



**Utah!**

*Where ideas connect*

**S Corporation  
Franchise or  
Income Tax**

**2004**

**Form TC-20S**  
**Tax Return and Instructions**

Utah State Tax Commission • 210 North 1950 West • Salt Lake City, UT 84134  
[www.tax.utah.gov](http://www.tax.utah.gov)

# TC-20S General Instructions and Information

## Corporation Identification Numbers

The Utah State Tax Commission uses the Federal Employer Identification Number (EIN) as the corporation's taxpayer identification with the state. The Utah Department of Commerce also issues a registration number upon incorporation or qualification in Utah. Enter both the EIN and Utah Incorporation/Qualification number in the fields provided. These numbers are used for proper identification of the corporate tax return and any correspondence.

## Corporation Changes

Corporation changes (e.g., name change, physical and/or mailing address changes, merger or ceasing to do business in Utah) must be reported to both:

Division of Corporations  
Department of Commerce  
160 E 300 S  
Salt Lake City, UT 84145

and

Master File Maintenance  
Utah State Tax Commission  
210 N 1950 W  
Salt Lake City, UT 84134-3310

## Dissolution or Withdrawal

Corporations that cease to do business in Utah must either dissolve or withdraw the corporation.

Corporations incorporated in Utah must file Articles of Dissolution with the Department of Commerce. In addition, Utah corporations should obtain a Certificate of Tax Clearance from the Tax Commission prior to dissolution.

Corporations incorporated outside of Utah (foreign) MUST obtain a Certificate of Tax Clearance from the Tax Commission before withdrawing from Utah. Foreign corporations must file an Application for Withdrawal with the Department of Commerce.

To request a Certificate of Tax Clearance, complete form TC-2001 and submit it to the attention of the Customer Service Call Unit at the Tax Commission address above.

To close related tax accounts (sales, withholding, etc.), send a letter with the account number(s) and the last date of business to the attention of Master File Maintenance at the Tax Commission address above.

## Rounding Off to Whole-Dollar Amounts

Round off cents to the nearest whole dollar. Round down if cents are under 50 cents; round up if cents are 50 cents and above. **Do not enter cents anywhere on the return.**

## Liability for Filing and Paying Returns

### Tax Forms

The Tax Commission does not mail returns for filing corporate taxes to corporations registered with the state. If the corporation does not use software that provides the forms, you may obtain Utah forms by downloading copies from the Tax Commission website at [tax.utah.gov](http://tax.utah.gov) or by calling the Forms Hotline at (801) 297-6700 or 1-800-662-4335, ext. 6700.

NOTE: Review "Supporting Federal Information" later in these general instructions to identify what federal information is required with the Utah return.

### Franchise Tax

Every C corporation incorporated in Utah (domestic), qualified in Utah (foreign), or doing business in Utah, whether qualified or not, must file a corporate franchise tax return. C corporation returns are filed on form TC-20. There is a minimum tax (privilege tax) of \$100 on every corporation that files form TC-20, regardless of whether the corporation exercises its right to do business.

### S Corporation

Every S corporation (as defined in IRC Section 1361(a)) that has filed a proper and timely election under IRC Section 1362(a) must file form TC-20S, so long as the federal election remains in effect. The minimum tax does not apply to S corporations.

### Income Tax

The only corporations required to file under the income tax provisions are those that derive income from Utah sources, but are not qualified to do business in Utah and have no regular and established place of business in this state, either owned or rented, and do not maintain an inventory or have employees located at a place of business in Utah. For example, a foreign corporation with goods maintained in Utah in a public warehouse, or a trucking company operated in or through Utah by a foreign corporation not qualified to do business in Utah, is subject to the income tax rather than franchise tax.

## Taxable Year

The taxable year for Utah corporation franchise or income tax purposes must match the taxable year used for federal income tax purposes. When the taxable year changes for federal purposes, the taxable year must be adjusted accordingly for Utah corporation franchise or income tax purposes. Refer to "Filing Return When Period Changed" below. If the taxable year is not a calendar year, enter the beginning and ending dates of the taxable year at the top of form TC-20S where indicated.

## Filing Return When Period Changed

When changes are made to the taxable year, as indicated in "Taxable Year" above, a short-period return is required. The short-period return must cover the period of less than 12 months between the prior taxable year-end and the new taxable year-end. The tax rates as provided in UCA §59-7-104 and §59-7-201 apply to short period returns.

## Due Date

Returns must be filed on or before the 15th day of the fourth month following the close of the taxable year.

## Where to File

Mail the completed return and any payment to:

Utah State Tax Commission  
210 N 1950 W  
Salt Lake City, UT 84134-0300

## Filing Extension

Corporations are automatically allowed an extension of up to six months to file a return without filing an extension form. **This is an extension of time to file the return - NOT an extension of time to pay taxes.** To avoid penalty and interest, the prepayment requirements must be met on or before the original return due date and all returns must be filed within the six-month extension period.

## Penalties

Utah law provides for uniform tax penalties for failure to file tax returns, failure to pay tax due, and failure to file information returns or supporting schedules.

The penalty for **failure to file a tax due return** by the due date is the greater of \$20 or 10 percent of the unpaid tax. If a tax balance is still unpaid 90 days after the due date, a second penalty of \$20 or 10 percent of the tax balance, whichever is greater, will be added for failure to pay timely.

The penalty for **failure to pay tax due** as reported on a timely filed return, or within 30 days of a notice of deficiency, is \$20 or 10 percent of the tax due, whichever is greater.

The penalty for **underpayment of the extension prepayment** is 2 percent per month of the unpaid tax during the extension period. If the return is not filed by the extension due date, failure to file and failure to pay penalties will apply, as if the extension had not been granted.

The penalty for **failure to file an information return** or complete supporting schedule is \$50 for each return or schedule to a maximum of \$1,000.

The penalty for each **underpayment of required estimated tax or required quarterly installment** is determined by applying the state interest rate(s) in effect for the period of the underpayment plus four percentage points to the amount of the underpayment for the period of the underpayment.

