



*Ohio Department of*  
**TAXATION**

# **Dealer in Intangibles Tax Return 2005**

## Dealer in Intangibles

House Bill 405 passed by the 124th General Assembly made changes to the Ohio Dealers in Intangibles law to clarify who is required to pay the tax and what brokers should include as commissions when determining the percentage allocated to Ohio. Below is an explanation of these changes and the impact they have in completing the 2005 and subsequent tax returns.

### **Clarification of Taxability of Dealers Wholly Owned By an Insurance Company or Financial Institution**

Anyone meeting the definition of a dealer in intangibles must file a tax return regardless if they are affiliated with an insurance company or financial institution. All tax paid by such entities shall only be credited to the General Revenue Fund.

### **See Ohio Revised Code (R.C.) 5725.24 and 5733.45. Clarification of How Commissions Are Sitused Within and Without Ohio**

In determining commissions for a broker-dealer, the billing address shall be used to determine where the commission should be sitused. **See R.C. 5725.14(C).**

### **“All Other Receipts” Are No Longer Considered When Situsing “Gross Receipts” for All Dealers in Intangibles**

R.C. 5725.14 no longer requires that a dealer in intangibles include 1% of all other receipts when determining gross receipts.

# General Information and Instructions

## Relating to Dealer in Intangibles Tax Return

Form 980-A  
Rev. 11/04

### Definition of a Dealer in Intangibles – R.C. 5725.01(B)

“Dealer in intangibles” includes every person who keeps an office or other place of business in this state and engages at such office or other place in the business of lending money, or discounting, buying or selling bills of exchange, drafts, acceptances, notes, mortgages or other evidences of indebtedness, or of buying or selling bonds, stocks or other investment securities, whether on his own account with a view to profit, or as agent or broker for others, with a view to profit or personal earnings. Dealer in intangibles excludes institutions used exclusively for charitable purposes, insurance companies and financial institutions, whether domestic or foreign. Neither causal nor isolated transactions of any of the kinds enumerated in this division of this section, nor the investment of funds as personal accumulations or as business reserves or working capital constitute engaging in business within the meaning of this division of this section; but a person who, having engaged in the business of lending money, or discounting, buying or selling bills of exchange, drafts, acceptances, notes, mortgages or other evidences of indebtedness on his own account, remains in business for the purpose of realizing upon the assets of such business is deemed a dealer in intangibles, though not presently engaged in lending money or discounting or buying such securities.

### Filing Requirements

All persons, partnerships, associations and corporations that are engaged in business as a dealer in intangibles January 1 must file a dealer in intangibles tax return. The return must be filed with the tax commissioner, Attn: Personal Property Tax, P.O. Box 530, Columbus, OH 43216-0530 no later than the second Monday of March, or as properly extended.

### Extension of Time

The tax commissioner may, upon verified request and for good cause shown, extend for a period not exceeding 30 days, the period during which a dealer in intangibles shall file their tax form 980, R.C. 5725.10. A written request for extension of time must be received at the address listed above no later than the second Monday in March; be sure to include the proper business name, address, account number and stated cause. If requesting extensions for a consolidated return, each subsidiary and their FEIN number must be listed within the request.

### Penalty for Late Filing

As provided by R.C. 5725.17, a penalty may be assessed equal to the greater of \$50 per month or fraction of a month, not to exceed \$500, or 5% per month or fraction of a month, not to exceed 50% of the tax required to be shown on the return for each month or fraction of a month elapsing between the due date and the date on which the return is filed.

### Payment of Tax

No payment should be submitted with the return. For timely filed and properly extended returns, a statement of tax due will be issued by the Ohio Treasurer of State in early May.

### Balance Sheet

The balance sheet on the reverse side of form 980 must be completed using a list date of December 31st annually (R.C. 5725.14).

