



Utah State Tax Commission

Utah Registration for Exemption from Corporate Franchise or Income Tax

TC-161
Rev. 8/02

Name of organization

Mailing address

Physical address (if different from mailing address)

City

State

ZIP code

City

State

ZIP code

Federal Identification Number

<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	---	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Tax Commission Rule R865-6F-18 requires applicants to submit the information shown below. The required documentation for each class of exemption allowed by Utah Code 59-7-102 is shown below. Check the box that applies to your exemption class.

- 1. Organizations exempt under Section 501 of the Internal Revenue Code (IRC):
 - a. The Internal Revenue Services (IRS) exempt determination will be the basis for determining the Utah exemption.
 - b. A copy of the IRS determination letter exempting the above listed organization from federal income tax must be submitted.
 - c. Organizations that are exempt for IRS purposes, due to a group or blanket exemption, must supply:
 - 1. A copy of the IRS group exemption letter, and
 - 2. A letter from the parent organization certifying that the organization is a duly authorized member of the affiliated group.
- 2. Organizations exempt under Section 528 of the IRC, commonly known as homeowners associations, must supply:
 - a. A copy of the most recently filed federal income tax return, or
 - b. If the organization has not been in existence long enough to have filed a federal income tax return, a letter certifying the type of federal return (i.e. 1120, 1120H, 1120EZ, 990, 990T) the organization is required to file or a letter from the IRS confirming the type of federal return required.
- 3. Insurance companies:
Insurance companies need not provide any documentation with the request. The Commission will verify internally that Utah Insurance Premium Tax returns have been filed.
- 4. Utah Municipal Building Authorities:
The Utah governing body of the Utah municipality must certify that the Utah municipality organized the Utah municipal building authority as defined in Utah Code Section 17A-3-902.
- 5. Farmers' Cooperatives must supply:
 - a. A copy of the most recently filed federal income tax return (990-C), or
 - b. If the organization has not been in existence long enough to have filed a federal income tax return, a letter certifying the date the federal return 990-C will be filed, or a letter from the IRS confirming the type of federal return required.

Yes No Do you now have or do you expect to have income from an unrelated trade or business as defined by the Internal Revenue Service?

Caution: Corporate franchise income tax exemptions do not apply to unrelated trade or business income.

If "Yes", indicate approximate yearly amount. \$ _____

Under penalties of perjury, I declare that to the best of my knowledge and belief, this application, including accompanying documents, is true, correct, and complete. I further agree to make the organization's records available for an audit when the Tax Commission deems it necessary.

Print name of officer

Telephone number of organization

Date

Signature of officer

Title

Tax Commission Use Only

Date received

Approved

Denied

Tax Commission Authorized signature

X

Make a copy of this form for your records. Send the original to: Technical Research Unit
Utah State Tax Commission
210 N 1950 W
SLC UT 84134

For more information, you may contact the Tax Commission by calling (801) 297-2200 or 1-800-662-4335 or visiting the Tax Commission Internet web site at www.tax.utah.gov. The fax number is (801) 297-6358.

If you need an accommodation under the Americans with Disabilities Act, contact the Tax Commission at (801) 297-3811 or TDD 297-2020. Please allow three working days for a response.

R865-6F-18. Exemptions from Corporate Franchise and Income Tax Pursuant to Utah Code Ann. Sections 59-7-101 and 59-7-102.

- A. The following definitions apply to the exemption for corporate franchise and income tax for a farmers cooperative.
 - 1. Member means a person who shares in the profits of a cooperative association and is entitled to participate in the management of the association.
 - 2. Producer means a person who, as owner or tenant, bears the risk of production and receives income based on farm production rather than fixed compensation.
- B. In order to claim an exemption from corporate franchise and income tax provided for by Section 59-7-102, a corporation must submit to the Tax Commission form TC-161, Utah Registration for Exemption from Corporate Franchise or Income Tax, along with any information that form requires, for the Tax Commissions determination that the corporation satisfies the requirements of Section 59-7-102.
- C. A corporation shall notify the Tax Commission of any change that affects its tax exempt status under Section 59-7-102.
- D. For purposes of the Section 59-7-102 exemption for a farmers cooperative, an association, corporation, or other organization similar to an association, corporation, or other organization of farmers or fruit growers includes establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitat.

Internal Revenue Code (IRC) Section 501(c)(3)

Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

IRS 501(c)(3) Determination Letter Exceptions:

Internal Revenue Code (IRC) Section 508(c)(1), Special Rules with Respect to Section 501 (c)(3) Organizations, exempts the following organizations from obtaining a 501(c)(3) determination letter.

- (A) churches, their integrated auxiliaries, and conventions or associations of churches, or
- (B) any organization which is not a private foundation (as defined in section 509 (a)) and the gross receipts of which in each taxable year are normally not more than \$5,000.

Organizations meeting this exemption, that do not have an IRS determination letter, must attach other documentation such as Articles of Incorporation, bylaws or other evidence to verify they are exempt from tax under IRC Section 501(c)(3).