

## SALES AND USE TAX – STATE

### TAXPAYER

Holders of vendor's licenses, direct-payment permits, and consumer accounts; registered out-of-state sellers; and clerks of court.

### TAX BASE

Sales and rental of tangible personal property, and selected services.

### RATE

6.0 percent (with specific brackets for sales other than multiples of one dollar). This is a temporary rate that became effective July 1, 2003. It is scheduled to expire on June 30, 2005.

### MAJOR EXEMPTIONS

Purchases for resale.

Food for human consumption off the premises where sold.

Newspapers and magazine subscriptions.

Motor fuel.

Sales of artificial and natural gas, electricity delivered through wires, and water when delivered through pipes, wires or conduits.

Prescription drugs.

Property used primarily in manufacturing or used directly in mining or agriculture.

Credit for trade-ins on new motor vehicles, new watercraft, and new outboard motors.

### REVENUE (IN MILLIONS)

<b>Fiscal Year</b>	<b>General Revenue Fund</b>	<b>Local Funds</b>	<b>Other<sup>(1)</sup></b>	<b>Total</b>
2000	\$5,913.7	\$298.3	\$2.0	\$6,214.0
2001	5,935.6	299.4	2.2	6,237.2
2002	6,038.0	303.3	2.2	6,343.5
2003	6,397.9	301.3	2.2	6,701.4

**Note:** (1) Includes Attorney General Claims Fund.

## SALES AND USE TAX – STATE

### DISPOSITION OF REVENUE

After making any required deposits in the Attorney General Claims Fund, 95.2 percent of remaining revenue is deposited in the General Revenue Fund, 4.2 percent is deposited in the Local Government Fund, and 0.6 percent is deposited in the Local Government Revenue Assistance Fund.

For fiscal years 2002 and 2003, the local government funds were “frozen” and each received the same amount of sales and use tax revenue as they received in FY 2001. The remainder was deposited in the General Revenue Fund. This “freeze” on local government funds is continued in FY 2004. Refer to **Disposition of Revenue** in the **INDIVIDUAL INCOME TAX** section for information on the semi-annual reduction of the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund deposits.

### PAYMENT DATES

Monthly returns: by the 23rd day of the month following the reporting period.

Semi-annual returns: by the 23rd day of the month following the close of the semi-annual reporting period determined by the county of business location; this method of payment may be authorized for vendors and sellers whose tax liability is less than \$1,200 per six month period.

Quarterly returns: consumer accounts and direct payments by the 23rd day of the month following the reporting period if quarterly liability is under \$5,000. Otherwise, consumers must remit tax monthly.

**Note:** vendors and out-of-state sellers are allowed a 0.75 percent discount for timely payment.

Payment is required to be made by electronic funds transfer by taxpayers when liabilities equal or exceed \$75,000 a year. These taxpayers must also make accelerated payments on the 15th and 25th of the month.

### SPECIAL PROVISIONS/CREDITS

1. Counties and transit authorities may levy additional sales and use tax. (See **SALES AND USE TAX – COUNTY AND TRANSIT AUTHORITY** section.)

## SALES AND USE TAX – STATE

2. Qualified municipal corporations and townships (see R.C. 5739.101-5739.105) are authorized to levy a resort area tax at the rate of 0.5 percent, 1.0 percent or 1.5 percent on gross receipts from general sales or intrastate transportation primarily to and from the resort area. Three eligible jurisdictions currently impose the tax:  
Kelley's Island (1.5 percent), village of Put-in-Bay (1.5 percent), and the township of Put-in-Bay (1.5 percent).  
The Tax Commissioner administers this tax.

### SECTIONS OF OHIO REVISED CODE

Chapters 5739, 5740, and 5741.

### RESPONSIBILITY FOR ADMINISTRATION

Tax Commissioner.

### HISTORY OF MAJOR CHANGES

- 1934 • Enacted a sales tax at a 3.0 percent rate effective January 1, 1935.
- 1935 • Enacted a use tax at a 3.0 percent rate effective January 1, 1936.
- 1936 • Food sold for human consumption off the premises exempted.
- 1962 • Use of sales tax stamps discontinued.
- 1967 • Rate increased to 4.0 percent. Cigarettes and beer made taxable.
- 1971 • Cigarettes exempted.
- 1981 • Rate increased to 5.0 percent; cigarettes, repairs, and other selected services made taxable. Credit established for trade-ins on new motor vehicles.
- 1983 • Business data processing services made taxable.
- 1987 • Purchases made with food stamps exempted.  
• Long distance telecommunications service made taxable.
- 1989 • Investment coin and bullion purchases exempted.

## SALES AND USE TAX – STATE

- 1990
- Credit established for trade-ins on new or used watercraft.
  - Tangible personal property primarily used in manufacturing operations exempted (replaced manufacturers' direct use exemption).
- 1991
- Lawn care, landscaping, private investigation, and security services made taxable.
- 1993
- Building cleaning and maintenance, exterminating, employment agency, and personnel supply service made taxable.
  - Physical fitness facilities and recreation and sports club memberships made taxable.
  - Vendor discount decreased from 1.5 percent to 0.75 percent of tax collections.
  - Tax exemption for property used in making a retail sale defined more narrowly.
  - Property and third party labor used to fulfill a warrant or service contract made taxable.
  - Tax exemption for food service operations defined more narrowly.
  - Tax exemption for qualified property used in research and development established.
  - Tax exemption for nonprofit scientific organizations established.
  - Qualified municipal corporations and townships authorized to levy a resort area tax.
- 1994
- Tax exemption for property and third party labor used to fulfill a warranty or service contract reinstated.
  - Tax exemption provided for equipment used to handle tangible personal property temporarily stored in certain types of warehouses before being sent out of state.
  - Tax exemption provided for reciprocity of purchase between Ohio and other states.
  - Tax exemption provided for purchases by organizations defined under Internal Revenue Code 501(c)(3).
  - Tax exemption provided for purchases of building and construction materials to be incorporated into a horticulture or livestock structure.