### Consolidated Returns

An incorporated dealer in intangibles who owns or controls 51% or more of the common stock of another incorporated dealer in intangibles may by application request to file a consolidated return with the tax commissioner on or before the second Monday in March. If the application is granted all subsidiary dealers in intangibles of 51% or more must be included. When a consolidated return is filed, it must include a list of the subsidiary dealers, FEIN, addresses and a consolidating balance sheet reflecting all subsidiaries and the intercompany eliminations (R.C. 5725.14).

### Exhibit A

Exhibit A is used to adjust the net worth of the dealer to its market/fair value at 12/31. Items such as fixed assets, exchange memberships, stocks, investments, real estate and accounts receivable are examples of items listed on the balance sheet that need to be calculated at their market/fair value at 12/31. These items are netted against their book value and the result placed on line 2. The net addition or reduction is added or deducted from line 1. The result is the fair value, which is then carried to the front page of the return in the computation of tax section line 3, rounded to the nearest \$10.

### Exhibit B

In case of a dealer principally engaged in the business of lending money or discounting loans, gross receipts will consist of the aggregate amount of loans effected, discounted and renewed.

Exhibit B is used to determine the Ohio percentage of business for dealers in intangibles who generate loan business both in the state of Ohio and everywhere. (Dealers who only operate within the state do not need to complete this section.) The total amount of loan business conducted for the year in Ohio is divided by the total of loan business for the year everywhere. This percentage is then multiplied by the total from line 3 of Exhibit A. This value is then forwarded to the front of the return (line 3) to compute the amount of tax due.

Business may not be allocated within and without Ohio unless the dealer maintains separate office locations both within and without Ohio. Independent agents who solicit business out of Ohio and forward it to an Ohio office must allocate that portion to Ohio. Employees of the dealer who solicit business out of state but report to the Ohio office must also allocate all business to Ohio.

Receipts from business originating in one office and consumed at another office shall be divided equitably between such offices and a special memorandum or schedule must be furnished disclosing the amount of such receipts together with the office location.

### Exhibit C

In the case of a dealer engaged primarily in the business of dealing in securities as principal, broker or both, gross receipts shall consist of the aggregate amount of commissions charged for business done at each office, divided by 100% of commissions charged everywhere. The billing address should be used to determine where the commission should be situated. Line 3, Exhibit A, is then multiplied by the percentage obtained from this calculation.

### Exhibit D

A dealer in intangibles, who predominately makes loans and carries a reserve on their books for receivables, will use Exhibit D. It is used to establish a fair value for accounts receivable at 12/31 for those who carry a reserve. The formula develops a uniform amount of reserves taken against the gross accounts receivable balance. The calculation first takes the total amount of bad debts charged off for the preceding five years, less total recoveries for the preceding five years. This total is divided by the total amount of loans affected, discounted and renewed for the preceding five years. To the resulting percentage, add .005 as a correction factor. This total percentage will be applied to the gross amount of accounts and notes receivable listed on the current year's balance sheet. The calculated allowable bad debt reserve is compared to the bad debt reserve taken on the current year's balance sheet and the difference between the two is carried to the summary sheet as an increase or decrease to market/fair value.

### Form 937DI

The tax commissioner has prescribed composite annual allowances for computing the fair value of various depreciable property. For dealers in intangibles, property such as office furniture and equipment, leaseholds and autos have been designated as Class 3 property. Computers and their online peripheral equipment have been designated as having a five-year class life. Tax form 937DI is used to arrive at the fair value. The rates for those classes are listed below. The increase or decrease from book value to fair value is carried to the summary sheet.

<u>Age</u>	<u>Class 3</u>	<u>Stand-Alone Computer Class</u>
1	93.2	75.0
2	82.8	60.0
3	72.4	45.0
4	62.0	30.0
5	51.5	15.0
6	42.2	15.0
7	36.3	15.0
8	30.5	15.0
9	24.6	15.0
10+	18.8	15.0

### Fair Value Claim

In the event the fair value of any item of taxable property is less than the book value as reflected on the balance sheet, a claim in writing must be submitted at the time of filing

the tax return. The claim should disclose the reasons and computations for determining the claimed fair value. The burden of substantiating the claimed fair value rests with the taxpayer.

