



## FTB Publication 1067



# Guidelines for Filing a Group Form 540NR

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## Purpose

This publication is for corporations, partnerships, and limited liability companies (LLCs) that elect to file a group nonresident return, also commonly referred to as a composite return.

## Terms Used in this Publication

“**Business entity**” refers to an S corporation, partnership, or limited liability company (LLC) that elects to file a group nonresident return on behalf of its individual nonresident shareholders, partners, or members.

“**Pass-through income**” refers to the shareholder’s, partner’s, or member’s distributive share of income from the business entity derived from California sources or from doing business in California.

“**Corporation**” refers to a corporation that elects to file a group nonresident return on behalf of its individual nonresident directors.

“**Director’s compensation**” refers to the director’s wages, salaries, fees, or other compensation from the corporation for director services performed in California, including attendance at board of directors’ meetings in California.

“**Individual**” refers to a shareholder, partner, member, or director who is a natural person and his or her spouse/RDP. Individual also includes the grantor of a grantor trust described under IRC Section 675-677 and not recognized as a separate taxable entity for income tax purposes when the grantor is an individual.

## What’s New

### Registered Domestic Partners (RDP)

Effective for taxable years beginning on or after January 1, 2007, RDPs under California law must file their California income tax returns using either the married/RDP filing jointly or married/RDP filing separately filing status. RDPs will have the same legal benefits, protections, and responsibilities as married couples unless otherwise specified.

If you entered into a same sex legal union in another state, other than a marriage, and that union has been determined to be substantially equivalent to a California registered domestic partnership, effective for taxable years beginning on or after January 1, 2007, you are required to file a California income tax return using either the married/RDP filing jointly or married/RDP filing separately status. For more information on what states have legal unions that are considered substantially equivalent, go to our Website at [www.ftb.ca.gov](http://www.ftb.ca.gov) and search for **RDP**.

For purposes of California income tax, references to a spouse, a husband, or a wife also refer to a California Registered Domestic Partner (RDP), unless otherwise specified. When we use the initials (RDP) they refer to both a California Registered Domestic “Partner” and a California Registered Domestic “Partnership,” as applicable. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

## General Information

For taxable years beginning January 1, 2005, or after, individuals whose California taxable income is in excess of \$1,000,000 **may not** be included in the group nonresident return. These individuals are subject to the new Mental Health Services Tax on California taxable income in excess of \$1,000,000 and must file individually.

For taxable years beginning January 1, 2006, and after, a corporation may file a group nonresident return on behalf of certain nonresident directors who receive wages, salaries, fees, or other compensation from that corporation for director services performed in California, including attendance of board of directors’ meetings in California.

Beginning January 1, 2007 an S corporation that distributes more than \$1,500 of profits in cash or property to domestic nonresident shareholders during 2007 must withhold at a rate of 7%. For more information see FTB Pub.1017, Nonresident Withholding S Corporation and Partnership Guidelines.

## A Introduction

A group nonresident return may be filed by:

1. A business entity, acting as the authorized agent for its electing nonresident individual shareholders/partners/members, to report the distributive shares of income from the business entity derived from California sources or from doing business in California. See Revenue and Taxation Code (R&TC) Section 18535.
2. A corporation, acting as the authorized agent for its electing nonresident directors, to report the directors' wages, salaries, fees, or other compensation from that corporation for director services performed in California, including attendance of board of directors' meetings in California. See R&TC Section 18536.

The business entity/corporation files the return and pays the tax on behalf of the electing nonresident individuals. A group nonresident return is considered a group of individual returns that meets the California individual income tax return filing requirement. Thus, a qualified nonresident individual who elects to be included in the group nonresident return does not file a separate personal income tax return for the tax year.

### Minimum number of electing nonresident individuals.

Group Nonresident Return Filed By	Income Reported	Minimum Number of Electing Nonresident Individuals
S Corporation	Pass-through	1 shareholder*
Partnership	Pass-through	2 partners
LLC	Pass-through	2 members
Corporation	Director's compensation	2 directors

\*Note: For tax years 2001 and prior, the S corporation must include at least two electing nonresident individuals in the group nonresident return.

**Income taxed at the highest marginal rate.** The income reported on the group return is taxed at the highest marginal rate of 9.3 percent.