For a list of additional penalties that may be imposed, refer to UCA §59-1-401 and Pub 58.

## Interest (in addition to penalties due)

Interest will be assessed at the rate prescribed by law from the original due date until any outstanding liability is paid in full. The interest rate for most taxes and fees administered by the Tax Commission for the 2005 calendar year is **4 percent**. Pub 58, which contains applicable interest rates, is available on the internet at [tax.utah.gov](http://tax.utah.gov) or by calling or writing the Tax Commission.

## First Time Filers

A copy of the IRS letter of authorization, "Notice of Acceptance as an S Corporation," must be attached to the S Corporation Franchise or Income Tax Return, TC-20S, when filing for the first time. Also, check the box and enter the qualification date on the TC-20S where requested above line 1.

## Suspension for Failure to Pay Tax Due

Utah law provides for suspension of a corporation's right to do business in Utah if it fails to pay taxes due before 5:00 p.m. on the last day of the 11th month after the due date.

## Supporting Federal Information

Federal form 1120-S, as filed with the IRS, should be attached when filing the Utah S Corporation Franchise or Income Tax return (form TC-20S). In addition, Federal Schedules K-1 must be filed for each shareholder.

# TC-20S Instructions for Return

## Corporation Name and Address Area

Enter the corporate name, address and telephone number, including area code. If the address has changed, check the physical address and/or mailing address box. To make additional changes, see "Corporation Changes" in the General Instructions.

## EIN and Utah Charter Number

Enter the federal Employer Identification Number (EIN) and Utah Incorporation/Qualification Number issued by the Department of Commerce in the appropriate fields.

## Filing Period

If the return is being filed for a period other than the calendar year ending Dec. 31, 2004, enter the beginning and ending filing dates.

## Qualified Subchapter S Subsidiary

An S corporation that owns one or more qualified subchapter S subsidiaries, as defined in IRC Section 1361(b)3(B), must:

- Include each subsidiary's assets, liabilities and items of income, loss and deductions as assets, liabilities and items of income, loss and deductions of the S corporation parent for Utah corporation franchise tax purposes. The qualified subchapter S subsidiary shall not be treated as a separate corporation.
- Take into account the activities of the qualified subchapter S subsidiaries in determining whether the S corporation parent is doing business in Utah. For purpose of this determination, all of the subsidiary's activities will be attributed to the parent.
- Attach TC-20S, Schedule M identifying the qualified subchapter S subsidiaries that are incorporated, qualified, or doing business in Utah.

## Amended Returns

To amend a return, use the tax form and instructions for the year you are amending.

**An amended state return should be filed promptly if:**

1. An error is discovered on your state or federal return after it has been filed; or
2. Your federal return is audited or adjusted by the IRS and the audit or adjustment affects your state return. You must report such changes or corrected net income within 90 days of the IRS's final determination.

To qualify for a refund or credit, an amended return must be filed within three years following the date the original return was filed. A return filed before the due date is considered filed on the due date.

To amend a previously filed return, enter a number in the box titled "For Amended Return - Enter Code (1-4)" that best corresponds to your "REASON FOR AMENDING." See codes below:

## Reasons for Amending

1. You filed an amended return with the IRS (attach a copy of your amended federal return).
2. You made an error on your state return (attach an explanation of the adjustments made).
3. Federal audit adjustments, which resulted in changes in federal taxable income, were issued and became final (attach a copy of the IRS adjustment).
4. Other (attach explanation to return).

Complete the return, entering the figures as corrected. Enter other amounts shown on your original return. If you received a refund on your original return, enter the previous refund on TC-20S, Schedule A, line 15c. If you paid with the original return or made subsequent payments of the tax prior to filing the amended return, enter the total previous payments on TC-20S Schedule A, line 15(e).

**Remember:** Except for the amounts you amend, the amounts you place on the return must match the amounts on your original return.

## Line-by-Line Instructions

### Line 1(a) - Number of Shares

Indicate number of resident, nonresident 501 IRC exempt, and nonresident taxable shares.

### Line 1(b) - Percentage of Shares

Indicate percentage of resident, nonresident 501 IRC exempt, and nonresident taxable shares.

### Line 2 - Corporations Conducting Business in Utah

Check box, if applicable.

### Line 3 - Qualified Subchapter S Subsidiary Election

Check box, if applicable.

### Line 4 - Refund

From Schedule A, line 19.

### Line 5 - Tax Due

From Schedule A, line 20.

### Line 6 - Total Penalties and Interest

Enter any applicable penalty and interest amounts on the appropriate lines. Enter the total amount in box 6. For help calculating penalties and interest, contact the Tax Commission at (801) 297-7790 or 1-800-662-4335, ext. 7790.

### Line 7 - Utah Use Tax

Use tax is required on all taxable items purchased for storage, use or consumption in Utah, if Utah sales and use tax was not paid at the time of purchase.

Purchases include amounts paid or charged for purchases made on the Internet or through catalogs. Credit is allowed for sales or use tax paid to another state, but not to a foreign country. If the sales tax rate in the other state is lower than Utah's sales tax rate, the consumer is required to pay the difference. If the sales tax rate in the other state is greater than Utah's sales tax rate, no sales or use tax credit or refund applies.

Enter use tax of \$400 or less. If the amount exceeds \$400, the purchaser is required to obtain a sales and use tax license and to pay the use tax on a Utah Sales and Use Tax Return.

Sales and use tax rates vary throughout Utah. Use the "Use Tax Rate Chart" on this page to find the tax rate for the Utah location where the merchandise was delivered, stored, used or consumed. If the city is not listed, use the county tax rate. Complete the worksheet to determine the amount of use tax due. Credit for sales taxes paid to another state cannot exceed the Utah tax otherwise due on those items. If sales taxes were paid to more than one state, complete a worksheet for each state. Enter the sum of the use tax from each worksheet.

**Line 8 - Total Refund**

Subtract the sum of lines 6 and 7 from line 4.

