

# RULE REVIEW

Section 121.24 (D) of the Revised Code requires a review of one-fifth of the department's administrative rules each year. A review of 34 excise tax rules were conducted in 1997. The result of this review is reported below:

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| <b>The following rules are necessary:</b> |  |
| <b>All Excise Taxes</b>                   |  |
| 5703-1-10                                 | Prescribes procedures and requirements for requesting remission of penalty on excise tax payments.                         |
| 5703-1-11                                 | Prescribes procedures and requirements for requesting remission of additional charge for excise tax assessments.           |
| <b>Motor Vehicle Fuel Tax</b>             |  |
| 5703-11-3                                 | Informs refund claimants of documentation necessary to receive a refund on fuel used outside Ohio.                         |
| <b>Motor Fuel Use</b>                     |  |
| 5703-13-4                                 | Allows operator of a taxable vehicle to obtain 24-hour permit which includes tax in lieu of annual permit and tax returns. |
| 5703-13-5                                 | Establishes requirements for permit services desiring to issue single trip permits during non-business hours.              |
| 5703-13-6                                 | International registration plan, audits and hearings.  |
| <b>Cigarette Tax</b>                      |  |
| 5703-15-2                                 | Gives taxpayer 30 days to appeal license suspension/revocation as a result of minimum price violation.                     |
| 5703-15-3                                 | Gives Tax Commissioner the authority to approve stamping equipment.  |
| 5703-15-4                                 | Authorizes sale of stamps and meter impressions on credit.   |
| 5703-15-5                                 | Sets discount rate.  |
| 5703-15-6                                 | Authorizes Tax Commissioner to revoke discount for failure to pay delinquency charge or other violation of Chapter 5743.   |
| 5703-15-7                                 | Prohibits sale of stamps to unauthorized persons.  |
| 5703-15-8                                 | Provides for rubber stamping odd size packs and filing separate tax return for odd size packs.                             |
| 5703-15-9                                 | Taxes segmented cigarettes as if separate cigarettes.  |
| 5703-15-10                                | Require vending machine owner to report number of machines owned or used to department upon request.                       |
| 5703-15-11                                | Allows railroad companies to obtain retail license in county where headquartered.  |
| 5703-15-12                                | Requires manufacturer to send copy of invoice to department for cigarettes which will be used by manufacturers' agents.    |
| 5703-15-13                                | Requires monthly report for cigarettes sold out of state.  |
| 5703-15-14                                | Requires monthly report of all purchases of unstamped cigarettes.  |
| 5703-15-16                                | Authorizes tax agent to conduct inventories during business hours. Requires taxpayer to file inventory return.             |
| 5703-15-17                                | Allows dealer to store unstamped cigarettes at same public warehouse where manufacturer stored cigarettes prior to sale.   |
| 5703-15-18                                | Authorizes Tax Commissioner to suspend discount for minimum price violations.  |
| <b>Beer and Malt Beverage Tax</b>         |  |
| 5703-17-1                                 | Differentiates between barrels, bottles and cans.  |
| 5703-17-3                                 | Determines how liquid is to be measured in computation of tax.   |
| <b>Wine and Mixed Beverage Tax</b>        |  |
| 5703-19-2                                 | Specifies how to calculate and when to impose a retaliatory tax.   |
| <b>Horse Racing Tax</b>                   |  |
| 5703-23-1                                 | Requires tax return, payment of tax and documentation at close of each race day.   |
| 5703-23-2                                 | Prescribes tax return for collecting additional tax at the end of each meet.   |

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## The following rules need revision:

### Motor Vehicle Fuel Tax

5703-11-2 Specifies what documents must be submitted to verify purchase of motor vehicle fuel.

### Motor Fuel Use

5703-13-3 Details the documents and information that taxpayers must maintain to support their reported tax liability.

### Cigarette Tax

5703-15-15 Lists documentation needed with a refund claim. Theft of cigarettes must be reported to department within 24 hours.

### Wine and Mixed Beverage Tax

5703-19-1 Defines when the tax liability is incurred.

## The following rules are not needed:

### Motor Vehicle Fuel Tax

5703-11-1 Surety companies that furnish motor fuel bonds must submit a certificate of compliance on or before August 1 of each year.

### Motor Fuel Use Tax

5703-13-1 Specifies who qualifies for a HHG certificate, how they must apply, the sworn statement on the application and the issuance of an identification device that shows that the vehicle is exempt from HUT.

### Beer and Malt Beverage Tax

5703-17-2 Prescribes refund claim form.