

Utah
2009

**Corporation
Franchise or
Income Tax**

Form TC-20

Tax Return and Instructions

Utah State Tax Commission • 210 North 1950 West • Salt Lake City, UT 84134
www.tax.utah.gov

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Online Services



Visit our website for detailed tax information and all Utah State tax forms and instructions.

tax.utah.gov

Utah accepts electronic filing for C Corporations, S Corporations and Homeowner's Associations.

tax.utah.gov/mef

Pay tax due and make payments online with a credit card or e-check.

taxexpress.utah.gov



References

UC: Utah Code

IRC: Internal Revenue Code

Need forms?

Print online at tax.utah.gov/forms, or call 801-297-6700 or 1-800-662-4335, ext. 6700

Need more information?

Telephone 801-297-2200 or 1-800-662-4335

Webpage tax.utah.gov

Utah Taxpayer Advocate Service

The Taxpayer Advocate Service assists taxpayers who have made multiple unsuccessful attempts to resolve concerns with the Tax Commission. This service helps resolve problems when normal departmental processes break down, identifies why the problem occurred and suggests remedies to stop the problem from reoccurring. See details at tax.utah.gov/contact.html or contact us to find out if you qualify for this assistance at 801-297-7562, toll free at 800-662-4335, ext. 7562, or by email at taxpayeradvocate@utah.gov.

The Taxpayer Advocate service should not be used to bypass normal methods for resolving disputes or issues.

E-Verify for Employers

Employers can help prevent identity theft by verifying the social security numbers of job applicants. E-Verify is a free service of the U.S. Department of Homeland Security that verifies employment eligibility through the Internet. Employers can use E-Verify at www.dhs.gov/E-Verify.

File TC-20 if Corporation filed federal form 1120

File TC-20S if S Corporation filed federal form 1120S

File TC-20MC if Corporation filed federal forms 1120-H, 1120-RIC, 1120-REIT, 990-T or 8023

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

TC-20 General Instructions and Information

What's New

- **Qualifying Solar Project Credit:** This new credit is 25% of the cost of a solar unit that generates electricity and is purchased from a Utah city or town, an inter-local entity, or a special service district. See page 12.
- **Clean Fuel Vehicle Credit:** This credit has changed from previous years. There are now four credits for fuel efficient vehicles and certain conversion equipment to make a vehicle more fuel efficient. See page 9.
- **Research Activities Credit:** This credit is increased to 6.3% on certain qualified research expenses. See page 11.
- **New Pass-through Entity Taxpayer Withholding Credit:** This credit is for Utah withholding tax on income received from a partnership or S corporation in which this corporation has an interest. See page 13.
- **Expired Credits:** The nonrefundable credit for cash contributions to a qualified Utah nonprofit rehabilitation sheltered workshop facility and the nonrefundable credit for restoring a certified historic residential building are no longer available. Carryovers of the historic preservation credit, however, are still allowed. See page 10.
- **Penalty Changes:** Utah law provides for tiered penalties for late filing of returns and late payment of tax. See Publication 58.
- **Utah Net Loss Carryback:** Form TC-20L, *Utah Application for Refund from a Corporation Loss Carryback*, has been designed to carry a Utah net loss back three years. See page 8.
- **Market Sourcing of Revenues from Performance of Services by Multi-state Taxpayers:** For tax years beginning after 2008, corporations performing a service both in and outside Utah must calculate the sales factor numerator on Schedule J by considering the service income to be in Utah if the buyer receives a greater benefit of the service in Utah than in any other state. See page 20.

Electronic Filing for Corporation Returns

Utah corporation returns may be filed electronically under a joint program between the Internal Revenue Service and the Utah State Tax Commission.

The federal and state information is submitted at the same time and the IRS extracts its federal data and forwards the state data to the Tax Commission. No papers need to be mailed to the agencies when filing electronically.

C corporations, S corporations and Homeowner's Associations may file electronically.

Many software vendors are offering electronic corporation return filing. Check with your software provider to see if they support this program.

Learn more about filing your corporation return electronically online at tax.utah.gov/mef.

Corporation Identification Numbers

The Utah State Tax Commission uses the Federal Employer Identification Number (EIN) as the corporation's identification number 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 proper fields. 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 in writing to both:

Division of Corporations
Department of Commerce
160 E 300 S
PO Box 146705
Salt Lake City, UT 84114-6705

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 corporations) 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*, contact the Tax Commission. We will prepare form TC-2001 and send it to you to complete.

To close related tax accounts (sales, withholding, etc.), send a completed TC-69C 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 forms for filing corporate taxes. 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/forms 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 or not 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

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 Utah, 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 a public warehouse in Utah, or a trucking company operated in or through Utah by a foreign corporation not qualified to do business in Utah, is subject to income tax rather than franchise tax. Corporate income tax filers use form TC-20.

A \$100 minimum tax applies to the corporate income tax.

Taxable Year

The taxable year for Utah tax purposes must match the taxable year used for federal tax purposes. When the taxable year changes for federal purposes, the taxable year must be changed for Utah 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-20 where indicated in the "mm/dd/yyyy" format.

Filing Return When Period Changed

When changes are made to the taxable year, as indicated under 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. The tax rates as provided in UC §§59-7-104 and 59-7-201 apply to short-period returns, which includes a minimum tax of \$100.

Where to File

Send the completed return and any payment to:

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

Due Date

A return must be filed on or before the 15th day of the fourth month following the close of the taxable year. If the due date falls on a Saturday, Sunday or legal holiday, the due date becomes the next business day.

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, the prepayment requirements must be met on or before the original return due date and the return must be filed within the six-month extension period.

Prepayment Requirements

Extension Prepayments

The required extension prepayments must equal 90 percent of the current year's tax liability (or the \$100 minimum tax, whichever is greater) or 100 percent of the previous year's tax liability. The tax used to compute the 90 percent amount includes the interest on installment sales and the recapture of low-income housing credit on the return.

Corporations should make estimated prepayments using form TC-559, *Utah Corporation Franchise/Income Tax Payment Coupon*.

Quarterly Payments

Every corporation having a Utah tax liability of \$3,000 or more in the current taxable year, or a tax liability of \$3,000 or more in the previous taxable year, must make quarterly estimated tax payments. In addition, a parent company filing a combined report with affiliated companies must make the quarterly payment when the aggregate amount is \$3,000 or more for all companies listed on Schedule M, including those paying only the minimum tax.

A corporation is not subject to the estimated tax payment requirements the first year it is required to file a return in Utah if the corporation makes a payment on or before the due date, without the automatic extension, equal to or greater than the minimum tax.

Quarterly estimated tax payments are due in four equal payments on the 15th day of the 4th, 6th, 9th and 12th months of the corporation's taxable year. Corporations may elect to make the quarterly estimated tax payments equal to 90 percent of the current year's tax or 100 percent of the prior year's tax. As defined in UC §59-7-504(2), the applicable percentage of the required payment for annualized income installments, for adjusted seasonal installments, and for estimated tax payments based on the current year tax liability, is the following:

| Installment | Percentage |
|-------------|------------|
| 1st | 22.5 |
| 2nd | 45.0 |
| 3rd | 67.5 |
| 4th | 90.0 |

If a taxpayer elects a different annualization period than the period used for federal purposes, the taxpayer must make an election with the Tax Commission at the same time as provided in IRC §6655. Estimated tax payments should be made with form TC-559, *Utah Corporation Franchise/Income Tax Payment Coupon*.

What to Attach and What to Keep

Include the following with your Utah TC-20. Also, keep copies of these with your tax records.

- **Utah Corporation Return Schedules:** Attach applicable Utah schedules A, B, C, D, E, H, J, and/or M.
- **Federal Return:** Attach **only** pages 1 through 5 of your federal corporation return, plus Schedule M-3, if applicable. Do not send the Tax Commission your entire federal corporation return.

Do not send a copy of your entire federal return, credit schedules, worksheets, or other documentation with your Utah return unless otherwise stated in these instructions. Keep these in your files, along with all other supporting documents. You may be asked to furnish this information later to verify entries on your Utah return.

Penalties

Utah law (UC §59-1-401) provides penalties for failure to file tax returns by the due date, failure to pay tax due on time, failure to make sufficient prepayment on extension returns, and failure to file information returns or supporting schedules. Details of these penalties, along with a list of additional penalties, can be found at tax.utah.gov/billing/penaltyinterest.html and in Pub 58, *Utah Interest and Penalties*, online at tax.utah.gov/forms.

The Tax Commission will calculate the penalty for underpayment of required prepayments.