**Use Long Form 540NR.** The business entity/corporation uses Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return, for the group nonresident return. All references to Form 540NR in this publication means the Long Form 540NR. Special instructions for completing Form 540NR are explained in Section N, Instructions for Completing a Group Nonresident Return.

**Use a calendar year end.** The group nonresident return and any estimate payments are due on a calendar year basis, even if the business entity/corporation has a fiscal year end. The group returns for any tax periods ending in 2007 are due April 15, 2008. The group returns for any periods ending in 2008 will be due April 15, 2009. For example:

- If a partnership's taxable year ends on June 30, 2007, then report on the 2007 group return the California source income from each electing partner's Schedule K-1 (565) for the taxable year ending June 30, 2007. Even though the fiscal year ends June 30, 2007, the estimate payments are not due until 4/17/07, 6/15/07/ 9/17/07 and 1/15/08.
- The corporation reports the director's compensation that he or she received in 2007 on the 2007 group return.

## B Forms to Use and Important Due Dates

Forms to Use	
Group Return	Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return See Section N and the sample on page 8 for special instructions.

Estimated Tax Payment Voucher	Form 540-ES, Estimated Tax for Individuals See Sections J, K, L and the sample on page 8 for special instructions
Extension Tax Payment Voucher	Form 3519, Payment for Automatic Extension for Individuals See Section O and the sample on page 8 for special instructions.

Important Due Dates	
April 15, 2008	Original due date of the group return for all tax periods ending in 2007. If filing on extension, the last day to pay using form FTB 3519 to avoid penalties and interest. California allows an automatic extension to October 15, 2008, to file.
October 15, 2008	Extended due date of the 2007 group return.
April 15, 2008 June 16, 2008 September 15, 2008 January 15, 2009	Due dates for 2008 estimated tax payments for all tax periods ending in 2008.

## C Requirement for the Electing Individual to File a California Income Tax Return

The requirement to file a California personal income tax return is determined on an individual basis. See "Do I Have to File?" in the Form 540NR booklet.

For 2007, a full-year nonresident is required to file a return if the individual has any California source income and has more than \$14,138 gross income from all sources or more than \$11,310 adjusted gross income from all sources. For prior years, get the Form 540NR booklet for the appropriate year.

## D Why File a Group Nonresident Return

A group nonresident return is filed on behalf of the electing nonresident individuals for their convenience. When filing an individual return, a nonresident must report all income from all sources in addition to the California source income. On the group nonresident return, only the California source pass-through income or director's compensation is reported. The income is taxed at the highest marginal tax rate of 9.3 percent and no deductions or credits are allowed except those directly attributable to the business entity's activity.

## E Who Can Be Included in the Group Nonresident Return

To qualify to be included in the group nonresident return, all the following requirements must be met:

1. Only individuals can be included on the group return. Individual means a natural person and his or her spouse/RDP. Individual also includes the grantor of a grantor trust described under IRC Section 675-677 and not recognized as a separate taxable entity for income tax purposes when the grantor is an individual.

**Example:** The ABC partnership consists of a general partner and 20 limited partners. The general partner is a corporation. The limited partners consist of 15 nonresident individuals, an S corporation, a nonresident estate, an LLC, a limited liability partnership (LLP), and a trust (which is not a grantor trust). The 15 nonresident individuals may qualify to be included in the group nonresident return. None of the other partners can be included in the group nonresident return.

2. The individual must be a full-year nonresident of California. For information to help you determine your residency status, get FTB Pub. 1031, Guidelines for Determining Resident Status.
3. The individual must not have California taxable income in excess of \$1,000,000.
4. The income from the business entity/corporation is the only California source income of the individual, unless the other California source income is being reported on another group nonresident return.

**Example:** A nonresident individual has California source income from a business entity and from an individually owned California rental property. This individual cannot be included in the group return of the business entity.

**Example:** A nonresident individual has California source income from the ABC partnership and the XYZ partnership. The individual does not have California source income from any other source. The individual can elect to be included in the group nonresident return of both partnerships. The individual cannot elect to be included in the group nonresident return of only one of the partnerships.

