

Ohio's New Commercial Activity Tax and Other Tax Changes in Ohio

Major changes are happening to Ohio's tax code with the enactment of Am. Sub. H.B. 66. These changes affect most Ohio business and Ohio income taxpayers. The most prominent change is the introduction of the **Commercial Activity Tax (CAT)**, a business privilege tax measured by a business's gross receipts. The CAT is being phased in over five years and replaces the corporation franchise tax and the tangible personal property tax, which are being phased out over a similar time period. Also, all Ohio income taxpayers will see their Ohio income tax rates cut over the next five years by a total of 21%.

This brochure offers a broad outline of many of the changes that most Ohio taxpayers will experience during the next five years. It includes a chart that details the phasing of several taxes. This brochure also provides important information to businesses regarding registration for the CAT.

Note: This brochure is not meant to be a comprehensive description of all tax changes. It should not be taken as a substitute for the law itself.

Register Your Business

- ❖ *The effective date of the CAT is July 1, 2005. Companies doing business in Ohio that are liable for the tax (see "Who Pays the CAT?", below) must register by November 15th and pay a one-time fee.*
- ❖ *On-line registration is encouraged. Go to the Ohio Business Gateway at obg.ohio.gov. There is only a \$15 fee for electronic registration.*
- ❖ *Paper registration may be done for a \$20 fee. Forms are available at the ODT web site, tax.ohio.gov, or by calling 1-800-282-1782.*
- ❖ *Combined or consolidated taxpayers pay a maximum registration fee of \$200.*
- ❖ *The registration fee can be applied toward CAT liability on the first return.*

What Type of Tax is the CAT?

- ◆ The CAT is a tax on the privilege of doing business in Ohio, measured by gross receipts received in an annual or calendar quarter time period.
- ◆ The CAT is *not* a transactional sales tax.

Tax Law Changes under Am. Sub. H.B. 66*

| Tax Year | Commercial Activity Tax | Tangible Personal Property (TPP) Tax | | | Corporation Franchise Tax*** | Individual Income Tax |
|----------|---|--------------------------------------|---|----------------------|------------------------------|--|
| | | Inventory | Manufacturing Machinery and Equipment (M&E) | Furniture & Fixtures | | |
| 2005 | 7/1—12/31 .06% (23% x .26%) | 23%** | Existing — 25%** | 25%** | 100% x tax liability | 4.2% cut across all brackets from 2004 rates |
| 2006 | 1/1—3/31 23% x .26% 4/1—12/31 40% x .26% | 18.75% | New M&E: not taxable Existing — 18.75% | 18.75% | 80% x tax liability | 8.4% cut from 2004 rates |
| 2007 | 1/1—3/31 40% x .26% 4/1—12/31 60% x .26% | 12.5% | New M&E: not taxable Existing — 12.5% | 12.5% | 60% x tax liability | 12.6% cut from 2004 rates |
| 2008 | 1/1—3/31 60% x .26% 4/1—12/31 80% x .26% | 6.25% | New M&E: not taxable Existing — 6.25% | 6.25% | 40% x tax liability | 16.8% cut from 2004 rates |
| 2009 | 1/1—3/31 80% x .26% 4/1—12/31 .26% | No Tax | No Tax | No Tax | 20% x tax liability | 21% cut from 2004 rates |
| 2010 | .26% | No Tax | No Tax | No Tax | No Tax | 21% cut from 2004 rates |

*This chart is not a comprehensive summary of all tax changes. **Same as 2004 rates. ***Certain companies, such as financial institutions, will continue to pay the full net worth tax.

Who Pays the CAT?

- ◆ Most types of business (such as sole proprietors, partnerships, or corporations) with taxable gross receipts of \$150,000 or more in a calendar year.

The CAT applies to:

- ◆ Service providers, such as medical professionals, attorneys, and accountants.

- ◆ Persons engaged in the sale or rental of any type of property.
- ◆ Out-of-state businesses that meet any of the following criteria:
 - have more than \$500,000 in taxable gross receipts in Ohio.
 - have more than \$50,000 in real or personal property in Ohio.
 - expend more than \$50,000 in payroll for work in Ohio.
 - conduct more than 25% of business activity in Ohio.