**Line 9 - Total Tax Due**

Add lines 5, 6 and 7. Show the total amount due on line 9. Make check or money order payable to the Utah State Tax Commission. **Do not mail cash. The Tax Commission assumes no liability for loss of cash placed in the mail.**

<b>Use Tax Rate Chart</b> (Effective Dec. 31, 2004)			
.0600	<b>Beaver County</b>	.0600	<b>San Juan County</b>
.0700	Beaver City	.0650	Monticello
.0600	<b>Box Elder County</b>	.0600	<b>Sanpete County</b>
.0625	Brigham City, Perry, Willard	.0625	Ephraim, Gunnison
.0700	Snowville	.0600	<b>Sevier County</b>
.0610	<b>Cache County</b>	.0625	Richfield, Salina
.0635	Cache Valley Transit, Hyde Park, Hyrum, Logan, Millville, Nibley, N.Logan, Providence, Richmond, River Heights, Smithfield	.0610	<b>Summit County</b>
		.0735	Park City
		.0635	Snyderville Basin Transit
		.0600	<b>Tooele County</b>
.0600	<b>Carbon County</b>	.0625	Erda, Grantsville, Lakepoint, Lincoln, Stansbury Park, Tooele City
.0625	Price, Wellington		
.0600	<b>Daggett County</b>	.0650	<b>Uintah County</b>
.0650	<b>Davis County</b>	.0675	Vernal
.0600	<b>Duchesne County</b>	.0600	<b>Utah County</b>
.0625	Roosevelt	.0625	Alpine, American Fork, Cedar Hills, Highland, Lehi, Lindon, Mapleton, Orem, Payson, Pleasant Grove, Provo, Provo Canyon, Salem, Spanish Fork, Springville
.0575	<b>Emery County</b>		
.0750	Green River	.0600	<b>Wasatch County</b>
.0700	<b>Garfield County</b>	.0625	Heber
.0800	Boulder, Panguitch, Tropic	.0725	Park City East
		.0600	<b>Washington County</b>
.0600	<b>Grand County</b>	.0625	Hurricane, Ivins, La Verkin, St. George, Santa Clara, Washington City
.0775	Moab		
.0600	<b>Iron County</b>	.0750	Springdale
.0775	Brian Head	.0600	<b>Wayne County</b>
.0600	<b>Juab County</b>	.0650	<b>Weber County</b>
.0625	Nephi		
.0675	<b>Kane County</b>		
.0775	Kanab, Orderville		
.0575	<b>Millard County</b>		
.0600	<b>Morgan County</b>		
.0600	<b>Piute County</b>		
.0600	<b>Rich County</b>		
.0700	Garden City		
.0660	<b>Salt Lake County</b>		
.0810	Alta		

**Signature and Date Lines**

Sign and date the return. Refunds will not be granted on returns without signatures and dates.

**Paid Preparer Authorization**

If the corporation wants to allow the Tax Commission to discuss their 2004 return with the paid preparer who signed it, check the box on the right side of the signature area of the return. This authorization applies only to the individual whose signature appears in the "Paid Preparer Section" of the return. It does not apply to the firm, if any, shown in that section.

If the box is checked, the corporation is authorizing the Tax Commission to call the paid preparer to answer any questions that may arise during the processing of the return. The paid preparer is also authorized to:

- Give the Tax Commission any information that is missing from the return,
- Call the Tax Commission for information about the processing of the return or the status of any refund or payment(s), and
- Respond to certain Tax Commission notices about math errors, offsets, and return preparation.

The corporation is not authorizing the preparer to receive any refund check, bind the entity to anything (including any additional tax liability), or otherwise represent the

**Worksheet for Computing Utah Use Tax**  
(Retain this worksheet for your records.)

- Total amount of purchases subject to use tax ... \$ \_\_\_\_\_
- Use tax rate (decimal from chart) ..... \$ \_\_\_\_\_
- Use tax (multiply line 1 by line 2) ..... \$ \_\_\_\_\_
- Credit for sales tax paid to another state ..... \$ \_\_\_\_\_
- Use tax due (line 3 less line 4)  
*Enter ZERO if less than zero* ..... \$ \_\_\_\_\_

entity before the Tax Commission. If the corporation wants to expand the preparer's authorization, a power of attorney must be completed and submitted to the Tax Commission.

The authorization cannot be revoked. However, the authorization will automatically end no later than the due date (without regard to extensions) for filing the entity's 2005 tax return.

**Paid Preparer**

The paid preparer must enter his or her name, address, and social security number or PTIN in the section below the corporate officer's signature on the return.

**Preparer Penalties**

The person who prepares, presents, procures, advises, aids, assists or counsels another on a return, affidavit,

claim or similar document administered by the Tax Commission, and who knows or has reason to believe it may understate a tax, fee or charge is subject to both a civil penalty (\$500 per document) and criminal penalties (second degree felony with a fine between \$1,500 to \$25,000). See Utah Code Sections 59-1-401(9) and (10) for specific details.

## Supplemental Information To Be Supplied By All S Corporations

All corporations must complete this information located on the back of the return.

# Instructions for Schedule A — Utah Taxable Income and Tax Due

### Line 1 - Income or Loss

Enter the amount of income or loss (R865-6F-35) as taken from federal form 1120S, Schedule K, line 17e.

### Line 2 – Section 179 Expense Deduction

Add back the gain or loss on the sale, exchange or other disposition of property for which a section 179 expense deduction has been passed through to shareholders.

### Line 3 - Charitable Contributions Addition

Add charitable contributions deducted on federal form 1120S, Schedule K, line 12a.

### Line 4 - Foreign Taxes

Add foreign taxes deducted on federal form 1120S, Schedule K, Line 14(l) and 14(m).

### Line 5 - Net Income

#### Line 5a - Total Income before Nonbusiness Income.

Add Lines 1, 2, 3 and 4.

#### Line 5b - Nonresident Income

Schedule A, line 5a multiplied by the percentage of nonresident taxable shares on line 1(b) of S Corporation Franchise or Income Tax return, form TC-20S.

