

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 76

Senators Blessing, Antonio

Cosponsors: Senators Hicks-Hudson, Craig, Ingram

A BILL

To amend sections 113.061, 131.02, 319.202, 1
715.013, 4303.26, 5703.052, 5703.053, 5703.19, 2
5703.263, 5703.50, 5703.70, 5703.77, 5703.90, 3
5725.26, and 5751.051 and to enact sections 4
5747.081, 5755.01, 5755.011, 5755.02, 5755.03, 5
5755.04, 5755.05, 5755.051, 5755.052, 5755.06, 6
5755.07, and 5755.99 of the Revised Code to levy 7
a tax on certain high-volume landlords. 8

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

Section 1. That sections 113.061, 131.02, 319.202, 9
715.013, 4303.26, 5703.052, 5703.053, 5703.19, 5703.263, 10
5703.50, 5703.70, 5703.77, 5703.90, 5725.26, and 5751.051 be 11
amended and sections 5747.081, 5755.01, 5755.011, 5755.02, 12
5755.03, 5755.04, 5755.05, 5755.051, 5755.052, 5755.06, 5755.07, 13
and 5755.99 of the Revised Code be enacted to read as follows: 14

Sec. 113.061. The treasurer of state shall adopt rules in 15
accordance with Chapter 119. of the Revised Code governing the 16
remittance of taxes by electronic funds transfer as required 17
under sections 3769.103, 718.851, 5726.03, 5727.311, 5727.83, 18

5733.022, 5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 19
5749.06, ~~and~~ 5751.07, and 5755.03 of the Revised Code and any 20
other section of the Revised Code under which a person is 21
required to remit taxes by electronic funds transfer. The rules 22
shall govern the modes of electronic funds transfer acceptable 23
to the treasurer of state and under what circumstances each mode 24
is acceptable, the content and format of electronic funds 25
transfers, the coordination of payment by electronic funds 26
transfer and filing of associated tax reports and returns, the 27
remittance of taxes by means other than electronic funds 28
transfer by persons otherwise required to do so but relieved of 29
the requirement by the treasurer of state, and any other matter 30
that in the opinion of the treasurer of state facilitates 31
payment by electronic funds transfer in a manner consistent with 32
those sections. 33

Upon failure by a person, if so required, to remit taxes 34
by electronic funds transfer in the manner prescribed under 35
section 3769.103, 718.851, 5726.03, 5727.83, 5733.022, 5735.062, 36
5736.04, 5739.032, 5745.04, 5747.072, 5749.06, ~~or~~ 5751.07, or 37
5755.03 of the Revised Code and rules adopted under this 38
section, the treasurer of state shall notify the tax 39
commissioner of such failure if the treasurer of state 40
determines that such failure was not due to reasonable cause or 41
was due to willful neglect, and shall provide the tax 42
commissioner with any information used in making that 43
determination. The tax commissioner may assess an additional 44
charge as specified in the respective section of the Revised 45
Code governing the requirement to remit taxes by electronic 46
funds transfer. 47

The treasurer of state may implement means of 48
acknowledging, upon the request of a taxpayer, receipt of tax 49

remittances made by electronic funds transfer, and may adopt 50
rules governing acknowledgments. The cost of acknowledging 51
receipt of electronic remittances shall be paid by the person 52
requesting acknowledgment. 53

The treasurer of state, not the tax commissioner, is 54
responsible for resolving any problems involving electronic 55
funds transfer transmissions. 56

Sec. 131.02. (A) Except as otherwise provided in section 57
4123.37, section 5703.061, and division (K) of section 4123.511 58
of the Revised Code, whenever any amount is payable to the 59
state, the officer, employee, or agent responsible for 60
administering the law under which the amount is payable shall 61
immediately proceed to collect the amount or cause the amount to 62
be collected and shall pay the amount into the state treasury or 63
into the appropriate custodial fund in the manner set forth 64
pursuant to section 113.08 of the Revised Code. Except as 65
otherwise provided in this division, if the amount is not paid 66
within forty-five days after payment is due, the officer, 67
employee, or agent shall certify the amount due to the attorney 68
general, in the form and manner prescribed by the attorney 69
general, and notify the director of budget and management 70
thereof. In the case of an amount payable by a student enrolled 71
in a state institution of higher education, the amount shall be 72
certified within the later of forty-five days after the amount 73
is due or the tenth day after the beginning of the next academic 74
semester, quarter, or other session following the session for 75
which the payment is payable. The attorney general may assess 76
the collection cost to the amount certified in such manner and 77
amount as prescribed by the attorney general. If an amount 78
payable to a political subdivision is past due, the political 79
subdivision may, with the approval of the attorney general, 80

certify the amount to the attorney general pursuant to this 81
section. 82

For the purposes of this section, the attorney general and 83
the officer, employee, or agent responsible for administering 84
the law under which the amount is payable shall agree on the 85
time a payment is due, and that agreed upon time shall be one of 86
the following times: 87

(1) If a law, including an administrative rule, of this 88
state prescribes the time a payment is required to be made or 89
reported, when the payment is required by that law to be paid or 90
reported. 91

(2) If the payment is for services rendered, when the 92
rendering of the services is completed. 93

(3) If the payment is reimbursement for a loss, when the 94
loss is incurred. 95

(4) In the case of a fine or penalty for which a law or 96
administrative rule does not prescribe a time for payment, when 97
the fine or penalty is first assessed. 98

(5) If the payment arises from a legal finding, judgment, 99
or adjudication order, when the finding, judgment, or order is 100
rendered or issued. 101

(6) If the payment arises from an overpayment of money by 102
the state to another person, when the overpayment is discovered. 103

(7) The date on which the amount for which an individual 104
is personally liable under section 5735.35, section 5739.33, or 105
division (G) of section 5747.07 of the Revised Code is 106
determined. 107

(8) Upon proof of claim being filed in a bankruptcy case. 108

(9) Any other appropriate time determined by the attorney 109
general and the officer, employee, or agent responsible for 110
administering the law under which the amount is payable on the 111
basis of statutory requirements or ordinary business processes 112
of the agency, institution, or political subdivision to which 113
the payment is owed. 114

(B) (1) The attorney general shall give immediate notice by 115
mail or otherwise to the party indebted of the nature and amount 116
of the indebtedness. 117

(2) If the amount payable to this state arises from a tax 118
levied under Chapter 5733., 5739., 5741., 5747., ~~or 5751.~~, or 119
5755. of the Revised Code, the notice also shall specify all of 120
the following: 121

(a) The assessment or case number; 122

(b) The tax pursuant to which the assessment is made; 123

(c) The reason for the liability, including, if 124
applicable, that a penalty or interest is due; 125

(d) An explanation of how and when interest will be added 126
to the amount assessed; 127

(e) That the attorney general and tax commissioner, acting 128
together, have the authority, but are not required, to 129
compromise the claim and accept payment over a reasonable time, 130
if such actions are in the best interest of the state. 131

(C) The attorney general shall collect the claim or secure 132
a judgment and issue an execution for its collection. 133

(D) Each claim shall bear interest, from the day on which 134
the claim became due, at the rate per annum required by section 135
5703.47 of the Revised Code. 136

(E) The attorney general and the chief officer of the 137
agency reporting a claim, acting together, may do any of the 138
following if such action is in the best interests of the state: 139

(1) Compromise the claim; 140

(2) Extend for a reasonable period the time for payment of 141
the claim by agreeing to accept monthly or other periodic 142
payments. The agreement may require security for payment of the 143
claim. 144

(3) Add fees to recover the cost of processing checks or 145
other draft instruments returned for insufficient funds and the 146
cost of providing electronic payment options. 147

(F) (1) Except as provided in division (F) (2) of this 148
section, if the attorney general finds, after investigation, 149
that any claim due and owing to the state is uncollectible, the 150
attorney general, with the consent of the chief officer of the 151
agency reporting the claim, may do the following: 152

(a) Sell, convey, or otherwise transfer the claim to one 153
or more private entities for collection; 154

(b) Cancel the claim or cause it to be canceled. 155

(2) The attorney general shall cancel or cause to be 156
canceled an unsatisfied claim on the date that is forty years 157
after the date the claim is certified, unless the attorney 158
general has adopted a rule under division (F) (5) of this section 159
shortening this time frame with respect to a subset of claims. 160