### Exchange Memberships

Memberships and stock exchange seats used in business must be returned at their fair value as of December 31st annually. The difference between the book value and the fair value at 12/31 will be carried to the summary sheet.

### Unincorporated Dealers in Intangibles

Unincorporated dealers in intangibles may deduct investments exempt under Ohio law from the value of capital employed, provided such investments are held on December 31. Tax-exempt investments include obligations issued and backed by the federal government, territories or districts and the following Ohio bonds – Vietnam War Bonus, Turnpike, Major Thoroughfare Construction, Bridge Commission, Highway Improvement Construction, Underground Parking, Capital Improvement construction, General Obligation, Public Housing Authority, etc. Municipal bonds are not exempt.

When taxable property has been converted into nontaxable bonds and securities after October 31 and is still held on December 31, the value of the nontaxable bonds and securities as of the date of conversion must be reflected on line 2 of the Computation of Tax on the front page of form 980.

### Form 982

Form 982 is to be submitted by each dealer in intangibles maintaining an office in more than one Ohio county. The taxpayer should list each county it maintains offices in and the total amount of gross receipts for that office. This form does not need to be filed by a qualifying dealer.

### Form 984

Form 984 is to be submitted with form 980 for those taxpayers who list investments on line 2 of the balance sheet. This form must list the name of the investment, the book value and the market value of the investment at December 31st. The difference between book and market should be listed on the summary sheet.

### Leased Property

Any dealer in intangibles that leases tangible personal property to others or owns such property for the sole purpose of leasing it to others must separately list and return such property under the provisions of R.C 5711. Form 920 A, prescribed by the tax commissioner, sets forth the instructions for filing the applicable personal property tax returns.

### Information

Any question relative to the filing of the dealer in intangibles tax return or the procurement of forms must be addressed to the Department of Taxation, Attn: Personal Property Tax, P.O. Box 530, Columbus, OH 43216-0530 or call 888-644-6778. Visit the department's home page on the Internet at [www.tax.ohio.gov](http://www.tax.ohio.gov) for additional forms.



**Dealer in Intangibles Tax Return**

Consolidated     Single county     Inter-county    Account number \_\_\_\_\_

Taxpayer name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Business name \_\_\_\_\_  
 Ohio county business location \_\_\_\_\_  
 Date business started in Ohio \_\_\_\_\_  
 Description of Ohio business \_\_\_\_\_  
 Taxpayer who filed for 2004 \_\_\_\_\_

Check here if you are a "qualifying dealer" (see R.C. 5725.24 and 5733.45). Generally, a qualifying dealer is a dealer in intangibles that is a subsidiary of a financial institution or insurance company. If you are a qualifying dealer, you do not need to complete form 982.

**Received Stamp**

**Time Extension Permit**

No. \_\_\_\_\_ granted  
 To April 13, 2005

Ohio charter number \_\_\_\_\_ Federal employer identification number \_\_\_\_\_ Social security number \_\_\_\_\_  
 Type of business:     Corporation     S Corporation  
                                Partnership     Other

1. Ohio proportion of taxable value of shares or invested capital (from Balance Sheet or Exhibits A, B or C).....	\$ _____	\$ _____
2. Value of nontaxable bonds and securities as of date of conversion.....	\$ _____	\$ _____
3. Total taxable value in Ohio (line 1 plus line 2) rounded to the nearest <b>\$10</b> .....	\$ _____	\$ _____
4. Tax payable (line 3 multiplied by .008) to nearest .01 .....	\$ _____	\$ _____

**Do not send check with this tax return. You will be billed.**

5. Penalty .....	\$ _____	\$ _____
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The Department of Taxation must <b>receive</b> this tax return no later than <b>March 14, 2005</b> .	Preassessment Verification	Data Entry Verification
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**Declaration**

I/we declare under penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me/us and to the best of my/our knowledge and belief is a true, correct and complete return and report.