Exceptions to Penalty on Estimated Tax

Annualized Exception

A corporation may annualize its income before determining the amount of each installment. Follow federal guidelines to determine annualized income. If the corporation meets the annualized exception at the federal level for any installment, check the appropriate box(es) on form TC-20, line 15.

Recurring Seasonal Exception

A corporation with recurring seasonal income may annualize its income before determining the amount of each installment. Follow federal guidelines to determine seasonal income. If the corporation meets the seasonal exception at the federal level for any installment, check the appropriate box(es) on form TC-20, line 15.

Prepayment of Minimum Tax Requirement

Corporations that meet the prepayment requirement in the **current year** and had a tax liability of \$100 (the minimum tax) for the previous year may choose to prepay the minimum tax amount of \$100 on the 15th day of the 12th month instead of four increments of \$25.

Corporations that met the prepayment requirement in the **previous year** and have a tax liability of \$100 (the minimum tax) in the current year may choose to prepay the minimum tax amount of \$100 on the 15th day of 12th month instead of four increments of \$25. In this case, the corporation must pay \$100, not 90 percent.

Interest (in addition to penalties due)

Interest will be assessed on any underpayment 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 2010 calendar year is **3 percent**.

Get Pub 58, which contains applicable interest rates, online at tax.utah.gov/forms or by calling or writing the Tax Commission.

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.

If a corporation owes tax and is unable to pay all of the amount owed, the corporation may complete form TC-804B, *Business Tax Payment Agreement Request*, available online at tax.utah.gov/forms.

Supporting Federal Information

Federal form 1120, pages 1 through 5 (and Schedule M-3, if applicable), as filed with the IRS, should be attached to the Utah Corporation Franchise or Income Tax Return, TC-20. Other detail schedules, including the balance of your federal corporation return, should not be included with the Utah return unless otherwise specified in these instructions. The Auditing Division of the Tax Commission may request these detail schedules at a later date.

Combined Reports

Any corporation owned by another corporation, or owning more than 50 percent of another corporation, or a group of corporations related through common ownership (i.e., certain brother/sister corporations) and engaged in unitary business activity, must file a combined report, including the combined income of all such corporations.

A captive real estate investment trust must be included as a member of a unitary group. A real estate investment trust (REIT) is a captive real estate investment trust if the shares or beneficial interests of the REIT are not regularly traded on an established securities market and more than 50 percent of the voting power or value of the shares or beneficial interests of the REIT are directly, indirectly or constructively owned or controlled by a controlling entity of the REIT.

Unitary Business

A unitary business exists if the activities of the corporations (subsidiary or affiliated corporations related through common ownership) are economically interdependent as demonstrated by the following factors:

- Strong centralized management
- Functional integration
- Attainment of operational economies of scale

Instructions for Combining Captive Real Estate Investment Trusts

The income and factors for a captive real estate investment trust are included in a manner similar to other unitary corporations in the combined group. Utah statutes include taxable income from federal form 1120-REIT before the net operating loss deduction and the deduction for dividends paid. A Utah deduction is allowed for the IRC §857(b)(2)(E) deduction. A subtraction is also allowed for dividends received from a captive real estate investment trust by a member of the unitary group. This subtraction is essentially an intercompany elimination since the 1120-REIT taxable income is included before the federal dividends paid deduction.

The property, payroll and sales of a REIT are included in the factors of the combined group to the extent otherwise provided in Utah laws and rules. Intercompany transactions between a captive REIT and any member of the unitary group must be removed from the sales factor. Similarly, intercompany rents must be removed from the combined property factor.

Water's Edge Combined Report

A unitary group is required to file on a water's edge basis unless the worldwide combination method has been elected. A water's edge combined report includes the income and activities of all members of a unitary group that are:

- Corporations organized or incorporated in the United States, including those corporations qualifying for the Puerto Rico and Possession Tax Credit as provided in IRC §936; and
- Corporations organized or incorporated outside of the United States meeting the threshold level of business activity.

Water's Edge Election

A group of corporations that are not otherwise a unitary group may elect to file a water's edge combined report under UC §59-7-402(2) if each member of the group is:

- Doing business in Utah;
- Part of the same affiliated group; and
- Qualified under IRC §1501 to file a federal consolidated return.

Each corporation within the affiliated group doing business in Utah must consent to filing a combined report. If an affiliated group elects to file a combined report, each corporation within the affiliated group doing business in Utah must file a combined report.

Corporations that elect to file a water's edge combined report under this section may not thereafter elect to file a separate return without the consent of the Tax Commission.

Worldwide

A unitary group may elect to file a worldwide combined report. When the worldwide combined reporting method is elected, the income/loss of each corporation within the unitary group must be included regardless of the country in which the corporations are incorporated or conduct business.

Corporations electing to file a worldwide combined report may not thereafter elect to file a return on a basis other than a worldwide combined report without the consent of the Tax Commission.

Threshold Level of Business Activity

Foreign corporations that conduct 20 percent or more of their business activity in the United States, as measured by the average of the property and payroll factors, must be included 100 percent in a water's edge combined report. Any business activity in Utah will subject a foreign corporation to Utah franchise tax. The threshold test for purposes of combined reporting determines whether the foreign corporation is a member of a unitary group.

Foreign Dividends

Fifty percent of unitary foreign dividends are included in adjusted income. The remaining 50 percent, less expenses, are excluded. (See UC §59-7-106(11)(a).) Adjustment to the denominators of the apportionment fraction for each dividend-paying company is provided at the ratio that the included dividend bears to the total earnings and profits for dividend-paying companies.

Preparation of Combined Report(s)

A group filing a combined report will calculate adjusted income of the combined group by:

1. Determining which corporations are unitary;
2. Computing unadjusted income on a separate return basis;
3. Combining income or loss of the members included in the combined report;
4. Making appropriate eliminations and adjustments between members included in the combined report to arrive at unadjusted income on a combined basis; and
5. Making additions and subtractions to unadjusted income as outlined in Schedules B, C and D to arrive at adjusted income.

A unitary group of corporations is considered a single taxpayer for purposes of the assignment of sales in the sales factor of the apportionment fraction. Therefore, sales of tangible personal property by any member of the unitary group delivered or shipped into Utah are includable in the Utah sales numerator. Conversely, such sales originating in Utah, which are delivered or shipped to another state, will not be included in the Utah sales numerator if any member of the unitary group has a taxable presence (nexus) in that state. See Tax Commission Rule R865-6F-24.

IRC Sections 338, 338(h)(10), and 336(e)

An election made or considered to be made under IRC Sections 338, 338(h)(10) and 336(e) is also followed for Utah purposes.

IRC Section 338

If a federal election is made under IRC §338, the target corporation must file a separate entity one-day tax return for Utah purposes, as required for federal purposes. The target corporation must include the gain or loss on the deemed sale of assets in its adjusted income. See UC §59-7-114 for further details.

FormTC-20MC, a one-day corporation tax return for a target corporation, is available at tax.utah.gov/forms.

IRC Section 338(h)(10)

If an election is made for federal purposes under IRC §338(h)(10), the following apply:

1. If the target corporation is a member of a unitary group immediately preceding the acquisition date, the target corporation must be included in a combined report to the extent of its income through the acquisition date. The gain or loss on the deemed

sale of assets is included in the combined income of the unitary group.

2. If the target corporation is not a member of a unitary group immediately preceding the acquisition date, the target corporation must file a short-period return for the period ending on the acquisition date and must include the gain or loss on the deemed sale of assets in its adjusted income.
3. Any gain or loss on stock sold or exchanged by a member of a selling consolidated group (as defined in IRC §338) which is not recognized for federal purposes may not be included in the adjusted income of the selling corporation.
4. The target corporation is treated as a new corporation as of the day after the acquisition date.

IRC Section 336(e)

If an election is made under IRC §336(e), the transaction must be treated as follows:

1. If the corporation is treated for federal purposes as having disposed of all of its assets and is a member of a unitary group immediately preceding the date of sale, the corporation must be included in a combined return to the extent of its income through the date of sale. The gain or loss on the deemed disposal of assets is included in the combined income of the unitary group.
2. If the corporation is treated for federal purposes as having disposed of all of its assets and is not a member of a unitary group immediately preceding the date of sale, the corporation must file a short-period return for the period ending on the date of sale and must include the gain or loss on the deemed disposal of assets in its adjusted income.
3. Any gain or loss not recognized for federal purposes on stock sold, exchanged or distributed by a corporation pursuant to IRC §336(e) may not be included in adjusted income.
4. The new basis of assets of the corporation treated as having disposed of its assets is the same as determined for federal purposes.
5. The corporation treated as having disposed of its assets is treated as a new corporation as of the day after the date of sale.

