

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 76**

**Senators Blessing, Antonio  
Cosponsors: Senators Hicks-Hudson, Craig, Ingram**

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**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 agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	137 138 139
(1) Compromise the claim;	140
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	141 142 143 144
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	145 146 147
(F) (1) Except as provided in division (F) (2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	148 149 150 151 152
(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;	153 154
(b) Cancel the claim or cause it to be canceled.	155
(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F) (5) of this section shortening this time frame with respect to a subset of claims.	156 157 158 159 160
(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge	161 162 163 164

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



<del>(A)</del> <u>(1)</u> Each statement submitted under this section shall	225
either:	226
<del>(1)</del> <u>(a)</u> 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
<del>(2)</del> <u>(b)</u> Be accompanied by a sworn or affirmed instrument	236
stating:	237
<del>(a)</del> <u>(i)</u> 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
<del>(b)</del> <u>(ii)</u> The estimated amount of such reductions that will	245
be reflected in the grantee's taxes;	246
<del>(c)</del> <u>(iii)</u> 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

<del>(B)</del> <del>(2)</del> Each statement submitted under this section shall	254
either:	255
<del>(1)</del> <del>(a)</del> 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
<del>(2)</del> <del>(b)</del> Be accompanied by a sworn or affirmed instrument	264
stating:	265
<del>(a)</del> <del>(i)</del> 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
<del>(b)</del> <del>(ii)</del> 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
<del>(e)</del> <del>(iii)</del> 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
<u>(B) Within thirty days after the qualifying transfer of an</u>	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

<u>5755.01 of the Revised Code.</u>	342
<u>(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.</u>	343 344
<u>(4) "Qualifying transfer" means the transfer of more than fifty per cent of the ownership interest in a pass-through entity that, directly or indirectly, owns one or more taxable houses. A "qualifying transfer" may occur in one transaction or in a series of transactions.</u>	345 346 347 348 349
<b>Sec. 715.013.</b> (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., <del>or 5751., or</del> <u>5755.</u> of the Revised Code.	350 351 352 353 354 355 356
(B) No municipal corporation may impose any tax, fee, assessment, or other charge on auxiliary containers, on the sale, use, or consumption of such containers, or on the basis of receipts received from the sale of such containers. As used in this division, "auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.	357 358 359 360 361 362
(C) This section does not prohibit a municipal corporation from levying an income tax or withholding tax in accordance with Chapter 718. of the Revised Code, or a tax on any of the following:	363 364 365 366
(1) Amounts received for admission to any place;	367
(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;	368 369

(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 same meanings as in section 4701.01 of the Revised Code.

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

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

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

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

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

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

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

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

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

(c) Negotiates a check or other negotiable instrument

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

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

(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education; 673  
674  
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(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption; 676  
677

(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVII of the Revised Code. 678  
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(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States. 681  
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(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following: 684  
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(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to engage in prohibited conduct, impose a penalty not exceeding one hundred dollars per instance of prohibited conduct; 687  
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(2) Regardless of whether the commissioner has previously warned the tax return preparer, request that the attorney general apply to a court of competent jurisdiction for an injunction to restrain the preparer from further engaging in the prohibited conduct. The court may take either of the following actions: 691  
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(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 LVIII 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
<b>Sec. 5755.011.</b> <u>(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 commissioner. The taxpayer shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. The taxpayer shall file the application with the tax commissioner within four years after the date the payment was made unless the applicant has waived the time limitation under division (D) of section 5755.06 of the Revised Code. In the latter event, the four-year limitation is extended for the same period of time as the waiver. 1110  
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(B) Upon the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is greater than that claimed, the tax commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund. If the amount is less than that claimed, the tax commissioner shall proceed under section 5703.70 of the Revised Code. 1120  
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was due or the date payment of the tax was made. Except as provided in section 5755.06 of the Revised Code, the tax commissioner may, with the consent of the taxpayer, provide for crediting against the tax due for a tax period, the amount of any refund due the taxpayer for a preceding tax period. 1128  
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**Sec. 5755.051.** As used in this section, "debt to the state" means unpaid taxes that are due the state, unpaid workers' compensation premiums that are due, unpaid unemployment compensation contributions that are due, unpaid unemployment 1136  
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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 Code or who files a fraudulent return, or when the taxpayer and the tax commissioner waive in writing the time limitation. 1263  
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(E) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code. 1266  
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**Sec. 5755.07.** The tax commissioner shall administer and enforce this chapter. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may do any of the following: 1269  
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(A) Prescribe all forms that are required to be filed under this chapter; 1273  
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(B) Appoint professional, technical, and clerical employees as are necessary to carry out the tax commissioner's duties under this chapter; 1275  
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(C) Adopt rules that are necessary and proper to carry out this chapter. 1278  
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Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 1280  
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**Sec. 5755.99.** (A) Whoever violates section 5755.052 of the Revised Code is guilty of a felony of the fifth degree and the court may impose upon the offender an additional fine of not more than seven hundred fifty thousand dollars. 1284  
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(B) The penalties authorized in this section are in addition to any penalties imposed by the tax commissioner under section 5755.04 of the Revised Code. 1288  
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**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