municipal corporations 2059  
in the county unless otherwise provided by resolution of the 2060  
board. 2061

(4) The tax shall apply throughout the territory of the 2062  
county, including in any township or municipal corporation 2063  
levying an excise tax under division (A) or (B) of section 2064  
5739.08 of the Revised Code. The levy of the tax is subject to 2065  
referendum as provided under section 305.31 of the Revised Code. 2066

(5) The tax shall remain in effect for the period 2067  
specified in the resolution. If revenue from the increase in 2068  
rate is pledged to the payment of debt charges on securities, 2069  
the increase in rate is not subject to diminution by initiative 2070  
or referendum or by law for so long as the securities are 2071  
outstanding unless provision is made by law or by the board for 2072  
an adequate substitute for that revenue that is satisfactory to 2073  
the trustee if a trust agreement secures payment of the debt 2074  
charges. 2075

(K) (1) The board of county commissioners of an eligible 2076

county, as defined in section 307.678 of the Revised Code, that 2077  
levies an excise tax under division (A) of this section on July 2078  
1, 2017, at a rate of three per cent may, by resolution adopted 2079  
by a majority of the members of the board, amend the resolution 2080  
levying the tax to increase the rate of the tax by not more than 2081  
an additional three per cent on each transaction. 2082

(2) No portion of the revenue shall be returned to 2083  
townships or municipal corporations in the county unless 2084  
otherwise provided by resolution of the board. Otherwise, the 2085  
revenue from the increase in the rate shall be distributed and 2086  
used in the same manner described under division (A) of this 2087  
section or distributed or used to provide credit enhancement 2088  
facilities as authorized under section 307.678 of the Revised 2089  
Code. 2090

(3) The increase in rate shall remain in effect for the 2091  
period specified in the resolution. If revenue from the increase 2092  
in rate is pledged to the payment of debt charges on securities, 2093  
the increase in rate is not subject to diminution by initiative 2094  
or referendum or by law for so long as the securities are 2095  
outstanding unless provision is made by law or by the board for 2096  
an adequate substitute for that revenue that is satisfactory to 2097  
the trustee if a trust agreement secures payment of the debt 2098  
charges. 2099

(L) (1) As used in division (L) of this section: 2100

(a) "Eligible county" means a county that has a population 2101  
greater than one hundred ninety thousand and less than two 2102  
hundred thousand according to the 2010 federal decennial census 2103  
and that levies an excise tax under division (A) of this section 2104  
at a rate of three per cent. 2105

(b) "Professional sports facility" means a sports facility 2106  
that is intended to house major or minor league professional 2107  
athletic teams, including a stadium, together with all parking 2108  
facilities, walkways, and other auxiliary facilities, real and 2109  
personal property, property rights, easements, and interests 2110  
that may be appropriate for, or used in connection with, the 2111  
operation of the facility. 2112

(2) Subject to division (L)(3) of this section, the board 2113  
of county commissioners of an eligible county, by resolution 2114  
adopted by a majority of the members of the board, may increase 2115  
the rate of the tax by not more than one per cent on 2116  
transactions by which lodging by a hotel or short-term rental 2117  
property is or is to be furnished to transient guests. Revenue 2118  
from the increase in rate shall be used for the purposes of 2119  
paying the costs of constructing, improving, and maintaining a 2120  
professional sports facility in the county and paying expenses 2121  
considered necessary by the convention and visitors' bureau 2122  
operating in the county to promote travel and tourism with 2123  
respect to that professional sports facility. The tax shall take 2124  
effect only after the convention and visitors' bureau enters 2125  
into a contract for the construction, improvement, or 2126  
maintenance of a professional sports facility that is or will be 2127  
located on property acquired, in whole or in part, with revenue 2128  
from the increased rate, and thereafter shall remain in effect 2129  
for the period specified in the resolution. If revenue from the 2130  
increase in rate is pledged to the payment of debt charges on 2131  
securities, the increase in rate is not subject to diminution by 2132  
initiative or referendum or by law for so long as the securities 2133  
are outstanding, unless a provision is made by law or by the 2134  
board of county commissioners for an adequate substitute for 2135  
that revenue that is satisfactory to the trustee if a trust 2136

agreement secures payment of the debt charges. The increase in 2137  
rate shall be subject to the regulations adopted under division 2138  
(A) of this section, except that the resolution may provide that 2139  
no portion of the revenue from the increase in the rate shall be 2140  
returned to townships or municipal corporations as would 2141  
otherwise be required under division (A) of this section. 2142

(3) If, on December 31, 2019, the convention and visitors' 2143  
bureau has not entered into a contract for the construction, 2144  
improvement, or maintenance of a professional sports facility 2145  
that is or will be located on property acquired, in whole or in 2146  
part, with revenue from the increased rate, the authority to 2147  
levy the tax under division (L) (2) of this section is hereby 2148  
repealed on that date. 2149

(M) (1) For the purposes described in section 307.695 of 2150  
the Revised Code and to cover the costs of administering the 2151  
tax, a board of county commissioners of a county where a tax 2152  
imposed under division (A) of this section is in effect may, by 2153  
resolution adopted within ninety days after July 15, 1985, by a 2154  
majority of the members of the board, levy an additional excise 2155  
tax not to exceed three per cent on transactions by which 2156  
lodging by a hotel or short-term rental property is or is to be 2157  
furnished to transient guests. The tax authorized by division 2158  
(M) of this section shall be in addition to any tax that is 2159  
levied pursuant to divisions (A) to (L) of this section, but it 2160  
shall not apply to transactions subject to a tax levied by a 2161  
municipal corporation or township pursuant to section 5739.08 of 2162  
the Revised Code. 2163

(2) The board shall establish all regulations necessary to 2164  
provide for the administration and allocation of the tax. The 2165  
regulations may prescribe the time for payment of the tax, and 2166

may provide for the imposition of a penalty or interest, or 2167  
both, for late payments, provided that the penalty does not 2168  
exceed ten per cent of the amount of tax due, and the rate at 2169  
which interest accrues does not exceed the rate per annum 2170  
prescribed pursuant to section 5703.47 of the Revised Code. 2171

(3) All revenues arising from the tax shall be expended in 2172  
accordance with section 307.695 of the Revised Code. The board 2173  
of county commissioners of an eligible county as defined in 2174  
section 307.695 of the Revised Code may, by resolution adopted 2175  
by a majority of the members of the board, amend the resolution 2176  
levying a tax under this division to provide that the revenue 2177  
from the tax shall be used by the board as described in division 2178  
(H) of section 307.695 of the Revised Code. 2179

(4) A tax imposed under this division shall remain in 2180  
effect at the rate at which it is imposed for the duration of 2181  
the period during which any agreement entered into by the board 2182  
under section 307.695 of the Revised Code is in effect, the 2183  
duration of the period during which any securities issued by the 2184  
board under division (I) of section 307.695 of the Revised Code 2185  
are outstanding, or the duration of the period during which the 2186  
board owns a project as defined in section 307.695 of the 2187  
Revised Code, whichever duration is longest. 2188