Installment Sales

If a corporation is no longer required to file a Utah corporate return, any taxes owed by that corporation on installment sales entered into by that corporation shall accelerate and be due on the corporation's last return filed in Utah.

Instructions for the TC-20 Tax Return

Corporation Name & Address

Enter the corporation 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.

Zip Code

Enter your ZIP Code, including the “plus four.”

Foreign Country

If the address is in a foreign country, enter the mailing address where indicated. Enter the foreign city, state/province and postal code in the city field. Enter only the foreign country name in the field titled “foreign country.”

EIN and Utah Incorporation/Qualification 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, 2009, enter the beginning and ending tax period dates at the top, where indicated. Enter both the beginning and ending tax period dates in the following format: “mm/dd/yyyy.”

Amended Returns

To amend a previously filed return, use the tax forms and instructions for the year you are amending. You can obtain prior year forms and instructions at tax.utah.gov/forms.

An amended state return should be filed promptly if:

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

Do not submit an amended return for the purpose of claiming a loss carryback. Submit form TC-20L, Utah Application for Refund from a Corporation Loss Carryback, to claim any refund resulting from a Utah net loss carryback.

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 on page 1 of the Utah return on the line titled “IF AMENDED RETURN” a code number that best corresponds to your “REASON FOR AMENDING.” See codes below.

Reason-for-Amending Codes

- 1 You filed an amended return with the IRS (attach a copy of your amended federal return).
- 2 You made an error on your Utah return (attach an explanation of the adjustments made).
- 3 Federal audit adjustments that 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 as shown on the original return. If you received a refund on your original return, subtract the previous refund (exclude refund interest) from the amount of any tax paid with the original return and/or subsequent payments of the tax prior to filing the amended return. Enter the net amount on Schedule A, page 2, line 29. A net refund should be entered as a negative amount (preceded by a minus sign).

Do not submit a copy of your original return with the amended return.

Federal Form 8886

If you filed federal form 8886, *Reportable Transactions Disclosure Statement*, with the Internal Revenue Service, enter an “X” at the top of TC-20, where indicated.

Line-by-Line Instructions

Line 1

Enter an “X” on line 1 if this corporation conducted business in Utah during the taxable year.

Line 2

Enter an “X” on line 2 if the federal form 1120 for the same tax period was a consolidated return.

Line 3

Enter an “X” to indicate whether the return is:

- a. A water’s edge combined report, or
- b. A water’s edge election made under UC §59-7-402(2), or
- c. A worldwide combined report.

See Combined Reports in the General Instructions for information on the proper filing method.

Line 4

Enter an “X” if an election has been made under IRC §§338, 338(h)(10) or 336(e). See the General Instructions for information regarding these elections.

Line 5

Enter an “X” on line 5 if this corporation is, or includes, a financial institution as defined in Tax Commission Rule R865-6F-32.

Line 6

Enter the ultimate U.S. parent corporation’s name and federal employer identification number.

Line 7 – Total Tax

Enter the amount from Schedule A, page 2, line 26.

Line 8 – Total Refundable Credits and Prepayments

Enter the amount from Schedule A, page 2, line 30.

Line 9 – Tax Due

If line 7 is larger than line 8, subtract line 8 from line 7.

Line 10 – Penalties and Interest

Enter the total penalties and interest.

Line 11 – Pay This Amount

Add lines 9 and 10. 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.

Line 12 – Overpayment

If line 8 is larger than line 7, subtract line 7 from line 8.

Line 13 – Amount of Overpayment to be Applied to Next Taxable Year

All or part of any overpayment shown on line 12 may be applied as an advance payment for the next tax year. Enter amount to be applied (may not exceed the overpayment on line 12).

Line 14 – Refund

Subtract line 13 from line 12. This is the amount to be refunded to you.

Line 15 – Quarterly Estimated Prepayments Meeting Exception

Check any boxes corresponding to the four quarters to which a federal penalty exception applies. Refer to Prepayment Requirements in the General Instructions for exceptions to the penalty on underpayments. Attach supporting documentation.

Signature and Date Lines

Sign and date the return. A refund will not be granted unless the return is signed and dated.

Paid Preparer Authorization

If the corporation wants to allow the Tax Commission to discuss their 2009 return with the paid preparer who signed it, enter an "X" in the box on the right side of the signature area of the return where indicated.

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 you enter an "X" in the box, 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, 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, bind the entity to anything (including any additional tax liability), or otherwise represent the entity before the Tax Commission. If the entity wants to expand the preparer's authorization, complete and submit to the Tax Commission form TC-737, *Power of Attorney and Declaration of Representative*. Form TC-737 is available online at tax.utah.gov/forms.

The authorization will automatically end no later than the due date (without regard to extensions) for filing the entity's 2010 tax return. If you wish to revoke the authorization before it ends, submit your request in writing to the Utah State Tax Commission, attention Taxpayer Services, 210 N 1950 W, SLC, UT 84134.

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 from \$1,500 to \$25,000). See Utah Code §59-1-401(9) and (10).

Supplemental Information to be Supplied by All Corporations

All corporations must complete this information located on page 2 of the TC-20.

Instructions for Schedule A – Computation of Utah Net Taxable Income and Tax

Line 1 – Unadjusted Income (Loss)

Enter the federal taxable income (before net operating loss deduction and special deductions) from line 28 of your federal form 1120.

If any member of the unitary group is a “controlling entity of a captive real estate investment trust,” include taxable income from line 20 of each federal form 1120-REIT on this line. A “controlling entity of a captive real estate investment trust” is an entity that: (1) is treated as an association taxable as a corporation under the Internal Revenue Code; (2) is not exempt from federal income tax under IRC §501(a); and (3) directly, indirectly or constructively holds more than 50 percent of the voting power or value of shares or beneficial interests of a captive real estate investment trust.

Line 2 – Additions to Income

Enter the total additions from Schedule B, line 15.

Line 3 – Add line 1 and line 2

Line 4 – Subtractions from Income

Enter the total subtractions from Schedule C, line 16.

Line 5 – Adjusted Income

Subtract line 4 from line 3.

Line 6 – Nonbusiness Income Allocated to Utah

Enter the Utah nonbusiness income allocated to Utah from Schedule H, line 13.

Line 7 – Nonbusiness Income Allocated Outside Utah

Enter the non-Utah nonbusiness income allocated outside Utah from Schedule H, line 26.

Line 8 – Total Nonbusiness Income

Add line 6 and line 7.

Line 9 – Apportionable Income Before Contributions Deduction

Subtract line 8 from line 5.

Line 10 – Utah Contributions Deduction

Enter the amount of Utah contributions from Schedule D, line 8.

Line 11 – Apportionable Income

Subtract line 10 from line 9.

Line 12 – Apportionment Fraction (Decimal)

Enter 1.000000, or the fraction (decimal) from Schedule J, line 8 or line 12, if applicable.

Line 13 – Apportioned Income

Multiply the line 11 by line 12.

Line 14 – Nonbusiness Income Allocated to Utah

Enter the amount shown on line 6 above.

Line 15 – Utah Income (Loss) Before Utah Net Loss Deduction

Add line 13 and line 14.

If there is a Utah net loss on line 15, the corporation must carry the loss back (subject to the \$1,000,000 limitation), unless an election was made to forego the federal loss carryback and carry the federal loss forward. If an election is made to forego the federal net operating loss carryback, the federal election is considered made also for Utah tax purposes unless the taxpayer makes a specific election to carry back the loss for Utah purposes. Enter an “X” in the appropriate field:

Yes, to forego the Utah net loss carryback

No, to treat the Utah net loss as a carryback

If neither box is X'd, the Utah net loss must be carried back to the earliest of the three preceding tax years. If not entirely used to offset income of that year, it must be carried to the second year preceding the loss year. Any remaining loss must be carried to the taxable year immediately preceding the loss year. Any remaining loss should be carried forward.

Submit form TC-20L, **Utah Application for Refund from a Corporation Loss Carryback**, to claim any refund resulting from a Utah net loss carryback. Do not submit an amended return for the purpose of claiming a loss carryback.

Line 16 – Utah Net Loss Carried Forward from Prior Years

Losses incurred in years beginning on or after Jan. 1, 1994, which remain after all carrybacks have been applied, may be carried forward for fifteen taxable years following the taxable year of the loss.

Attach documentation to the return to support the loss amounts carried forward on Schedule A, line 16.

