

# Oregon 2001

## Multiple Nonresident Instructions

### Introduction

Individual members of a partnership, S corporation, limited liability partnership (LLP), or limited liability company (LLC) having any gross income attributable to Oregon, are required to file an individual income tax return.

**Throughout these instructions the term “members” will refer to partners of a partnership or LLP, shareholders of an S corporation, and members of an LLC. The term “entity” will mean a partnership, S corporation, LLP, or LLC.**

Oregon Revised Statute (ORS) 314.760 allows certain nonresident members of the entities listed above that derive income from or do business in Oregon to elect to file a composite or multiple nonresident return. This composite return eliminates the need for each individual to file a separate return.

### Filing requirements

Individual members must decide each year whether to join in a multiple nonresident filing. There is no requirement that an election be made prior to filing the multiple nonresident return. The election is considered made when the return is filed.

To be included in the multiple nonresident return, **all** the following conditions must be met:

- **The members must be individuals.** Members who are estates, trusts, partnerships, LLCs, LLPs, or S corporations **cannot** be included in the multiple nonresident return. Exception: Electing Small Business Trusts (ESBT) will be allowed to participate in a multiple nonresident filing.
- The individuals must be full-year nonresidents of Oregon; and
- The individuals must have no other Oregon source income. Exception: having an ownership interest in more than one entity will not prevent an individual from participating in a multiple nonresident filing. However, an individual must participate in multiple nonresident filings for **all** entities in which they have an interest, or participate in none.

- The multiple nonresident return must be filed using the tax year of the majority of electing members. If the electing members file individual tax returns using a calendar year, the multiple nonresident return must also be filed using a calendar year. The members are deemed to have received their share of income from the flow-through entity on the last day of the entity’s tax year. Calendar year members will include their share of the flow-through income on their calendar year returns. **Example:** A pass-through entity uses a March 31, 2001 fiscal year-end. The majority of electing members have a calendar year-end. The multiple nonresident return, Form 40N, must be filed for calendar year 2001 by April 15, 2002.

### Filing a multiple nonresident return

Nonresident members must file an Oregon multiple nonresident tax return using Form 40N (Oregon Individual Income Tax return for nonresidents). **The word “multiple” must be written or stamped—in blue or black ink—at the top of Form 40N.**

Follow these instructions when completing the Oregon multiple nonresident tax return using Form 40N. Generally, only the following areas need to be completed on Form 40N.

1. The entity’s name, address, and federal identification number in the name and address section.
2. The net tax amount due (line 62).
3. Total estimated tax payments made (line 64).
4. Any overpayment to apply to 2002 estimated taxes (line 73).
5. Signature of an authorized representative of the entity at the bottom of page two.

A Schedule MNR or equivalent must be filed with the multiple nonresident return, Form 40N. Schedule MNR determines each nonresident member’s Oregon tax liability. ESBTs will use the tax rate chart for singles. Schedule MNR is included with these instructions. A computer-created schedule is acceptable if it contains the following information for each member who elects to participate in the filing of the multiple nonresident return:

- Social Security number, name, address, filing status, and ownership percentage.
- The share of federal net income of the flow-through entity.
- The share of Oregon net taxable income of the flow-through entity. (See “apportionable income,” “deductions,” and “credits” below and on page 3.)
- Oregon tax from the applicable rate chart based on filing status.
- The allowable share of credit for income taxes paid to another state.
- Share of estimated tax payments.
- Share of underpayment interest.

## Due date

The Oregon multiple nonresident tax return is due the 15th day of the fourth month after the close of the tax year of the majority of the electing members. In most cases the multiple nonresident return will be filed for the calendar year of the majority of the members. The fiscal year of the flow-through entity isn’t considered in determining the due date. The due date is usually April 15 unless it falls on a weekend or holiday.

## Extensions

If the flow-through entity is granted a federal extension to file its return, the federal extension is allowed for filing the multiple nonresident return for Oregon. Check the extension box on Form 40N, line 7b. Do not attach a copy of the extension form to the return.

## Estimated tax payments

The entity is required to make estimated tax payments on behalf of all individual members who would have had an individual estimated tax liability had they not elected to participate in a multiple nonresident return. The entity’s estimated tax liability is calculated using the total estimated liability of all electing individuals. In the case of overpayment or underpayment of estimated tax, the overpayment or underpayment is deemed to be attributable to all members with tax liabilities in excess of \$1,000 for tax years 2000 and later.

**Estimated tax payments on behalf of the electing individuals.** Payments must be made in the entity’s name as it will appear on the multiple nonresident return. Estimated tax payments made by the entity must be made on Form 40ES (Oregon Individual Estimated Tax).

