

2009 INSTRUCTIONS FOR FILING RI-1040C

For more information on filing a Composite Return or to obtain forms, refer to the Rhode Island Division of Taxation's website : www.tax.ri.gov or call (401) 574-8829, option #3.

GENERAL INFORMATION

Form RI-1040C is used to report the Rhode Island source income of qualified electing non-resident members of LLCs, Sub S Corporations, Partnerships, and Trusts.

If a pass-through entity is doing business in Rhode Island, or has income, gain, loss, or deduction derived from or connected with sources within Rhode Island, it can file a composite return on behalf of those qualified electing nonresident members. All of the qualified electing nonresident members must have the same taxable year.

In order to be included in the composite filing, the nonresident member must complete a Form RI 1040C-NE and file it with the entity from which they are receiving the Rhode Island source income. The entity must keep all of these election forms on file and be able to furnish them to the Rhode Island Division of Taxation upon request.

DUE DATE: RI-1040C is due on the fifteenth day of the fourth month following the close of the taxable year of the qualified electing non-resident members. (April 15, 2010 for calendar year taxpayers).

Send return to:
R.I. Division of Taxation
One Capitol Hill
Providence, RI 02908-5806

SPECIFIC INSTRUCTIONS

Please complete the top of the return by filling in the name, address and federal identification number. Also, please check off the entity's year end. If not a calendar year end, please indicate the beginning and end dates of the entity's fiscal year.

SECTION A: COMPUTATION OF INCOME

Line 1 - Enter your total Federal Taxable Income from Federal Form 1120S, line 21; Federal Form 1065, line 22 or Federal Form 1041, line 18, and add to that any separately stated income or deductions listed on your K-1.

Line 2 - Modifications Increasing Federal Taxable Income

Line 2A - Enter any income from obligations of any state or its political subdivisions, other than Rhode Island.

Line 2B - Enter Bonus Depreciation and the increased Section 179 Depreciation that must be added back to Rhode Island income.

Due to the passage of a bill disallowing federal bonus depreciation for Rhode Island

purposes, any bonus depreciation taken for federal purposes must be added back as a modification to income.

Due to the passage of a bill disallowing the increase in the section 179 depreciation under the Jobs and Growth Tax Relief Reconciliation Act of 2003, section 179 depreciation will remain limited to \$25,000 for Rhode Island purposes. Therefore, any additional section 179 depreciation taken for federal purposes must be added back as a modification to income.

A separate schedule of depreciation must be kept for Rhode Island purposes. The gain or loss on the sale or other disposition of the asset is to be determined, for Rhode Island purposes, using the Rhode Island depreciation schedule.

For further information regarding bonus depreciation or section 179 depreciation refer to the General Instructions of Form RI-1040NR, Rhode Island Nonresident Income Tax return.

Line 2C - Enter any other modifications increasing Federal Taxable Income and provide an explanation for the modification.

Sub S Corporations and LLCs must include the amount of intangible expenses and costs and interest expenses and costs that must be added back pursuant to RIGL 44-11-11.

Line 3 - Total Modifications Increasing Federal Taxable Income - add lines 2A, 2B and 2C.

Line 4 - Modifications Decreasing Federal Taxable Income

Line 4A - Enter any income from obligations of the United State Government to the extent that it is included in income for federal tax purposes but exempt for state purposes.

Line 4B - Enter Bonus Depreciation and Section 179 Depreciation that has not been taken for federal purposes because the depreciation was not taken originally.

Since a bill was passed disallowing federal bonus depreciation for Rhode Island purposes, in the first year any bonus depreciation taken for federal purposes should have been added back as a modification to income. Therefore, in subsequent years, if federal depreciation is less than what previously would have been allowed, the difference can be deducted as a modification to income.