## SALES AND USE TAX – STATE

- 1995
- Clarified that levying of state sales tax on sports and recreation club services does not prevent a municipality from levying admissions tax on same entities.
- 1996
- Motor vehicle dealers allowed to take the 0.75 percent discount up front when paying sales and use taxes to clerks of court.
  - Poundage fee given to clerks of court for receiving and distributing sales tax from motor vehicle sales increased to 1.01 percent.
  - Tax exemption provided on sales and repairs to rail rolling stock used in interstate or international commerce.
- 1997
- Tax exemption provided on sales of personal computers and qualified equipment to licensed and certified teachers.
  - Tax exemption provided on some purchases made by service providers who permanently transfer personal property to consumers in conjunction with providing taxable services.
- 1999
- The sales of used manufactured and mobile homes in Ohio made on or after January 1, 2000 not subject to the sales and use tax. Also, for the purposes of the sales and use tax, sale of a new manufactured or mobile home on or after January 1, 2000 not considered a motor vehicle sale.
  - Pre-paid authorization numbers used to make phone calls or pre-paid calling cards made subject to sales tax at the point of sale. Telephone services paid for using pre-paid authorization numbers or pre-paid calling cards are not subject to sales tax.
  - Use tax exemption provided for sellers of prescription drugs for drug samples distributed free of charge to doctors, dentists, and certain other medical practitioners, effective July 1, 2001.
  - Various changes to sales tax law made to accommodate electric utility deregulation. Effective date for these changes was October 5, 1999.
- 2000
- Exemption added for labeling and labeling equipment for packaging and packaging equipment.

## SALES AND USE TAX – STATE

- Changed the definition of exempted casual sales to include items that had been subjected to the taxing jurisdiction of another state.
  - Treatment of charitable nonprofit organizations clarified.
  - Exemption for certain types of energy systems purchased between August 14, 1979 to December 31, 1983 (as it no longer applied) repealed.
  - Liquor permit holders required to have the liquor license in the same name that is on the vendor's license.
  - The limited vendor's license eliminated. The transient vendor's license made to include those vendors that previously were required to obtain the limited vendor's license.
  - Reduced the transient vendor's license fee from \$100 to \$25.
  - Tax Commissioner given the authority to discuss streamlining the sales tax with other states.
- 2001
- Excluded coin-operated telephone services from the definition of taxable telecommunications services.
  - Revenue distribution to both local government funds temporarily changed.
  - Effective January 1, 2002, certain duties of the Treasurer of State transferred to the Tax Commissioner.
  - Exemption of fire protection and emergency vehicles and equipment expanded.
  - The sales and use tax on certain leased motor vehicles, watercraft, aircraft, and on the lease of tangible personal property by businesses required to be paid upon consummation of the lease.
- 2002
- Authorized participation in the multi-state Streamlined Sales Tax Agreement.
  - Allowed refunds directly to consumers when the consumer illegally or erroneously paid tax to the vendor.
- 2003
- Increased rate from 5.0 percent to 6.0 percent for



## SALES AND USE TAX – STATE

the period July 1, 2003 to June 30, 2005. Vendor discount increased from 0.75 percent to 0.9 percent for the same period.

- Imposed tax on laundry and dry cleaning services, satellite broadcasting service, personal care services, intrastate transportation of persons by motor vehicle or aircraft, motor vehicle towing service, snow removal service, and storage of tangible personal property, effective August 1, 2003.
- Included delivery charges as part of the price of a taxable sale, effective July 1, 2003.
- Repealed exemption for WATS, 800-number and WATS-type telecommunications, and private communications service, effective July 1, 2003.
- Exempted telecommunications service used to perform the functions of a call center, effective July 1, 2003.
- Required accelerated payments of tax from taxpayers that are required to pay tax by electronic funds transfer.
- Raised threshold for requiring taxpayers to pay tax by electronic funds transfer from \$60,000 annual tax liability to \$75,000.
- Changed some definitions of food, beverages, and medical supplies to conform to the provisions of the multi-state Streamlined Sales Tax Agreement.



## SALES AND USE TAX – STATE

### COMPARISONS WITH OTHER STATES (AS OF 01/04)

<u>State</u>	<u>State Tax Rate</u>	<u>Local Tax Rate</u> (1)	<u>Maximum Rate In Effect Including Local Rate</u>
California(2)	6.00%	2.50%	8.50%
Florida	6.00	1.50	7.50
Illinois	6.25	3.00	9.25
Indiana(3)	6.00	0.00	6.00
Kentucky	6.00	0.00	6.00
Massachusetts	5.00	0.00	5.00
Michigan	6.00	0.00	6.00
New Jersey	6.00	0.00	6.00
New York	4.25	4.85	9.10
<b>Ohio</b>	<b>6.00</b>	<b>2.00</b>	<b>8.00</b>
Pennsylvania	6.00	1.00	7.00
Texas	6.25	2.00	8.25
West Virginia	6.00	0.00	6.00

**Notes:** (1) Rate shown is the highest combined total local rate currently in effect in the state. (2) Beginning July 1, 2004, a temporary 0.5 percent sales and use tax will be imposed to help finance State Deficit Bonds. At the same time, the total local government rate will be reduced by 0.5 percent. Consequently, the combined state and local sales and use tax rate in any taxing jurisdiction will remain unchanged. (3) Local governments have permissive authority to levy a local sales tax at a rate up to 1.0 percent on food and beverages that are prepared and consumed on-site.