#### Line 6 - Nonbusiness Income Allocation

Add line 6a and line 6b.

#### Line 6a - Nonbusiness Income Allocated to Utah

Schedule H, line 13 multiplied by the percentage of nonresident taxable shares on line 1(b) of S Corporation Franchise Tax return, form TC-20S.

#### Line 6b - Nonbusiness Income Allocated Outside Utah

Schedule H, line 26 multiplied by the percentage of nonresident taxable shares on line 1(b) of S Corporation Franchise or Income Tax return, form TC-20S.

#### Line 7 - Net Income Subject to Apportionment

Subtract line 6 from line 5b.

#### Line 8 - Apportionment Fraction

Enter 100 percent or the fraction from Schedule J, line 7, if applicable.

#### Line 9 - Net Income Apportioned to Utah

Multiply line 7 by line 8.

### Line 10 - Nonbusiness Income Allocated to Utah

Enter amount reported on line 6a above.

### Line 11 - Utah Taxable Income/Loss

Add line 9 and line 10.

Nonresident shareholders should transfer their pro rata share of taxable income before deduction amount to their Utah income tax return.

Losses are passed through to the individual shareholders and are not available for carryforward or carryback.

### Line 12 - Deduction Amount Applies To Income Greater Than Zero

Multiply line 11 by .15. If line 11 is a loss, no deduction amount is allowed.

### Line 13 - Net Taxable Income

Subtract line 12 from line 11.

### Line 14 - Tax Rate

The tax rate is .07.

### Line 15 - Calculation of Tax

Add lines 15a through 15c.

#### Line 15a - Calculation of Tax

Multiply the Net Taxable Income on line 13 by the percentage on line 14.

#### Line 15b - Built-in and Other Gains Tax

In accordance with the provisions of UCA §59-7-701, gains or income subject to the federal corporation tax are also subject to the Utah S Corporation Franchise or Income Tax. The most common transactions that occur under federal provisions include built-in gains, capital gains, federal recapture amounts of prior year's investment credits, LIFO recapture amounts, and any other similar type transaction. These gains or income should be apportioned (see Schedule J) and multiplied by the current tax rate of 5 percent. Attach a schedule to form TC-20S that provides the necessary details of gains or income being reported.

#### 15c - Amended Returns Only (Previous refunds)

This line is used only for amended returns. When filing an amended return, enter the amount of all refunds, credits or offsets of corporation franchise or income tax received for the tax year being amended. You should exclude refund interest from this amount.

## Line 16 - Refundable Credits

Add lines 16a through 16e.

Write the **code and amount** of each refundable credit you qualify for on lines 16a through 16c. Enter the sum of all "refundable credits" on line 16. An explanation of each refundable credit follows the list below.

### Codes for lines 16a through 16c

**40** Targeted Business Tax Credit

**46** Mineral Production Withholding Tax Credit

**47** Agricultural Off-highway Gas/Undyed Diesel Fuel Tax Credit

**48** Farm Operation Hand Tools

### (40) Targeted Business Income Tax Credit

Obtain a certified copy of form TC-40TB, Targeted Business Income Tax Credit. Keep this form and all related documents with your records.

A refundable credit is available to businesses providing a community investment project as defined in UCA §9-2-1801, §9-2-1802 and §9-2-1803.

The targeted business tax credit may not be claimed or carried forward into a year an enterprise zone tax credit (Schedule N, code 07) or recycling market development zone tax credit (Schedule N, code 10) is claimed.

Contact the Department of Community and Economic Development, 324 S State St., Suite 500, SLC, UT 84111, telephone (801) 538-8781; [www.dced.utah.gov](http://www.dced.utah.gov) or email [emeyer@utah.gov](mailto:emeyer@utah.gov) to obtain form TC-40TB, certification or for additional information.

### (46) Mineral Production Withholding Tax Credit (R865-14W-1)

Enter the total of the mineral production tax withheld as shown on forms TC-675R or Federal Schedule K-1(s) for 2004.

Attach copies of form TC-675R or Federal Schedule K-1 to the return to receive proper credit.

### (47) Agricultural Off-Highway Gas/Undyed Diesel Fuel Tax Credit (UCA §59-13-202)

There is no form for this credit. Keep all related documents with your records.

The credit is 24.5 cents per gallon only for motor fuel and undyed diesel fuel purchased in Utah to operate stationary farm engines and self-propelled farm machinery used solely for commercial nonhighway agricultural use that was taxed at the time of purchase.

Activities that **DO NOT** qualify for this credit include, but are not limited to, the following: golf courses, horse racing, boat operations, highway seeding, vehicles registered for highway use, hobbies, and farming for personal use.

**Calculate credit:** Gallons \_\_\_\_\_ x .245 = Credit \_\_\_\_\_

### (48) Farm Operation Hand Tools (UCA §59-7-614.1)

There is no form for this credit. Keep all related documents (receipts, invoices, documents showing amount of sales or use tax paid) with your records.

The refundable credit is allowed for sales and use tax paid on hand tools purchased on or after July 1, 2004 and used or consumed primarily and directly in a farming operation in Utah. The credit applies only if the purchase price of a tool is more than \$250.

### Line 16d - Total Prepayments

A refundable credit is allowed for advance payments made as quarterly prepayments and extension payments (form TC-559). Include any overpayment from a prior year that was applied to this year. Use Schedule E to compute the total prepayment.

### Line 16e - Amended Returns Only (Previous Payments)

This line should only be used for amended returns.

Enter the amount of tax paid with the original return and/or subsequent payments made prior to filing this amended return.

### Line 17 - Overpayment

If line 16 is larger than line 15, subtract line 15 from line 16.

### Line 18 - Overpayment To Be Applied To Next Taxable Year

As a convenience to refund filers, all or part of a refund may be applied as an advance payment for the next tax year. Enter amount to be applied (must be less than or equal to refund).