(N) (1) For the purpose of providing contributions under 2189  
division (B) (1) of section 307.671 of the Revised Code to enable 2190  
the acquisition, construction, and equipping of a port authority 2191  
educational and cultural facility in the county and, to the 2192  
extent provided for in the cooperative agreement authorized by 2193  
that section, for the purpose of paying debt service charges on 2194  
bonds, or notes in anticipation of bonds, described in division 2195  
(B) (1) (b) of that section, a board of county commissioners, by 2196

resolution adopted within ninety days after December 22, 1992, 2197  
by a majority of the members of the board, may levy an 2198  
additional excise tax not to exceed one and one-half per cent on 2199  
transactions by which lodging by a hotel or short-term rental 2200  
property is or is to be furnished to transient guests. The 2201  
excise tax authorized by division (N) of this section shall be 2202  
in addition to any tax that is levied pursuant to divisions (A) 2203  
to (M) of this section, to any excise tax levied pursuant to 2204  
section 5739.08 of the Revised Code, and to any excise tax 2205  
levied pursuant to section 351.021 of the Revised Code. 2206

(2) The board of county commissioners shall establish all 2207  
regulations necessary to provide for the administration and 2208  
allocation of the tax that are not inconsistent with this 2209  
section or section 307.671 of the Revised Code. The regulations 2210  
may prescribe the time for payment of the tax, and may provide 2211  
for the imposition of a penalty or interest, or both, for late 2212  
payments, provided that the penalty does not exceed ten per cent 2213  
of the amount of tax due, and the rate at which interest accrues 2214  
does not exceed the rate per annum prescribed pursuant to 2215  
section 5703.47 of the Revised Code. 2216

(3) All revenues arising from the tax shall be expended in 2217  
accordance with section 307.671 of the Revised Code and division 2218  
(N) of this section. The levy of a tax imposed under division 2219  
(N) of this section may not commence prior to the first day of 2220  
the month next following the execution of the cooperative 2221  
agreement authorized by section 307.671 of the Revised Code by 2222  
all parties to that agreement. 2223

(4) The tax shall remain in effect at the rate at which it 2224  
is imposed for the period of time described in division (C) of 2225  
section 307.671 of the Revised Code for which the revenue from 2226

the tax has been pledged by the county to the corporation 2227  
pursuant to that section, but, to any extent provided for in the 2228  
cooperative agreement, for no lesser period than the period of 2229  
time required for payment of the debt service charges on bonds, 2230  
or notes in anticipation of bonds, described in division (B)(1) 2231  
(b) of that section. 2232

(O) (1) For the purpose of paying the costs of acquiring, 2233  
constructing, equipping, and improving a municipal educational 2234  
and cultural facility, including debt service charges on bonds 2235  
provided for in division (B) of section 307.672 of the Revised 2236  
Code, and for any additional purposes determined by the county 2237  
in the resolution levying the tax or amendments to the 2238  
resolution, including subsequent amendments providing for paying 2239  
costs of acquiring, constructing, renovating, rehabilitating, 2240  
equipping, and improving a port authority educational and 2241  
cultural performing arts facility, as defined in section 307.674 2242  
of the Revised Code, and including debt service charges on bonds 2243  
provided for in division (B) of section 307.674 of the Revised 2244  
Code, the legislative authority of a county, by resolution 2245  
adopted within ninety days after June 30, 1993, by a majority of 2246  
the members of the legislative authority, may levy an additional 2247  
excise tax not to exceed one and one-half per cent on 2248  
transactions by which lodging by a hotel or short-term rental 2249  
property is or is to be furnished to transient guests. The 2250  
excise tax authorized by division (O) of this section shall be 2251  
in addition to any tax that is levied pursuant to divisions (A) 2252  
to (N) of this section, to any excise tax levied pursuant to 2253  
section 5739.08 of the Revised Code, and to any excise tax 2254  
levied pursuant to section 351.021 of the Revised Code. 2255

(2) The legislative authority of the county shall 2256  
establish all regulations necessary to provide for the 2257

administration and allocation of the tax. The regulations may 2258  
prescribe the time for payment of the tax, and may provide for 2259  
the imposition of a penalty or interest, or both, for late 2260  
payments, provided that the penalty does not exceed ten per cent 2261  
of the amount of tax due, and the rate at which interest accrues 2262  
does not exceed the rate per annum prescribed pursuant to 2263  
section 5703.47 of the Revised Code. 2264

(3) All revenues arising from the tax shall be expended in 2265  
accordance with section 307.672 of the Revised Code and this 2266  
division. The levy of a tax imposed under this division shall 2267  
not commence prior to the first day of the month next following 2268  
the execution of the cooperative agreement authorized by section 2269  
307.672 of the Revised Code by all parties to that agreement. 2270  
The tax shall remain in effect at the rate at which it is 2271  
imposed for the period of time determined by the legislative 2272  
authority of the county. That period of time shall not exceed 2273  
fifteen years, except that the legislative authority of a county 2274  
with a population of less than two hundred fifty thousand 2275  
according to the most recent federal decennial census, by 2276  
resolution adopted by a majority of its members before the 2277  
original tax expires, may extend the duration of the tax for an 2278  
additional period of time. The additional period of time by 2279  
which a legislative authority extends a tax levied under 2280  
division (O) of this section shall not exceed fifteen years. 2281

(P)(1) The legislative authority of a county that has 2282  
levied a tax under division (O) of this section may, by 2283  
resolution adopted within one hundred eighty days after January 2284  
4, 2001, by a majority of the members of the legislative 2285  
authority, amend the resolution levying a tax under that 2286  
division to provide for the use of the proceeds of that tax, to 2287  
the extent that it is no longer needed for its original purpose 2288

as determined by the parties to a cooperative agreement 2289  
amendment pursuant to division (D) of section 307.672 of the 2290  
Revised Code, to pay costs of acquiring, constructing, 2291  
renovating, rehabilitating, equipping, and improving a port 2292  
authority educational and cultural performing arts facility, 2293  
including debt service charges on bonds provided for in division 2294  
(B) of section 307.674 of the Revised Code, and to pay all 2295  
obligations under any guaranty agreements, reimbursement 2296  
agreements, or other credit enhancement agreements described in 2297  
division (C) of section 307.674 of the Revised Code. 2298

(2) The resolution may also provide for the extension of 2299  
the tax at the same rate for the longer of the period of time 2300  
determined by the legislative authority of the county, but not 2301  
to exceed an additional twenty-five years, or the period of time 2302  
required to pay all debt service charges on bonds provided for 2303  
in division (B) of section 307.672 of the Revised Code and on 2304  
port authority revenue bonds provided for in division (B) of 2305  
section 307.674 of the Revised Code. 2306

(3) All revenues arising from the amendment and extension 2307  
of the tax shall be expended in accordance with section 307.674 2308  
of the Revised Code and divisions (O) and (P) of this section. 2309

(Q) (1) As used in division (Q) of this section: 2310

(a) "Convention facilities authority" has the same meaning 2311  
as in section 351.01 of the Revised Code. 2312

(b) "Convention center" has the same meaning as in section 2313  
307.695 of the Revised Code. 2314

(2) Notwithstanding any contrary provision of division (N) 2315  
of this section, the legislative authority of a county with a 2316  
population of one million or more according to the most recent 2317

federal decennial census that has levied a tax under division 2318  
(N) of this section may, by resolution adopted by a majority of 2319  
the members of the legislative authority, provide for the 2320  
extension of such levy and may provide that the proceeds of that 2321  
tax, to the extent that they are no longer needed for their 2322  
original purpose as defined by a cooperative agreement entered 2323  
into under section 307.671 of the Revised Code, shall be 2324  
deposited into the county general revenue fund. The resolution 2325  
shall provide for the extension of the tax at a rate not to 2326  
exceed the rate specified in division (N) of this section for a 2327  
period of time determined by the legislative authority of the 2328  
county, but not to exceed an additional forty years. 2329