(3) No initial action shall be commenced to collect any 161
tax payable to the state that is administered by the tax 162
commissioner, whether or not such tax is subject to division (B) 163
of this section, or any penalty, interest, or additional charge 164

on such tax, after the expiration of the period ending on the 165
later of the dates specified in divisions (F) (3) (a) and (b) of 166
this section, provided that such period shall be extended by the 167
period of any stay to such collection or by any other period to 168
which the parties mutually agree. If the initial action in aid 169
of execution is commenced before the later of the dates 170
specified in divisions (F) (3) (a) and (b) of this section, any 171
and all subsequent actions may be pursued in aid of execution of 172
judgment for as long as the debt exists. 173

(a) Seven years after the assessment of the tax, penalty, 174
interest, or additional charge is issued. 175

(b) Four years after the assessment of the tax, penalty, 176
interest, or additional charge becomes final. For the purposes 177
of division (F) (3) (b) of this section, the assessment becomes 178
final at the latest of the following: upon expiration of the 179
period to petition for reassessment, or if applicable, to appeal 180
a final determination of the commissioner or decision of the 181
board of tax appeals or a court, or, if applicable, upon 182
decision of the United States supreme court. 183

For the purposes of division (F) (3) of this section, an 184
initial action to collect a tax debt is commenced at the time 185
when a certified copy of the tax commissioner's entry making an 186
assessment final has been filed in the office of the clerk of 187
court of common pleas in the county in which the taxpayer 188
resides or has its principal place of business in this state, or 189
in the office of the clerk of court of common pleas of Franklin 190
county, as provided in section 5739.13, 5741.14, 5747.13, ~~or~~ 191
5751.09, or 5755.06 of the Revised Code or in any other 192
applicable law requiring such a filing. If an assessment has not 193
been issued and there is no time limitation on the issuance of 194

an assessment under applicable law, an action to collect a tax 195
debt commences when the action is filed in the courts of this 196
state to collect the liability. 197

(4) If information contained in a claim that is sold, 198
conveyed, or transferred to a private entity pursuant to this 199
section is confidential pursuant to federal law or a section of 200
the Revised Code that implements a federal law governing 201
confidentiality, such information remains subject to that law 202
during and following the sale, conveyance, or transfer. 203

(5) The attorney general may adopt rules to aid in the 204
implementation of this section. 205

Sec. 319.202. (A) Before the county auditor indorses any 206
real property conveyance or manufactured or mobile home 207
conveyance presented to the auditor pursuant to section 319.20 208
of the Revised Code or registers any manufactured or mobile home 209
conveyance pursuant to section 4503.061 of the Revised Code, the 210
grantee or the grantee's representative shall submit in 211
triplicate a statement, prescribed by the tax commissioner, and 212
other information as the county auditor may require, declaring 213
the value of real property or manufactured or mobile home 214
conveyed, except that when the transfer is exempt under division 215
(G) (3) of section 319.54 of the Revised Code only a statement of 216
the reason for the exemption shall be required. Each statement 217
submitted under this section shall contain the information 218
required under divisions ~~(A)~~ (A) (1) and ~~(B)~~ (2) of this section. 219
If a taxable house is conveyed to a pass-through entity, the 220
statement submitted under this section shall include the name, 221
address, telephone number, and electronic mail address of the 222
entity and an owner, member, manager, officer, partner, or 223
associate, as applicable, of the entity. 224

~~(A)~~ (1) Each statement submitted under this section shall 225
either: 226

~~(1)~~ (a) Contain an affirmation by the grantee that the 227
grantor has been asked by the grantee or the grantee's 228
representative whether to the best of the grantor's knowledge 229
either the preceding or the current year's taxes on the real 230
property or the current or following year's taxes on the 231
manufactured or mobile home conveyed will be reduced under 232
division (A) of section 323.152 or under section 4503.065 of the 233
Revised Code and that the grantor indicated that to the best of 234
the grantor's knowledge the taxes will not be so reduced; or 235

~~(2)~~ (b) Be accompanied by a sworn or affirmed instrument 236
stating: 237

~~(a)~~ (i) To the best of the grantor's knowledge the real 238
property or the manufactured or mobile home that is the subject 239
of the conveyance is eligible for and will receive a reduction 240
in taxes for or payable in the current year under division (A) 241
of section 323.152 or under section 4503.065 of the Revised Code 242
and that the reduction or reductions will be reflected in the 243
grantee's taxes; 244

~~(b)~~ (ii) The estimated amount of such reductions that will 245
be reflected in the grantee's taxes; 246

~~(c)~~ (iii) That the grantor and the grantee have considered 247
and accounted for the total estimated amount of such reductions 248
to the satisfaction of both the grantee and the grantor. The 249
auditor shall indorse the instrument, return it to the grantee 250
or the grantee's representative, and provide a copy of the 251
indorsed instrument to the grantor or the grantor's 252
representative. 253

~~(B)~~ (2) Each statement submitted under this section shall 254
either: 255

~~(1)~~ (a) Contain an affirmation by the grantee that the 256
grantor has been asked by the grantee or the grantee's 257
representative whether to the best of the grantor's knowledge 258
the real property conveyed qualified for the current 259
agricultural use valuation under section 5713.30 of the Revised 260
Code either for the preceding or the current year and that the 261
grantor indicated that to the best of the grantor's knowledge 262
the property conveyed was not so qualified; or 263

~~(2)~~ (b) Be accompanied by a sworn or affirmed instrument 264
stating: 265

~~(a)~~ (i) To the best of the grantor's knowledge the real 266
property conveyed was qualified for the current agricultural use 267
valuation under section 5713.30 of the Revised Code either for 268
the preceding or the current year; 269

~~(b)~~ (ii) To the extent that the property will not continue 270
to qualify for the current agricultural use valuation either for 271
the current or the succeeding year, that the property will be 272
subject to a recoupment charge equal to the tax savings in 273
accordance with section 5713.34 of the Revised Code; 274

~~(c)~~ (iii) That the grantor and the grantee have considered 275
and accounted for the total estimated amount of such recoupment, 276
if any, to the satisfaction of both the grantee and the grantor. 277
The auditor shall indorse the instrument, forward it to the 278
grantee or the grantee's representative, and provide a copy of 279
the indorsed instrument to the grantor or the grantor's 280
representative. 281

(B) Within thirty days after the qualifying transfer of an 282

ownership interest in a pass-through entity, the transferor of 283
the ownership interest shall submit to the county auditor of 284
each county in which a taxable house owned by the entity is 285
located a statement that includes both of the following: 286

(1) The name, address, telephone number, and electronic 287
mail address of the entity and an owner, member, manager, 288
officer, partner, or associate, as applicable, of the entity 289
being transferred; 290

(2) The address and parcel identification number of the 291
taxable house or houses owned directly or indirectly by the 292
entity being transferred. 293

(C) The grantor shall pay the fee required by division (G) 294
(3) of section 319.54 of the Revised Code; and, in the event the 295
board of county commissioners of the county has levied a real 296
property or a manufactured home transfer tax pursuant to Chapter 297
322. of the Revised Code, the amount required by the real 298
property or manufactured home transfer tax so levied. If the 299
conveyance is exempt from the fee provided for in division (G) 300
(3) of section 319.54 of the Revised Code and the tax, if any, 301
levied pursuant to Chapter 322. of the Revised Code, the reason 302
for such exemption shall be shown on the statement. "Value" 303
means, in the case of any deed or certificate of title not a 304
gift in whole or part, the amount of the full consideration 305
therefor, paid or to be paid for the real estate or manufactured 306
or mobile home described in the deed or title, including the 307
amount of any mortgage or vendor's lien thereon. If property 308
sold under a land installment contract is conveyed by the seller 309
under such contract to a third party and the contract has been 310
of record at least twelve months prior to the date of 311
conveyance, "value" means the unpaid balance owed to the seller 312

under the contract at the time of the conveyance, but the 313
statement shall set forth the amount paid under such contract 314
prior to the date of conveyance. In the case of a gift in whole 315
or part, "value" means the estimated price the real estate or 316
manufactured or mobile home described in the deed or certificate 317
of title would bring in the open market and under the then 318
existing and prevailing market conditions in a sale between a 319
willing seller and a willing buyer, both conversant with the 320
property and with prevailing general price levels. No person 321
shall willfully falsify the value of property conveyed. 322

(D) The auditor shall indorse each conveyance on its face 323
to indicate the amount of the conveyance fee and compliance with 324
this section and if the property is residential rental property 325
include a statement that the grantee shall file with the county 326
auditor the information required under division (A) or (C) of 327
section 5323.02 of the Revised Code. The auditor shall retain 328
the original copy of the statement of value, forward to the tax 329
commissioner one copy on which shall be noted the most recent 330
assessed value of the property, and furnish one copy to the 331
grantee or the grantee's representative. 332