### Line 19 - Refund

Subtract line 18 from line 17 and enter amount on form TC-20S, line 4.

### Line 20 - Total Tax

If line 15 is larger than line 16, subtract line 16 from line 15. Enter amount on form TC-20S, line 5

## Instructions for Schedule E — Prepayments of Any Type

### Line 1

Enter the total amount of all refunds applied from the prior year.

### Line 2

List the date, check number and amount of extension prepayment.

### Line 3

List the date, check number and amount of all prepayments made for the filing period. Enter the total amount on line 3. Attach additional pages, if necessary.

### Line 4

Add lines 1, 2 and 3. Enter the total on this line and on Schedule A, line 16d.

# Instructions for Schedule H — Nonbusiness Income Schedule

Determine nonbusiness income allocated to Utah and outside Utah by completing this schedule. All income that arises from the conduct of the trade or business operations of a corporation is business income.

Nonbusiness income means all income other than business income and will be narrowly construed. Intangible income must be properly classified and based upon factual evidence. The burden of proof is on the corporation to justify the manner in which the income is claimed on the return.

Interest income is business income where the intangible, with respect to which the interest was received, arises out of or was created in the regular course of the taxpayer's trade or business operations. (Tax Commission Rule R865-6F-8(A)(3)(c))

Dividends are business income where the stock, with respect to which the dividends are received, arises out of or was acquired in the regular course of the taxpayer's trade or business operations. Because of the regularity with which most corporate taxpayers engage in investment activities, income arising from the ownership, sale or other disposition of investments is presumptively business income. (Tax Commission Rule R865-6F-8(A)(3)(d))

Gain or loss from the sale, exchange or other disposition of real or tangible or intangible personal property constitutes business income if the property, while owned by the taxpayer, was used in the taxpayer's trade or business. (Tax Commission Rule R865-6F-8(A)(3)(b))

Rental income from real and tangible property is business income if the property, with respect to which the rental income was received, is used in the taxpayer's trade or business or includable in the property factor. (Tax Commission Rule R865-6F-8(A)(3)(a))

If the corporation is claiming only Utah nonbusiness income, lines 1(a) through 13 must be completed. If the corporation is claiming only non-Utah nonbusiness income, lines 14(a) through 26 must be completed. If the corporation is claiming both Utah and non-Utah nonbusiness income, lines 1(a) through 26 must be completed. Use additional pages, if necessary, to provide complete information, including a description of the business purpose for making the investment, the transactions creating the nonbusiness income, and the use of revenues generated by the nonbusiness investment.

## Utah Nonbusiness Income

### Lines 1(a) - 1(d) - Utah Nonbusiness Income

Complete each column with the information required and show the gross nonbusiness income from each class of income being specifically allocated. Use additional pages, if necessary, to provide complete information about additional sources of nonbusiness income.

### Line 2 - Total Utah Nonbusiness Income

Add lines 1(a) through 1(d).

### Lines 3(a) - 3(d) - Direct Related Expenses

Describe and enter amounts of direct expenses on the same letter line as the corresponding nonbusiness income is listed on lines 1(a) through 1(d). Direct related expenses include wages, interest, depreciation, etc. (Reference: UCA §59-7-101(19))

### Line 4 - Total Direct Related Expenses

Enter the sum of direct related expenses by adding lines 3(a) through 3(d).

### Line 5 - Utah Nonbusiness Income Net of Direct Related Expenses

Subtract line 4 from line 2.

### Line 6 - Beginning-of-Year Assets

Enter the beginning-of-year value of assets used to produce Utah nonbusiness income in column A. Enter the beginning-of-year value of the corporation's total assets in column B. All assets, including Utah assets, should be included in column B.

### Line 7 - End-of-Year Assets

Enter the end-of-year value of assets used to produce Utah nonbusiness income in column A. Enter the end-of-year value of the corporation's total assets in column B. All assets, including Utah assets, should be included in column B.

### Line 8 - Sum of Beginning- and End-of-Year Assets Values

Add lines 6 and 7 for each respective column.

### Line 9 - Average Asset Values

Line 8 divided by 2 for each column.

### Line 10 - Nonbusiness Asset Ratio

Line 9, column A, divided by line 9, column B.

### Line 11 - Interest Expense

Enter the total amount of interest deducted in computing Utah taxable income.

### Line 12 - Indirect Related Expenses for Utah Nonbusiness Income

Multiply line 10 by line 11.

### Line 13 - Total Utah Nonbusiness Income Net of Expenses

Subtract line 12 from line 5. Enter amount here and on Schedule A, line 6a.

## Non-Utah Nonbusiness Income

### Lines 14(a)-14(d) - Non-Utah Nonbusiness Income

Complete each column with the information required and show the gross nonbusiness income from each class of income being specifically allocated. Use additional

pages, if necessary, to provide complete information about additional sources of nonbusiness income.

**Line 15 - Total Non-Utah Nonbusiness Income**

Add lines 14(a) through 14(d).

**Lines 16(a)-16(d) - Direct Related Expenses**

Describe and enter amounts of direct expenses on the same letter line as the corresponding nonbusiness income listed on lines 14(a) through 14(d). Direct related expenses include wages, interest, depreciation, etc. (Reference: UCA §59-7-101(19))

**Line 17 - Total Direct Related Expenses**

Enter the sum of direct related expenses by adding lines 16(a) through 16(d).

**Line 18 - Non-Utah Nonbusiness Income Net of Direct Related Expenses**

Subtract line 17 from line 15.

**Line 19 - Beginning-of-Year Assets**

Enter the beginning-of-year value of assets used to produce non-Utah nonbusiness income in column A. Enter the beginning-of-year value of the corporation's total assets in column B. All assets, including Utah assets, should be included in column B.

**Line 20 - End-of-Year Assets**

Enter the end-of-year value of assets used to produce non-Utah nonbusiness income in column A. Enter the end-of-year value of the corporation's total assets in column B. All assets, including Utah assets, should be included in column B.

**Line 21 - Sum of Beginning- and End-of-Year Asset Values**

Add lines 19 and 20 for each respective column.