**Estimated tax payments with no election.** If all members decide not to participate in filing a multiple nonresident return after making estimated tax payments, a refund of estimated tax may be obtained. To receive a refund, the entity must file an original return showing zero tax

due and indicate that none of the members wish to participate in the election. The nonresident members must then file individually. If the members have not made adequate estimated tax payments on a separate basis, they will be subject to interest on underpayment of estimated tax.

**Transferring estimated tax payments before the multiple nonresident return is filed.** Payments made on behalf of members who intend to participate in a multiple nonresident filing cannot be transferred out of the entity’s account to an individual estimated tax account. **Exception:** If a nonresident member becomes ineligible to participate in the filing of a multiple nonresident return due to acquiring **other** Oregon source income, a transfer may be made. The nonqualifying member can receive credit for a portion of the estimated tax previously paid by the entity on behalf of the member. The member must supply a written request from the entity, prior to the filing of the multiple nonresident return. The written request must include:

- The name and employer identification number of the entity that made the estimated tax payment(s).
- The name and Social Security number of the member who has become ineligible.
- The specific dollar amount to transfer to the account of the member.
- A description of the Oregon source income that has resulted in the member no longer being eligible to participate in the election.

After the multiple nonresident return has been filed, no portion of the tax paid by the entity on behalf of the members will be transferable to the accounts of any member revoking a previous election. If the entity does not request a transfer of estimated tax payments, it may receive a refund of the tax paid on behalf of a member who revokes a previous election to participate in the filing of a multiple nonresident return. In order to receive a refund, the entity must file an amended return, showing the recomputed tax liability for the remaining members.

## Apportionable income

If the entity has income that is part of a multistate business operation, the nonresident members will compute their share of Oregon net taxable income or loss from the entity by multiplying the entity’s total Oregon taxable income or loss by the apportionment percentage. See ORS 314.280 or ORS 314.650 through ORS 314.670. For example: A partnership will multiply the apportionment percentage by each partner’s distributive share of partnership income. An S corporation will multiply the apportionment percentage by each shareholder’s pro rata share of the S corporation’s income.

## Guaranteed payments

Guaranteed payments are treated as part of the partner's distributive share of the partnership business income. See Oregon Administrative Rule (OAR) 150-316.124(2).

## Deductions

Individual deductions are not allowed on the multiple nonresident return. Individual deductions include, but are not limited to, charitable contributions, other states' income taxes, itemized deductions, and standard deductions.

Oregon net taxable income of the entity means the federal net income of the entity as defined by the laws of the United States modified by ORS chapter 316. See ORS chapter 316 for those items that directly relate to the nonresident members' share of the entity's net income. Examples of the modifications allowed in ORS chapter 316 that relate to the entity's income include any Oregon modification necessary for depreciation, depletion, gain or loss difference on the sale of depreciable property, U.S. government interest, and any modification for federal targeted jobs tax credit.

## Credits

Credits normally allowed on the personal income tax return, such as those for exemptions, retirement income, and the elderly or disabled, are not allowed on the multiple nonresident return. Credits directly attributable to the entity can be claimed on the multiple nonresident return.

The credit for income taxes paid to another state under ORS 316.131 is allowed on multiple nonresident returns. See OAR 150-316.082(2) for computation of the credit. A copy of the resident state's tax return for qualifying members should **not** be attached to the multiple nonresident return. However, a schedule identifying the taxpayers qualifying for the credit, their state of residence and sufficient information to determine the amount of the credit allowed under ORS 316.131 must be attached to the multiple nonresident return.

## Tax to pay

Payment of the amount due must accompany the Oregon multiple nonresident return. The entity must pay the total amount due on behalf of the nonresident members. The amount due must include the tax due plus any penalty or interest as required by Oregon law. As the designated agent, the entity is liable for any tax, penalty, and interest due, including interest on underpayment of estimated tax.

## Penalty and interest

**Penalty.** Include a penalty payment if you:

- Pay your tax due after the original due date (even if you have an extension).
- File your return showing tax due after the due date, including any extension.

Penalty is 5 percent of the unpaid balance of your tax as of the due date (generally April 15).

If you file more than **three months late**, add an additional 20 percent penalty, for a total of 25 percent of the unpaid tax.

**Interest.** If you don't file your return or pay the tax due by the due date, interest is due on the unpaid tax.

The current interest rate is 8 percent per year or 0.6667 percent per month. Interest is figured daily (0.0219 percent per day) for periods of less than a month. A month, for example, is May 16 to June 15. Here's how to figure daily interest:

$$\text{Tax} \times 0.000219 \times \text{Number of days}$$

If the tax is not paid within 60 days of our bill, the interest rate increases to 12 percent per year.