(E) In order to achieve uniform administration and 333
collection of the transfer fee required by division (G) (3) of 334
section 319.54 of the Revised Code, the tax commissioner shall 335
adopt and promulgate rules for the administration and 336
enforcement of the levy and collection of such fee. 337

(F) As used in this section, ~~"residential":~~ 338

(1) "Residential rental property" has the same meaning as 339
in section 5323.01 of the Revised Code. 340

(2) "Taxable house" has the same meaning as in section 341

5755.01 of the Revised Code. 342

(3) "Pass-through entity" has the same meaning as in 343
section 5733.04 of the Revised Code. 344

(4) "Qualifying transfer" means the transfer of more than 345
fifty per cent of the ownership interest in a pass-through 346
entity that, directly or indirectly, owns one or more taxable 347
houses. A "qualifying transfer" may occur in one transaction or 348
in a series of transactions. 349

Sec. 715.013. (A) Except as otherwise expressly authorized 350
by the Revised Code, no municipal corporation shall levy a tax 351
that is the same as or similar to a tax levied under Chapter 352
322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 353
4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 354
5736., 5737., 5739., 5741., 5743., 5747., 5749., ~~or~~ 5751., or 355
5755. of the Revised Code. 356

(B) No municipal corporation may impose any tax, fee, 357
assessment, or other charge on auxiliary containers, on the 358
sale, use, or consumption of such containers, or on the basis of 359
receipts received from the sale of such containers. As used in 360
this division, "auxiliary container" has the same meaning as in 361
section 3767.32 of the Revised Code. 362

(C) This section does not prohibit a municipal corporation 363
from levying an income tax or withholding tax in accordance with 364
Chapter 718. of the Revised Code, or a tax on any of the 365
following: 366

(1) Amounts received for admission to any place; 367

(2) The income of an electric company or combined company, 368
as defined in section 5727.01 of the Revised Code; 369

(3) On and after January 1, 2004, the income of a 370
telephone company, as defined in section 5727.01 of the Revised 371
Code. 372

Sec. 4303.26. (A) Applications for regular permits 373
authorized by sections 4303.02 to 4303.23 of the Revised Code 374
may be filed with the division of liquor control. No permit 375
shall be issued by the division until fifteen days after the 376
application for it is filed. An applicant for the issuance of a 377
new permit shall pay a processing fee of one hundred dollars 378
when filing application for the permit, if the permit is then 379
available, or shall pay the processing fee when a permit becomes 380
available, if it is not available when the applicant initially 381
files the application. When an application for a new class C or 382
D permit is filed, when class C or D permits become available, 383
or when an application for transfer of ownership of a class C or 384
D permit or transfer of a location of a class C or D permit is 385
filed, no permit shall be issued, nor shall the location or the 386
ownership of a permit be transferred, by the division until the 387
division notifies the legislative authority of the municipal 388
corporation if the business or event is or is to be located 389
within the corporate limits of a municipal corporation, or the 390
clerk of the board of county commissioners and the fiscal 391
officer of the board of township trustees in the county in which 392
the business or event is or is to be conducted if the business 393
is or is to be located outside the corporate limits of a 394
municipal corporation, and an opportunity is provided officials 395
or employees of the municipal corporation or county and 396
township, who shall be designated by the legislative authority 397
or the board of county commissioners or board of township 398
trustees, for a complete hearing upon the advisability of the 399
issuance, transfer of ownership, or transfer of location of the 400

permit. In this hearing, no objection to the issuance, transfer 401
of ownership, or transfer of location of the permit shall be 402
based upon noncompliance of the proposed permit premises with 403
local zoning regulations which prohibit the sale of beer or 404
intoxicating liquor, in an area zoned for commercial or 405
industrial uses, for a permit premises that would otherwise 406
qualify for a proper permit issued by the division. 407

When the division sends notice to the legislative or 408
executive authority of the political subdivision, as required by 409
this section, the division shall also so notify, by certified 410
mail, return receipt requested, or by personal service, the 411
chief peace officer of the political subdivision. Upon the 412
request of the chief peace officer, the division shall send the 413
chief peace officer a copy of the application for the issuance 414
or the transfer of ownership or location of the permit and all 415
other documents or materials filed by the applicant or 416
applicants in relation to the application. The chief peace 417
officer may appear and testify, either in person or through a 418
representative, at any hearing held on the advisability of the 419
issuance, transfer of ownership, or transfer of location of the 420
permit. The hearing shall be held in the central office of the 421
division, except that upon written request of the legislative 422
authority of the municipal corporation or the board of county 423
commissioners or board of township trustees, the hearing shall 424
be held in the county seat of the county where the applicant's 425
business is or is to be conducted. 426

If the business or event specified in an application for 427
the issuance, transfer of ownership, or transfer of location of 428
any regular permit authorized by sections 4303.02 to 4303.23 of 429
the Revised Code, except for an F-2 permit, is, or is to be 430
operated, within five hundred feet from the boundaries of a 431

parcel of real estate having situated on it a school, church, 432
library, public playground, or township park, no permit shall be 433
issued, nor shall the location or the ownership of a permit be 434
transferred, by the division until written notice of the filing 435
of the application with the division is served, by certified 436
mail, return receipt requested, or by personal service, upon the 437
authorities in control of the school, church, library, public 438
playground, or township park and an opportunity is provided them 439
for a complete hearing upon the advisability of the issuance, 440
transfer of ownership, or transfer of location of the permit. In 441
this hearing, no objection to the issuance, transfer of 442
ownership, or transfer of location of the permit shall be based 443
upon the noncompliance of the proposed permit premises with 444
local zoning regulations which prohibit the sale of beer or 445
intoxicating liquor, in an area zoned for commercial or 446
industrial uses, for a permit premises that would otherwise 447
qualify for a proper permit issued by the division. Upon the 448
written request of any of these authorities, the hearing shall 449
be held in the county seat of the county where the applicant's 450
business is or is to be conducted. 451

A request for any hearing authorized by this section shall 452
be made no later than thirty days from the time of notification 453
by the division. This thirty-day period begins on the date the 454
division mails notice to the legislative authority or the date 455
on which the division mails notice to or, by personal service, 456
serves notice upon, the institution. The division shall conduct 457
a hearing if the request for the hearing is postmarked by the 458
deadline date. The division may allow, upon cause shown by the 459
requesting legislative authority or board, an extension of 460
thirty additional days for the legislative authority of the 461
municipal corporation, board of township trustees of the 462

township, or board of county commissioners of the county in 463
which a permit premises is or is to be located to object to the 464
issuance, transfer of ownership, or transfer of location of a 465
permit. The request for the extension shall be made by the 466
legislative authority or board to the division no later than 467
thirty days after the time of notification by the division. 468

(B) When an application for transfer of ownership of a 469
permit is filed with the division, the division shall give 470
notice of the application to the tax commissioner. Within twenty 471
days after receiving this notification, the commissioner shall 472
notify the division of liquor control and the proposed 473
transferee of the permit if the permit holder owes to this state 474
any delinquent horse-racing taxes, alcoholic beverage taxes, 475
motor fuel taxes, petroleum activity taxes, sales or use taxes, 476
cigarette taxes, other tobacco product taxes, income taxes 477
withheld from employee compensation, commercial activity taxes, 478
gross casino revenue taxes, housing market impact taxes, or 479
gross receipts taxes levied pursuant to section 5739.101 of the 480
Revised Code, or has failed to file any corresponding returns or 481
submit any information required by the commissioner, as required 482
for such taxes, to the extent that any delinquent payment or 483
return, or any failure to submit information, is known to the 484
department of taxation at the time of the application. The 485
division shall not transfer ownership of the permit until 486
payments known to be delinquent are resolved, returns known to 487
be delinquent are filed, and any information required by the 488
commissioner has been provided. As used in this division, 489
"resolved" means that the delinquent payment has been paid in 490
full or an amount sufficient to satisfy the delinquent payment 491
is in escrow for the benefit of the state. The commissioner 492
shall notify the division of the resolution. After the division 493

has received the notification from the commissioner, the 494
division may proceed to transfer ownership of the permit. 495
Nothing in this division shall be construed to affect or limit 496
the responsibilities or liabilities of the transferor or the 497
transferee imposed by Chapter 3769., 4301., 4303., 4305., 5735., 498
5736., 5739., 5741., 5743., 5747., 5751., ~~or 5753.~~, or 5755. of 499
the Revised Code. 500