**Line 22 - Average Asset Values**

Line 21 divided by 2 for each column.

**Line 23 - Non-Utah Nonbusiness Asset Ratio**

Line 22, column A divided by line 22, column B.

**Line 24 - Interest Expense**

Enter the total amount of interest deducted in computing Utah taxable income.

**Line 25 - Indirect Related Expenses for Non-Utah Nonbusiness Income**

Multiply line 23 by line 24.

**Line 26 - Total Non-Utah Nonbusiness Income Net of Expenses**

Subtract line 25 from line 18. Enter amount here and on Schedule A, line 6b.

## Instructions for Schedule J — Apportionment Schedule

Determine apportionment fraction by completing this schedule. The factors express a percent for tangible property in Utah, for wages and salaries in Utah, and for sales in Utah. These factors are added together and divided by the number of factors present (typically 3) to arrive at the Utah apportionment fraction calculated to **six decimals**. This fraction is to be applied to the apportionable income (or loss) to arrive at the amount of income (or loss) apportioned to Utah. In cases where one or more of the factors is omitted due to peculiar aspects of the business operations, the corporation should divide by the number of factors present.

The Utah property, payroll and sales of each qualified subchapter S subsidiary shall be added, respectively, to the Utah property, payroll and sales of the S corporation parent to determine the numerators of the property, payroll and sales factors; and all of the property, payroll and sales of each qualified S corporation subsidiary shall be added, respectively, to all of the property, payroll and sales of the S corporation parent, to determine the denominators of the property, payroll and sales factor.

Income or loss from partnership or joint venture interests must be included in income and apportioned to Utah through application of the three-factor formula consisting of property, payroll and sales.

For apportionment purposes, the portion of partnership or joint venture property, payroll and sales to be included in the corporation's property, payroll and sales factors

must be computed on the basis of the corporation's ownership interest in the partnership or joint venture.

Briefly describe the nature and location(s) of your Utah business activities in the space provided at the top of this schedule.

**Lines 1(a) - 1(e) - Tangible Property**

Show the average cost value during the taxable year of real and tangible personal property used in the business within the state (including leased property) in column A and overall (including Utah) in column B.

Property owned by the corporation is valued at its original cost. Property rented by the corporation is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the corporation less the annual rate received by the corporation from subrentals.

The average value of property must be determined by averaging the cost values at the beginning and end of the tax period. However, monthly values may be used or required if monthly averaging more clearly reflects the average value of the corporation's property.

A supporting schedule should be attached whenever monthly averaging is used.

**Line 2 - Total Tangible Property**

Enter totals of lines 1(a) through 1(e) in the respective columns.

### Line 2(a) - Property Fraction

Determine property fraction: line 2, column A divided by line 2, column B.

### Line 3 - Wages, Salaries, Commissions, and Other Includable Compensation

Wages, salaries, commissions and other includable compensation paid to employees for personal services must be included in the Utah factor to the extent the services, for which the compensation was paid, were rendered in Utah.

Compensation is paid in the state if:

1. The individual's service is performed entirely within the state;
2. The individual's service is performed both within and outside the state, but the service performed outside the state is incidental to the individual's service within the state; or
3. Some of the service is performed in the state and:
  - a. The base of operations or, if there is no base of operations, the place where the service is directed or controlled is within the state, or
  - b. The base of operations or the place where the service is directed or controlled is not in any state where some part of the service is performed, but the individual's residence is in this state.

Amounts reportable for employment security purposes may ordinarily be used to determine the wage factor.

Overall wages, including Utah, are listed in column B.

### Line 3(a) - Wages Fraction

Determine wage fraction: line 3, column A, divided by line 3, column B.

### Lines 4(a) - 4(e) - Gross Receipts From Business

The sales factor is the percentage the sales or charges for services within the state for the taxable year bear to the overall sales for the taxable year. Gross receipts from the performance of services are in this state to the extent the services are performed in this state.

Sales of tangible personal property are in this state if the property is delivered or shipped to a purchaser within this

state regardless of the F.O.B. point or other conditions of the sale, or if the property is shipped from an office, store, warehouse, factory or other place of storage in this state and: (1) the purchaser is the United States Government, or (2) the corporation is not taxable in the state of the purchaser.

Overall sales, including Utah, are listed in column B.

**Nexus:** The jurisdictional link that must be present before a state may tax a corporation upon its activities within a state's borders.

**Note:** Exception to the above method for securities brokerage businesses can be found in UCA §59-7-319(3).

### Line 5 - Total Sales and Service

Enter totals of lines 4(a) through 4(e) in their respective columns.

### Line 5(a) - Sales Fraction

Determine sales fraction: line 5, column A, divided by line 5, column B.

### Line 6 - Total Fraction

Enter total of lines 2(a), 3(a) and 5(a).

### Line 7 - Apportionment Fraction

Calculate the apportionment fraction to **six decimals**: Line 6 divided by the number of factors used (typically 3 - property, wages and sales). If one or more of the factors are not present (i.e., there is a zero in the denominator on lines 2, 3 or 5 in column B), divide by the number of factors present. If the numerator is zero, but a denominator is present, include that factor in the number of factors present. Enter apportionment fraction here and on Schedule A, line 8.

## Specialized Apportionment Rules

Specialized apportionment rules apply for:

- Trucking Companies (R865-6F-19)
- Railroads (R865-6F-29)
- Publishing Companies (R865-6F-31)
- Financial Institutions (R865-6F-32)
- Telecommunication (R865-6F-33)

## Instructions for Schedule M — Qualified Subchapter S Subsidiaries

An S corporation that has made a Qualified Subchapter S Subsidiary (QSSS) election under IRC 1361(b) must complete Schedule M if any subsidiaries for which such election was made are incorporated, qualified or doing business in Utah. Federal schedules are not acceptable as substitutes. Use of any other form as a substitute for Schedule M is only acceptable with prior approval from the Tax Commission. Refer to Pub 99, "Utah State Tax Commission Guidelines for using Substitute and Copied Tax Forms."