**Example:** A nonresident individual is a corporate director of a corporation and received California source director fees. The individual is also a partner in a partnership that derives income from California sources. The individual can be included in the group nonresident returns of both the corporation and the partnership. The individual cannot be included in only one of the group nonresident returns.

**Example:** XYZ partnership does business in California and has three partners -- two nonresident individuals (A and B) and partnership CDF. Partnership CDF has two partners -- nonresident individual M and a C corporation. Individuals A, B, and M wish to file one group return to include all of the partners deriving California sourced income from XYZ partnership.

Tiered partnerships (and other tiered ownership structures) are not allowed to file a group return to combine all of their business entities and individual nonresident partners on one group return. Each of the tiered partnerships must file a separate group nonresident return for their electing individual nonresident partners and can not include any business entities in the group nonresident return.

XYZ partnership may file a group nonresident return for individuals A and B. XYZ partnership cannot include partnership CDF or any of CDF's partners in the group nonresident return. Partnership CDF does not qualify to file a group nonresident return. A group nonresident return must include at least two individual partners and CDF has only one individual (M) partner. Thus, M cannot be included in any group nonresident return.

## F Individual's Decision to be Included in the Group Nonresident Return

**The individual's decision is irrevocable.** Each nonresident individual must decide whether to be included in the group nonresident return prior to its filing. Once the group nonresident return is filed, the election to be included in the group nonresident return is irrevocable. Once filed, the group return cannot be amended to either include or exclude a nonresident individual. Similarly, once an electing nonresident individual is included in the group return, the individual may not subsequently file a separate individual return.

**Exception:** The individual may discover after the group return was filed that he or she did not qualify to be included in the group nonresident return. For example, the individual had income from other California sources that were not reported on any other group nonresident return. The individual must file a return on a separate basis reporting all his or her California source income. Having other sources of California losses will not disqualify the individual from being included in a group nonresident return.

**Residents of Arizona, Guam, Indiana, Oregon, and Virginia** – If you file your own individual return, you may qualify to claim the other state tax credit. This credit is not allowed if you are included in the group return. Thus, you may want to consult with a tax advisor

before making the irrevocable election to be included in the 2007 group return.

**Business entity's/corporation's responsibility to inform individuals.** The business entity/corporation is responsible for:

- Allowing each nonresident individual the annual option of being included in the group nonresident return.
- Informing each nonresident individual of the terms and conditions of filing a group nonresident return specified on form FTB 3864, Group Nonresident Return Election, included in this publication.

## G Election to File a Group Nonresident Return

The business entity/corporation makes an annual election to file a group nonresident return on behalf of the electing nonresident individuals. Once made, the election is irrevocable for the taxable year. Make the election by attaching a completed and signed form FTB 3864, Group Nonresident Return Election, to the Form 540NR filed for the group. Form FTB 3864 is included in this publication.

## H Return for Shareholders/Partners/ Members

Shareholders/partners/members report on the group nonresident return their distributive share of income from the business entity derived from California sources or from doing business in California.

### Reporting of Gains/Losses

**Capital Gains/Losses.** All limitations normally applied at the individual level apply on the nonresident group return. For instance, an individual's California source capital losses from a business entity may only be deducted to the extent of California source capital gains, plus \$3,000. The allowable capital loss for each electing nonresident is totaled and entered on the return. The filing status of nonresident electing individuals is deemed to be single, limiting each to a \$3,000 capital loss. The business entity must keep track of the allocable share of the California source capital gains and losses (including carryovers) for each electing nonresident individual.

**Internal Revenue Code (IRC) Section 1231 net losses** are allowed in full.

**Passive Losses.** The business entity must complete a single form FTB 3801, Passive Activity Loss Limitations, for the electing nonresident individuals included in the group return. Only California source passive losses are reported on form FTB 3801. Passive losses will be allowed only to the extent of passive income. When losses are not allowed, they are suspended at 100% for each electing nonresident individual. When suspended passive losses are released by current year passive income, the suspended prior year losses offset the current year passive income on the group return. Suspended prior year losses are also released upon disposition of the entire interest in the passive activity. The business entity must keep track of the allocable share of the suspended California source passive losses for each electing nonresident individual included in the group return.