(3) The legislative authority of a county with a 2330  
population of one million or more that has levied a tax under 2331  
division (A) of this section may, by resolution adopted by a 2332  
majority of the members of the legislative authority, increase 2333  
the rate of the tax levied by such county under division (A) of 2334  
this section to a rate not to exceed five per cent on 2335  
transactions by which lodging by a hotel or short-term rental 2336  
property is or is to be furnished to transient guests. 2337  
Notwithstanding any contrary provision of division (A) of this 2338  
section, the resolution may provide that all collections 2339  
resulting from the rate levied in excess of three per cent, 2340  
after deducting the real and actual costs of administering the 2341  
tax, shall be deposited in the county general fund. 2342

(4) The legislative authority of a county with a 2343  
population of one million or more that has levied a tax under 2344  
division (A) of this section may, by resolution adopted on or 2345  
before August 30, 2004, by a majority of the members of the 2346  
legislative authority, provide that all or a portion of the 2347  
proceeds of the tax levied under division (A) of this section, 2348

after deducting the real and actual costs of administering the 2349  
tax and the amounts required to be returned to townships and 2350  
municipal corporations with respect to the first three per cent 2351  
levied under division (A) of this section, shall be deposited in 2352  
the county general fund, provided that such proceeds shall be 2353  
used to satisfy any pledges made in connection with an agreement 2354  
entered into under section 307.695 of the Revised Code. 2355

(5) No amount collected from a tax levied, extended, or 2356  
required to be deposited in the county general fund under 2357  
division (Q) of this section shall be contributed to a 2358  
convention facilities authority, corporation, or other entity 2359  
created after July 1, 2003, for the principal purpose of 2360  
constructing, improving, expanding, equipping, financing, or 2361  
operating a convention center unless the mayor of the municipal 2362  
corporation in which the convention center is to be operated by 2363  
that convention facilities authority, corporation, or other 2364  
entity has consented to the creation of that convention 2365  
facilities authority, corporation, or entity. Notwithstanding 2366  
any contrary provision of section 351.04 of the Revised Code, if 2367  
a tax is levied by a county under division (Q) of this section, 2368  
the board of county commissioners of that county may determine 2369  
the manner of selection, the qualifications, the number, and 2370  
terms of office of the members of the board of directors of any 2371  
convention facilities authority, corporation, or other entity 2372  
described in division (Q) (5) of this section. 2373

(6) (a) No amount collected from a tax levied, extended, or 2374  
required to be deposited in the county general fund under 2375  
division (Q) of this section may be used for any purpose other 2376  
than paying the direct and indirect costs of constructing, 2377  
improving, expanding, equipping, financing, or operating a 2378  
convention center and for the real and actual costs of 2379

administering the tax, unless, prior to the adoption of the 2380  
resolution of the legislative authority of the county 2381  
authorizing the levy, extension, increase, or deposit, the 2382  
county and the mayor of the most populous municipal corporation 2383  
in that county have entered into an agreement as to the use of 2384  
such amounts, provided that such agreement has been approved by 2385  
a majority of the mayors of the other municipal corporations in 2386  
that county. The agreement shall provide that the amounts to be 2387  
used for purposes other than paying the convention center or 2388  
administrative costs described in division (Q) (6) (a) of this 2389  
section be used only for the direct and indirect costs of 2390  
capital improvements, including the financing of capital 2391  
improvements, except that the agreement may subsequently be 2392  
amended by the parties that have entered into that agreement to 2393  
authorize such amounts to instead be used for any costs related 2394  
to the promotion or support of tourism or tourism-related 2395  
programs. 2396

(b) If the county in which the tax is levied has an 2397  
association of mayors and city managers, the approval of that 2398  
association of an agreement described in division (Q) (6) (a) of 2399  
this section shall be considered to be the approval of the 2400  
majority of the mayors of the other municipal corporations for 2401  
purposes of that division. 2402

(7) Each year, the auditor of state shall conduct an audit 2403  
of the uses of any amounts collected from taxes levied, 2404  
extended, or deposited under division (Q) of this section and 2405  
shall prepare a report of the auditor of state's findings. The 2406  
auditor of state shall submit the report to the legislative 2407  
authority of the county that has levied, extended, or deposited 2408  
the tax, the speaker of the house of representatives, the 2409  
president of the senate, and the leaders of the minority parties 2410

of the house of representatives and the senate. 2411

(R) (1) As used in division (R) of this section: 2412

(a) "Convention facilities authority" has the same meaning 2413  
as in section 351.01 of the Revised Code. 2414

(b) "Convention center" has the same meaning as in section 2415  
307.695 of the Revised Code. 2416

(2) Notwithstanding any contrary provision of division (N) 2417  
of this section, the legislative authority of a county with a 2418  
population of one million two hundred thousand or more according 2419  
to the most recent federal decennial census or the most recent 2420  
annual population estimate published or released by the United 2421  
States census bureau at the time the resolution is adopted 2422  
placing the levy on the ballot, that has levied a tax under 2423  
division (N) of this section may, by resolution adopted by a 2424  
majority of the members of the legislative authority, provide 2425  
for the extension of such levy and may provide that the proceeds 2426  
of that tax, to the extent that the proceeds are no longer 2427  
needed for their original purpose as defined by a cooperative 2428  
agreement entered into under section 307.671 of the Revised Code 2429  
and after deducting the real and actual costs of administering 2430  
the tax, shall be used for paying the direct and indirect costs 2431  
of constructing, improving, expanding, equipping, financing, or 2432  
operating a convention center. The resolution shall provide for 2433  
the extension of the tax at a rate not to exceed the rate 2434  
specified in division (N) of this section for a period of time 2435  
determined by the legislative authority of the county, but not 2436  
to exceed an additional forty years. 2437

(3) The legislative authority of a county with a 2438  
population of one million two hundred thousand or more that has 2439

levied a tax under division (A) of this section may, by 2440  
resolution adopted by a majority of the members of the 2441  
legislative authority, increase the rate of the tax levied by 2442  
such county under division (A) of this section to a rate not to 2443  
exceed five per cent on transactions by which lodging by a hotel 2444  
or short-term rental property is or is to be furnished to 2445  
transient guests. Notwithstanding any contrary provision of 2446  
division (A) of this section, the resolution shall provide that 2447  
all collections resulting from the rate levied in excess of 2448  
three per cent, after deducting the real and actual costs of 2449  
administering the tax, shall be used for paying the direct and 2450  
indirect costs of constructing, improving, expanding, equipping, 2451  
financing, or operating a convention center. 2452

(4) The legislative authority of a county with a 2453  
population of one million two hundred thousand or more that has 2454  
levied a tax under division (A) of this section may, by 2455  
resolution adopted on or before July 1, 2008, by a majority of 2456  
the members of the legislative authority, provide that all or a 2457  
portion of the proceeds of the tax levied under division (A) of 2458  
this section, after deducting the real and actual costs of 2459  
administering the tax and the amounts required to be returned to 2460  
townships and municipal corporations with respect to the first 2461  
three per cent levied under division (A) of this section, shall 2462  
be used to satisfy any pledges made in connection with an 2463  
agreement entered into under section 307.695 of the Revised Code 2464  
or shall otherwise be used for paying the direct and indirect 2465  
costs of constructing, improving, expanding, equipping, 2466  
financing, or operating a convention center. 2467

