AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 4123-17-16 Penalties: late payment and reporting.

Effective: August 1, 2018

(A) Definitions.

As used in this rule:

(1) "Annual payroll report" means the report of the employer's actual payroll expenditures required under section 4123.26 of the Revised Code for private employers and section 4123.41 of the Revised Code for public employers, and under rule 4123-17-14 of the Administrative Code.

(2) "Payments" means premiums, administrative costs, assessments, fines or monies otherwise due to any fund administered by the Ohio bureau of workers' compensation, including amounts due for retrospective rating.

(B) Premium payments shall be due by the date indicated on the invoice provided by the bureau pursuant to rule 4123-17-14 of the Administrative Code. Other payments and reports required under Chapter 4123. of the Revised Code shall be considered late if not received by the bureau on the due date specified by statute or administrative rule implementing such statute. If statute and rule do not specify a date for a payment, such payments shall be considered late if not received by the bureau by the due date on the invoice issued by the bureau.

(1) The administrator may establish a grace period during which a penalty will not be assessed on late payments or late reporting.

(2) If the bureau imposes a lapse in coverage on an employer's policy for failure to make premium payments within a grace period established by the administrator pursuant to paragraph (B)(1) of this rule, such lapse shall be effective from the first day of the month which falls nearest the due date of the payment.

(C) Penalties for late payments.

(1) If an employer fails to pay premium and assessments when due, the administrator may assess a penalty at the interest rate established by the state tax commissioner pursuant to section 5703.47 of the Revised Code.

(2) If an employer recognized by the administrator as a professional employer organization, as defined in section 4125.01 of the Revised Code, fails to make timely payment of premiums and assessments as required by rule 4123-17-14 of the Administrative Code, the administrator shall revoke the professional employer organizations registration pursuant to rule 4123-17-15.8 of the Administrative Code.

(D) Penalties for failure to file or pay amounts due under the annual payroll report.

(1) If an employer fails to file or pay amounts due under the annual payroll report within the grace period established by the administrator pursuant to paragraph (B)(1) of this rule:

(a) The employer shall be removed from all rating plans and discount programs for the policy year immediately following the policy year to which the annual payroll report pertains. Unless otherwise specified in the rules of the program, such employer shall be base- or experience-rated, as determined by the expected losses of the employer pursuant to rules 4123-17-33 and 4123-17-34 of the Administrative Code, and

(b) The premium and assessments due from the employer for the policy year to which such report pertains shall be calculated based on the estimated payroll of the employer used in calculating estimated premium due, increased by ten per cent.

(2) The bureau shall not impose a lapse in coverage on an employer that is current with its estimated premium payments for failure to file an annual payroll report for the preceding policy year.

(E) Certification of past-due amounts to the attorney general.

Pursuant to sections 131.02 and 4123.323 of the Revised Code, the bureau shall certify past due amounts to the attorney general according to the following schedule:

(1) Premium payments: seventy-five days after the annual payroll report for the policy year to which the premium payments pertain is due under rule 4123-17-14 of the Administrative Code.

(2) Penalties for failure to make estimated premium payments: seventy-five days after the annual payroll report for the policy year to which the premium payments pertain is due under rule 4123-17-14 of the Administrative Code.

(3) All other assessments and penalties thereon: forty five days after the due date set forth in paragraph (B) of this rule.