List only corporations incorporated, qualified or doing business in Utah. Corporations not listed on Schedule M will not be considered to have met the Utah filing requirements.

# Instructions for Schedule N — Nonresident Tax Remittance Information

The S corporation must pay or withhold tax on behalf of each nonresident shareholder, except nonresident shareholders who are exempt from the tax under Section 501 of the Internal Revenue Code.

A nonresident's share of taxable income is based on the ratio of stock held by the nonresident to the total outstanding stock on the last day of the corporate filing period, unless there was a change in ownership during the filing period. If there was a change in nonresident shareholders or in the relative interest in stock the shareholders owned, each shareholder's percentage of ownership is prorated by the number of days the stock was owned during the filing period.

Nonresident S corporation shareholders are entitled to a credit for the amount of tax paid by the S corporation on their behalf. To claim the credit, the shareholder must file a Utah income tax return for the taxable year. A nonresident shareholder who has no other Utah source income may elect to forego the credit and not to file a Utah income tax return. However, nonresident shareholders with income or loss from other Utah sources must file a Utah income tax return. A nonresident shareholder who is eligible for Utah tax credits, in addition to the apportioned tax withheld, may claim those credits by filing a Utah income tax return.

**Note to Tax Preparers:** It is recommended that the amount of Utah income tax paid on behalf of each shareholder be included on the Federal Schedule K-1.

## Part 1 - Utah Income Tax

S corporations having nonresident shareholders must complete Part 1 of Schedule N showing the amount of Utah income tax paid on behalf of each nonresident shareholder.

## Part 2 - Nonrefundable Tax Credits

S corporations that have earned nonrefundable credits are required to complete Part 2 of Schedule N showing each shareholder's portion of each nonrefundable credit, the total for each credit, and the total amount of nonrefundable credits that each shareholder (whether resident or nonresident) has earned.

### Codes for Nonrefundable Credits

- 02** - Qualified Sheltered Workshop Cash Contribution Credit
- 03** - Renewable Energy Systems Tax Credit
- 05** - Clean Fuel Vehicle Tax Credit
- 06** - Historic Preservation Tax Credit
- 07** - Enterprise Zone Tax Credit
- 08** - Low Income Housing Tax Credit
- 09** - Credit for Employers Who Hire Persons with Disabilities
- 10** - Recycling Market Development Zone Tax Credit
- 12** - Credit for Increasing Research Activities
- 13** - Credit for Machinery and Equipment Used to Conduct Research

## (02) Qualified Sheltered Workshop Cash Contribution Credit (UCA §59-10-108)

There is no form for this credit. Keep all related documents with your records. The shareholder must list the qualified workshop on the individual income tax return (form TC-40) to claim the credit.

Cash contributions made within the tax year to a qualified nonprofit rehabilitation sheltered workshop facility operating in Utah for persons with disabilities are eligible for a credit against Utah income taxes. Check with the workshop to make sure they have a current Day Training Provider License or Day Support Provider Certificate issued by the Department of Human Services. The credit is equal to 50 percent of the total cash contributions, not to exceed \$200 for each Utah Individual Income Tax Return. If the contribution was included in the deduction on Federal form 1120S, Schedule K, line 12a, that amount must be added to unadjusted income (Utah Schedule A, line 3) before the credit may be claimed on this line.

For more information, contact:

Contract Administrator  
Division of Services for People with Disabilities  
120 N 200 W #411  
SLC, UT 84103  
(801) 538-4200  
[www.hsdspd.utah.gov](http://www.hsdspd.utah.gov)

## (03) Renewable Energy Systems Tax Credit (UCA §59-10-134)

Complete form TC-40E, "Renewable Energy Systems Tax Credit" with the Utah Energy Office stamp verifying the credit has been approved. Do not send form TC-40E with your return. Keep the form and all related documents with your records.

To qualify for the Renewable Energy Systems Tax Credit, you must have installed or upgraded a renewable energy system, such as solar or wind generated power system, during the tax period. Energy saving devices, such as insulation, siding, thermal windows, and high efficiency furnaces, do not qualify.

In order to determine if your system or system components and installation qualify for the tax credit, you must submit a written application, complete with signatures and photocopies of receipts, to the Utah Energy Office (UEO).

Application forms can be obtained from:

Utah Energy Office  
1594 W North Temple, Suite 3610  
Box 146480  
SLC, UT 84114-6480  
(801) 538-5428  
[www.energy.utah.gov](http://www.energy.utah.gov)

If your system meets the eligibility requirements, UEO will send you the form TC-40E with information on your eligible system and installation costs and the UEO stamp of approval.

### **(05) Clean Fuel Vehicle Tax Credit (UCA §59-10-127)**

Complete form TC-40V, "Clean Fuel Vehicle Tax Credit" with the Division of Air Quality approval stamp verifying the credit has been approved. Do not send form TC-40V with your return. Keep the form and all related documents with your records.

To qualify you must have:

- Purchased a vehicle which is registered in Utah, for which this credit has not been taken, that was manufactured to use propane, natural gas or electricity, or
- Purchased and installed equipment to convert a vehicle registered in Utah to use propane, natural gas or electricity.

**Note:** A hybrid vehicle qualifies only if the same vehicle model is manufactured without the clean-fuel fueling system and the hybrid vehicle otherwise meets the requirements for a clean fuel vehicle.

To obtain form TC-40V, approval, and for additional information, contact:

Division of Air Quality  
Department of Environmental Quality  
150 N 1950 W  
SLC, UT 84116  
(801) 536-4000

### **(06) Historic Preservation Tax Credit (UCA §59-10-108.5)**

Complete form TC-40H, "Historic Preservation Tax Credit" with the State Historic Preservation Office certification verifying the credit has been approved. Do not send form TC-40H with your return. Keep the form and all related documents with your records.

Only Utah residents are allowed this credit. The credit is for costs incurred in connection with qualified rehabilitation of any residential certified historic building. Unused credits may be carried forward five years as a credit against Utah tax due.