(5) Any amount collected from a tax levied or extended 2468  
under division (R) of this section may be contributed to a 2469  
convention facilities authority created before July 1, 2005, but 2470

no amount collected from a tax levied or extended under division 2471  
(R) of this section may be contributed to a convention 2472  
facilities authority, corporation, or other entity created after 2473  
July 1, 2005, unless the mayor of the municipal corporation in 2474  
which the convention center is to be operated by that convention 2475  
facilities authority, corporation, or other entity has consented 2476  
to the creation of that convention facilities authority, 2477  
corporation, or entity. 2478

(S) As used in division (S) of this section, "soldiers' 2479  
memorial" means a memorial constructed and funded under Chapter 2480  
345. of the Revised Code. 2481

The board of county commissioners of a county with a 2482  
population between one hundred three thousand and one hundred 2483  
seven thousand according to the most recent federal decennial 2484  
census, by resolution adopted by a majority of the members of 2485  
the board within six months after September 15, 2014, may levy a 2486  
tax not to exceed three per cent on transactions by which a 2487  
hotel or short-term rental property is or is to be furnished to 2488  
transient guests. The purpose of the tax shall be to pay the 2489  
costs of expanding, maintaining, or operating a soldiers' 2490  
memorial and the costs of administering the tax. All revenue 2491  
arising from the tax shall be credited to one or more special 2492  
funds in the county treasury and shall be spent solely for the 2493  
purposes of paying those costs. 2494

The board of county commissioners shall adopt all rules 2495  
necessary to provide for the administration of the tax subject 2496  
to the same limitations on imposing penalty or interest under 2497  
division (A) of this section. 2498

(T) As used in division (T) of this section: 2499

(1) "Eligible county" means a county in which a county 2500  
agricultural society or independent agricultural society is 2501  
organized under section 1711.01 or 1711.02 of the Revised Code, 2502  
provided the agricultural society owns a facility or site in the 2503  
county at which an annual harness horse race is conducted where 2504  
one-day attendance equals at least forty thousand attendees. 2505

(2) "Permanent improvements," "debt charges," and 2506  
"financing costs" have the same meanings as in section 133.01 of 2507  
the Revised Code. 2508

(3) "Costs of permanent improvements" include all costs 2509  
allowed in section 133.15 of the Revised Code. 2510

A board of county commissioners of an eligible county, by 2511  
resolution adopted by a majority of the members of the board, 2512  
may levy an excise tax at the rate of up to three per cent on 2513  
transactions by which lodging by a hotel or short-term rental 2514  
property is or is to be furnished to transient guests for the 2515  
purpose of paying the costs of permanent improvements at sites 2516  
at which one or more agricultural societies conduct fairs or 2517  
exhibits, including paying financing costs and debt charges on 2518  
bonds, or notes in anticipation of bonds, paying the costs of 2519  
maintaining or operating such permanent improvements, and paying 2520  
the costs of administering the tax. 2521

A resolution adopted under division (T) of this section, 2522  
other than a resolution that only extends the period of time for 2523  
which the tax is levied, shall direct the board of elections to 2524  
submit the question of the proposed lodging tax to the electors 2525  
of the county at a special election held on the date specified 2526  
by the board in the resolution, provided that the election 2527  
occurs not less than ninety days after a certified copy of the 2528  
resolution is transmitted to the board of elections. A 2529

resolution submitted to the electors under division (T) of this 2530  
section shall not go into effect unless it is approved by a 2531  
majority of those voting upon it. The resolution takes effect on 2532  
the date the board of county commissioners receives notification 2533  
from the board of elections of an affirmative vote. 2534

The tax shall remain in effect for the period specified in 2535  
the resolution, not to exceed five years, and may be extended 2536  
for an additional period of years that is at least the number of 2537  
years required for payment of the debt charges on bonds or notes 2538  
in anticipation of bonds authorized under this division but not 2539  
in excess of fifteen years thereafter by a resolution adopted by 2540  
a majority of the members of the board. A resolution extending 2541  
the period of time for which the tax is in effect is not subject 2542  
to approval of the electors of the county, but is subject to 2543  
referendum under sections 305.31 to 305.99 of the Revised Code. 2544  
All revenue arising from the tax shall be credited to one or 2545  
more special funds in the county treasury and shall be spent 2546  
solely for the purposes of paying the costs of such permanent 2547  
improvements, including paying financing costs and debt charges 2548  
on bonds, or notes in anticipation of bonds, and maintaining or 2549  
operating the improvements. Revenue allocated for the use of a 2550  
county agricultural society may be credited to the county 2551  
agricultural society fund created in section 1711.16 of the 2552  
Revised Code upon appropriation by the board. If revenue is 2553  
credited to that fund, it shall be expended only as provided in 2554  
that section. 2555

The board of county commissioners shall adopt all rules 2556  
necessary to provide for the administration of the tax. The 2557  
rules may prescribe the time for payment of the tax, and may 2558  
provide for the imposition or penalty or interest, or both, for 2559  
late payments, provided that the penalty does not exceed ten per 2560

cent of the amount of tax due, and the rate at which interest 2561  
accrues does not exceed the rate per annum prescribed in section 2562  
5703.47 of the Revised Code. 2563

The board of county commissioners may issue bonds, or 2564  
notes in anticipation thereof, pursuant to Chapter 133. of the 2565  
Revised Code, for the purpose of paying the costs of permanent 2566  
improvements as authorized in this division and pledge the 2567  
revenue arising from the tax for that purpose. The board of 2568  
county commissioners may pledge or contribute the revenue 2569  
arising from the tax levied under this division to a port 2570  
authority created under Chapter 4582. of the Revised Code, and 2571  
the port authority may issue bonds, or notes in anticipation 2572  
thereof, pursuant to that chapter, for the purpose of paying the 2573  
costs of permanent improvements as authorized in this division. 2574

(U) As used in division (U) of this section, "eligible 2575  
county" means a county in which a tax is levied under division 2576  
(A) of this section at a rate of three per cent and whose 2577  
territory includes a part of Lake Erie the shoreline of which 2578  
represents at least fifty per cent of the linear length of the 2579  
county's border with other counties of this state. 2580

The board of county commissioners of an eligible county 2581  
that has entered into an agreement with a port authority in the 2582  
county under section 4582.56 of the Revised Code may levy an 2583  
additional lodging tax on transactions by which lodging by a 2584  
hotel or short-term rental property is or is to be furnished to 2585  
transient guests for the purpose of financing lakeshore 2586  
improvement projects constructed or financed by the port 2587  
authority under that section. The resolution levying the tax 2588  
shall specify the purpose of the tax, the rate of the tax, which 2589  
shall not exceed two per cent, and the number of years the tax 2590

will be levied or that it will be levied for a continuing period 2591  
of time. The tax shall be administered pursuant to the 2592  
regulations adopted by the board under division (A) of this 2593  
section, except that all the proceeds of the tax levied under 2594  
this division shall be pledged to the payment of the costs, 2595  
including debt charges, of lakeshore improvements undertaken by 2596  
a port authority pursuant to the agreement under section 4582.56 2597  
of the Revised Code. No revenue from the tax may be used to pay 2598  
the current expenses of the port authority. 2599