### Individual Deductions Not Allowed on the Group Nonresident Return

Individual deductions are not allowed on the group nonresident return. Individual deductions include, but are not limited to, the deduction for self-employment tax, the IRC Section 179 deduction, charitable contributions, itemized deductions, and the standard deduction. However, there is an exception for the deduction for contributions to a deferred compensation plan.

### Net Operating Loss (NOL)

A Net Operating Loss is also an individual deduction. An individual cannot claim an NOL deduction on the group nonresident return. An individual who reports a net loss on the group nonresident return forgoes any NOL carryover that could have resulted on an individual nonresident return from that net loss.

## Contributions to a Deferred Compensation Plan

Partners of a partnership and members of a Limited Liability Company (but not shareholders of an S corporation) are allowed a deduction on the group nonresident return under IRC Section 401 through Section 424, as modified by California. If an electing nonresident individual has earned income from any other source, no deduction is allowed. The definition for "earned income" means the net earnings from self-employment per IRC Section 401(c)(2).

The deduction is computed by multiplying the allowable federal deduction by the electing nonresident individual's California apportionment percentage.

## Credits

Only credits directly attributable to the business entity's activities can be claimed on the group nonresident return, such as the low-income housing credit and the manufacturers' investment credit.

Individual credits, such as the personal, blind, senior, or dependent exemption credits and the other state tax credit, are not allowed on the group nonresident return. To use individual credits, such as the other state tax credit, the individual should file a separate Form 540NR and should not be included in the group return. See Section F, Individual's Decision to be Included in the Group Nonresident Return, for more information.

If the credits are directly attributable to the business entity's activities exceed the amount of tax for a given year and credits are available for carryover, the business entity will properly account for such credit with respect to each individual included in the group nonresident return.

Nonbusiness income from intangibles should generally be allocated to each partner's/member's state of residence. For more information, see instructions for Form 565, Partnership Return of Income, or Form 568, Limited Liability Company Return of Income.

## Special Information for Partnerships and LLCs Subject to Apportionment

Cal. Code Regs., tit. 18 section 17951-4 applies to the income computation of the nonresident partners/members of a partnership/LLC. The regulation provides that 100% of the nonresident's distributive share of the partnership's business income plus any guaranteed payment, is subject to apportionment. Guaranteed payments are treated as part of a partner's distributive share of partnership business income. See R&TC Section 17854.

**Investment Partnership** – If the partnership qualifies as an investment partnership under R&TC Section 17955(c), generally the dividends, interest, gains, and losses from that partnership will be sourced in the partner's/member's state of residence.

If the partnership does not qualify as an investment partnership under R&TC Section 17955(c) or if the partnership does qualify as an investment partnership but the partner/member is disqualified under R&TC Section 17955(b), pertaining to investment activities interrelated with trade or business within this state, then the normal apportionment and allocation rules apply in determining the character of the income as business or nonbusiness. Business income should be apportioned using the partnership factors.

## Withholding Requirements of Partnership/LLC

Withholding is required if either of the following apply:

- California source income is allocable under IRC Section 704 to a foreign nonresident partner/member.
- California source income distributed to a domestic (nonforeign) nonresident partner/member exceeds \$1,500 in the calendar year.

The withholding rates are 8.84% for foreign corporate partners/members, 9.3% for foreign nonresident individual partners/members, and 7% for all domestic nonresident partners/members. Withholding is not required if the partner/member has received authorization waiving the withholding from the Franchise Tax Board. However, there is no provision in the tax law to allow a waiver of withholding for a foreign nonresident partner/member.

For additional information concerning California withholding requirements, get FTB Pub. 1016, Real Estate Withholding Guidelines; FTB Pub. 1017, Nonresident Withholding Guidelines; or call the Withholding Services and Compliance automated toll-free telephone service at (888) 792-4900.

## I Return for Directors

Directors report on the group nonresident return their director's wages, salaries, fees, or other compensation from the corporation for director services performed in California, including attendance at board of directors' meetings in California.

Rules for allocating wages, salaries, and other compensation to determine the amount attributable to California are in California Code of Regulations Section 17951-5.

**Deductions Are Not Allowed.** Directors are not allowed to claim any deductions on the group nonresident return. This includes, but is not limited to, expenses related to their director compensation, itemized deductions, standard deduction, net operating losses, and adjustments to income such as individual retirement account deductions.