Since a bill was passed disallowing the increase in the section 179 depreciation under the Jobs and Growth Tax Relief Reconciliation

Act of 2003, section 179 depreciation will remain limited to \$25,000 for Rhode Island purposes. Therefore, in the first year any additional section 179 depreciation taken for federal purposes should have been added back as a modification to income. Accordingly, in subsequent years, if federal depreciation is less than what previously would have been allowed, the difference can be deducted as a modification to income.

A separate schedule of depreciation must be kept for Rhode Island purposes. The gain or loss on the sale or other disposition of the asset is to be determined, for Rhode Island purposes, using the Rhode Island depreciation schedule.

For further information regarding bonus depreciation or section 179 depreciation refer to the General Instructions of Form RI-1040NR, Rhode Island Nonresident Income Tax return.

Line 4C - Enter any other modifications decreasing Federal Taxable Income and provide an explanation for the modification.

Line 5 - Total Modifications Decreasing Federal Taxable Income - add lines 4A, 4B and 4C.

Line 6 - Modified Federal Taxable Income - Add line 1 to line 3 and then subtract line 5. (Line 1 + line 3 - line 5)

Line 7 - Rhode Island apportionment ratio: If the entity operates solely in Rhode Island, enter 1.0000. If it is a multistate entity, enter computed ratio from line 30 of apportionment worksheet located on page 2, Section C. **(Calculate ratio to four decimal places.)**

Line 8 - Rhode Island Source Income - multiply your Modified Federal Taxable Income (line 6) by the apportionment ratio (line 7).

SECTION B: COMPUTATION OF TAX

For the 2009 tax year, composite filers have the option of using a flat tax rate of 6.5%. Complete lines 9 through 12 to determine which option is best for the entity.

Line 9 - Calculate the Rhode Island income tax using the Rhode Island Composite Income Tax rate of 9.9%.

Line 10 - Enter any Rhode Island credit amounts, indicate the credit form number(s) and attach the credit form(s) and supporting documentation to the 1040C.

Line 11 - Rhode Island Tax after credits - subtract Rhode Island credits (line 11) from Rhode

Island Income Tax (line 10).
If less than zero, enter zero.

Line 12 - Calculate the Rhode Island income tax using the Rhode Island Alternative Flat Tax rate of 6.5%.

Line 13 - Rhode Island Income Tax amount, the lesser of line 11 or line 12. **If using the alternative flat tax rate, please check the flat tax rate box.**

Line 14 - Qualified electing nonresident members' percentage of ownership. If all members are nonresidents, enter 1.0000. **(Calculate ratio to four decimal places.)**

Line 15 - Rhode Island Tax of the qualified electing nonresident members - multiply Rhode Island Income Tax (line 13) by the qualified electing nonresident members' percentage of ownership (line 14).

Line 16 - Rhode Island estimated payments made on RI 1040C-ES and amount applied from 2008 composite return.

Line 17 - Enter any nonresident real estate withholding paid on behalf of the qualified electing nonresident members.

Line 18 - Enter any Rhode Island nonresident withholding from pass-through entities from Form RI 1099-PT, box 9 that was made on behalf of entity members before electing to be included on the composite return. Be sure to attach the Form(s) RI 1099-PT to the composite filing.

Line 19 - Enter any other payments. If an extension was filed, enter the amount paid with the extension, attach the extension form, Form RI-4868C, to your return and check the box indicating that the extension is attached.

Line 20 - Total all payments. Add lines 16, 17, 18 and 19.

Line 21 - Amount due - If line 15 is larger than line 20, subtract line 20 from line 15. This is the amount of tax you owe.

Line 22 - Underestimating interest due. If you have prepared the RI-2210C, check the box on line 22 and attach the RI-2210C to the return.

Line 23 - Total amount due - add tax due (line 21) plus the underestimating interest due (line 22). This is the total amount due. Complete payment voucher RI 1040C-V and send in with return and payment made to R.I. Division of Taxation.

Line 24 - Overpayment - If line 15 is smaller than line 20, subtract line 15 from line 20. This is your overpayment amount.