A resolution levying a tax under division (U) of this 2600  
section is subject to referendum under sections 305.31 to 305.41 2601  
and 305.99 of the Revised Code. 2602

(V) (1) As used in division (V) of this section: 2603

(a) "Tourism development district" means a district 2604  
designated by a municipal corporation under section 715.014 of 2605  
the Revised Code or by a township under section 503.56 of the 2606  
Revised Code. 2607

(b) "Lodging tax" means a tax levied pursuant to this 2608  
section or section 5739.08 of the Revised Code. 2609

(c) "Tourism development district lodging tax proceeds" 2610  
means all proceeds of a lodging tax derived from transactions by 2611  
which lodging by a hotel or short-term rental property located 2612  
in a tourism development district is or is to be provided to 2613  
transient guests. 2614

(d) "Eligible county" has the same meaning as in section 2615  
307.678 of the Revised Code. 2616

(2) (a) Notwithstanding division (A) of this section, the 2617  
board of county commissioners, board of township trustees, or 2618  
legislative authority of any county, township, or municipal 2619

corporation that levies a lodging tax on September 29, 2017, and 2620  
in which any part of a tourism development district is located 2621  
on or after that date shall amend the ordinance or resolution 2622  
levying the tax to require either of the following: 2623

(i) In the case of a tax levied by a county, that all 2624  
tourism development district lodging tax proceeds from that tax 2625  
be used exclusively to foster and develop tourism in the tourism 2626  
development district; 2627

(ii) In the case of a tax levied by a township or 2628  
municipal corporation, that all tourism development district 2629  
lodging tax proceeds from that tax be used exclusively to foster 2630  
and develop tourism in the tourism development district. 2631

(b) Notwithstanding division (A) of this section, any 2632  
ordinance or resolution levying a lodging tax adopted on or 2633  
after September 29, 2017, by a county, township, or municipal 2634  
corporation in which any part of a tourism development district 2635  
is located on or after that date shall require that all tourism 2636  
development district lodging tax proceeds from that tax be used 2637  
exclusively to foster and develop tourism in the tourism 2638  
development district. 2639

(c) A county shall not use any of the proceeds described 2640  
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 2641  
convention and visitors' bureau operating within the county 2642  
approves the manner in which such proceeds are used to foster 2643  
and develop tourism in the tourism development district. Upon 2644  
obtaining such approval, the county may pay such proceeds to the 2645  
bureau to use for the agreed-upon purpose. 2646

A municipal corporation or township shall not use any of 2647  
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 2648

this section unless the convention and visitors' bureau 2649  
operating within the municipal corporation or township approves 2650  
the manner in which such proceeds are used to foster and develop 2651  
tourism in the tourism development district. Upon obtaining such 2652  
approval, the municipal corporation or township may pay such 2653  
proceeds to the bureau to use for the agreed-upon purpose. 2654

(3) (a) Notwithstanding division (A) of this section, the 2655  
board of county commissioners of an eligible county that levies 2656  
a lodging tax on March 23, 2018, may amend the resolution 2657  
levying that tax to require that all or a portion of the 2658  
proceeds of that tax otherwise required to be spent solely to 2659  
make contributions to the convention and visitors' bureau 2660  
operating within the county shall be used to foster and develop 2661  
tourism in a tourism development district. 2662

(b) Notwithstanding division (A) of this section, the 2663  
board of county commissioners of an eligible county that adopts 2664  
a resolution levying a lodging tax on or after March 23, 2018, 2665  
may require that all or a portion of the proceeds of that tax 2666  
otherwise required to be spent solely to make contributions to 2667  
the convention and visitors' bureau operating within the county 2668  
pursuant to division (A) of this section shall be used to foster 2669  
and develop tourism in a tourism development district. 2670

(c) A county shall not use any of the proceeds in the 2671  
manner described in division (V) (3) (a) or (b) of this section 2672  
unless the convention and visitors' bureau operating within the 2673  
county approves the manner in which such proceeds are used to 2674  
foster and develop tourism in the tourism development district. 2675  
Upon obtaining such approval, the county may pay such proceeds 2676  
to the bureau to use for the agreed upon purpose. 2677

(W) (1) As used in division (W) of this section: 2678

(a) "Eligible county" means a county with a population 2679  
greater than three hundred thousand and less than three hundred 2680  
fifty thousand that levies a tax under division (A) of this 2681  
section at a rate of three per cent; 2682

(b) "Cost" and "facility" have the same meanings as in 2683  
section 351.01 of the Revised Code. 2684

(2) A board of county commissioners of an eligible county, 2685  
by resolution adopted by a majority of the members of the board, 2686  
may levy an excise tax at the rate of up to three per cent on 2687  
transactions by which lodging by a hotel or short-term rental 2688  
property is or is to be furnished to transient guests. All of 2689  
the revenue from the tax shall be used to pay the costs of 2690  
administering the tax or pledged and contributed to a convention 2691  
facilities authority established by the board of county 2692  
commissioners under Chapter 351. of the Revised Code and used by 2693  
the authority to pay the cost of constructing a facility in the 2694  
county, including paying bonds, or notes issued in anticipation 2695  
of bonds, as provided by that chapter, or paying the expenses of 2696  
maintaining, operating, or promoting such a facility. No portion 2697  
of the revenue arising from the tax need be returned to 2698  
municipal corporations or townships as required for taxes levied 2699  
under division (A) of this section. 2700

(3) A resolution adopted under division (W) of this 2701  
section shall direct the board of elections to submit the 2702  
question of the proposed lodging tax to the electors of the 2703  
county at a special election held on the date specified by the 2704  
board in the resolution, provided that the election occurs not 2705  
less than ninety days after a certified copy of the resolution 2706  
is transmitted to the board of elections. A resolution submitted 2707  
to the electors under division (W) of this section shall not go 2708

into effect unless it is approved by a majority of those voting 2709  
upon it. The resolution takes effect on the date the board of 2710  
county commissioners receives notification from the board of 2711  
elections of an affirmative vote. 2712

(4) Once the tax is approved by the electors of the county 2713  
pursuant to division (W) (3) of this section, it shall not be 2714  
subject to diminution by initiative or referendum or by law 2715  
while any bonds, or notes in anticipation of bonds, issued by 2716  
the authority under Chapter 351. of the Revised Code to which 2717  
the revenue is pledged, remain outstanding in accordance with 2718  
their terms, unless provision is made by law or by the board of 2719  
county commissioners for an adequate substitute therefore that 2720  
is satisfactory to the trustee if a trust agreement secures the 2721  
bonds. 2722

(5) The tax authorized by division (W) of this section 2723  
shall be in addition to any other tax that is levied pursuant to 2724  
this section. 2725

(X) (1) As used in division (X) of this section: 2726

(a) "Convention facilities authority," "cost," and 2727  
"facility" have the same meanings as in section 351.01 of the 2728  
Revised Code, except that "facility" does not include a "sports 2729  
facility," as that term is defined in that section, other than a 2730  
facility intended to house a major league soccer team. 2731

(b) "Eligible county" means a county with a population 2732  
greater than eight hundred thousand but less than one million 2733  
that levies a tax under division (A) of this section. 2734

(c) "Port authority" means a port authority created under 2735  
Chapter 4582. of the Revised Code. 2736

