



## Ohio Revised Code

### Section 5735.022 Application for retail dealer's license.

Effective: October 1, 1996

Legislation: House Bill 305 - 121st General Assembly

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(A) A retail dealer shall not receive, use, sell, or distribute any motor fuel or engage in business within this state unless the retail dealer holds an unrevoked license, for each retail location, issued by the tax commissioner to engage in such business. To obtain a retail dealer's license, a person shall file with the tax commissioner an application sworn to under oath by that person. The application shall include the following:

- (1) The name under which the retail dealer will transact business within the state;
- (2) The location, including street number address, of the retail dealer's business within this state;
- (3) The name, address, and social security number of the owner, or the names, addresses, and social security numbers of the partners if such retail dealer is a partnership, or the names, addresses, and social security numbers of the principal officers if such retail dealer is a corporation or association;
- (4) Any other information the tax commissioner shall require.

(B)(1) After a hearing as provided in division (B)(2) of this section, the tax commissioner may refuse to issue a license to transact business as a retail dealer in the state in the following circumstances:

- (a) The applicant has previously had a license issued pursuant to this chapter canceled for cause by the tax commissioner;
- (b) The tax commissioner believes that an application is not filed in good faith;
- (c) The applicant has previously violated any provision of this chapter;
- (d) The application is filed as a subterfuge by the applicant for the real person in interest who has previously had a license issued pursuant to this chapter canceled for cause by the tax commissioner



or who has violated any provision of this chapter.

(2) The tax commissioner shall conduct a hearing before refusing to issue a license to transact business as a retail dealer in the state in any of the circumstances described in division (B)(1) of this section. The applicant shall be given five days' notice, in writing, of the hearing. The applicant may appear in person or be represented by counsel, and may present testimony at the hearing.

(C) When an application in proper form has been accepted for filing, the commissioner shall issue a license to transact business as a retail dealer in this state, subject to cancellation of such license as provided by law.

(D) No person shall make a false or fraudulent statement on the application required by this section.