**Credits Are Not Allowed.** Directors are not allowed to claim any credits on the group return. Credits include, but are not limited to, the personal, blind, senior, or dependent exemption credit and all special credits such as the other state tax credit. To use individual credits, the director should file a separate Long Form 540NR and should not be included in the group return. See Section F, Individual's Decision to be included in the Group Nonresident Return, for more information.

**S Corporations Filing A Group Nonresident Return for Both Directors and Shareholders.** An S corporation that has both electing nonresident directors and nonresident shareholders must file only one group nonresident return including both directors and shareholders.

## J Estimated Tax Requirements

Generally, estimated tax payments are required if the group nonresident return's net tax after allowable tax credits is \$200 or more. If the tax is underpaid, a penalty for the underpayment of estimated tax will be assessed based on the net tax of the group nonresident return. Get Form 540-ES, Estimated Tax for Individuals, and form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries, for more information.

## K How to Make Estimated Tax Payments on Form 540-ES

To make group nonresident return estimated tax payments:

1. Use Form 540-ES, Estimated Tax for Individuals. **Caution:** If you make estimated tax payments with any other estimated tax voucher, such as the Form 100-ES, Corporation Estimated Tax, the payments will not be properly credited for the group nonresident return.
2. Type or print the following information in the top margin of the Form 540-ES:  
GROUP FILING PROGRAM MS L170  
ATTN: IVS (732)
3. Enter the name, address, and FEIN as follows:
  - First name: Enter "A" if a partnership or LLC. Enter "C" if a corporation.
  - Last name: Enter "PTSP" if a partnership or LLC. Enter "SGNF" if a corporation.
  - Address: Enter the business entity's or corporation's name and address.See the sample on page 8 of this publication.
4. Mail the estimate voucher with payment to the address shown on the Form 540-ES.
5. To avoid penalties and interest, submit your payments by the estimate payment due dates. See Section B, Forms to Use and Important Due Dates.

## L Moving Estimated Payments

You may need to move estimated tax payments “**from the group nonresident return to the individual nonresident return**” or “**from the individual nonresident return to the group nonresident return.**”

**Caution:** The election to be included in the group return is irrevocable once the group return is filed. Therefore, after the group return is filed, individuals cannot elect out of the group return and move their share of the group return’s tax payments to their individual account.

**Schedule 1067B.** Use Schedule 1067B, Group Nonresident Return Payment Transfer Request, to authorize us to move estimated tax payments.

1. Complete one Schedule 1067B to move payments to the group. Complete a **separate** Schedule 1067B to move payments to the individual. Do **not** combine these requests on one Schedule 1067B.
2. A general partner, member-manager, corporate officer, or attorney-in-fact of the business entity/corporation must sign the form.
3. Fax or mail the completed form to:  
FAX number: (916) 845-9392  
Mailing address:  
GROUP FILING PROGRAM MS L170  
ATTN: INFORMATION VALIDATION SECTION (732)  
FRANCHISE TAX BOARD  
PO BOX 1468  
SACRAMENTO CA 95812-1468

**Time Period to Move the Payments.** Once a request is received, it takes six to eight weeks to move the estimated tax payments and have the payments available to be claimed on the return. Allow sufficient time for the transfers to take place before filing the group and individual returns.

- If an individual files a separate return before the transfer to the individual becomes effective, the individual will not get credit for these payments when the return is processed and a tax-due notice will be issued.
- If the group nonresident return is filed before estimated tax payments can be transferred to the individual, the estimated payments may be applied to the group nonresident return during processing and be unavailable for transfer to the individual.
- If the group nonresident return is processed before estimated tax payments from an individual can be transferred to the group, a tax-due notice will be issued.

**To Ensure Proper Credit for the Estimated Tax Payments on the Individual’s Return,** the individual should write “Group Return Payment” and the FEIN of the business entity/corporation to the left of the amount on line 45 of their individual Form 540NR return.

## M Important Information – How to Avoid Common Errors

**Use forms for the correct tax year.** You can download, view, and print current and prior year forms from our Website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

**Fiscal year end returns are not allowed.** Use a calendar year for the group nonresident return, even if the business entity/corporation has a fiscal year end. See Section A, Use a calendar year end.