To obtain form TC-40H, certification, and for additional information, contact:

State Historic Preservation Office  
300 Rio Grande  
SLC, UT 84101  
(801) 533-3563  
[history.utah.gov/historicpreservation/utahtaxcredit.html](http://history.utah.gov/historicpreservation/utahtaxcredit.html)

### **(07) Enterprise Zone Tax Credit (UCA §9-2-413)**

There is no form for this credit. Keep all related documents with your records.

The Enterprise Zone Credit is available for certain businesses that hire new full-time employees, rehabilitate buildings, or meet certain other requirements in a designated zone.

Any credit amount exceeding the tax owed may be carried forward for a period that does not exceed the next three taxable years.

Indian tribes may apply for enterprise zone designation within an Indian reservation.

If enterprise zone credits are being taken based on your ownership in a partnership or S corporation, you must allocate the credits calculated based on your respective percentage of ownership.

The enterprise zone tax credit may not be claimed or carried forward into a year a recycling market development zone tax credit (code 10) or targeted business income tax credit (Schedule A, line 16, code 40) is claimed.

To obtain additional information, contact:

Dept. of Community & Economic Development  
324 S State St., Suite 500  
SLC, UT 84111  
(801) 538-8782  
[dced.utah.gov/incentives/enterprizezones.html](http://dced.utah.gov/incentives/enterprizezones.html)

### **(08) Low Income Housing Tax Credit (UCA §59-10-129)**

Individuals sharing in the credit must obtain form TC-40TCAC, "Utah Low-Income Housing Tax Credit Allocation Certification" and complete form TC-40LI, "Summary of Utah Low-Income Housing Tax Credit." If you are carrying this credit forward or backward, you must also complete form TC-40LIC, "Utah Low-Income Housing Tax Credit Carryback and/or Carryforward." Do not send these forms with your return. Keep the forms and all related documents with your records.

The building project owner must complete and attach form TC-40LIS, "Credit Share Summary of Low-Income Housing Project" to the return.

This credit is an amount, determined by the Utah Housing Corporation, for owners of a low-income housing project who have received an allocation of the federal low-income housing tax credit. Unused credits may be carried back three years or carried forward five years.

When this credit is applicable, the project owner will provide form TC-40TCAC (issued by the Utah Housing Corporation) to the taxpayer.

Contact:

Utah Housing Corporation  
554 S 300 E  
SLC, UT 84111  
(801) 521-6950  
[www.utahhousingcorp.org](http://www.utahhousingcorp.org)

### **(09) Credit for Employers Who Hire Persons with Disabilities (UCA §59-10-109)**

Complete form TC-40HD, "Tax Credit for Employers Who Hire Persons with Disabilities" showing the required certification. Do not send form TC-40HD with your return. Keep the form and all related documents with your records.

The credit is for employers hiring individuals with disabilities who (1) worked in this state for at least 6 months in a taxable year for that employer, and (2) are paid at least minimum wage by that employer.

To obtain form TC-40HD, certification and for additional information, contact:

Division of Services for People with Disabilities  
120 N 200 W, #411  
SLC, UT 84103  
(801) 538-4200  
[www.hsdspd.utah.gov](http://www.hsdspd.utah.gov)

**(10) Recycling Market Development Zone Tax Credit (UCA §59-10-108.7)**

Complete form TC-40R, "Recycling Market Development Zone Tax Credit" with the Department of Community and Economic Development certification verifying the credit has been approved. Do not send form TC-40R with your return. Keep the form and all related documents with your records.

The Utah legislature has authorized this credit for individuals and businesses operating in a designated recycling market development zone as defined in UCA §9-2-1602.

The recycling market development zone tax credit may not be claimed or carried forward into a year an enterprise zone tax credit (code 07) or a targeted business income tax credit (Schedule A, line 16, code 40) is claimed.

To obtain form TC-40R, certification, and for additional information, contact:

Dept. of Community & Economic Development  
324 S State St, Suite 500  
SLC, UT 84111  
(801) 538-8804  
[dced.utah.gov/incentives/recycling.html](http://dced.utah.gov/incentives/recycling.html)  
email: [lprall@utah.gov](mailto:lprall@utah.gov)

**(12) Credit for Increasing Research Activities (UCA §59-10-131)**

There is no form for this credit. Keep all related documents with your records.

The credit is for expenses incurred for increasing qualified research activities in Utah. A qualifying taxpayer may claim the credit in the taxable year immediately following the taxable year for which the taxpayer qualifies for the credit.

For detailed information regarding this credit, including definition of terms and procedures for claiming the credit, refer to UCA §59-10-131.

**(13) Credit for Machinery and Equipment Used to Conduct Research (UCA §59-10-132)**

There is no form for this credit. Keep all related documents with your records.

The credit is for machinery, equipment, or both, used primarily for conducting qualified research or basic research in Utah for a time period of not less than 12 consecutive months. A qualifying taxpayer may claim the credit in the taxable year immediately following the taxable year for which the taxpayer qualifies for the credit.

For detailed information regarding this credit, including definition of terms and procedures for claiming the credit, refer to UCA §59-10-132.

## **Common Return Errors**

- 1. Utah sales factor** – Out-of-state corporations qualified in Utah, but not “doing business” in Utah, are required to file a corporate return paying the minimum tax. However, sales into Utah are not required to be included in the gross receipts numerator. Conversely, corporations making sales from Utah into a state where they are qualified but not “doing business” are required to include such sales in the Utah gross receipts numerator as throwback sales.
- 2. Dissolution or withdrawal** – Corporations no longer in business or no longer doing business in Utah are required to legally dissolve or withdraw the corporation. See instructions on page 1.

### **Please compile your return in the following order:**

1. Utah form TC-20S
2. Utah Schedules A through N (if required) in alphabetical order
3. Federal extension form, if applicable
4. A copy of the Federal return, including Schedules K and K-1
5. Other supporting documentation