

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 161

Representatives Bird, Thomas, J.

Cosponsors: Representatives Brennan, Hiner

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 1899
of the members of the board, amend the resolution levying a tax 1900
under division (A) of this section to provide for an increase in 1901
the rate of that tax by not more than an additional one per cent 1902
on transactions by which lodging by a hotel or short-term rental 1903
property is or is to be furnished to transient guests. 1904
Notwithstanding divisions (A) and (O) of this section, the 1905
resolution shall provide that all of the revenue from the 1906
increase in rate, after deducting the real and actual costs of 1907
administering the tax, shall be used to pay the costs of 1908
improving, expanding, equipping, financing, or operating a 1909
convention center by a convention and visitors' bureau in the 1910
county. 1911

(2) The increase in rate shall remain in effect for the 1912
period specified in the resolution, not to exceed ten years, and 1913
may be extended for an additional period of time not to exceed 1914
ten years thereafter by a resolution adopted by a majority of 1915
the members of the board. 1916

(3) The increase in rate shall be subject to the 1917
regulations adopted under division (A) of this section, except 1918
that the resolution may provide that no portion of the revenue 1919
from the increase in the rate shall be returned to townships or 1920
municipal corporations as would otherwise be required under that 1921
division. 1922

(G) (1) Division (G) of this section applies only to a 1923
county with a population greater than sixty-five thousand and 1924
less than seventy thousand according to the most recent federal 1925
decennial census and in which, on December 31, 2006, an excise 1926
tax is levied under division (A) of this section at a rate not 1927
less than and not greater than three per cent, and in which the 1928

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 3145
Code are hereby repealed. 3146

Section 3. The amendment or enactment by this act of 3147
division (C) of section 5739.091 and sections 351.01, 351.021, 3148
353.06, 5739.08, and 5739.09 of the Revised Code applies on and 3149
after the first day of the first month beginning thirty days 3150
after the effective date of this section. 3151

The amendment by this act of sections 5739.01 and 5741.01 3152
of the Revised Code applies on and after the first day of the 3153
first month beginning thirty or more days after the effective 3154
date of this section. 3155

Section 4. Section 5739.01 of the Revised Code is 3156
presented in this act as a composite of the section as amended 3157
by both H.B. 315 and S.B. 196 of the 135th General Assembly. The 3158
General Assembly, applying the principle stated in division (B) 3159
of section 1.52 of the Revised Code that amendments are to be 3160
harmonized if reasonably capable of simultaneous operation, 3161
finds that the composite is the resulting version of the section 3162
in effect prior to the effective date of the section as 3163
presented in this act. 3164