Person, other than taxpayer, preparing this return	Date	Signature of taxpayer	Title	Date
Address		Print name of taxpayer		Date
Phone number		Phone number		
E-mail		E-mail		

## Balance Sheet as of December 31, 2004

Line No.	Assets	
1.	Cash on hand and in banks .....	\$ _____
2.	Investments (complete enclosed Form 984)	
	a) Taxable .....	_____
	b) Nontaxable .....	_____
3.	Accounts and notes receivable	
	a) Accounts receivable ..... Gross \$ _____	
	Less allowance for bad debts .....	_____
	b) Installment loans..... Gross \$ _____	
	Less allowance for bad debts .....	_____
	c) Lease receivables ..... Gross \$ _____	
	Less allowance for bad debts .....	_____
	d) Real estate loans..... Gross \$ _____	
	Less allowance for bad debts .....	_____
	e) Other receivables ..... Gross \$ _____	
	Less allowance for bad debts .....	_____
4.	Customers' debit balances .....	_____
5.	Due from other brokers.....	_____
6.	Real estate..... Cost \$ _____	
	Less accumulated depreciation .....	_____
7.	Leasehold improvements (enclose Form 937DI)..... Cost \$ _____	
	Less accumulated depreciation .....	_____
8.	Furniture, fixtures and equipment (enclose Form 937DI) Cost \$ _____	
	Less accumulated depreciation .....	_____
9.	Leased equipment (see Exhibit E).....	_____
10.	Commissions receivable.....	_____
11.	Memberships (specify).....	_____
12.	Deferred charges	
	a) Prepaid expenses.....	_____
	b) Other .....	_____
13.	Accrued earnings.....	_____
14.	Other assets (specify).....	_____
15.	Total assets (lines 1 through 14).....	\$ _____
Line No.	Liabilities	
16.	Notes and accounts payable .....	\$ _____
17.	Due to other brokers.....	_____
18.	Customers' credit balances .....	_____
19.	Commissions payable.....	_____
20.	Accrued expenses .....	_____
21.	Deferred credits .....	_____
22.	Other liabilities .....	_____
23.	Total liabilities (lines 16 through 22).....	\$ _____
Line No.	Capital	
24.	Capital stock (less Treasury shares).....	\$ _____
25.	Capital investment (if not incorporated) .....	_____
26.	Surplus and undivided profits .....	_____
27.	Partners' credit balances .....	_____
28.	General reserves (without definite evidence of imminent loss or liability) .....	_____
29.	Book value of shares or invested capital (lines 24 through 28) (Carry amount to applicable Exhibit: Exhibit A, line 1; Exhibit B, line 3; or Exhibit C, line 3) ...	_____
30.	Total liabilities and capital .....	\$ _____

**Exhibit A – Reconciliation of Book Value to the Market or Fair Value of Shares or Invested Capital (R.C. 5725.15)**

Line No.	Item	
1.	Book value of shares or invested capital (B/S line 29) .....	\$ _____
2.	Increase or decrease to fair or market value (from summary sheet) .....	\$ _____
3.	Taxable value (carry to page 1, line 1, or line 3, Exhibit B or C below).....	\$ _____

**Exhibit B – Ohio Proportion of Taxable Value of Shares or Invested Capital** (for dealers other than brokers) Enter below the total of loans affected, discounted and renewed during the year ended December 31, 2004.