Line 17 – Net Utah Taxable Income

Subtract line 16 from line 15.

Line 18 – Calculation of Tax

Enter the greater of line 18a or line 18b.

Line 18a

Multiply line 17 by 5% (.05).

Line 18b

Enter the total minimum tax from Schedule M, line b. If Schedule M is not applicable, enter \$100.

Line 19 – Interest on Installment Sales

Generally, interest must be paid on the deferred tax related to installment sales if the contract was entered into on or after Jan. 1, 1994.

The interest rate must be determined according to IRC §453A. Enter the interest as an additional tax on Schedule A, line 19.

The deferred tax liability for Utah purposes must be calculated in a manner similar to that outlined in IRC §453(A)(c), except:

1. The tax rate applied must be 5 percent; and
2. In the case of multi-state corporations, the amount of Utah gain that has not been recognized must be determined by multiplying the deferred gain that has not been recognized for federal purposes by the current year apportionment fraction.

Line 20 – Recapture of Low-Income Housing Credit

Owners of a low-income housing project and other taxpayers who have taken the low-income housing credit and disposed of the building or an ownership interest may be required to recapture any credits that have reduced their tax liability in a previous year. See Utah form TC-40LIC for instructions on calculating the low-income housing credit recapture tax. Attach a supporting schedule showing the calculation of the credit recaptured. Find the form online at tax.utah.gov/forms.

Line 21 – Total Tax

Add the amounts on lines 18, 19 and 20. Carry this total to Schedule A, page 2, line 22.

Line 22

Enter the total tax from Schedule A, page 1, line 21.

Line 23 – Nonrefundable Credits

Nonrefundable credits cannot be used to pay the minimum tax and cannot result in a refund.

If you claim any of the following nonrefundable credits, write the **code and amount** of each credit you claim on lines 23a through 23f. Enter the sum of all nonrefundable credits on line 23. An explanation of each nonrefundable credit is listed below.

Use these codes for lines 23a through 23f

- 03** Carryover of Prior Credit for Renewable Energy Systems
- 05** Clean Fuel Vehicle Tax Credit
- 06** Carryover of Prior Credit for Historic Preservation
- 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** Tax Credit for Research Activities in Utah
- 13** Tax Credit for Machinery and Equipment Used to Conduct Research
- 14** High Technology Equipment Contribution Tax Credit
- 15** Utah Municipal, U.S. and Agency Bond Interest Tax Credit

16 Utah Steam Coal Credit Carryforward

21 Renewable Residential Energy Systems Tax Credit

24 Qualifying Solar Project Credit

(03) Carryover of Prior Credit for Renewable Energy Systems (UC §59-7-614)

If you claimed a renewable energy systems tax credit on your 2005 or 2006 Utah corporation return, and the tax credit was more than your tax liability for the year, the excess credit may be carried over to the next four years. If you have any credit that was not used in a subsequent year, and are using it in 2009, enter that amount on Schedule A, on one line (23a through 23f), using code 03.

(05) Clean Fuel Vehicle Tax Credit (UC §59-7-605)

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

Four different credits are available. The credit may only be claimed once per vehicle.

You receive a credit of:

- \$750 if you bought a new vehicle with less than 7,500 miles, and registered and titled for the first time in Utah. The vehicle must meet the following fuel economy standards:
 - At least 31 miles per gallon for gasoline-fueled vehicles;
 - At least 36 miles per gallon for diesel-fueled vehicles;
 - At least 19 miles per gallon for vehicles fueled by a blend of 85% ethanol and 15% gasoline;
 - At least 19 miles per gallon for liquefied petroleum gas-fueled vehicles; or
 - Meet standards consistent with 40 C.F.R. 600.209-95(d) that are adopted by the Air Quality Board by rule.
- The lesser of \$2,500 or 35% of the purchase price for a qualified vehicle fueled by compressed natural gas and registered in Utah.
- The lesser of \$2,500 or 50% of the cost of conversion equipment (less any clean fuel grant received) for a vehicle registered in Utah. The equipment must convert the engine to:
 - be fueled by propane, compressed natural gas, or electricity;
 - be fueled by another fuel as effective as the above listed fuels, as determined by the Air Quality Board, or
 - meet the clean fuel vehicle standards in the federal Clean Air Act.

- The lesser of \$1,000 or 50% of the cost of conversion equipment not designed or used primarily for the transportation of persons or property, including maintenance equipment, less any clean fuel grant received, if the equipment converts the engine to be:
 - Fueled by propane, compressed natural gas, or electricity;
 - Fueled by another fuel as effective as the above listed fuels, as determined by the Air Quality Board; or
 - Substantially more effective in reducing air pollution than the fuel for which the engine was originally designed.

Note: Any credit that is more than the tax liability may be carried forward as a credit for the next five years.

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

Division of Air Quality
 150 N 1950 W
 SLC, UT 84116
 801-536-4000
www.airquality.utah.gov/Planning/Mobile/Clean_Fuel_Tax_Credit.htm

(06) Carryover of Prior Credit for Historic Preservation (UC §59-7-609)

The historic preservation tax credit is no longer available for corporate taxpayers. However, the credit had a five-year carryover provision. Claim unused credit carryovers earned from 2004 through 2008 by entering the allowable carryover and using code 06.

(07) Enterprise Zone Tax Credit (UC §63M-1-413)

A business may not claim the enterprise zone credit or carry it forward into a year the business has claimed either the recycling market development zone credit (nonrefundable credit, code 10) or the targeted business income tax credit (refundable credit, code 40).

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, restore buildings, or meet certain other requirements in a designated zone. Indian tribes may apply for enterprise zone designation within an Indian reservation.

Any credit amount that is more than the tax liability may be carried forward as a credit for three years.

If enterprise zone credits are being taken based on your ownership in a partnership or S corporation, you must allocate the credits as determined under IRC §704.

For more information, contact:

Governor's Office of Economic Development
 324 S State St, Suite 500
 SLC, UT 84111
 801-538-8804
goed.utah.gov/incentives/enterprise_zones

(08) Low-Income Housing Tax Credit (UC §59-7-607)

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.

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

Unused credits may be carried back three years or carried forward five years.

If the low-income housing credit was claimed and the building or ownership interest was subsequently disposed of, recapture of the credit may be required. See Recapture of Low-Income Housing Credit on page 9.

For more information, contact:

Utah Housing Corporation
 2479 S Lake Park Blvd
 West Valley City, UT 84120
 801-902-8200
www.utahhousingcorp.org

(09) Credit for Employers Who Hire Persons with Disabilities (UC §59-7-608)

Complete form TC-40HD, *Employers Who Hire Persons with Disabilities Tax Credit* 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 worked in Utah at least six months in a taxable year and are paid at least minimum wage by that employer.

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

Division of Services for People with Disabilities
 120 N 200 W, #411
 SLC, UT 84103
 801-538-4200

(10) Recycling Market Development Zone Tax Credit (UC §59-7-610)

A business may not claim the recycling market development zone credit or carry it forward into a year the business has claimed either the enterprise zone credit (nonrefundable credit, code 07) or targeted business income tax credit (refundable credit, code 40).

Complete form TC-40R, *Recycling Market Development Zone Tax Credit*, with the Governor's Office of Economic Development certification, verifying the credit is approved. Do not send form TC-40R with your return. Keep the form and all related documents with your records.

The credit is available to individuals and businesses operating in a designated recycling market development zone.

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

Governor's Office of Economic Development
324 S State St, Suite 500
SLC, UT 84111
801-538-8804
goed.utah.gov/incentives
email: lprrall@utah.gov

(12) Tax Credit for Research Activities in Utah (UC §59-7-612)

The credit is:

1. 5% of your qualified expenses for increasing research activities in Utah above a base amount,
2. 5% of certain payments made to a qualified organization increasing basic research in Utah above a base amount, and
3. 6.3% of your qualified research expenses for a taxable year beginning in 2009.

Note: Any credit for 1 or 2 above that is more than the tax liability may be carried forward as a credit for the next 14 taxable years. Any credit for 3 above may not be carried forward.

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

(13) Tax Credit for Machinery and Equipment Used to Conduct Research (UC §59-7-613)

The credit is:

1. 6% of the cost of machinery and equipment used primarily to conduct qualified research in Utah for 12 or more consecutive months, and
2. 6% of the cost of machinery and equipment donated to a qualified organization and used primarily to conduct basic research in Utah for 12 or more consecutive months.

Note: Any credit that is more than the tax liability may be carried forward as a credit for the next 14 years.