(C) No F or F-2 permit shall be issued for an event until 501
the applicant has, by means of a form that the division shall 502
provide to the applicant, notified the chief peace officer of 503
the political subdivision in which the event will be conducted 504
of the date, time, place, and duration of the event. 505

(D) The division of liquor control shall notify an 506
applicant for a permit authorized by sections 4303.02 to 4303.23 507
of the Revised Code of an action pending or judgment entered 508
against a liquor permit premises, of which the division has 509
knowledge, pursuant to section 3767.03 or 3767.05 of the Revised 510
Code if the applicant is applying for a permit at the location 511
of the premises that is the subject of the action under section 512
3767.03 or judgment under section 3767.05 of the Revised Code. 513

Sec. 5703.052. (A) There is hereby created in the state 514
treasury the tax refund fund, from which refunds shall be paid 515
for taxes illegally or erroneously assessed or collected, or for 516
any other reason overpaid, that are levied by Chapter 4301., 517
4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 518
5741., 5743., 5747., 5748., 5749., 5751., ~~or 5753.~~, or 5755. and 519
sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 520
5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. 521
Refunds for fees or wireless 9-1-1 charges illegally or 522
erroneously assessed or collected, or for any other reason 523

overpaid, that are levied by sections 128.42 or 3734.90 to 524
3734.9014 of the Revised Code also shall be paid from the fund. 525
Refunds for amounts illegally or erroneously assessed or 526
collected by the tax commissioner, or for any other reason 527
overpaid, that are due under section 1509.50 of the Revised Code 528
shall be paid from the fund. Refunds for amounts illegally or 529
erroneously assessed or collected by the commissioner, or for 530
any other reason overpaid to the commissioner, under sections 531
718.80 to 718.95 of the Revised Code shall be paid from the 532
fund. However, refunds for taxes levied under section 5739.101 533
of the Revised Code shall not be paid from the tax refund fund, 534
but shall be paid as provided in section 5739.104 of the Revised 535
Code. 536

(B) (1) Upon certification by the tax commissioner to the 537
treasurer of state of a tax refund, a wireless 9-1-1 charge 538
refund, or another amount refunded, or by the superintendent of 539
insurance of a domestic or foreign insurance tax refund, the 540
treasurer of state shall place the amount certified to the 541
credit of the fund. The certified amount transferred shall be 542
derived from the receipts of the same tax, fee, wireless 9-1-1 543
charge, or other amount from which the refund arose. 544

(2) When a refund is for a tax, fee, wireless 9-1-1 545
charge, or other amount that is not levied by the state or that 546
was illegally or erroneously distributed to a taxing 547
jurisdiction, the tax commissioner shall recover the amount of 548
that refund from the next distribution of that tax, fee, 549
wireless 9-1-1 charge, or other amount that otherwise would be 550
made to the taxing jurisdiction. If the amount to be recovered 551
would exceed twenty-five per cent of the next distribution of 552
that tax, fee, wireless 9-1-1 charge, or other amount, the 553
commissioner may spread the recovery over more than one future 554

distribution, taking into account the amount to be recovered and 555
the amount of the anticipated future distributions. In no event 556
may the commissioner spread the recovery over a period to exceed 557
thirty-six months. 558

Sec. 5703.053. As used in this section, "postal service" 559
means the United States postal service. 560

An application to the tax commissioner for a tax refund 561
under section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 562
5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 563
5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 564
5749.08, ~~or~~ 5751.08, or 5755.05 of the Revised Code or division 565
(B) of section 5703.05 of the Revised Code, or a fee refunded 566
under section 3734.905 of the Revised Code, that is received 567
after the last day for filing under such section shall be 568
considered to have been filed in a timely manner if: 569

(A) The application is delivered by the postal service and 570
the earliest postal service postmark on the cover in which the 571
application is enclosed is not later than the last day for 572
filing the application; 573

(B) The application is delivered by the postal service, 574
the only postmark on the cover in which the application is 575
enclosed was affixed by a private postal meter, the date of that 576
postmark is not later than the last day for filing the 577
application, and the application is received within seven days 578
of such last day; or 579

(C) The application is delivered by the postal service, no 580
postmark date was affixed to the cover in which the application 581
is enclosed or the date of the postmark so affixed is not 582
legible, and the application is received within seven days of 583

the last day for making the application. 584

Sec. 5703.19. (A) To carry out the purposes of the laws 585
that the tax commissioner is required to administer, the 586
commissioner or any person employed by the commissioner for that 587
purpose, upon demand, may inspect books, accounts, records, and 588
memoranda of any person or public utility subject to those laws, 589
and may examine under oath any officer, agent, or employee of 590
that person or public utility. Any person other than the 591
commissioner who makes a demand pursuant to this section shall 592
produce the person's authority to make the inspection. 593

(B) If a person or public utility receives at least ten 594
days' written notice of a demand made under division (A) of this 595
section and refuses to comply with that demand, a penalty of 596
five hundred dollars shall be imposed upon the person or public 597
utility for each day the person or public utility refuses to 598
comply with the demand. Penalties imposed under this division 599
may be assessed and collected in the same manner as assessments 600
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 601
5736., 5739., 5743., 5745., 5747., 5749., 5751., ~~or~~ 5753., or 602
5755., or sections 718.90, 3734.90 to 3734.9014, of the Revised 603
Code. 604

Sec. 5703.263. (A) (1) "Tax return preparer" means any 605
person other than an accountant or an attorney that operates a 606
business that prepares, or directly or indirectly employs 607
another person to prepare, for a taxpayer a tax return or 608
application for refund in exchange for compensation or 609
remuneration from the taxpayer or the taxpayer's related member. 610
The preparation of a substantial portion of a tax return or 611
application for refund shall be considered to be the same as the 612
preparation of the return or application for refund. "Tax return 613

preparer" does not include an individual who performs only one 614
or more of the following activities: 615

(a) Furnishes typing, reproducing, or other mechanical 616
assistance; 617

(b) Prepares an application for refund or a return on 618
behalf of an employer by whom the individual is regularly and 619
continuously employed, or on behalf of an officer or employee of 620
that employer; 621

(c) Prepares as a fiduciary an application for refund or a 622
return; 623

(d) Prepares an application for refund or a return for a 624
taxpayer in response to a notice of deficiency issued to the 625
taxpayer or the taxpayer's related member, or in response to a 626
waiver of restriction after the commencement of an audit of the 627
taxpayer or the taxpayer's related member. 628

(2) "Related member" has the same meaning as in section 629
5733.042 of the Revised Code. 630

(3) "Accountant" means any of the following: 631

(a) An individual who holds both a CPA certificate and an 632
Ohio permit or Ohio registration issued by the accountancy board 633
under section 4701.10 of the Revised Code; 634

(b) An individual who holds a foreign certificate; 635

(c) An individual who is employed by a public accounting 636
firm with respect to any return prepared under the supervision 637
of an individual described in division (A)(3)(a) or (b) of this 638
section, regardless of whether the public accounting firm is 639
required to register with the accountancy board under section 640
4701.04 of the Revised Code. 641

(4) "CPA certificate" and "foreign certificate" have the 642
same meanings as in section 4701.01 of the Revised Code. 643

(5) "Attorney" means an individual who has been admitted 644
to the bar by order of the supreme court in compliance with its 645
prescribed and published rules, is permitted to practice as an 646
attorney and counselor at law in this state under Chapter 4705. 647
of the Revised Code, and is not currently suspended or removed 648
from such practice under that chapter. 649

(6) A tax return preparer engages in "prohibited conduct" 650
if the preparer does any of the following: 651

(a) Prepares any return or application for refund that 652
includes an understatement of a taxpayer's tax liability due to 653
an unreasonable position or due to willful or reckless conduct. 654
For the purposes of this division, "unreasonable position" and 655
"willful or reckless conduct" have the meanings as used in 656
section 6694 of the Internal Revenue Code. 657

(b) When required under any provision of Title LVII of the 658
Revised Code, the preparer fails to do any of the following: 659

(i) Provide copies of a return or application for refund; 660

(ii) Provide the preparer's signature or federal preparer 661
tax identification number on a return or application for refund; 662

(iii) Retain copies of the preparer's records; 663

(iv) Provide any information or documents requested by the 664
tax commissioner; 665

(v) Act diligently in determining a taxpayer's eligibility 666
for tax credits, deductions, or exemptions. 667