Line No.	Item	(1) Ohio	(2) Total
1.	Total of loans affected, discounted and renewed.....	\$ _____	\$ _____
2.	Percentage allocable to Ohio (column 1 ÷ by column 2) .....		_____ %
3.	Taxable value of shares or invested capital (B/S line 29 or line 3 of Exhibit A).....		\$ _____
4.	Ohio proportion of taxable value of shares or invested capital (line 2 x line 3. Carry to page 1, computation of tax, line 3) .....		\$ _____

**Exhibit C – Ohio Proportion of Taxable Value of Shares or Invested Capital (for brokers only)**  
Enter below the aggregate amounts of all commissions charged during the calendar year ending December 31, 2004.

Line No.	Item	(1) Ohio	(2) Total
1.	Aggregate amount of commissions charged .....	\$ _____	\$ _____
2.	Percentage allocable to Ohio (column 1 ÷ column 2) .....		_____ %
3.	Taxable value of shares or invested capital (line 3 of Exhibit A) .....		\$ _____
4.	Ohio proportion of taxable value of shares or invested capital (line 2 x line 3. Carry to page 1, computation of tax, line 3) .....		\$ _____

**Exhibit D – Each Dealer in Intangibles, Other Than Brokers, Must Furnish the Following Information Relative to Aggregate Amount of Loans Affected, Discounted and Renewed**

Calendar Year	Aggregate Amount of Loans Affected, Discounted & Renewed	Bad Debts Charged Off	Recovery of Bad Debts Charged Off
2000			
2001			
2002			
2003			
2004			
Totals			

## Dealer in Intangibles

### Summary Worksheet for Exhibit A, Line 2

#### Instructions

This worksheet is a tool to be used to capture all adjustments to fair value at December 31st. It is a gathering worksheet to list the financial book value for all accounts that have an adjustment to bring it to its fair value at December 31st. Compare

the financial book value to the fair market value and place the increase or decrease in the difference column. This total is the value, which is placed on line 2 of Exhibit A as a company-wide increase or decrease to arrive at a fair value.

Account	Balance Sheet Value	Fair Market Value	Difference
Investments			
Accounts Receivable			
Real Estate			
Total Fixed Assets			
Memberships			
Net Worth			
Other FMV Adjustments			
Carry <b>total</b> to line 2, Exhibit A.			<b>Total</b>



## True Value Computation – Stand-Alone Computers

Form 937DI, True Value Computation, provides a consistent method for determining the aggregate fair value for dealers in intangibles total depreciable assets, company-wide, inside and outside Ohio.

Costs of depreciable property at the end of the previous year are to be shown by year of acquisition for the entire entity (column 2). Additions and disposals occurring during the year are to be entered at cost, across the year in which they were acquired (column 3, column 4). The resulting costs remaining at year-end are then listed (column 5); their total must equal the beginning of the year total plus additions, less disposals. The valuation percentages for the specified class of property are listed in column 6. Each year-end cost is then multiplied by the corresponding valuation percentage and the product placed in column 7. Total column 7 and that will be the fair

value of the depreciable assets. Compare the total fair value of the depreciable assets to the book value of those same assets on the December 31st balance sheet and place the increase or decrease to fair market value on line 2 in Exhibit A of form 980.

For dealers in intangibles, depreciable property under this class life consists mainly of office computers.

Full costs must be shown. Cost column totals must reconcile with ledger accounts, except that property written off the records but still physically on hand must be included in the computation and properly disposed of but not written off the records should be deducted. These exceptions should be separately identified in the computation.

### Sample Computation for 2005 Return Illustrating Application of Stand-Alone Computers

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Year Acquired	Cost at End of 12-31-03	Additions	Disposals	Cost at End of 12-31-04	Percent	True Value Amount \$
2004		\$641,310		\$641,310	75%	\$480,983
2003	\$434,040			434,040	60%	260,424
2002	301,032		\$201,032	100,000	45%	45,000
2001	277,736			277,736	30%	83,321
2000	2,393,633		444,943	1,948,690	15%	292,304
1999 and prior					15%	
<b>Total</b>	3,406,441	\$641,310	645,975	\$3,401,776	<b>Fair Value =</b>	<b>\$1,162,032</b>

**Carry Total True Value to Summary Sheet.**



## True Value Computation – Class Life III

Form 937 DI, True Value Computation, provides a consistent method for determining the aggregate fair value for dealers in intangibles total depreciable assets, company-wide, inside and outside Ohio.

