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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 231
134th General Assembly

Final Fiscal Note & Local Impact Statement

[Click here for S.B. 231's Bill Analysis](#)

Primary Sponsor: Sen. Hottinger

Local Impact Statement Procedure Required: No

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Highlights

- The bill would enact explicit authority for the Department of Taxation (TAX) to issue personal income tax refunds owed to deceased taxpayers in the name of the decedent and the person responsible for the decedent's property. The bill appears likely to have little fiscal effect.

Detailed Analysis

The Revised Code provides for a decedent's executor, administrator, or other person charged with the property of that decedent to file any required return or notice, but does not explicitly authorize issuance of refunds owed to individuals other than the taxpayer. The bill would create that express authority. Currently TAX has a process for dealing with instances in which executors or others have difficulty depositing or cashing the refund check, by reissuing a refund check to include the name of the person responsible for the decedent's property, adding the word "deceased" to the check, or both. The process involves multiple documents, and, according to the Department, it proceeds with "an abundance of caution" because of the lack of explicit Revised Code authority. TAX has records of requests for this type of assistance since January 2017, and during the past four years and nine months, 1,196 decedent refund assistance requests have been received.

The bill will likely have little fiscal effect. Creation of explicit legal authority, with a process specified in the Revised Code, might ease the need for extra caution in processing such requests, possibly resulting in cost savings for TAX. Such savings, if any, appear likely to be modest. In instances in which refunds owed are small, heirs might forego the refunds rather than taking the steps, possibly at the cost of additional charges for legal assistance, to have refund checks reissued. The aggregate amount of any such refunds foregone appears likely to be small.