

# 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:

**The following rules are necessary:**

**All Excise Taxes**

- 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.

**Motor Vehicle Fuel Tax**

- 5703-11-3 Informs refund claimants of documentation necessary to receive a refund on fuel used outside Ohio.

**Motor Fuel Use**

- 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.

**Cigarette Tax**

- 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.

**Beer and Malt Beverage Tax**

- 5703-17-1 Differentiates between barrels, bottles and cans.
- 5703-17-3 Determines how liquid is to be measured in computation of tax.

**Wine and Mixed Beverage Tax**

- 5703-19-2 Specifies how to calculate and when to impose a retaliatory tax.

**Horse Racing Tax**

- 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.

# RULE REVIEW

## 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.