Also make any estimated tax payments on a calendar year basis. See Section B, Forms to Use and Important Due Dates.

**Use Form 540-ES to make estimated tax payments for the group nonresident return.** Follow the instructions in Section K for making your estimated tax payments. **Caution:** Estimated tax payments made on Form 100-ES, Corporation Estimated Tax, will not be credited to the group nonresident return.

**Election to be included in the group nonresident return is irrevocable.** Inform individuals included in the group that once the group nonresident return is filed, it cannot be amended to either include or exclude a nonresident individual.

**Individual’s California taxable income cannot exceed \$1,000,000.** Do not include in the group nonresident return individuals with California taxable income over \$1,000,000. These individuals are subject to the Mental Health Services Tax and must file separate from the group.

**Include only individuals in the group nonresident return.** You cannot include in the group nonresident return Partnerships, LLCs, C corporations, S corporations, Estates, or Trusts (other than the grantor of grantor trusts described under IRC Section 675-677 and not recognized as a separate taxable entity for income tax purposes).

**Use Long Form 540NR and attach the Schedule 1067A and a signed form FTB 3864.** Use the Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return, to file the group return. Follow the instructions in Section N for completing the return. Attach both the Schedule 1067A, Nonresident Group Return Schedule, and the form FTB 3864, Group Nonresident Return Election. An authorized general partner, member-manager, corporate officer, or an attorney-in-fact of the business entity must sign form FTB 3864. A new election must be signed each year and attached to each group nonresident return filed.

**Use form FTB 3519 to make an extension payment for the group nonresident return.** Form FTB 3519, Payment for Automatic Extension for Individuals, is the extension payment voucher to use for the group nonresident return. Follow the instructions in Section O, How to Make an Extension Payment. **Caution:** The payment will not be properly credited to the group nonresident return if you use any other extension payment voucher, such as the form FTB 3537 for LLCs.

## N Instructions for Completing Group Nonresident Return

First complete Schedule 1067A. Then, complete the group nonresident return using personal income tax Long Form 540NR. Follow the instructions for the form with the following modifications:

1. **Identify the Return as a Group Nonresident Return.** Type or print the following information in the top margin of Form 540NR; Side 1:  
GROUP FILING PROGRAM MS L170  
ATTN: IVS (732)
2. **Fiscal year not allowed.** You cannot file using a fiscal year end. Group nonresident returns must be for a calendar year. For more instructions and examples, see Section A, Use a calendar year end.
3. **Name and Address.** If there is a mailing label on the front of the Form 540NR booklet, use the label. If you need to make any changes, cross out the incorrect information and clearly print the new information.

If there is no mailing label, enter the name and address as follows:

- First name: Enter “A” if a partnership or LLC. Enter “C” if a corporation.
- Last name: Enter “PTSP” if a partnership or LLC. Enter “SGNF” if a corporation.
- Address: Enter the business entity’s/corporation’s name and address.

See the sample on page 8 of this publication.

**Private Mail Box:** Include the Private Mail Box (PMB) in the address field. Write the acronym “PMB” first, then the box number. Example: 111 Main Street PMB 123.

4. **SSN or ITIN.** Enter the FEIN of the business entity/corporation.
5. **Filing Status.** Use the Single filing status. To the right of the Single filing status, write “Group Nonresident Return.”
6. Skip line 6 through line 20.
7. **Line 21, California Adjusted Gross Income.**

Group nonresident return for:	Enter on Form 540NR, line 21
Shareholders/partners/ members	Total from Schedule 1067A, Part I, line 1(e)
Directors	Total from Schedule 1067A, Part II, line 2(e)
Both S corporation directors and shareholders	Combined total from Schedule 1067A, Part I, line 1(e) and Part II, line 2(e)

8. **Line 22, California Taxable Income.** Enter the same amount entered on line 21.
9. Skip line 23 through line 25b.
10. Line 25c CA Regular Tax Before Credits.

Group nonresident return for:	Enter on Form 540NR, line 25c
Shareholders/partners/ members	Total from Schedule 1067A, Part I, line 1(f)
Directors	Total from Schedule 1067A, Part II, line 2(f)
Both S corporation directors and shareholders	Combined total from Schedule 1067A, Part I, line 1(f) and Part II, line 2(f)

11. Skip line 26.
12. Line 27 enter the amount from line 25c.
13. Skip line 28 through line 31.
14. Line 32 through line 34 Credits.