If machinery or equipment for which this credit was claimed is used for less than 12 consecutive months for qualified research, an amended return must be filed for the year the credit was claimed, the credit deleted from the return, and any increase in tax paid. See amended return instructions on page 6.

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

(14) High Technology Equipment Contribution Tax Credit (UC §59-7-603)

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

A nonrefundable tax credit is allowed for 25% of the fair market value of high technology equipment contributed to public education, not to exceed the basis of the property contributed. If the contribution was deducted when calculating federal taxable income, that amount must be excluded from current-year contributions (Utah Schedule D, line 4) before the credit may be claimed on this line.

(15) Utah Municipal, U.S. and Agency Bond Interest Tax Credit (UC §59-7-601)

Attach a schedule showing the calculation of the credit. Keep a copy of the schedule and all related documents with your records.

A credit of 1% of Utah municipal interest and federal interest included in Utah taxable income will be allowed. For multi-state corporations, the amount of Utah municipal and federal interest included in Utah taxable income is calculated by multiplying the total amount of that interest by the current year apportionment fraction. The credit is nonrefundable but may be carried back three years and forward five years.

(16) Utah Steam Coal Credit Carryforward

This credit was repealed for tax years beginning on or after Jan. 1, 2002. Unused credits earned prior to the repeal date may be carried forward 15 years.

(21) Renewable Residential Energy Systems Tax Credit (UC §59-7-614)

Get form TC-40E, *Renewable Residential and Commercial Energy Systems Tax Credits*, from the Utah Geological Survey with their certification stamp, verifying the credit is approved and showing the amount of the approved credit. Do not send form TC-40E with your return. Keep the form and all related documents with your records.

This credit is for reasonable costs, including installation, of a residential energy system that supplies energy to a residential unit in Utah. If the residence is sold to a non-business entity before claiming the tax credit, you may irrevocably transfer the right to the tax credit to the new owner. Additional residential energy systems or parts may be claimed in following years as long as the total amount claimed does not exceed \$2,000 per residential unit. The principal portion of the system's lease payments may qualify for the credit, if the lessor irrevocably elects not to claim the credit.

Credit in excess of the taxpayer's liability may be carried forward to the four succeeding years.

For more information, contact:

Utah Geological Survey (UGS)
1594 W North Temple
Box 146100
SLC, UT 84114-6100,
801-537-3300
geology.utah.gov/sep/incentives/index.htm

**(24) Qualifying Solar Project Credit
(UC §59-7-614.3)**

You may claim a credit of 25% of the amount paid to buy one or more solar units from a qualifying political subdivision (as defined in UC §59-7-614.3), up to a maximum credit of \$2,000. This credit is in addition to any other energy credit you claim.

A qualifying solar unit is portion of the electrical output of an active solar project constructed, controlled or owed by a qualifying political subdivision, which generates electricity furnished to and for the benefit of one or more residential units, and is sold to the taxpayer in exchange for a credit on the taxpayer's electrical bill.

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

Use the following calculation to determine your credit.

Calculation of Qualifying Solar Project Credit

1. Amount paid for solar unit(s) \$ _____
2. Multiply line 1 by 25% (.25) \$ _____
3. Maximum allowable credit \$ 2,000
4. Enter lesser of line 2 or line 3. \$ _____
This is your credit.

Enter this amount on TC-20, line 23, using code 24.

Note: Any credit that is more than the tax liability may be carried forward as a credit for the next four years.

Contact your city or electrical utility provider or refer to UC §59-7-614.3 for more information.

Line 24 – Net Tax

Subtract line 23 from line 22. Enter the results, but not less than the minimum tax shown on line 18b or less than zero.

Line 25 – Utah Use Tax

You must pay use tax on all taxable items bought for storage, use or consumption in Utah during the filing year, if sales and use tax was not paid to the seller at the time of purchase. This includes Internet or catalog purchases.

You may take a credit for sales or use tax paid to another state (but not a foreign country). If the other state's tax rate is lower than Utah's, you must pay the difference. If the other state's tax rate is more than Utah's, no credit or refund is given. If sales tax was paid to more than one state, complete a worksheet (on this page) for each state. Add lines 8 on all worksheets and enter the total on line 25.

Sales and use tax rates vary throughout Utah. Use the chart on this page to get the rate for the location where the merchandise was delivered, stored, used or consumed. Use the county tax rate if the city is not listed.

Grocery food bought through the Internet or catalog is taxed at 3%.The grocery food must be sold for ingestion or chewing by humans and consumed for the substance's taste or nutritional value. The reduced rate does not apply to alcoholic beverages or tobacco. See Publication 25 online at tax.utah.gov/forms for more information.

Enter use tax of \$400 or less. If the amount is over \$400, you must get a sales and use tax license and pay the use tax on a sales and use tax return.

| Use Tax Rate Chart (Effective Dec. 31, 2009) | | | |
|---|--|--------------------------------|--|
| .0595 | Beaver County | .0835 | Alta |
| .0695 | Beaver City | .0595 San Juan County | |
| .0595 Box Elder County | | .0630 | Blanding |
| .0650 | Brigham City, Perry, Willard | .0635 | Monticello |
| .0695 | Snowville | .0595 Sanpete County | |
| .0630 Cache County | | .0625 | Ephraim, Gunnison, Mt. Pleasant |
| .0655 | Cache Valley Transit, Hyde Park, Lewiston, Millville | .0595 Sevier County | |
| .0660 | Hyrum, Logan, N.Logan, Providence, Richmond, River Heights, Smithfield, Nibley | .0605 | Aurora, Redmond |
| .0595 Carbon County | | .0625 | Richfield |
| .0635 | Price | .0635 | Salina |
| .0625 | Wellington | .0605 Summit County | |
| .0695 Daggett County | | .0745 | Park City |
| .0650 Davis County | | .0635 | Snyderville Basin Transit |
| .0660 | Bountiful, Centerville, Woods Cross, West Bountiful | .0595 Tooele County | |
| .0595 Duchesne County | | .0625 | Erda, Grantsville, Lakepoint, Lincoln, Stansbury Park |
| .0605 | Duchesne City | .0635 | Tooele City |
| .0635 | Roosevelt | .0645 Uintah County | |
| .0595 Emery County | | .0670 | Naples |
| .0775 | Green River | .0675 | Vernal |
| .0695 Garfield County | | .0650 Utah County | |
| .0795 | Boulder, Panguitch, Tropic | .0675 | Alpine, American Fork, Eagle Mountain, Highland, Lehi, London, Mapleton, Payson, Pleasant Grove, Provo, Provo Canyon, Salem, Saratoga Springs, Spanish Fork, Springville |
| .0805 | Bryce Canyon | .0685 | Cedar Hills, Orem |
| .0595 Grand County | | .0595 Wasatch County | |
| .0785 | Moab | .0625 | Heber |
| .0595 Iron County | | .0705 | Independence |
| .0605 | Cedar City | .0735 | Midway, Park City East |
| .0785 | Brian Head | .0595 Washington County | |
| .0595 Juab County | | .0625 | Hurricane, Ivins, La Verkin, St. George, Santa Clara, Washington City |
| .0625 | Nephi | .0755 | Springdale |
| .0695 Kane County | | .0595 Wayne County | |
| .0795 | Kanab, Orderville | .0685 Weber County | |
| .0595 Millard County | | .0705 | Riverdale |
| .0595 Morgan County | | | |
| .0595 Piute County | | | |
| .0595 Rich County | | | |
| .0695 | Garden City | | |
| .0685 Salt Lake County | | | |

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

1. Amount of purchases (except grocery food) subject to use tax \$ _____
2. Use tax rate (decimal from chart) x _____
3. Multiply line 1 by line 2 \$ _____
4. Amount of grocery food purchases subject to use tax \$ _____
5. Multiply line 4 by .03 \$ _____
6. Add line 3 and line 5 \$ _____
7. Credit for sales tax paid to another state on use tax purchases \$ (_____)
8. Use tax due (subtract line 7 from line 6) If less than zero, enter "0" \$ _____

Line 26 – Total Tax

Add line 24 and line 25. Carry this amount to TC-20, page 1, line 7.

Line 27 - Refundable Credits

Add lines 27a through 27d.

If you claim any of the following refundable credits, write the **code and amount** of each credit you are claiming on lines 27a through 27d. Enter the sum of all refundable credits on line 27. An explanation of each refundable credit is listed below.