Line 25 - Enter the amount of the overpay-

ment (line 24) that you would like refunded.

Line 26 - Enter the amount of the overpayment (line 24) that you would like applied to your 2010 RI-1040C estimated tax.

SECTION C: APPORTIONMENT

In the apportionment section, you will be using a three factor formula to determine the Rhode Island apportionment ratio for the qualified electing nonresident members.

In column A, you will be entering the Rhode Island portion of each item. In column B you will be entering the Total (from everywhere) amount of each item.

Average Net Book Value

Line 27A - Enter the Rhode Island and the Total amounts for **Inventory**.

Line 27B - Enter the Rhode Island and the Total amounts for **Depreciable Assets**.

Line 27C - Enter the Rhode Island and the Total amounts for **Land**.

Line 27D - Enter the Rhode Island and the Total amounts for **Rent** (8 times the annual net rental rate).

Line 27E - Total the Net Book Value items - Add lines 27A, 27B, 27C and 27D.

Line 27F - Average Rhode Island Net Book Value Ratio - divide line 27E in column A by line 27E in column B **(Calculate ratio to four decimal places.)**

Receipts

Line 28A - Enter the Rhode Island amount for sales under R.I.G.L. 44-11-14(a)(2)(i)(B), the amount for all other Rhode Island sales and the Total amount for **Gross Receipts**.

Due to the passage of R.I.G.L. 44-11-14(a)(2)(i)(B), gross sales of tangible personal property where shipments are made from an office, store, warehouse, factory or other place of storage in this state and the taxpayer is not taxed in the state of purchase must now be included in the Receipts section of the Rhode Island apportionment column. This gross receipts amount will be listed separately on the apportionment schedule from the amount of all other Rhode Island sales.

Line 28B - Enter the Rhode Island and the Total amounts for **Dividends**.

Line 28C - Enter the Rhode Island and the Total amounts for **Interest**.

Line 28D - Enter the Rhode Island and the Total amounts for **Rents**.

Line 28E - Enter the Rhode Island and the Total amounts for **Royalties**.

Line 28F - Enter the Rhode Island and the Total amounts for **Net Capital Gains**.

Line 28G - Enter the Rhode Island and the Total amounts for **Ordinary Income**.

Line 28H - Enter the Rhode Island and the Total amounts for **Other Income**.

Line 28I - Enter the Rhode Island and the Total amounts for **Income Exempt from Federal Taxation**.

Line 28J - Total the Receipts items - Add lines 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H and 28I

Line 28K - Average Rhode Island Receipts Ratio - divide line 28J in column A by line 28J in column B. **(Calculate ratio to four decimal places.)**

Salaries

Line 29A - Enter the Rhode Island and the Total amounts for Salaries and Wages paid or incurred.

Line 29B - Average Rhode Island Salaries Ratio - divide line 29A in column A by line 29A in column B. **(Calculate ratio to four decimal places.)**

Rhode Island Apportionment Ratio

Line 29 - Total the three ratios by adding lines 27F, 28K and 29B.

Line 30 - Apportionment Ratio: If all three ratio factors were used, divide line 29 by the number 3. If all three ratio factors were not used, divide line 29 by the number of ratios used. **(Calculate ratio to four decimal places.)** Enter the number here on line 30 and on page 1, Section A, line 7.

SECTION D: MEMBER INFORMATION

Enter the names, addresses, social security numbers, the amount of Rhode Island source income and the amount of Rhode Island tax for each qualified electing nonresident member.

If more space is needed, attach additional schedules to the return.

SIGN AND DATE THE RETURN

An officer representing the pass-through entity must sign and date the return. An unsigned return cannot be processed. Any paid preparer who prepares the return must also sign as "preparer." If a firm or corporation prepares the return, the return should be signed in the name of preparer on behalf of the firm or corporation.

If you wish to allow the R.I. Division of Taxation to contact your paid preparer should questions arise regarding your return, please check the box above your preparer's name.