(2) A board of county commissioners or the legislative 2737

authority of an eligible county may, by resolution adopted by a 2738  
majority of the members of the board or legislative authority, 2739  
levy an excise tax at a rate not to exceed one per cent on 2740  
transactions by which lodging by a hotel or short-term rental 2741  
property is or is to be furnished to transient guests. All 2742  
revenue arising from the tax shall be used to pay the costs of 2743  
administering the tax or pledged and contributed to the 2744  
convention and visitors' bureau operating within the applicable 2745  
eligible county, a convention facilities authority within the 2746  
applicable eligible county, or a port authority and used by the 2747  
convention and visitors' bureau, the convention facilities 2748  
authority, or the port authority to pay the cost of acquiring, 2749  
constructing, renovating, expanding, maintaining, or operating 2750  
one or more facilities in the county, including paying bonds, or 2751  
notes issued in anticipation of bonds, or paying the expenses of 2752  
maintaining, operating, or promoting one or more facilities. No 2753  
portion of the revenue arising from the tax need be returned to 2754  
municipal corporations or townships as required for taxes levied 2755  
under division (A) of this section. 2756

(3) The tax authorized by division (X) of this section 2757  
shall be in addition to any other tax that is levied pursuant to 2758  
this section. 2759

(4) Any board of county commissioners of an eligible 2760  
county that, pursuant to division (D) (2) of this section, has 2761  
amended a resolution levying the tax authorized by division (A) 2762  
of this section may further amend the resolution to provide that 2763  
all or a portion of the revenue referred to in division (D) (2) 2764  
(b) of this section and division (A) of this section may be 2765  
pledged and contributed to pay the costs of acquiring, 2766  
constructing, renovating, expanding, maintaining, or operating 2767  
one or more facilities in the county, including paying bonds, or 2768

notes issued in anticipation of bonds, or paying the expenses of  
maintaining, operating, or promoting one or more facilities.

**Sec. 5739.091.** (A) ~~For the purposes of a tax levied by a~~  
~~county, township, or municipal corporation under section 5739.08~~  
~~or 5739.09 of the Revised Code, a~~ As used in this section:

(1) "Legislative authority" means a board of county  
commissioners, board of township trustees, ~~or the legislative~~  
authority of a municipal corporation ~~may adopt a resolution or~~  
~~ordinance at any time specifying that "hotel," as otherwise~~  
~~defined in section 5739.01 of the Revised Code, includes the~~  
~~following:~~

~~(1) Establishments in which fewer than five rooms are used~~  
~~for the accommodation of guests;~~

~~(2) Establishments at which rooms are used for the~~  
~~accommodation of guests regardless of whether each room is~~  
~~accessible through its own keyed entry or several rooms are~~  
~~accessible through the same keyed entry; and, in determining the~~  
~~number of rooms, all rooms are included regardless of the number~~  
~~of structures in which the rooms are situated or the number of~~  
~~parcels of land on which the structures are located if the~~  
~~structures are under the same ownership and the structures are~~  
~~not identified in advertisements of the accommodations as~~  
~~distinct establishments. For the purposes of division (A)(2) of~~  
~~this section, two or more structures are under the same~~  
~~ownership if they are owned by the same person, or if they are~~  
~~owned by two or more persons the majority of the ownership~~  
~~interests of which are owned by the same person.~~

~~(B) The resolution or ordinance may apply to a tax imposed~~  
~~pursuant to section 5739.08 or 5739.09 of the Revised Code prior~~

~~to the adoption of the resolution or ordinance if the resolution~~ 2798  
~~or ordinance so states, but the tax shall not apply to~~ 2799  
~~transactions by which lodging by such an establishment is~~ 2800  
~~provided to transient guests prior to the adoption of the~~ 2801  
~~resolution or ordinance.~~, the board of directors of a convention 2802  
facilities authority, or the board of directors of a lake 2803  
facilities authority. 2804

(2) "Existing lodging tax" means a tax levied under 2805  
section 351.021, 353.06, 5739.08, or 5739.09 of the Revised Code 2806  
and in effect on the day before the first day of the first month 2807  
beginning thirty days after the effective date of this 2808  
amendment. 2809

(B) A legislative authority shall not levy an existing 2810  
lodging tax on or after the first day of the first month 2811  
beginning thirty days after the effective date of this amendment 2812  
unless the legislative authority amends the resolution or 2813  
ordinance levying the tax to comply with the enactment of 2814  
division (C) of this section and the amendment of sections 2815  
351.01, 351.021, 353.06, 5739.08, and 5739.09 of the Revised 2816  
Code by this act. That amendment to such a resolution or 2817  
ordinance is not subject to a referendum, as prescribed by 2818  
sections 305.31 to 305.41 of the Revised Code, and shall take 2819  
effect without elector approval, notwithstanding the terms and 2820  
requirements applicable to the adoption of the resolution or 2821  
ordinance levying the existing lodging tax. 2822

(C) A legislative authority shall require the operator of 2823  
a short-term rental platform to collect and remit the tax levied 2824  
under section 351.021, 353.06, 5739.08, or 5739.09 of the 2825  
Revised Code on all transactions by which lodging by a hotel or 2826  
short-term rental property is or is to be furnished to transient 2827

guests through use of the platform. 2828

**Sec. 5741.01.** As used in this chapter: 2829

(A) "Person" includes individuals, receivers, assignees, 2830  
trustees in bankruptcy, estates, firms, partnerships, 2831  
associations, joint-stock companies, joint ventures, clubs, 2832  
societies, corporations, business trusts, governments, and 2833  
combinations of individuals of any form. 2834

(B) "Storage" means and includes any keeping or retention 2835  
in this state for use or other consumption in this state. 2836

(C) "Use" means and includes the exercise of any right or 2837  
power incidental to the ownership of the thing used. A thing is 2838  
also "used" in this state if its consumer gives or otherwise 2839  
distributes it, without charge, to recipients in this state. 2840

(D) "Purchase" means acquired or received for a 2841  
consideration, whether such acquisition or receipt was effected 2842  
by a transfer of title, or of possession, or of both, or a 2843  
license to use or consume; whether such transfer was absolute or 2844  
conditional, and by whatever means the transfer was effected; 2845  
and whether the consideration was money, credit, barter, or 2846  
exchange. Purchase includes production, even though the article 2847  
produced was used, stored, or consumed by the producer. The 2848  
transfer of copyrighted motion picture films for exhibition 2849  
purposes is not a purchase, except such films as are used solely 2850  
for advertising purposes. 2851

(E) "Seller" means the person from whom a purchase is 2852  
made, and includes every person engaged in this state or 2853  
elsewhere in the business of selling tangible personal property 2854  
or providing a service for storage, use, or other consumption or 2855  
benefit in this state; and when, in the opinion of the tax 2856

commissioner, it is necessary for the efficient administration 2857  
of this chapter, to regard any salesperson, representative, 2858  
peddler, or canvasser as the agent of a dealer, distributor, 2859  
supervisor, or employer under whom the person operates, or from 2860  
whom the person obtains tangible personal property, sold by the 2861  
person for storage, use, or other consumption in this state, 2862  
irrespective of whether or not the person is making such sales 2863  
on the person's own behalf, or on behalf of such dealer, 2864  
distributor, supervisor, or employer, the commissioner may 2865  
regard the person as such agent, and may regard such dealer, 2866  
distributor, supervisor, or employer as the seller. 2867

