

742.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT ON I. C.
H. No. 339, COSHOCTON COUNTY.

COLUMBUS, OHIO, July 15, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways & Public Works,*
Columbus, Ohio.

743.

EXCISE TAX—FREIGHT LINES AND EQUIPMENT COMPANIES NOT
SUBJECT TO GENERAL EXCISE TAX PROVIDED FOR BY SECTIONS
5470, ET SEQ., GENERAL CODE—ARE SUBJECT TO SECTIONS 5462,
ET SEQ., GENERAL CODE.

SYLLABUS:

Freight line and equipment companies are not subject to the general excise tax upon public utilities provided for by Sections 5470, et seq., of the General Code, but are subject to the specific excise tax upon those types of companies imposed by Sections 5462, et seq., of the General Code and the general franchise tax upon corporations levied under the provisions of Sections 5495, et seq., of the General Code.

COLUMBUS, OHIO, July 19, 1927.

Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN—This will acknowledge your recent communication as follows:

“There are a number of corporations which have been reporting to the commission as freight line and equipment companies under Sections 5462 et seq. of the General Code and which at the same time have been reporting and paying franchise taxes under the Dempsey Act as private corporations. Instead of reporting under the Dempsey Act, should they not have been required to report and pay an excise tax under Section 5470 et seq. as public utilities?”

All corporations are required to pay the franchise tax by the provisions of Sections 5495, et seq., of the General Code, which you refer to as the Dempsey Act. There are, however, exceptions to that act which are found in Section 5505 of the General Code in the following language:

“An incorporated company, whether foreign or domestic, owning and operating a public utility in this state, and as such required by law to file reports to the tax commission and to pay an excise tax upon its gross receipts or gross earnings as provided in this act, and insurance, fraternal,