(c) Negotiates a check or other negotiable instrument 668

issued to a taxpayer by the department of taxation without the 669
permission of the taxpayer; 670

(d) Engages in any conduct subject to criminal penalties 671
under Title LVII of the Revised Code; 672

(e) Misrepresents the preparer's eligibility to file 673
returns or applications for refund on behalf of taxpayers, or 674
otherwise misrepresents the preparer's experience or education; 675

(f) Guarantees the payment of any tax refund or the 676
allowance of any tax credit, deduction, or exemption; 677

(g) Engages in any other fraudulent or deceptive conduct 678
that substantially interferes with the proper administration of 679
any provision of Title LVII of the Revised Code. 680

(7) "State" means a state of the United States, the 681
District of Columbia, the commonwealth of Puerto Rico, or any 682
territory or possession of the United States. 683

(B) When a tax return preparer engages in prohibited 684
conduct, the commissioner, may do either or both of the 685
following: 686

(1) If the commissioner has previously warned the tax 687
return preparer in writing of the consequences of continuing to 688
engage in prohibited conduct, impose a penalty not exceeding one 689
hundred dollars per instance of prohibited conduct; 690

(2) Regardless of whether the commissioner has previously 691
warned the tax return preparer, request that the attorney 692
general apply to a court of competent jurisdiction for an 693
injunction to restrain the preparer from further engaging in the 694
prohibited conduct. The court may take either of the following 695
actions: 696

(a) If the court finds that injunctive relief is 697
appropriate to prevent the recurrence of the prohibited conduct, 698
the court shall issue an injunction against the preparer 699
enjoining the preparer from engaging in such conduct. 700

(b) If the court finds that the preparer has continually 701
or repeatedly engaged in prohibited conduct, and that enjoining 702
the preparer solely from engaging in such conduct would not be 703
sufficient to prevent the preparer's interference with the 704
proper administration of any provision of Title LVII of the 705
Revised Code, the court may issue an injunction against the 706
preparer enjoining the preparer from acting as a tax return 707
preparer in this state. 708

If a tax return preparer has been enjoined from preparing 709
tax returns or applications for refunds by a federal court or by 710
another state court in the five years preceding the date on 711
which an injunction is requested under this section, that prior 712
injunction shall be sufficient to establish a prima facie case 713
for the issuance of an injunction under division (B) (2) of this 714
section. 715

(C) The commissioner may require a tax return preparer to 716
include the preparer's name and federal preparer tax 717
identification number when filing any return or application for 718
refund. If a tax return preparer fails to include this 719
information when required to do so by the commissioner, or if 720
the information provided is false, inaccurate, or incomplete, 721
the commissioner may impose a penalty of fifty dollars for each 722
such failure, provided that the maximum penalty imposed on a 723
preparer under this division in a calendar year shall not exceed 724
twenty-five thousand dollars. 725

(D) The penalties imposed under divisions (B) (1) and (C) 726

of this section may be assessed and collected in the same manner 727
as assessments made under Chapter 3769., 4305., 5727., 5728., 728
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 729
~~or 5753., or 5755.,~~ section 718.90, or sections 3734.90 to 730
3734.9014 of the Revised Code. The commissioner may abate all or 731
a portion of any penalty imposed under this section upon the 732
showing of good cause by the tax return preparer. 733

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of 734
the Revised Code: 735

(A) "Tax" includes only those taxes imposed on tangible 736
personal property listed in accordance with Chapter 5711. of the 737
Revised Code, taxes imposed under Chapters 5733., 5736., 5739., 738
5741., 5747., ~~and 5751.,~~ and 5755. of the Revised Code, and the 739
tax administered under sections 718.80 to 718.95 of the Revised 740
Code. 741

(B) "Taxpayer" means a person subject to or potentially 742
subject to a tax including an employer required to deduct and 743
withhold any amount under section 5747.06 of the Revised Code. 744

(C) "Audit" means the examination of a taxpayer or the 745
inspection of the books, records, memoranda, or accounts of a 746
taxpayer for the purpose of determining liability for a tax. 747

(D) "Assessment" means a notice of underpayment or 748
nonpayment of a tax issued pursuant to section 718.90, 5711.26, 749
5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, 750
~~or 5751.09,~~ or 5755.06 of the Revised Code. 751

(E) "County auditor" means the auditor of the county in 752
which the tangible personal property subject to a tax is 753
located. 754

Sec. 5703.70. (A) On the filing of an application for 755

refund under section 718.91, 3734.905, 4307.05, 4307.07, 756
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 757
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 758
5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 759
5751.08, ~~or~~ 5753.06, 5755.05 of the Revised Code, or an 760
application for compensation under section 5739.061 of the 761
Revised Code, if the tax commissioner determines that the amount 762
of the refund or compensation to which the applicant is entitled 763
is less than the amount claimed in the application, the 764
commissioner shall give the applicant written notice by ordinary 765
mail of the amount. The notice shall be sent to the address 766
shown on the application unless the applicant notifies the 767
commissioner of a different address. The applicant shall have 768
sixty days from the date the commissioner mails the notice to 769
provide additional information to the commissioner or request a 770
hearing, or both. 771

(B) If the applicant neither requests a hearing nor 772
provides additional information to the tax commissioner within 773
the time prescribed by division (A) of this section, the 774
commissioner shall take no further action, and the refund or 775
compensation amount denied becomes final. 776

(C) (1) If the applicant requests a hearing within the time 777
prescribed by division (A) of this section, the tax commissioner 778
shall assign a time and place for the hearing and notify the 779
applicant of such time and place, but the commissioner may 780
continue the hearing from time to time, as necessary. After the 781
hearing, the commissioner may make such adjustments to the 782
refund or compensation as the commissioner finds proper, and 783
shall issue a final determination thereon. 784

(2) If the applicant does not request a hearing, but 785

provides additional information, within the time prescribed by 786
division (A) of this section, the commissioner shall review the 787
information, make such adjustments to the refund or compensation 788
as the commissioner finds proper, and issue a final 789
determination thereon. The commissioner may review such 790
information and make such adjustments as many times as the 791
commissioner finds proper before the issuance of a final 792
determination. 793

(3) If the applicant requests a hearing and provides 794
additional information within the time prescribed by division 795
(A) of this section, the commissioner may review the information 796
and make such adjustments to the refund or compensation as the 797
commissioner finds proper. The commissioner may review such 798
information and make such adjustments as many times as the 799
commissioner finds proper before the issuance of a final 800
determination. 801

The commissioner shall assign a time and place for the 802
hearing and notify the applicant of such time and place, but the 803
commissioner may continue the hearing from time to time, as 804
necessary. After the hearing, the commissioner may make any 805
additional adjustments to the refund or compensation as the 806
commissioner finds proper and shall issue a final determination 807
thereon. 808

(4) The commissioner shall serve a copy of the final 809
determination made under division (C)(1), (2), or (3) of this 810
section on the applicant in the manner provided in section 811
5703.37 of the Revised Code, and the decision is final, subject 812
to appeal under section 5717.02 of the Revised Code. 813

(D) The tax commissioner shall certify to the director of 814
budget and management and treasurer of state for payment from 815

the tax refund fund created by section 5703.052 of the Revised 816
Code, the amount of the refund to be refunded under division (B) 817
or (C) of this section. The commissioner also shall certify to 818
the director and treasurer of state for payment from the general 819
revenue fund the amount of compensation to be paid under 820
division (B) or (C) of this section. 821

Sec. 5703.77. (A) As used in this section: 822

(1) "Taxpayer" means a person subject to or previously 823
subject to a tax or fee, a person that remits a tax or fee, or a 824
person required to or previously required to withhold or collect 825
and remit a tax or fee on behalf of another person. 826

(2) "Tax or fee" means a tax or fee administered by the 827
tax commissioner. 828

(3) "Credit account balance" means the amount of a tax or 829
fee that a taxpayer remits to the state in excess of the amount 830
required to be remitted, after accounting for factors applicable 831
to the taxpayer such as accelerated payments, estimated 832
payments, tax credits, and tax credit balances that may be 833
carried forward. 834

(4) "Tax debt" means an unpaid tax or fee or any unpaid 835
penalty, interest, or additional charge on such a tax or fee due 836
the state. 837