What is the Rate of the CAT?

- ◆ Gross receipts between \$150,000 to \$1.0 million: privilege tax of \$150.
- ◆ When the CAT is fully phased in, gross receipts above \$1.0 million: \$150 plus 0.26% on gross receipts in excess of \$1.0 million.
- ◆ Rate is phased in over the next five years in 20% increments (see chart in this brochure for rates and timelines).
- ◆ CAT rate is subject to adjustment by the Tax Commissioner if revenue collections of the tax are 10% or more greater or lesser than projections.

CAT Exceptions

- ◆ Nonprofit organizations.
- ◆ Financial institutions.
- ◆ Insurance companies.
- ◆ Affiliates of financial institutions and insurance companies.
- ◆ Dealers in intangibles.
- ◆ Certain receipts by public utilities that are subject to the public utility excise tax.
- ◆ Sales of motor fuel are exempted from gross receipts for two years.

What is a Gross Receipt?

- ◆ The total amount realized, without deduction for the cost of goods sold or other expenses incurred, from activities that contribute to the production of gross income. Examples are:
 - Sales.
 - Performance of services.
 - Rentals or leases.

- ◆ The calculation for gross receipts is based on what the taxpayer is required to use for federal income tax purposes, i.e., accrual or cash basis.
- ◆ There is a deduction for bad debt.

What is Not a Gross Receipt?

Receipts of:

- ◆ Employee compensation, i.e., wages and benefits.
- ◆ Interest, dividends, federally-defined capital gains, and distributions.
- ◆ Proceeds from loans, stocks, bonds, mutual funds, trusts, pension plans, or certificates of deposit.
- ◆ Damages received from litigation.
- ◆ Property, money, or other compensation received by an agent in excess of commissions or fees.

When are the CAT Filing and Payment Dates?

- ◆ The initial return covers the period July 1, 2005 through December 31, 2005. The return is due February 10, 2006.
- ◆ In addition, every taxpayer subject to the CAT will be required to file and pay at least the \$150 privilege tax for the calendar year 2006 by May 10, 2006.
- ◆ Subsequent returns are due on a quarterly basis if the taxpayer has receipts over \$1.0 million a year; otherwise returns are due annually (e.g., February 10th).
- ◆ A tax return will be sent to all registered taxpayers before the first return is due.

Other Changes to Ohio Taxes

- The **corporation franchise tax** is phased out over five years at a rate of 20% per year, beginning in tax year 2006.
- All components of the **tangible personal property (TPP) tax** – inventory, manufacturing machinery and equipment, and furniture and fixtures – are phased out over four years at approximately 25% per year, starting in tax year 2006.
- The **Ohio income tax** is cut by 4.2% in tax year 2005, and cuts continue for four years to total a 21% reduction from 2004 rates.
- **Sales tax:** temporary 6.0% state sales tax is reduced by 0.5% (state rate of 5.5%). Local permissive sales taxes are in addition to that rate.
- **Cigarette excise tax:** excise tax on cigarettes is increased to \$1.25 per pack. Delivery sales of cigarettes, e.g., Internet or catalogue sales to customers in Ohio, are now restricted to prevent the sale of cigarettes to minors.

Questions?

Get the answers to your CAT questions by calling ODT at:

1-888-7-CATTAX (1-888-722-8829)

or,
E-Mail your questions by visiting tax.ohio.gov and clicking on the "Contact Us" link.

OHIO'S COMMERCIAL ACTIVITY TAX

CAT

and other

MAJOR TAX LAW CHANGES

- including -

- Income Tax Rate Cut
- Corporation Franchise Tax Phase-Out
- Tangible Personal Property Tax Phase-Out
- Sales Tax Rate Cut
- Cigarette Tax Increase

Ohio Budget Bill
(Fiscal Years 2006-07)

 Ohio Department of
TAXATION

Bob Taft, Governor

William W. Wilkins, Tax Commissioner