

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5703-29-15
Rule Type: Amendment
Rule Title/Tagline: Highway transportation services - bright-line presence and situsing.
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? 4/3/2019**
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? 5751.01(I)**
6. **What are the reasons for proposing the rule?**

This 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 regulation provides the test that ODT uses to evaluate whether the provider of transportation services has established nexus with the state pursuant to the CAT's bright-line presence standard and describes how such taxpayers should situs the gross receipts from their activities to Ohio. No changes are proposed for this regulation, it is being filed as amended to reflect a change in promulgation authority.

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.

Not Applicable

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.

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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?** No

- 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

May require report of information.