(B) As soon as practicable, but not later than sixty days 838
before the expiration of the period of time during which a 839
taxpayer may file a refund application for a tax or fee, the tax 840
commissioner shall review the taxpayer's accounts for the tax or 841
fee and notify the taxpayer of any credit account balance for 842
which the commissioner is required to issue a refund if the 843
taxpayer were to file a refund application for that balance, 844

regardless of whether the taxpayer files a refund application or 845
amended return with respect to that tax or fee. The notice shall 846
be made using contact information for the taxpayer on file with 847
the commissioner. 848

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 849
4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 5735.122, 850
5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 851
5749.08, 5751.08, 5753.06, 5755.05, and any other section of the 852
Revised Code governing refunds of taxes or fees, the 853
commissioner may apply the amount of any credit account balance 854
for which the commissioner is required to issue a refund if the 855
taxpayer were to file a refund application for that balance as a 856
credit against the taxpayer's liability for the tax or fee in 857
the taxpayer's next reporting period for that tax or fee or 858
issue a refund of that credit account balance to the taxpayer, 859
subject to division (D) of this section. 860

(D) Before issuing a refund to a taxpayer under division 861
(C) of this section, the tax commissioner shall withhold from 862
that refund the amount of any of the taxpayer's tax debt 863
certified to the attorney general under section 131.02 of the 864
Revised Code and the amount of the taxpayer's liability, if any, 865
for a tax or fee. The commissioner shall apply any amount 866
withheld first in satisfaction of the amount of the taxpayer's 867
certified tax debt and then in satisfaction of the taxpayer's 868
liability. If the credit account balance originates from the tax 869
administered under sections 718.80 to 718.95 of the Revised 870
Code, it may be applied only against the taxpayer's certified 871
tax debt or tax liability due under those sections. 872

(E) The tax commissioner may adopt rules to administer 873
this section. 874

Sec. 5703.90. If any tax administered by the tax 875
commissioner remains unpaid after the date the tax is due, the 876
commissioner may issue an assessment for the unpaid tax, and for 877
any related penalties and interest, against any person liable 878
for the amount due, including, but not limited to, a person that 879
is jointly and severally liable for the amount under Chapter 880
5726.~~or, 5751., or 5755.~~ of the Revised Code, a partner liable 881
for the tax liability of a partnership, a director liable for 882
the tax liability of a dissolved corporation, or any other 883
person liable for the tax liability of another person under the 884
Revised Code. The commissioner shall issue the assessment in 885
accordance with any other provision of the Revised Code 886
applicable to assessments for the tax for which the person to be 887
assessed is liable. 888

Sec. 5725.26. The real estate of a financial institution 889
or dealer in intangibles shall be taxed in the place where it is 890
located, the same as the real estate of persons is taxed, but 891
the taxes provided for in Chapters 5725., 5726., 5733., ~~and~~ 892
5751., and 5755. of the Revised Code shall be in lieu of all 893
other taxes on the other property and assets of such institution 894
or dealer, except personal property taxable under Chapter 5711. 895
of the Revised Code and leased, or held for the purpose of 896
leasing, to others if the owner or lessor of the property 897
acquired it for the sole purpose of leasing it to others. 898

For reports required to be filed under section 5725.14 of 899
the Revised Code in 2003 and thereafter, nothing in this section 900
shall be construed to exempt the property of any dealer in 901
intangibles under section 5725.13 of the Revised Code from the 902
tax imposed under section 5707.03 of the Revised Code. 903

Sec. 5747.081. If any portion of a taxpayer's income or 904

loss reported on the annual return required by section 5747.08 905
of the Revised Code is attributable to ownership, by any person, 906
of a taxable house, as defined in section 5755.01 of the Revised 907
Code, located in this state, the taxpayer shall include on the 908
annual return on which such income or losses are reported the 909
parcel identification number of each such house and identify the 910
county in which the house is located. 911

Sec. 5751.051. (A) (1) Not later than the tenth day of the 912
second month after the end of each calendar quarter, every 913
taxpayer other than a calendar year taxpayer shall file with the 914
tax commissioner a tax return in such form as the commissioner 915
prescribes. The return shall include, but is not limited to, the 916
amount of the taxpayer's taxable gross receipts for the calendar 917
quarter and shall indicate the amount of tax due under section 918
5751.03 of the Revised Code for the calendar quarter. If any 919
portion of a taxpayer's taxable gross receipts is attributable 920
to ownership, by any person, of a taxable house, as defined in 921
section 5755.01 of the Revised Code, located in this state, the 922
return shall include the parcel identification number of each 923
such house and identify the county in which the house is 924
located. 925

(2) (a) Subject to division (C) of section 5751.05 of the 926
Revised Code, a calendar quarter taxpayer shall report the 927
taxable gross receipts for that calendar quarter. 928

(b) With respect to taxable gross receipts incorrectly 929
reported in a calendar quarter that has a lower tax rate, the 930
tax shall be computed at the tax rate in effect for the 931
quarterly return in which such receipts should have been 932
reported. Nothing in division (A) (2) (b) of this section 933
prohibits a taxpayer from filing an application for refund under 934

section 5751.08 of the Revised Code with regard to the incorrect 935
reporting of taxable gross receipts discovered after filing the 936
annual return described in division (A) (3) of this section. 937

A tax return shall not be deemed to be an incorrect 938
reporting of taxable gross receipts for the purposes of division 939
(A) (2) (b) of this section if the return reflects between ninety- 940
five and one hundred five per cent of the actual taxable gross 941
receipts for the calendar quarter. 942

(3) For the purposes of division (A) (2) (b) of this 943
section, the tax return filed for the fourth calendar quarter of 944
a calendar year is the annual return for the privilege tax 945
imposed by this chapter. Such return shall report any additional 946
taxable gross receipts not previously reported in the calendar 947
year and shall adjust for any over-reported taxable gross 948
receipts in the calendar year. If the taxpayer ceases to be a 949
taxpayer before the end of the calendar year, the last return 950
the taxpayer is required to file shall be the annual return for 951
the taxpayer and the taxpayer shall report any additional 952
taxable gross receipts not previously reported in the calendar 953
year and shall adjust for any over-reported taxable gross 954
receipts in the calendar year. 955

(4) Because the tax imposed by this chapter is a privilege 956
tax, the tax rate with respect to taxable gross receipts for a 957
calendar quarter is not fixed until the end of the measurement 958
period for each calendar quarter. Subject to division (A) (2) (b) 959
of this section, the total amount of taxable gross receipts 960
reported for a given calendar quarter shall be subject to the 961
tax rate in effect in that quarter. 962

(5) Not later than the tenth day of May following the end 963
of each calendar year, every calendar year taxpayer shall file 964

with the tax commissioner a tax return in such form as the 965
commissioner prescribes. The return shall include, but is not 966
limited to, the amount of the taxpayer's taxable gross receipts 967
for the calendar year and shall indicate the amount of tax due 968
under section 5751.03 of the Revised Code for the calendar year. 969

(B) (1) A person that first becomes subject to the tax 970
imposed under this chapter shall pay the minimum tax imposed 971
under division (B) of section 5751.03 of the Revised Code on or 972
before the day the return is required to be filed for that 973
quarter under division (A) (1) of this section, regardless of 974
whether the person registers as a calendar year taxpayer under 975
section 5751.05 of the Revised Code. 976

(2) The amount of the minimum tax for a person subject to 977
division (B) (1) of this section shall be reduced by one-half if 978
the registration is timely filed after the first day of May and 979
before the first day of January of the following calendar year. 980

Sec. 5755.01. As used in this chapter: 981

(A) "Taxable house" means a single-family, two-family, or 982
three-family dwelling. 983

(B) "Person" means an individual, receiver, assignee, 984
trustee in bankruptcy, firm, company, joint-stock company, 985
business trust, estate, partnership, limited liability 986
partnership, limited liability company, association, joint 987
venture, club, society, for-profit corporation, S corporation, 988
qualified subchapter S subsidiary, qualified subchapter S trust, 989
trust, entity that is disregarded for federal income tax 990
purposes, and any other entity. 991

(C) "Combined taxpayer group" means a group of two or more 992
persons treated as a single taxpayer for purposes of this 993