Group nonresident return for:	Enter on Form 540NR, line 32 and line 33
Shareholders/partners/ members	The credit name, code number, and total amount of each type of credit. Only credits directly attributable to the business entity's activities can be claimed. See Credits in Section H, Return for Shareholders/Partners/Members for more information.
Directors	Skip this line. Directors are not allowed to claim any credits.

15. Skip lines 35 through 41.
16. Line 42, Total Tax.

Group nonresident return for:	Enter on Form 540NR, line 42
Shareholders/partners/ members	Total from Schedule 1067A, Part I, line 1(h)
Directors	Total from Schedule 1067A, Part II, line 2(f)
Both S corporation directors and shareholders	Combined total from Schedule 1067A, Part I, line 1(h) and Part II, line 2(f)

17. Line 43, California income tax withheld. (Withholding from Form W-2 only.)

Group nonresident return for:	Enter on Form 540NR, line 43
Shareholders/partners/ members	Do not make an entry. Skip to line 44.
Directors	Total from Schedule 1067A, Part II, line 2(g)

18. Line 44, Nonresident Withholding. (Withholding from Form 592-B, 593-B, or 594 only)

Group nonresident return for:	Enter on Form 540NR, line 44
Shareholders/partners/ members	The total California tax withheld from Forms 592-B, 593-B, and 594 for the individuals included in the group nonresident return. Attach a copy of the Forms 592-B, 593-B and 594 to the group nonresident return.
Directors	Do not make an entry. Skip to line 45.

19. **Line 45 2007 CA Estimated Tax.** Enter the total of any:
- California estimated tax payments you made (Form 540-ES) for 2007,
  - Overpayment from your 2006 California group nonresident return that you applied to your 2007 estimated tax, and
  - Payment you sent with form FTB 3519, Payment for Automatic Extension for Individuals.
- Caution:** If claiming payments made by an individual included in the group nonresident return, you may need to have those payments moved to the group account before filing the group return. See Section L, Moving Estimated Payments.
20. Complete the remaining lines of the Form 540NR as appropriate.
21. If an amount is due, make the check or money order payable to the "Franchise Tax Board" for the full amount. Write the FEIN of the business entity/corporation, and "2007 Group 540NR" on the check or money order.
- Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.
22. Complete, sign, and attach form FTB 3864 to Form 540NR. The form FTB 3864 must be signed by an authorized person or attorney-in-fact. Signing form FTB 3864 means the business entity/corporation and all the electing individuals agree to the terms and conditions for filing a group nonresident return.
23. Attach Schedule 1067A, Nonresident Group Return Schedule, to Long Form 540NR.
24. Mail the group nonresident return using one of the appropriate addresses shown in the Refund or Amount You Owe Section on Long Form 540NR.

## O How to Make an Extension Payment

Get form FTB 3519, Payment for Automatic Extension for Individuals, for more information.

Use form FTB 3519 only if both apply:

- You cannot file your 2007 return by April 15, 2008.
- You owe tax for 2007.

To make a group nonresident return extension payment:

- Type or print the following information in the top margin of the form FTB 3519:
 

GROUP FILING PROGRAM MS L170  
ATTN: IVS (732)
- Enter the name, address, and FEIN as follows:
  - First name: Enter "A" if a partnership or LLC. Enter "C" if a corporation.
  - Last name: Enter "PTSP" if partnership or LLC. Enter "SGNF" if a corporation.
  - Address: Enter the business entity's/corporation's name and address.
  - SSN or ITIN: Enter the business entity's/corporation's FEIN. See the sample on page 8 of this publication.
- Mail the voucher with payment to the address shown on the form FTB 3519.

**Caution:** An extension payment made with any other extension voucher, such as the form FTB 3537 for LLCs, will not be properly credited to the group.

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## **P How to Get Additional Information Regarding Group Nonresident Returns**

**Correspondence Address** – Send correspondence regarding the group nonresident return to:

GROUP FILING PROGRAM MS L170  
ATTN: INFORMATION VALIDATION SECTION (732)  
FRANCHISE TAX BOARD  
PO BOX 1468  
SACRAMENTO CA 95812-1468

**Caution:** DO NOT mail Form 540NR or Form 540-ES to this address. Mail Form 540NR and Form 540-ES to the address shown on each form.