## Amending return for net operating loss

The entity may file an amended return to carry back Oregon net operating losses. Attach a schedule to the amended return naming the individuals and showing the year and calculation of the net operating loss.

Any refund will be paid to the entity regardless of any ownership changes or changes in the identity of the individuals participating in the multiple nonresident filing.

## Revoking participation in a multiple nonresident filing

An individual may revoke their participation in a multiple nonresident return by filing an Oregon individual income tax return. The return will be treated as an original return and the tax liability shown on the return, if any, will be subject to penalty and interest. If the revoking member has not made adequate estimated tax payments separately they will be subject to interest on underpayment of estimated tax. The decision to revoke a previous election by one or more members has no effect on the election of the remaining members.

## 2001 Tax Rate Charts for Form 40N Multiple Nonresident Filers

### Tax rate chart A:

For persons filing

**Single or Married filing separately**

<i>If your taxable income is:</i>	<i>To figure your tax:</i>
Not over \$2,500 .....	Multiply taxable income by 0.05 (5%).
Over \$2,500, but not over \$6,300 .....	Subtract \$2,500 from taxable income. Multiply the result by 0.07 (7%). Then add \$125.
Over \$6,300 .....	Subtract \$6,300 from taxable income. Multiply the result by 0.09 (9%). Then add \$391.

### Tax rate chart B:

For persons filing

**Jointly, Head of household, or Qualifying widow(er) with dependent child**

<i>If your taxable income is:</i>	<i>To figure your tax:</i>
Not over \$5,000 .....	Multiply taxable income by 0.05 (5%).
Over \$5,000, but not over \$12,600 .....	Subtract \$5,000 from taxable income. Multiply the result by 0.07 (7%). Then add \$250.
Over \$12,600 .....	Subtract \$12,600 from taxable income. Multiply the result by 0.09 (9%). Then add \$782.

## Taxpayer assistance

### Internet

[www.dor.state.or.us](http://www.dor.state.or.us)



The Department of Revenue Web site is a quick and easy way to download forms and information circulars, get up-to-the-minute tax information, and learn about electronic filing.

### Telephone

**Salem** ..... 503-378-4988  
**Toll-free within Oregon** ..... 1-800-356-4222

If you have a touch-tone telephone, call our 24-hour voice response system at one of the numbers above to hear recorded information and order tax forms.

Call one of the numbers above for help from a representative during the following hours:



Monday, Tuesday, Thursday, Friday ..... 7:30 a.m.–5:10 p.m.  
 Wednesday ..... 10:00 a.m.–5:10 p.m.  
*Closed on holidays.*

April 1–April 15, Monday–Friday ..... 7:00 a.m.–7:00 p.m.  
*Wait times may be 20 minutes or more.*

**TTY (hearing or speech impaired only). These numbers are answered by machine only and are not for voice use.** The toll-free number within Oregon is 1-800-886-7204. In Salem, the number is 503-945-8617.

**¿Habla español? Línea de mensaje.** Las personas que necesitan asistencia en español pueden dejar un mensaje. El número disponible todo el año en Salem es 503-945-8618.

A message line is available all year for those who need assistance in Spanish. The number in Salem is 503-945-8618.

### Correspondence

Mail letters to: Oregon Department of Revenue, 955 Center St NE, Salem OR 97301-2555. Include your business identification number (if known) and a daytime telephone number for faster service.



### Americans with Disabilities Act (ADA)

In compliance with ADA, this information is available in alternative formats upon request. The toll-free number within Oregon is 1-800-356-4222. In Salem, call 503-378-4988.

### To get forms

Tax booklets and other information are available at many post offices, banks, and libraries. **Or write to:** Forms, Oregon Department of Revenue, PO Box 14999, Salem OR 97309-0990.

### Field offices

Forms and assistance are available the offices below. **Don't send your return to these addresses.**

- Bend** ..... 951 SW Simpson Dr, Suite 100
- Eugene** ..... 1600 Valley River Dr, Suite 310
- Medford** ..... 24 West 6th St
- Newport** ..... 119 NE 4th St, Suite 4
- North Bend** ..... 3030 Broadway
- Pendleton** ..... 700 SE Emigrant, Suite 310
- Portland** ..... 800 NE Oregon St, Suite 505
- Portland\*** ..... Federal Building Lobby, 1220 SW Third Ave
- Salem** ..... Revenue Building, 955 Center St NE, Room 135
- Salem** ..... 4275 Commercial St SE, Suite 180
- Tualatin** ..... 6405 SW Rosewood St, Suite A



\* January 2–April 15: Walk-in help is available from 9:00 a.m.–4:00 p.m., Monday–Friday, except holidays.