<u>chapter under section 5755.011 of the Revised Code.</u>	994
<u>(D) "Taxpayer" means any person or combined taxpayer group</u>	995
<u>subject to the tax levied under section 5755.02 of the Revised</u>	996
<u>Code. "Taxpayer" does not include an excluded person.</u>	997
<u>(E) "Excluded person" means any of the following:</u>	998
<u>(1) A county land reutilization corporation organized</u>	999
<u>under Chapter 1724. of the Revised Code;</u>	1000
<u>(2) A port authority organized under Chapter 4582. of the</u>	1001
<u>Revised Code;</u>	1002
<u>(3) An organization described under section 501(c)(3) of</u>	1003
<u>the Internal Revenue Code and exempt from federal income</u>	1004
<u>taxation under section 501(a) of the Internal Revenue Code.</u>	1005
<u>(F) "Reporting person" means a person in a combined</u>	1006
<u>taxpayer group that is designated by that group to legally bind</u>	1007
<u>the group for all filings and tax liabilities and to receive all</u>	1008
<u>legal notices with respect to matters under this chapter.</u>	1009
<u>(G) "Tax period" means a calendar month.</u>	1010
<u>Sec. 5755.011. (A) All persons, except an excluded person,</u>	1011
<u>having more than fifty per cent of the value of their ownership</u>	1012
<u>interest owned or controlled, directly or constructively through</u>	1013
<u>related interests, by common owners during all or any portion of</u>	1014
<u>the tax period, together with the common owners, shall be</u>	1015
<u>members of a combined taxpayer group.</u>	1016
<u>(B) A combined taxpayer group shall file returns and pay</u>	1017
<u>taxes under this chapter as a single taxpayer.</u>	1018
<u>(C) In the case of one or more persons formed under</u>	1019
<u>Chapter 1706. of the Revised Code or under the laws of any state</u>	1020

or of the United States as a limited liability company and 1021
series thereof, such limited liability company and any series 1022
thereof, if owned or shared by the same holding company or that 1023
have joint corporate or common control, shall file as a combined 1024
taxpayer group for the tax period. 1025

(D) All members of a combined taxpayer group during the 1026
tax period or periods for which additional tax, penalty, or 1027
interest is owed are jointly and severally liable for such 1028
amounts. Although the reporting person will be assessed for the 1029
liability, such amounts due may be collected by assessment 1030
against any member of the group as provided in section 5703.90 1031
of the Revised Code or pursued against any member of the group 1032
when a liability is certified to the attorney general under 1033
section 131.02 of the Revised Code. 1034

Sec. 5755.02. For the purpose of funding the needs of this 1035
state and its local governments, there is hereby levied a 1036
housing market impact tax on each person or combined taxpayer 1037
group owning fifty or more taxable houses in any county. The tax 1038
levied under this section shall equal one thousand five hundred 1039
dollars for each taxable house owned on the first day of each 1040
tax period. 1041

To the extent a county auditor is aware of a person's 1042
liability for the tax levied under this section due to ownership 1043
of the requisite number of taxable houses in the county, the 1044
auditor shall notify the person on such a person's tax bill 1045
prepared and mailed or delivered under section 323.13 of the 1046
Revised Code that the person may be subject to the tax levied 1047
under this section. 1048

Sec. 5755.03. (A) A taxpayer or, in the case of a combined 1049
taxpayer group, the reporting person, on or before the twenty- 1050

first day of each month, shall make and file a return for the 1051
preceding tax period on a form prescribed by the tax 1052
commissioner and shall pay the tax shown on the return to be 1053
due. If required by the tax commissioner, a taxpayer shall file 1054
the tax return electronically. The commissioner may require 1055
taxpayers to use the Ohio business gateway as defined in section 1056
718.01 of the Revised Code to file returns and remit the tax, or 1057
may provide another means for taxpayers to file and remit the 1058
tax electronically. 1059

(B) A person required by this section to remit taxes or 1060
file returns electronically may apply to the commissioner, on a 1061
form prescribed by the commissioner, to be excused from that 1062
requirement. The commissioner may excuse a person from that 1063
requirement for good cause. 1064

(C) (1) The housing market impact tax revenue fund is 1065
hereby created in the state treasury, which shall consist of all 1066
money collected from the tax levied under section 5755.02 of the 1067
Revised Code. 1068

(2) From the housing market impact tax revenue fund the 1069
director of budget and management shall transfer as needed to 1070
the tax refund fund amounts equal to the refunds certified by 1071
the tax commissioner under section 5755.05 of the Revised Code 1072
and attributable to the tax levied under section 5755.02 of the 1073
Revised Code. 1074

(3) After making any transfers required by division (C) (2) 1075
of this section, but not later than the twenty-eighth day of 1076
each month, the director of budget and management shall transfer 1077
fifty per cent of the balance of the housing market impact tax 1078
revenue fund tax fund to the low- and moderate-income housing 1079
trust fund created under section 174.02 of the Revised Code and 1080

the remaining fifty per cent to the local government fund. 1081

Sec. 5755.04. (A) (1) A taxpayer who fails to file a return 1082
or pay the full amount of the tax due within the period 1083
prescribed under this chapter shall pay a penalty in an amount 1084
not exceeding the product of: 1085

(a) Five per cent of the median Ohio home price as listed 1086
in the American community survey published by the United States 1087
census bureau applicable to the last year for which such data is 1088
published; 1089

(b) The number of taxable houses owned by the taxpayer on 1090
the first day of the tax period to which the return applies. 1091

(2) The penalty imposed under division (A) (1) of this 1092
section is in addition to any other penalty imposed under this 1093
chapter. A penalty may be collected by assessment in the manner 1094
prescribed by section 5755.06 of the Revised Code. The tax 1095
commissioner may abate all or a portion of such a penalty. 1096

(B) If the tax due under section 5755.02 of the Revised 1097
Code is not timely paid, the taxpayer shall pay interest at the 1098
rate per annum prescribed in section 5703.47 of the Revised Code 1099
beginning on the day the tax was due through the day the tax is 1100
paid or an assessment is issued, whichever occurs first. 1101

(C) The tax commissioner shall collect any penalty or 1102
interest as if it were the tax levied by section 5755.02 of the 1103
Revised Code. Penalties and interest shall be credited as if it 1104
was revenue arising from the applicable tax. 1105

Sec. 5755.05. (A) A taxpayer may apply to the tax 1106
commissioner for a refund of the amount of taxes under section 1107
5755.02 of the Revised Code that were overpaid, paid illegally 1108
or erroneously, or paid on an illegal or erroneous assessment. 1109

The application shall be on a form prescribed by the tax 1110
commissioner. The taxpayer shall provide the amount of the 1111
requested refund along with the claimed reasons for, and 1112
documentation to support, the issuance of a refund. The taxpayer 1113
shall file the application with the tax commissioner within four 1114
years after the date the payment was made unless the applicant 1115
has waived the time limitation under division (D) of section 1116
5755.06 of the Revised Code. In the latter event, the four-year 1117
limitation is extended for the same period of time as the 1118
waiver. 1119

(B) Upon the filing of a refund application, the tax 1120
commissioner shall determine the amount of refund to which the 1121
applicant is entitled. If the amount is greater than that 1122
claimed, the tax commissioner shall certify the amount to the 1123
director of budget and management and treasurer of state for 1124
payment from the tax refund fund. If the amount is less than 1125
that claimed, the tax commissioner shall proceed under section 1126
5703.70 of the Revised Code. 1127

(C) Interest on a refund applied for under this section, 1128
computed at the rate provided for in section 5703.47 of the 1129
Revised Code, shall be allowed from the later of the date the 1130
tax was due or the date payment of the tax was made. Except as 1131
provided in section 5755.06 of the Revised Code, the tax 1132
commissioner may, with the consent of the taxpayer, provide for 1133
crediting against the tax due for a tax period, the amount of 1134
any refund due the taxpayer for a preceding tax period. 1135

Sec. 5755.051. As used in this section, "debt to the 1136
state" means unpaid taxes that are due the state, unpaid 1137
workers' compensation premiums that are due, unpaid unemployment 1138
compensation contributions that are due, unpaid unemployment 1139

compensation payments in lieu of contributions that are due, 1140
unpaid fees payable to the state or to the clerk of courts under 1141
section 4505.06 of the Revised Code, incorrect medical 1142
assistance payments, or any unpaid charge, penalty, or interest 1143
arising from any of the foregoing. A debt to the state is not a 1144
"debt to the state" as used in this section unless the liability 1145
underlying the debt to the state has become incontestable 1146
because the time for appealing, reconsidering, reassessing, or 1147
otherwise questioning the liability has expired or the liability 1148
has been finally determined to be valid. 1149

