



Ohio Revised Code

Section 5747.44 Tax payment by electronic funds transfer.

Effective: October 3, 2023

Legislation: House Bill 33

(A) If a qualifying entity's or an electing pass-through entity's total liability for taxes imposed under sections 5733.41 and 5747.41 or under section 5747.38 of the Revised Code exceeds one hundred eighty thousand dollars for the second preceding taxable year or qualifying taxable year, as applicable, the entity shall make all payments required under sections 5747.42 and 5747.43 or under section 5747.38 of the Revised Code electronically in the manner prescribed by the tax commissioner.

The tax commissioner shall notify each qualifying entity and electing pass-through entity required to remit taxes electronically of the entity's obligation to do so. Failure by the commissioner to notify an entity subject to this section to remit taxes electronically does not relieve the entity of its obligation to remit taxes in that manner.

(B) Except as otherwise provided in this division, the payment of taxes electronically does not affect a qualifying entity's or an electing pass-through entity's obligation to file the returns required under sections 5747.42 and 5747.43 of the Revised Code.

(C) A qualifying entity or an electing pass-through entity required by this section to remit taxes electronically may apply to the tax commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the entity from electronic remittance for good cause shown for the period of time requested by the entity or for a portion of that period. The commissioner shall notify the entity of the commissioner's decision as soon as is practicable.

(D) If a qualifying entity or an electing pass-through entity required by this section to remit taxes electronically remits those taxes by some means other than electronically as prescribed by this section, and the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the commissioner may collect an additional charge by assessment in the manner prescribed by section 5747.13 of the Revised Code. The additional charge shall equal five



per cent of the amount of the taxes required to be paid electronically, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter or Chapter 5733. of the Revised Code, and shall be considered as revenue arising from the taxes imposed under sections 5733.41 and 5747.41 or under section 5747.38 of the Revised Code. The commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.

No additional charge shall be assessed under this division against a qualifying entity or an electing pass-through entity that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be assessed upon the remittance of any subsequent tax payment that the entity remits by some means other than electronically.