Except as provided in sections 5741.071 and 5747.072 of 2868  
the Revised Code, a marketplace facilitator shall be treated as 2869  
the "seller" with respect to all sales facilitated by the 2870  
marketplace facilitator on behalf of one or more marketplace 2871  
sellers on and after the first day of the first month that 2872  
begins at least thirty days after the marketplace facilitator 2873  
first has substantial nexus with this state. Otherwise, "seller" 2874  
does not include any person to the extent the person provides a 2875  
communications medium, such as, but not limited to, newspapers, 2876  
magazines, radio, television, or cable television, by means of 2877  
which sellers solicit purchases of their goods or services. 2878

(F) "Consumer" means any person who has purchased tangible 2879  
personal property or has been provided a service for storage, 2880  
use, or other consumption or benefit in this state. "Consumer" 2881  
does not include a person who receives, without charge, tangible 2882  
personal property or a service. 2883

A person who performs a facility management or similar 2884  
service contract for a contractee is a consumer of all tangible 2885  
personal property and services purchased for use in connection 2886

with the performance of such contract, regardless of whether 2887  
title to any such property vests in the contractee. The purchase 2888  
of such property and services is not subject to the exception 2889  
for resale under division (E) of section 5739.01 of the Revised 2890  
Code. 2891

(G) (1) "Price," except as provided in divisions (G) (2) to 2892  
(6) of this section, has the same meaning as in division (H) (1) 2893  
of section 5739.01 of the Revised Code. 2894

(2) In the case of watercraft, outboard motors, or new 2895  
motor vehicles, "price" has the same meaning as in divisions (H) 2896  
(2) and (3) of section 5739.01 of the Revised Code. 2897

(3) In the case of a nonresident business consumer that 2898  
purchases and uses tangible personal property outside this state 2899  
and subsequently temporarily stores, uses, or otherwise consumes 2900  
such tangible personal property in the conduct of business in 2901  
this state, the consumer or the tax commissioner may determine 2902  
the price based on the value of the temporary storage, use, or 2903  
other consumption, in lieu of determining the price pursuant to 2904  
division (G) (1) of this section. A price determination made by 2905  
the consumer is subject to review and redetermination by the 2906  
commissioner. 2907

(4) In the case of tangible personal property held in this 2908  
state as inventory for sale or lease, and that is temporarily 2909  
stored, used, or otherwise consumed in a taxable manner, the 2910  
price is the value of the temporary use. A price determination 2911  
made by the consumer is subject to review and redetermination by 2912  
the commissioner. 2913

(5) In the case of tangible personal property originally 2914  
purchased and used by the consumer outside this state, and that 2915

becomes permanently stored, used, or otherwise consumed in this 2916  
state more than six months after its acquisition by the 2917  
consumer, the consumer or the commissioner may determine the 2918  
price based on the current value of such tangible personal 2919  
property, in lieu of determining the price pursuant to division 2920  
(G) (1) of this section. A price determination made by the 2921  
consumer is subject to review and redetermination by the 2922  
commissioner. 2923

(6) If a consumer produces tangible personal property for 2924  
sale and removes that property from inventory for the consumer's 2925  
own use, the price is the produced cost of that tangible 2926  
personal property. 2927

(H) "Nexus with this state" means that the seller engages 2928  
in continuous and widespread solicitation of purchases from 2929  
residents of this state or otherwise purposefully directs its 2930  
business activities at residents of this state. 2931

(I) (1) "Substantial nexus with this state" means that the 2932  
seller has sufficient contact with this state, in accordance 2933  
with Section 8 of Article I of the Constitution of the United 2934  
States, to allow the state to require the seller to collect and 2935  
remit use tax on sales of tangible personal property or services 2936  
made to consumers in this state. 2937

(2) "Substantial nexus with this state" is presumed to 2938  
exist when the seller does any of the following: 2939

(a) Uses an office, distribution facility, warehouse, 2940  
storage facility, or similar place of business within this 2941  
state, whether operated by the seller or any other person, other 2942  
than a common carrier acting in its capacity as a common 2943  
carrier. 2944

(b) Regularly uses employees, agents, representatives, 2945  
solicitors, installers, repairers, salespersons, or other 2946  
persons in this state for the purpose of conducting the business 2947  
of the seller or either to engage in a business with the same or 2948  
a similar industry classification as the seller selling a 2949  
similar product or line of products as the seller, or to use 2950  
trademarks, service marks, or trade names in this state that are 2951  
the same or substantially similar to those used by the seller. 2952

(c) Uses any person, other than a common carrier acting in 2953  
its capacity as a common carrier, in this state for any of the 2954  
following purposes: 2955

(i) Receiving or processing orders of the seller's goods 2956  
or services; 2957

(ii) Using that person's employees or facilities in this 2958  
state to advertise, promote, or facilitate sales by the seller 2959  
to customers; 2960

(iii) Delivering, installing, assembling, or performing 2961  
maintenance services for the seller's customers; 2962

(iv) Facilitating the seller's delivery of tangible 2963  
personal property to customers in this state by allowing the 2964  
seller's customers to pick up property sold by the seller at an 2965  
office, distribution facility, warehouse, storage facility, or 2966  
similar place of business. 2967

(d) Makes regular deliveries of tangible personal property 2968  
into this state by means other than common carrier. 2969

(e) Has an affiliated person that has substantial nexus 2970  
with this state. 2971

(f) Owns tangible personal property that is rented or 2972

leased to a consumer in this state, or offers tangible personal 2973  
property, on approval, to consumers in this state. 2974

(g) Has gross receipts in excess of one hundred thousand 2975  
dollars in the current or preceding calendar year from the sale 2976  
of tangible personal property for storage, use, or consumption 2977  
in this state or from providing services the benefit of which is 2978  
realized in this state. 2979

(h) Engages, in the current or preceding calendar year, in 2980  
two hundred or more separate transactions selling tangible 2981  
personal property for storage, use, or consumption in this state 2982  
or providing services the benefit of which is realized in this 2983  
state. 2984

(i) Is a short-term rental platform that furnishes lodging 2985  
in short-term rental properties located in this state to 2986  
transient guests. 2987

(3) A seller presumed to have substantial nexus with this 2988  
state under divisions (I) (2) (a) to (f), (g), and (h) of this 2989  
section may rebut that presumption by demonstrating that 2990  
activities described in any of those divisions that are 2991  
conducted by a person in this state on the seller's behalf are 2992  
not significantly associated with the seller's ability to 2993  
establish or maintain a market in this state for the seller's 2994  
sales. 2995

(4) A marketplace facilitator is presumed to have 2996  
substantial nexus with this state if either of the following 2997  
apply in the current or preceding calendar year: 2998

(a) The aggregate gross receipts derived from sales of 2999  
tangible personal property for storage, use, or consumption in 3000  
this state or services the benefit of which is realized in this 3001

state, including sales made by the marketplace facilitator on 3002  
its own behalf and sales facilitated by the marketplace 3003  
facilitator on behalf of one or more marketplace sellers, exceed 3004  
one hundred thousand dollars; 3005

(b) The marketplace facilitator engages in on its own 3006  
behalf, or facilitates on behalf of one or more marketplace 3007  
sellers, two hundred or more separate transactions selling 3008  
tangible personal property for storage, use, or consumption in 3009  
this state or services the benefit of which is realized in this 3010  
state. 3011