If a taxpayer who is entitled to a refund under section 1150
5755.05 of the Revised Code owes a debt to the state, the amount 1151
refundable may be applied in satisfaction of the debt to the 1152
state. If the amount refundable is less than the amount of the 1153
debt to the state, the amount refundable may be applied in 1154
partial satisfaction of the debt. If the amount refundable is 1155
greater than the amount of the debt, the amount refundable 1156
remaining after satisfaction of the debt shall be refunded to 1157
the taxpayer. 1158

Sec. 5755.052. No person shall knowingly make, present, 1159
aid, or assist in the preparation or presentation of a false or 1160
fraudulent report, return, schedule, statement, claim, or 1161
document authorized or required by law to be filed with the 1162
department of taxation, the treasurer of state, a county 1163
auditor, a county treasurer, or a county clerk of courts, or 1164
knowingly procure, counsel, or advise the preparation or 1165
presentation of such report, return, schedule, statement, claim, 1166
or document, or knowingly change, alter, or amend, or knowingly 1167
procure, counsel, or advise such change, alteration, or 1168
amendment of the records upon which such report, return, 1169
schedule, statement, claim, or document is based with intent to 1170

defraud the state or any of its subdivisions. With respect to 1171
such acts or conduct, no conviction shall be had under any other 1172
section of the Revised Code. 1173

Sec. 5755.06. (A) (1) The tax commissioner may issue an 1174
assessment, based on any information in the commissioner's 1175
possession, against a taxpayer who fails to pay any tax levied 1176
under section 5755.02 of the Revised Code or to file a return 1177
under section 5755.03 of the Revised Code. The tax commissioner 1178
shall give the taxpayer written notice of the assessment under 1179
section 5703.37 of the Revised Code. With the notice, the tax 1180
commissioner shall include instructions on how to petition for 1181
reassessment and on how to request a hearing with respect to the 1182
petition. 1183

(2) Unless the taxpayer, within sixty days after service 1184
of the notice of assessment, files with the tax commissioner, 1185
either personally or by certified mail, a written petition 1186
signed by the taxpayer, or by the taxpayer's authorized agent 1187
who has knowledge of the facts, the assessment becomes final, 1188
and the amount of the assessment is due and payable from the 1189
taxpayer to the treasurer of state. The petition shall indicate 1190
the taxpayer's objections to the assessment. Additional 1191
objections may be raised in writing if they are received by the 1192
tax commissioner before the date shown on the final 1193
determination. 1194

(3) If a petition for reassessment has been properly 1195
filed, the tax commissioner shall proceed under section 5703.60 1196
of the Revised Code. 1197

(4) After an assessment becomes final, if any portion of 1198
the assessment, including penalties and accrued interest, 1199
remains unpaid, the tax commissioner may file a certified copy 1200

of the entry making the assessment final in the office of the 1201
clerk of the court of common pleas of Franklin county or in the 1202
office of the clerk of the court of common pleas of the county 1203
in which the taxpayer resides, or the taxpayer's principal place 1204
of business in this state is located. Immediately upon the 1205
filing of the entry, the clerk shall enter a judgment for the 1206
state against the taxpayer assessed in the amount shown on the 1207
entry. The judgment has the same effect as other judgments. 1208
Execution shall issue upon the judgment at the request of the 1209
tax commissioner, and all laws applicable to sales on execution 1210
apply to sales made under the judgment. 1211

(5) If the assessment is not paid in its entirety within 1212
sixty days after the day the assessment was issued, the portion 1213
of the assessment consisting of tax due shall bear interest at 1214
the rate per annum prescribed by section 5703.47 of the Revised 1215
Code from the day the tax commissioner issued the assessment 1216
until the assessment is paid or until it is certified to the 1217
attorney general for collection under section 131.02 of the 1218
Revised Code, whichever comes first. If the unpaid portion of 1219
the assessment is certified to the attorney general for 1220
collection, the entire unpaid portion of the assessment shall 1221
bear interest at the rate per annum prescribed by section 1222
5703.47 of the Revised Code from the date of certification until 1223
the date it is paid in its entirety. Interest shall be paid in 1224
the same manner as the tax levied under section 5755.02 of the 1225
Revised Code and may be collected by the issuance of an 1226
assessment under this section. 1227

(B) If the tax commissioner believes that collection of 1228
the tax levied under section 5755.02 of the Revised Code will be 1229
jeopardized unless proceedings to collect or secure collection 1230
of the tax are instituted without delay, the commissioner may 1231

issue a jeopardy assessment against the taxpayer that is liable 1232
for the tax. Immediately upon the issuance of a jeopardy 1233
assessment, the tax commissioner shall file an entry with the 1234
clerk of the court of common pleas in the manner prescribed by 1235
division (A) (4) of this section, and the clerk shall proceed as 1236
directed in that division. Notice of the jeopardy assessment 1237
shall be served on the taxpayer or the taxpayer's authorized 1238
agent under section 5703.37 of the Revised Code within five days 1239
after the filing of the entry with the clerk. The total amount 1240
assessed is immediately due and payable, unless the taxpayer 1241
assessed files a petition for reassessment under division (A) (2) 1242
of this section and provides security in a form satisfactory to 1243
the tax commissioner that is in an amount sufficient to satisfy 1244
the unpaid balance of the assessment. If a petition for 1245
reassessment has been filed, and if satisfactory security has 1246
been provided, the tax commissioner shall proceed under division 1247
(A) (3) of this section. Full or partial payment of the 1248
assessment does not prejudice the tax commissioner's 1249
consideration of the petition for reassessment. 1250

(C) The tax commissioner shall immediately forward to the 1251
treasurer of state all amounts the tax commissioner receives 1252
under this section, and the amounts forwarded shall be treated 1253
as if they were revenue arising from the tax levied under 1254
section 5755.02 of the Revised Code. 1255

(D) Except as otherwise provided in this division, no 1256
assessment shall be issued against a taxpayer for the tax levied 1257
under section 5755.02 of the Revised Code more than four years 1258
after the due date for filing the return for the tax period for 1259
which the tax was reported, or more than four years after the 1260
return for the tax period was filed, whichever is later. This 1261
division does not bar an assessment against a taxpayer who fails 1262

to file a return as required by section 5755.03 of the Revised 1263
Code or who files a fraudulent return, or when the taxpayer and 1264
the tax commissioner waive in writing the time limitation. 1265

(E) If the whereabouts of a person subject to this chapter 1266
is not known to the tax commissioner, the commissioner shall 1267
follow the procedures under section 5703.37 of the Revised Code. 1268

Sec. 5755.07. The tax commissioner shall administer and 1269
enforce this chapter. In addition to any other powers conferred 1270
upon the tax commissioner by law, the tax commissioner may do 1271
any of the following: 1272

(A) Prescribe all forms that are required to be filed 1273
under this chapter; 1274

(B) Appoint professional, technical, and clerical 1275
employees as are necessary to carry out the tax commissioner's 1276
duties under this chapter; 1277

(C) Adopt rules that are necessary and proper to carry out 1278
this chapter. 1279

Notwithstanding any provision of section 121.95 of the 1280
Revised Code to the contrary, a regulatory restriction contained 1281
in a rule adopted under this section is not subject to sections 1282
121.95 to 121.953 of the Revised Code. 1283

Sec. 5755.99. (A) Whoever violates section 5755.052 of the 1284
Revised Code is guilty of a felony of the fifth degree and the 1285
court may impose upon the offender an additional fine of not 1286
more than seven hundred fifty thousand dollars. 1287

(B) The penalties authorized in this section are in 1288
addition to any penalties imposed by the tax commissioner under 1289
section 5755.04 of the Revised Code. 1290

Section 2. That existing sections 113.061, 131.02, 1291
319.202, 715.013, 4303.26, 5703.052, 5703.053, 5703.19, 1292
5703.263, 5703.50, 5703.70, 5703.77, 5703.90, 5725.26, and 1293
5751.051 of the Revised Code are hereby repealed. 1294

Section 3. Within twelve months after the effective date 1295
of this section, a pass-through entity, as defined in section 1296
5733.04 of the Revised Code, that owns a taxable house, as 1297
defined in section 5755.01 of the Revised Code, shall file a 1298
statement with the county auditor of the county in which the 1299
taxable house is located that includes both of the following: 1300

(A) The name, address, telephone number, and electronic 1301
mail address of the entity and an owner, member, manager, 1302
officer, partner, or associate, as applicable, of the entity; 1303

(B) The address and parcel identification number of the 1304
taxable house or houses owned by the entity. 1305

Section 4. The tax levied under section 5755.02 of the 1306
Revised Code, as enacted by this act, applies on and after the 1307
first day of January following the effective date of this 1308
section. 1309