Codes for lines 27a through 27d

- 39 Renewable Commercial Energy Systems Tax Credit
- 40 Targeted Business Tax Credit
- 43 Pass-through Entity Withholding
- 46 Mineral Production Withholding Tax Credit
- 47 Agricultural Off-highway Gas/Undyed Diesel Fuel Tax Credit
- 48 Farm Operation Hand Tools Credit

(39) Renewable Commercial Energy Systems Tax Credit (UC §59-7-614)

This credit is for reasonable costs, including installation, of a commercial energy system that is an active solar system, a direct-use geothermal system, a geothermal heat-pump system, a hydro-energy system, or a passive solar system. Credit is also allowed for a commercial system that uses wind, geothermal electricity or biomass equipment.

Get form TC-40E, *Renewable Residential and Commercial Energy Systems Tax Credits*, from the Utah Geological Survey with their certification stamp, verifying the credit is approved and showing the amount of the approved credit. Do not send this form with your return. Keep the form and all related documents with your records.

For more information, contact :

Utah Geological Survey (UGS)
1594 W North Temple
Box 146100
SLC, UT 84114-6100
801-537-3300
geology.utah.gov/sep/incentives/index.htm

(40) Targeted Business Tax Credit (UC §63M-1-504)

A business may not claim the targeted business income tax credit in a year the business has claimed either the enterprise zone credit (nonrefundable credit, code 07) or recycling market development zone credit (nonrefundable credit, code 10).

A refundable credit is available to businesses providing a community investment project as defined in UC §§63-38f-501 through 63-38f-503. Obtain a certified copy of form TC-40TB, *Targeted Business Income Tax Credit*. Keep this form and all related documents with your records.

To obtain form TC-40TB, certification, and for more information, contact:

Governor’s Office of Economic Development
324 S State St., Suite 500
SLC, UT 84111
801-538-8804
goed.utah.gov/incentives/enterprise_zones
email: iprall@utah.gov

(43) Pass-through Entity Withholding (UC §59-7-614.4)

If a pass-through entity is required to withhold Utah income tax on any income attributable to this corporation under §59-10-1403.2, the pass-through entity must provide a statement (Schedule K-1 or supplemental schedule) showing the amount of Utah withholding paid on behalf of this corporation. Enter this amount as a refundable credit using code 43.

Attach copies of federal Schedule K-1(s) (or supplemental schedule) to the return to receive proper credit.

(46) Mineral Production Withholding Tax Credit (UC §59-6-102)

Enter the total of the mineral production tax withheld as shown on forms TC-675R or federal Schedule K-1(s) (or supplemental schedule) for the tax year. For a fiscal year corporation, the credit is claimed on the corporate return required to be filed during the year following the December closing period of the form TC-675R.

Attach copies of form TC-675R or federal Schedule K-1(s) (or supplemental schedule) to the return to receive proper credit.

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

You may claim a credit of 24.5 cents per gallon for motor fuel and undyed diesel fuel bought in Utah to operate stationary farm engines and self-propelled farm machinery used solely for commercial nonhighway agricultural use if the fuel was taxed at the time it was bought.

This does not include (but is not limited to) the following: golf courses, horse racing, boat operations, highway seeding, vehicles registered for highway use, hobbies, and personal farming, etc.

Credit calculation:

Gallons _____ x .245 = Credit _____

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

**(48) Farm Operation Hand Tools Credit
(UC §59-7-614.1)**

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

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

Line 28 – Prepayments from Schedule E

A refundable credit is allowed for advance payments made as quarterly estimated tax payments, 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 29 – Amended Returns Only

This line is only for amended returns. Enter the amount of tax paid with the original return and/or subsequent payments made prior to filing this amended return less any previous refunds (exclude refund interest). A net refund should be entered as a negative amount (preceded by a minus sign).

**Line 30 – Total Refundable Credits
and Prepayments**

Add lines 27 through 29. Carry this amount to TC-20, page 1, line 8.

Instructions for Schedule B – Additions to Unadjusted Income

Line 1 – Interest from State Obligations

Enter interest from bonds, notes and other evidences of indebtedness issued by any state of the United States, including any agency and instrumentality of a state of the United States.

**Lines 2a - 2e – Add Taxes Deducted to
Determine Income**

Amounts included in federal taxable income from refunds of the following taxes should be netted against similar taxes on the appropriate lines.

Line 2a – Income Taxes Paid to Any State

Enter taxes imposed by any state that are measured by income.

**Line 2b – Franchise or Privilege Taxes Paid to
Any State**

Enter franchise taxes paid by a corporation to any state for taxes imposed for the privilege of doing business or exercising its corporate franchise.

**Line 2c – Corporate Stock Taxes Paid to
Any State**

Enter corporate stock taxes paid to any state.

Line 2d – Foreign Taxes Paid

Enter any income, franchise, or capital stock taxes imposed by a foreign country, a United States possession or the Commonwealth of Puerto Rico.

Line 2e – Business and Occupation Taxes

Enter business and occupation taxes deducted for federal purposes.

Line 3 – Safe Harbor Lease (SHL) Adjustments

SHLs originated from adjustments primarily available to businesses during the years 1981 and 1982 under ERTA. These provisions allowed transfers of certain tax benefits for federal tax purposes. However, Utah did not adopt these provisions and the effects of any remaining SHL adjustments must be reversed for Utah purposes.

Add to income:

SHL Purchaser/Lessor

1. Interest expense
2. Depreciation claimed on SHL property

SHL Seller/Lessee

1. Amount of gain on the sale of federal tax benefits
2. Rental expense on SHL property

Line 4 – Capital Loss Carryover

Enter any capital losses deducted on a Utah corporate return in previous years, but used to offset capital gains on this year's federal return.

**Line 5 – Federal Deductions Taken Previously
on a Utah Return**

Enter any deduction on the federal return deducted on a prior year Utah return.

Line 6 – Federal Charitable Contributions

Enter federal charitable contributions from federal form 1120, line 19.

**Line 7 – Gain (Loss) on Sections
338(h)(10) or 336(e)**

Enter the amount of gain or loss determined under UC §59-7-114(3) regarding a target corporation under IRC §338, if that gain or loss has not been included in income, and the amount of any gain or loss determined under UC §59-7-115 regarding corporations treated for federal purposes as having disposed of its assets under IRC §336(e), if that gain or loss has not been included in income.

The purpose of this addition is to make sure the gain or loss on IRC §§338(h)(10) and 336(e) transactions are treated similarly for Utah and federal purposes as a deemed sale of assets. The gain or loss is only added if it has not already been included in income.

Line 8 – Basis Adjustments

Utah laws generally follow the Internal Revenue Code for depreciation, amortization and basis. However, basis differences occasionally arise due to differences between state and federal laws in limited instances. Some examples include an IRC §338 election in a tax year beginning prior to Jan. 1, 1994; and adjustments attributed to the federal consolidated rules under IRC §1502. A company may not deduct basis differences generated by errors in prior returns in years when Utah and federal depreciation or amortization amounts are required to be the same.

Line 9 – Expenses Attributable to 50 percent Unitary Foreign Dividend Exclusion

Enter the expenses directly and indirectly attributable to the dividends from subsidiaries excluded on Schedule C, line 7 (i.e., 50 percent exclusion of dividends from unitary foreign subsidiaries). To calculate indirect interest expense attributable to excluded dividends:

1. Divide the taxpayer's average investment in dividend paying subsidiaries by the taxpayer's average investment in total assets.
2. Multiply the result by the total interest expense.

Line 10 – Installment Sales Income Previously Reported for Federal but Not Utah Purposes

Add installment sales income from installment sales made in tax years beginning before Jan. 1, 1994 if the Utah installment provisions of former UC §59-7-119 were used. If the Utah installment provisions were used on the Utah return, then a timing difference was created between federal and Utah.

Line 11 – Non-qualified Withdrawal from Utah Educational Savings Plan (UESP) (UC §59-7-105(12))

If you withdrew an amount from a Utah Educational Savings Plan (UESP) 529 account but did not spend it for qualified higher education expenses, that amount must be added back to income to the extent the amount was deducted on the current or a previously filed Utah tax return.

A UESP account owner will receive form TC-675H, *Utah Educational Savings Plan Tax Statement for Contributions, Withdrawals and Transfers*, from UESP. Keep this form with your records. If you have any questions about UESP, call 801-321-7188 or 1-800-418-2551, or visit www.uesp.org.

Line 12 – Income (Loss) From IRC Section 936 Corporations

IRC §936 corporations are fully includable in the combined report. Add income/loss from IRC §936 corporations.