(5) A seller that does not have substantial nexus with 3012  
this state, and any affiliated person of the seller, before 3013  
selling or leasing tangible personal property or services to a 3014  
state agency, shall register with the tax commissioner in the 3015  
same manner as a seller described in division (A)(1) of section 3016  
5741.17 of the Revised Code. 3017

(6) As used in division (I) of this section: 3018

(a) "Affiliated person" means any person that is a member 3019  
of the same controlled group of corporations as the seller or 3020  
any other person that, notwithstanding the form of organization, 3021  
bears the same ownership relationship to the seller as a 3022  
corporation that is a member of the same controlled group of 3023  
corporations. 3024

(b) "Controlled group of corporations" has the same 3025  
meaning as in section 1563(a) of the Internal Revenue Code. 3026

(c) "State agency" has the same meaning as in section 1.60 3027  
of the Revised Code. 3028

(J) "Fiscal officer" means, with respect to a regional 3029  
transit authority, the secretary-treasurer thereof, and with 3030

respect to a county which is a transit authority, the fiscal 3031  
officer of the county transit board appointed pursuant to 3032  
section 306.03 of the Revised Code or, if the board of county 3033  
commissioners operates the county transit system, the county 3034  
auditor. 3035

(K) "Territory of the transit authority" means all of the 3036  
area included within the territorial boundaries of a transit 3037  
authority as they from time to time exist. Such territorial 3038  
boundaries must at all times include all the area of a single 3039  
county or all the area of the most populous county which is a 3040  
part of such transit authority. County population shall be 3041  
measured by the most recent census taken by the United States 3042  
census bureau. 3043

(L) "Transit authority" means a regional transit authority 3044  
created pursuant to section 306.31 of the Revised Code or a 3045  
county in which a county transit system is created pursuant to 3046  
section 306.01 of the Revised Code. For the purposes of this 3047  
chapter, a transit authority must extend to at least the entire 3048  
area of a single county. A transit authority which includes 3049  
territory in more than one county must include all the area of 3050  
the most populous county which is a part of such transit 3051  
authority. County population shall be measured by the most 3052  
recent census taken by the United States census bureau. 3053

(M) "Providing a service" has the same meaning as in 3054  
section 5739.01 of the Revised Code. 3055

(N) "Other consumption" includes receiving the benefits of 3056  
a service. 3057

(O) "Lease" or "rental" has the same meaning as in section 3058  
5739.01 of the Revised Code. 3059

(P) "Certified service provider" has the same meaning as 3060  
in section 5740.01 of the Revised Code. 3061

(Q) "Marketplace facilitator" means a person that owns, 3062  
operates, or controls a physical or electronic marketplace 3063  
through which retail sales or delivery network services, or 3064  
both, are facilitated on behalf of one or more marketplace 3065  
sellers, or an affiliate of such a person. "Marketplace 3066  
facilitator" does not include a person that provides advertising 3067  
services, including tangible personal property or services 3068  
listed for sale, if the advertising service platform or forum 3069  
does not engage directly or indirectly through one or more 3070  
affiliated persons in the activities described in division (T) 3071  
(2) of this section. 3072

(R) "Marketplace seller" means a person on behalf of which 3073  
a marketplace facilitator facilitates the sale of tangible 3074  
personal property for storage, use, or consumption in this state 3075  
or services the benefit of which are realized in this state, 3076  
regardless of whether or not the person has a substantial nexus 3077  
with this state. 3078

(S) "Electronic marketplace" includes digital distribution 3079  
services, digital distribution platforms, online portals, 3080  
application stores, computer software applications, in-app 3081  
purchase mechanisms, or other digital products. 3082

(T) A sale is "facilitated" by a marketplace facilitator 3083  
on behalf of a marketplace seller if it satisfies divisions (T) 3084  
(1), (2), and (3) of this section: 3085

(1) The marketplace facilitator, directly or indirectly, 3086  
does any of the following: 3087

(a) Lists, makes available, or advertises the tangible 3088

personal property or services that are the subject of the sale 3089  
in a physical or electronic marketplace owned, operated, or 3090  
controlled by the marketplace facilitator; 3091

(b) Transmits or otherwise communicates an offer or 3092  
acceptance of the sale between the marketplace seller and the 3093  
purchaser in a shop, store, booth, catalog, internet site, or 3094  
other similar forum; 3095

(c) Owns, rents, licenses, makes available, or operates 3096  
any electronic or physical infrastructure or any property, 3097  
process, method, copyright, trademark, or patent that connects 3098  
the marketplace seller to the purchaser for the purpose of 3099  
making sales; 3100

(d) Provides the marketplace in which the sale was made or 3101  
otherwise facilitates the sale regardless of ownership or 3102  
control of the tangible personal property or services that are 3103  
the subject of the sale; 3104

(e) Provides software development or research and 3105  
development services directly related to a physical or 3106  
electronic marketplace that is involved in one or more of the 3107  
activities described in division (T)(1) of this section; 3108

(f) Provides fulfillment or storage services for the 3109  
marketplace seller that are related to the tangible personal 3110  
property or services that are the subject of the sale; 3111

(g) Sets the price of the sale on behalf of the 3112  
marketplace seller; 3113

(h) Provides or offers customer service to the marketplace 3114  
seller or the marketplace seller's customers, or accepts or 3115  
assists with taking orders, returns, or exchanges of the 3116  
tangible personal property or services that are the subject of 3117

the sale; 3118

(i) Brands or otherwise identifies the sale as a sale of 3119  
the marketplace facilitator. 3120

(2) The marketplace facilitator, directly or indirectly, 3121  
does any of the following: 3122

(a) Collects the price of the tangible personal property 3123  
or services sold to the consumer; 3124

(b) Provides payment processing services for the sale; 3125

(c) Collects payment in connection with the sale from the 3126  
consumer through terms and conditions, agreements, or 3127  
arrangements with a third party, and transmits that payment to 3128  
the marketplace seller, regardless of whether the person 3129  
collecting and transmitting such payment receives compensation 3130  
or other consideration in exchange for the service; 3131

(d) Provides virtual currency that consumers are allowed 3132  
or required to use to purchase the tangible personal property or 3133  
services that are the subject of the sale. 3134

(3) The subject of the sale is tangible personal property 3135  
or services other than lodging by a hotel that is or is to be 3136  
furnished to transient guests. 3137

(U) "Delivery network company," "delivery network 3138  
services," and "local merchant" have the same meanings as in 3139  
section 5739.01 of the Revised Code. 3140

(V) "Short-term rental platform," "short-term rental 3141  
property," and "transient guest" have the same meanings as in 3142  
section 5739.01 of the Revised Code. 3143

**Section 2.** That existing sections 351.01, 351.021, 353.06, 3144

5739.01, 5739.08, 5739.09, 5739.091, and 5741.01 of the Revised Code are hereby repealed.

**Section 3.** The amendment or enactment by this act of division (C) of section 5739.091 and sections 351.01, 351.021, 353.06, 5739.08, and 5739.09 of the Revised Code applies on and after the first day of the first month beginning thirty days after the effective date of this section.

The amendment by this act of sections 5739.01 and 5741.01 of the Revised Code applies on and after the first day of the first month beginning thirty or more days after the effective date of this section.

**Section 4.** Section 5739.01 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 315 and S.B. 196 of the 135th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.