Costs of depreciable property at the end of the previous year are to be shown by year of acquisition for the entire entity (column 2). Additions and disposals occurring during the year are to be entered at cost, across the year in which they were acquired (column 3, column 4). The resulting costs remaining at year-end are then listed (column 5); their total

must equal the beginning of the year total plus additions, less disposals. The valuation percentages for the specified class of property are listed in column 6. Each year-end cost is then multiplied by the corresponding valuation percentage and the product placed in column 7. Total column 7 and that will be the fair value of the depreciable assets. Compare the total fair value of the depreciable assets to the book value of those same assets on the December 31st balance sheet and place the increase or decrease to fair market value on summary sheet.

### Sample Computation for 2005 Return Illustrating Application of Class III Percentages

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Year Acquired	Cost at End of 12-31-03	Additions	Disposals	Cost at End of 12-31-04	Percent	True Value Amount \$
2004		\$641,310		\$ 641,310	93.2%	\$ 597,701
2003	\$434,040			434,040	82.8%	359,385
2002	301,032		\$201,032	100,000	72.4%	72,400
2001	277,736			277,736	62.0%	172,196
2000	201,033			201,033	51.5%	103,532
1999	147,001			147,001	42.2%	62,034
1998	421,066			421,066	36.3%	152,847
1997	234,175			234,175	30.5%	71,423
1996	148,622			148,622	24.6%	36,561
1995 and prior	2,010,836		333,421	1,677,415	18.8%	315,354
<b>Total</b>	<b>\$4,175,541</b>	<b>\$641,310</b>	<b>\$534,453</b>	<b>\$4,282,398</b>	<b>Fair/True Value = \$1,943,433</b>	

**Carry Total Fair/True Value to Summary Sheet.**



## Form 982 Return Year 2005

Name of dealer \_\_\_\_\_

Address \_\_\_\_\_

This form must be executed by each dealer in intangibles maintaining an office in more than one county in Ohio. For an explanation of gross receipts, see General Information and Instructions.

<b>Gross Receipts Within the State of Ohio</b>					
1	Adams			45	Licking
2	Allen			46	Logan
3	Ashland			47	Lorain
4	Ashtabula			48	Lucas
5	Athens			49	Madison
6	Auglaize			50	Mahoning
7	Belmont			51	Marion
8	Brown			52	Medina
9	Butler			53	Meigs
10	Carroll			54	Mercer
11	Champaign			55	Miami
12	Clark			56	Monroe
13	Clermont			57	Montgomery
14	Clinton			58	Morgan
15	Columbiana			59	Morrow
16	Coshocton			60	Muskingum
17	Crawford			61	Noble
18	Cuyahoga			62	Ottawa
19	Darke			63	Paulding
20	Defiance			64	Perry
21	Delaware			65	Pickaway
22	Erie			66	Pike
23	Fairfield			67	Portage
24	Fayette			68	Preble
25	Franklin			69	Putnam
26	Fulton			70	Richland
27	Gallia			71	Ross
28	Geauga			72	Sandusky
29	Green			73	Scioto
30	Guernsey			74	Seneca
31	Hamilton			75	Shelby
32	Hancock			76	Stark
33	Hardin			77	Summit
34	Harrison			78	Trumbull
35	Henry			79	Tuscarawas
36	Highland			80	Union
37	Hocking			81	Van Wert
38	Holmes			82	Vinton
39	Huron			83	Warren
40	Jackson			84	Washington
41	Jefferson			85	Wayne
42	Knox			86	Williams
43	Lake			87	Wood
44	Lawrence			88	Wyandot

Total receipts in Ohio \_\_\_\_\_

Total receipts without Ohio \_\_\_\_\_