Line 13 – Foreign Income (Loss) For Worldwide Combined Filers

Corporations electing to file a worldwide combined report must include income and losses of each corporation in the unitary group regardless of the country in which the corporation is incorporated or conducts business. Add any income or loss before extraordinary items and prior period adjustments and before the provision for income, war profits and excess profits taxes as reported on federal form 5471 for foreign corporations.

Line 14 – Income (Loss) of Unitary Corporations Not Included on Federal Consolidated Return

Add income and losses of unitary corporations owned greater than 50 percent whose income or loss is not included on the federal consolidated return. Refer to Combined Reports in the General Instructions for additional information on unitary combined filings.

Line 15 – Total Additions

Add lines 1 through 14. Enter the result on line 15 and on Schedule A, line 2.

Instructions for Schedule C – Subtractions from Unadjusted Income

Line 1 – Intercompany Dividend Elimination

Enter dividends received from U.S. corporations owned greater than 50 percent whose income is included on this return and whose dividend has not been previously eliminated.

Line 2 – Foreign Dividend Gross-up

Enter the foreign dividend gross-up included in gross income for federal income tax purposes under IRC §78.

Line 3 – Net Capital Loss

The corporation must enter its capital losses if an election is being made to take a deduction for capital losses incurred in the taxable year. If a current year deduction is not taken, the loss must be carried forward as provided in IRC §1212(a)(1)(B) and (C).

Line 4a – Federal Jobs Credit Salary Reduction

Enter the amount of salary expense reduction due to claiming the federal jobs credit under IRC §51.

Line 4b – Federal Research and Development Credit Expense Reduction

Enter qualified research and basic research expense reduction due to claiming the research and development credit under IRC §41.

Line 4c – Federal Orphan Drug Credit Clinical Testing Expense Reduction

Enter qualified clinical testing expense reduction due to claiming the federal orphan drug credit under IRC §45C.

Line 4d – Expense Reduction for Other Federal Credits

Enter any expense reduction attributable to claiming any other federal credit. Attach applicable federal form.

Line 5 – Safe Harbor Lease (SHL) Adjustments

The effects of any remaining SHL adjustments must be reversed for Utah purposes. For general SHL information, see the instructions for Schedule B, line 3.

Subtract from income:

SHL Purchaser/Lessor

1. Rental income
2. Amortization of the purchase price of tax benefits (purchase price of tax benefits must be capitalized)

SHL Seller/Lessee

1. Interest income
2. Depreciation on SHL property

Line 6 – Federal Income Previously Taxed by Utah

Enter any income on the federal corporate return, form 1120, that was previously taxed by Utah. Attach supporting schedules and documentation.

Line 7 – 50 percent Exclusion for Dividends from Unitary Foreign Subsidiaries

Enter 50 percent of the dividends received or deemed received from subsidiaries that are members of the unitary group and are organized or incorporated outside of the United States, unless those subsidiaries are included in a combined report. In that case, the dividends are eliminated as an intercompany transaction on line 1.

For corporations filing a water's edge combined report, the 50-percent exclusion includes dividends from unitary foreign corporations and subpart F income.

Line 8 – 50 percent Exclusion of Foreign Operating Company Income (Loss)

Enter 50 percent of the adjusted income or loss of a foreign operating company unless the taxpayer is filing a worldwide combined report. A foreign operating company is a corporation (other than an IRC §936 corporation) incorporated in the United States with 80 percent or more of its business activity, based on the average of the property and payroll factors, conducted outside the United States.

In calculating this subtraction, no deduction is allowable for foreign taxes.

Line 9 – Gain (Loss) on Certain Stock Sales

Enter the gain or loss on the sales of stock included in taxable income, yet not taxable for federal purposes because the transaction is considered to be a deemed sale of assets under IRC §§338(h)(10) or 336(e).

The purpose of this subtraction is to avoid the double taxation that would occur if both the gain on the stock sale and the gain on the deemed sale of assets were included in income. Utah law follows the federal statute that taxes the gain on the deemed sale of assets.

Line 10 – Basis Adjustments

Enter adjustments to gains, losses, depreciation expense, amortization expense and similar items due to a difference between basis for federal and Utah purposes as explained in instructions for Schedule B, line 8.

Line 11 – Interest Expense

Enter interest expense not deducted on the federal corporate return under IRC §§265(b) or 291(e).

Line 12 – Dividends from Insurance Company Subsidiaries

Enter dividends received from subsidiaries owned greater than 50 percent that are insurance companies taxed on their Utah premiums.

Line 13 – Contributions to the Utah Educational Savings Plan (UESP) (UC §59-7-106(18))

If a qualified contribution was made to your Utah Educational Savings Plan (UESP) 529 account, you may claim a deduction on line 13. To qualify, the contribution must be made during the taxable year and not deducted on your federal return. The deduction is limited to the amount of the contributions made (up to \$1,740) during the tax year per beneficiary.

A UESP account owner will receive form TC-675H, *Utah Educational Savings Plan Tax Statement of Contributions, Withdrawals and Transfers*, from UESP. Deduct on line 13 the qualified amount from line 1 of form TC-675H. Keep form TC-675H with your records. If you have any questions about UESP, call 801-321-7188 or

1-800-418-2551, or visit www.uesp.org.

Line 14 – Dividends Received from a Captive Real Estate Investment Trust by a Member of the Unitary Group

If any member of the unitary group is a “controlling entity of a captive real estate investment trust,” include the dividends received from each captive real estate investment trust on this line.

Line 15 – IRC Section 857(b)(2)(E) Deduction from a Captive REIT

Enter the amount of the federal deduction(s) taken under IRC §857(b)(2)(E) on federal form 1120-REIT for each captive real estate investment trust included in the Utah combined group.

Line 16 – Total Subtractions

Add lines 1 through 15. Enter the result on line 16 and on Schedule A, line 4.

Instructions for Schedule D – Utah Contributions Deduction

Compute deductions for Utah charitable contributions (UC §59-7-109).

Line 1 – Apportionable Income Before Contributions Deduction

Enter amount from Schedule A, line 9. If this is a loss, no contribution deduction is allowed.

Line 2 – Utah Contribution Limitation

Charitable contributions for the current year, including excess contributions carried forward from a prior year, cannot exceed 10 percent of the apportionable income before contributions. (See UC §59-7-109(2)).

Multiply line 1 by 10 percent and enter the limitation amount.

Line 3 – Current Year Contributions

Enter charitable contributions for the current year.

Line 4 – High Technology Deduction on Federal Form 1120, Line 19

Utah law prohibits a deduction for high technology equipment when a Utah credit is being claimed for the contribution on Schedule A, line 23. If a deduction for this contribution was claimed as a charitable contribution on federal form 1120, line 19, add back on line 4 the deduction **only** if a credit for this contribution was claimed on Utah Schedule A, line 23. Enter the amount of the High Technology Equipment Contribution Tax Credit (nonrefundable credit, code 14) claimed on Utah Schedule A, line 23.

The current-year contribution on line 3 will be reduced by any amount entered on line 4.

Line 5 – Subtract Line 4 from Line 3

Subtract the amount on line 4 from the amount on line 3.

Line 6 – Utah Contribution Carryforward

Charitable contributions which exceed the allowable deduction for Utah may be carried forward to the five succeeding taxable years in the same manner as allowed under federal law. Enter the excess contributions carried forward to this tax year. Attach a schedule showing contributions made that exceed the Utah contribution limitation and that have not been previously deducted and are available to be carried forward to the current year.

Line 7 – Total Contributions Available

Add line 5 and line 6.

Line 8 – Utah Contributions Deduction

Enter the lesser of line 2 or line 7 here and on Schedule A, line 10.

Line 9 – Contributions Carryover to Next Year

Subtract line 8 from line 7. This is the amount of your Utah contribution carryover to the next taxable year.

Instructions for Schedule E – Prepayments of Any Type

Line 1

Enter the amount of the refund applied from the prior year to the current year's tax liability.

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 28.

Instructions for Schedule H – Nonbusiness Income Net of Expenses

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, or where the purpose for acquiring and holding the intangible is an integral, functional, or operative component of the taxpayer's trade or business operations, or otherwise materially contributes to the production of business income of the trade or business operations. See Tax Commission Rule R865-6F-8(2)(e)(iii).

Dividends are business income where the stock with respect to which the dividends were received arose out of or was acquired in the regular course of the taxpayer's trade or business operations or where the acquiring and holding of the stock is an integral, functional, or operative component of the taxpayer's trade or business operations, or otherwise materially contributes to the production of business income of the trade or business operations. See Tax Commission Rule R865-6F-8(2)(e)(iv).

