



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 609*
133rd General Assembly

Bill Analysis

[Click here for H.B. 609's Fiscal Note](#)

Version: As Reported by House Ways & Means

Primary Sponsor: Rep. West

Michael Hinel, Attorney

SUMMARY

- Establishes a three-month “amnesty” period during which taxpayers owing past-due state taxes and certain fees may discharge the debt by paying the delinquent tax or fee without having to pay the penalty and accrued interest normally due.
- Credits amnesty collections to the funds to which the taxes would be paid, except collections that would be paid to the General Revenue Fund (GRF) are instead paid to the Budget Stabilization Fund (BSF).
- Holds the Local Government Fund and the Public Library Fund harmless for the amnesty’s diversion of GRF revenue to the BSF.

DETAILED ANALYSIS

Tax amnesty

The bill establishes a temporary, three-month tax “amnesty” from January 1, 2021 to March 31, 2021, with respect to delinquent state taxes.¹ It also covers delinquent state income tax withholding remittances by employers and certain fees administered by the Department of Taxation. (See below for a list of taxes and fees covered under the amnesty.) The amnesty applies only to taxes that were due and payable as of the bill’s effective date and that were unreported or underreported. The amnesty does not apply to any tax for which a notice of

* This analysis was prepared before the report of the House Ways & Means Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ Section 1(B) of the bill.

assessment or audit has been issued, for which a bill has been issued, or for which an audit has been conducted or is pending.²

If, during the amnesty, a person pays the full amount of delinquent taxes or fees owed, the Tax Commissioner must waive all penalties and accrued interest that are normally charged. The bill authorizes the Commissioner to require a person to file returns or reports, including amended returns or reports.

In addition to receiving a waiver of penalties and accrued interest, a person who pays the amount due is immune from criminal prosecution or any civil action with respect to the tax or fee paid, and no assessment may be issued against the person for that tax or fee.³

The most recent general tax amnesty was conducted in 2018.⁴

Covered taxes and fees

The taxes and fees covered under the amnesty are the following:

Income tax	Commercial activity tax
State sales and use taxes	Financial institutions tax
Public utility excise taxes	Kilowatt-hour tax
MCF (natural gas) excise tax	Insurance premiums taxes
Cigarette/tobacco/vaping excise taxes	Alcoholic beverage taxes
Motor fuel excise tax	Fuel use tax
Petroleum activity tax	Casino wagering tax
Severance taxes	Wireless 9-1-1 charges
Tire fees	Horse racing taxes

Local taxes, including school district income taxes and county and transit authority sales and use taxes, are not covered by the amnesty.⁵

Administration and revenue disposition

The Commissioner must issue forms and instructions for the amnesty, must publicize the amnesty so as to maximize public awareness and participation, and may take any other action necessary to implement the amnesty.⁶

² Section 1(A) of the bill.

³ Section 1(C) to (E) of the bill.

⁴ Section 757.110 of H.B. 49 of the 132nd General Assembly.

⁵ Section 1(A) of the bill.

⁶ Section 1(B) of the bill.

Taxes collected under the amnesty will generally be distributed in the same manner as the underlying tax liability would have been distributed had it been paid as required by law, except that all taxes that would have been credited to the General Revenue Fund (GRF) are to instead be credited to the Budget Stabilization Fund (BSF). The Local Government Fund and the Public Library Fund, which receive a portion of GRF revenues, are to be held harmless from the diversion of collections from the GRF to the BSF, thus allowing those funds to receive their respective shares of the amnesty collections.⁷

HISTORY

Action	Date
Introduced	04-16-20
Reported, H. Ways & Means	---

H0609-RH-133/ec

⁷ Section 1(F) of the bill.