

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5703-9-46

Rule Type: Amendment

Rule Title/Tagline: Sales and use taxes: automatic data processing, computer services, and electronic information services.

Agency Name: Department of Taxation

Division:

Address: 30 East Broad Street 22nd floor Columbus OH 43215

Contact: Kerrie Ryan

Email: Kerrie.Ryan@tax.state.oh.us **Phone:** 614-466-1956

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 3/30/2018
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119
4. What statute(s) grant rule writing authority? 5703.05
5. What statute(s) does the rule implement or amplify? 5739.01, 5739.02, 5739.071, 5739.17, 5741.02, 5741.17
6. What are the reasons for proposing the rule?

The rule is being reviewed as part of the five-year rule review process.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule defines sales and use taxes application with regards to the taxable services of automatic data processing, computer services, and electronic information services.

There was no change to this rule. The rule is being filed as amended to reflect a change in promulgation authority under the Ohio Revised Code from 5703.14 to 119.03.

8. Does the rule incorporate material by reference? No
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

No change - submitting XML version of document vs. pdf previously submitted.

II. Fiscal Analysis

11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not applicable.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The rule requires a vendor's license if applicable sales transactions are made.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires the filing of a report/return to reflect the collection and remission of sales taxes.