Gain or loss from the sale, exchange, or other disposition of real property or of tangible or intangible personal property constitutes business income if the property while owned by the taxpayer was used in, or

was otherwise included in the property factor of the taxpayer's trade or business. See Tax Commission Rule R865-6F-8(2)(e)(ii).

Rental income from real and tangible property is business income if the property with respect to which the rental income was received is or was used in the taxpayer's trade or business and therefore is includable in the property factor. See Tax Commission Rule R865-6F-8(2)(e)(i).

If the corporation is claiming only Utah nonbusiness income, lines 1a through 13 must be completed. If the corporation is claiming only non-Utah nonbusiness income, lines 14a through 26 must be completed. If the corporation is claiming both Utah and non-Utah nonbusiness income, lines 1a 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 non-business income, and the use of revenues generated by the non-business investment.

Utah Nonbusiness Income

Lines 1a-1d – Utah Nonbusiness Income

Complete each column with the information required and enter the gross Utah 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 1a through 1d.

Lines 3a-3d – Direct Related Expenses

Describe and enter amounts of direct expenses on the same letter line as the corresponding Utah nonbusiness income is listed on lines 1a through 1d. Direct related expenses include wages, interest, depreciation, etc. (UC §59-7-101(23)).

Line 4 – Total Direct Related Expenses

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

Line 5 – Utah Nonbusiness Income Net of Direct Related Expenses

Subtract line 4 from line 2.

Line 6 – Beginning-of-Year Assets

Enter the total 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 total 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 Ending Asset Values

Add lines 6 and 7 for each respective column.

Line 9 – Average Asset Values

Divide line 8 by 2 for each column.

Line 10 – Utah Nonbusiness Asset Ratio

Divide line 9 column A 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, page 1, line 6.

Non-Utah Nonbusiness Income

Lines 14a-14d – Non-Utah Nonbusiness Income

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

Line 15 – Total Non-Utah Nonbusiness Income

Add lines 14a through 14d.

Lines 16a-16d – Direct Related Expenses

Describe and enter amounts of direct expenses on the same letter line as the corresponding non-Utah nonbusiness income listed on lines 14a through 14d. Direct related expenses include wages, interest, depreciation, etc. (UC §59-7-101(23)).

Line 17 – Total Direct Related Expenses

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

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 total 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 total 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 Ending Asset Values

Add lines 19 and 20 for each respective column.

Line 22 – Average Asset Values

Divide line 21 by 2 for each column.

Line 23 – Non-Utah Nonbusiness Asset Ratio

Divide line 22 column A 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, page 1, line 7.

Instructions for Schedule J – Apportionment Schedule

Determine the apportionment fraction (decimal) by completing this schedule. The factors express a ratio 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 factor calculated to **six decimals**. This factor is to be applied to the apportionable income (or loss) on Schedule A 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, divide by the number of factors present.

An election may be made to double weight the sales factor in the apportionment calculation. The election, once made, is irrevocable and must be used for five taxable years. The election is made by entering an “X” on line 9 and completing lines 10 through 12 on Schedule J.

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 1a - 1f – Property Factor

Show the average cost value during the taxable year of real and tangible personal property used in the business within Utah (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.

Enter totals of lines 1a through 1e in their respective columns on line 1f.

Line 2 – Property Factor Calculation

Determine the property factor (decimal) by dividing line 1f column A by line 1f column B.

Line 3 – Payroll Factor

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 Utah if:

1. The individual’s service is performed entirely within Utah;
2. The individual’s service is performed both within and outside Utah, but the service performed outside Utah is incidental to the individual’s service within Utah; or
3. Some of the service is performed in Utah 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 Utah, 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 Utah.

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 4 – Payroll Factor Calculation

Determine the payroll factor (decimal) by dividing line 3a column A by line 3a column B.

Lines 5a - 5h – Sales Factor

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

Corporations that perform a service both in and outside Utah must include on line 5g in column A (Inside Utah) any amount of service income if the service buyer receives a greater benefit of the service in Utah than in any other state. The former “cost of performance” method no longer applies. (See UC §59-7-319(3)(a).)

Sales of tangible personal property are in Utah if the property is delivered or shipped to a purchaser within Utah 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 Utah 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 definition: 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 UC §59-7-319(6).

Enter totals of lines 5a through 5g in their respective columns on line 5h.

Line 6 – Sales Factor Calculation

Determine the sales factor (decimal) by dividing line 5h column A by line 5h column B.

Equally-Weighted Three Factor Formula

If you *are not* electing the double-weighted sales factor (see lines 9 through 12 below), complete lines 7 and 8. If you are electing the double-weighted sales factor, leave lines 7 and 8 blank.

Line 7 – Total Factors

Enter the sum of the factors from lines 2, 4 and 6.

Line 8 – Apportionment Factor

Calculate the apportionment factor to six decimals by dividing line 7 by the number of factors used (typically 3 – property, payroll and sales).

- If one or more of the factors are not present (i.e., there is a zero in the denominator on lines 1f, 3a or 5h 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 the apportionment fraction (decimal) here and on Schedule A, line 12, if not electing the double-weighted sales factor below.

Double-Weighted Sales Factor Election

You may elect to give double-weight to the sales factor in the apportionment calculation. The double-weighted sales factor election is irrevocable and must be used for five years. If you elect this calculation, enter an “X” on line 9 and complete lines 10 through 12.

Line 9 – Making the Election

Enter an “X” on line 9 if you elect to double-weight the sales factor.

Line 10 – Double Sales Factor

Multiply the sales factor (decimal) from line 6 above by 2. This will result in the sales factor being considered twice in the calculation.

Line 11 – Total Factors

Enter the sum of the factors from lines 2, 4 and 10.

Line 12 – Elected Apportionment Fraction

Calculate the elected, double-weighted sales factor apportionment factor to six decimals by dividing line 11 by the number of factors used (typically 4 – property, payroll and two times the sales factor).

- If one or more of the factors are not present (i.e., there is a zero in the denominator on lines 1f or 3a in column B), divide by the number of factors present (allowing two factors for sales).
- If the numerator is zero, but a denominator is present, include that factor in the number of factors present.
- Enter the apportionment fraction (decimal) here and on Schedule A, line 12.

Specialized Apportionment Laws and Rules

Specialized apportionment procedures 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)
- Registered Securities or Commodities Broker or Dealer (R865-6F-36)
- Airlines (UC §§59-7-312 thru 319)
- Sale of Management, Distribution or Administration Services to or on Behalf of a Regulated Investment Company (UC §§59-7-319(5))

Instructions for Schedule M – Corporations Included in Combined Filings

Any corporation filing a combined report must complete Schedule M if one or more of the subsidiaries or affiliated corporations is 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. See Pub 99, *Guidelines for Substitute and Copied Utah Tax Forms*, online at tax.utah.gov/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. Use the Schedule M Supplemental Sheet if you need more space.

Minimum Tax

Line a – Number of Corporations

Enter on line “a” the number of corporations incorporated, qualified and doing business in Utah (including the parent corporation if incorporated, qualified or doing business in Utah) that are listed on the Schedule M.

Line b – Total Minimum Tax

Multiply the number of corporations listed on line “a” by \$100 (the minimum tax). Also, enter this amount on Schedule A, line 18b.

Common Return Errors

- 1. Losses applied incorrectly** – For tax years beginning on or after Jan. 1, 1994, if an election is made to forego the federal net operating loss carryback, a similar election is considered to be made for Utah purposes, unless the taxpayer makes a specific election to carryback the Utah loss. Losses may be carried forward for 15 taxable years. See the instructions for Schedule A, lines 15 and 16.
- 2. Unitary businesses not filing a combined report** – Groups of corporations that are engaged in an integrated unitary business must file on a combined basis. See instructions on page 4.
- 3. 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, except as provided under Utah Rule R865-6F-24. 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, except as provided under Utah Rule R865-6F-24.
- 4. Net capital losses may not be carried back** – Capital losses may be deducted in full in the year incurred or may be carried forward. See UC 59-7-106(2).
- 5. 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.
- 6. Nonrefundable and refundable credit codes** – Use the two-digit codes provided in the instructions, not the UC section reference.



Please arrange your return in the following order:

1. Utah form TC-20
2. Utah schedules A through M (if required) in alphabetical order
3. Federal extension form, if applicable
4. First five pages **only** of your federal return (plus Form 1120, Schedule M-3, if applicable)
5. Other supporting documentation **only** as requested in these instructions

Do not send a copy of your entire federal federal corporation return.