**Telephone Number** – (916) 845-3465 for information on the group nonresident return.

**Fax Number** – (916) 845-9392

**Forms by Internet** – You can download, view, and print California tax forms and publications from our Website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

**Forms by Phone and Mail** – See the back cover of the Form 540NR booklet or the business entity tax booklet for the phone number and address to order California tax forms and publications.

Access other state agencies' Websites through the State Agencies Directory on California's Website at [www.ca.gov](http://www.ca.gov).

Group Filing Program MS L170  
ATTN: IVS (732)

TAXABLE YEAR

Enter FEIN

CALIFORNIA FORM

**2008 Estimated Tax for Individuals** File and Pay by June 16, 2008 **540-ES**

Fiscal year filers, enter year ending month: Year 2008

Your first name * A o r C	Initial	Last name * * P T S P o r S G N F	Your SSN or ITIN 1 2 3 4 5 6 7 8 9
If joint payment, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN or ITIN
Address (including number and street, PO Box, or PMB no.) C / o E N T I T Y N A M E & A D D R E S S			Apt no./Ste. no.
City (If you have a foreign address, see instructions) E N T I T Y C I T Y		State	ZIP Code

**Payment Voucher 2**

Group Filing Program MS L170  
ATTN: IVS (732)

TAXABLE YEAR

Enter FEIN

CALIFORNIA FORM

**2007 Payment for Automatic Extension for Individuals** **3519 (PIT)**

Your first name * A o r C	Initial	Last name P T S P o r S G N F	Your SSN/ITIN or FEIN 1 2 3 4 5 6 7 8 9
If joint payment, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN/ITIN or FEIN
Address (including number and street, PO Box, or PMB no.) C / o E N T I T Y N A M E & A D D R E S S			Apt. no./Ste.no.
City E N T I T Y C I T Y		State	ZIP Code

IF PAYMENT IS DUE, MAIL TO:  
FRANCHISE TAX BOARD  
PO BOX 942867  
SACRAMENTO CA 94267-0051

If amount of payment is zero, do not mail form } ▶

Amount of payment \_\_\_\_\_ .00

Group Filing Program MS L170  
ATTN: IVS (732)

For Privacy Notice, get form FTB 1131.

Enter FEIN

FORM

**California Nonresident or Part-Year Resident Income Tax Return 2007** **Long Form 540NR C1 Side 1**

Fiscal year filers only: Enter month of year end: month \_\_\_\_\_ year 2008.

Your first name * A o r C	Initial	Last name * * P T S P o r S G N F	Your SSN/ITIN or FEIN 1 2 3 4 5 6 7 8 9
If joint return, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN or ITIN
Address (including number and street, suite, PO Box, or PMB no.) C / o E N T I T Y N A M E & A D D R E S S			Apt. no./Ste. no.
City (If you have a foreign address, (see page 15) E N T I T Y C I T Y		State	ZIP Code

P  
A  
C  
R  
P

Prior Name If you filed your 2006 tax return under a different last name, write the last name only from the 2006 return.  
● Taxpayer ● Spouse/RDP

Filing Status

1 ● Single. Group Nonresident Return. 4 ○ Head of household (with qualifying person). (see page 3)

2 ○ Married/RDP filing jointly. (see page 3) 5 ○ Qualifying widow(er) with dependent child. Enter year spouse/RDP died \_\_\_\_\_.

3 ○ Married/RDP filing separately. Enter spouse's/RDP's SSN or ITIN above and full name here \_\_\_\_\_

If your California filing status is different from your federal filing status, fill in the circle here ● ○

Enter Entity FEIN

\* enter A if partnership or LLC, enter C if corporation

\*\* enter PTSP if partnership or LLC, enter SGNF if corporation





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# Schedule 1067A Instructions

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## General Information

Complete and attach Schedule 1067A to the group nonresident return (Form 540NR). Attach additional sheets, if necessary. The additional sheets must contain the same columns in the same order as the Schedule 1067A.

Use this table to determine which parts of Schedule 1067A to complete.

Group Nonresident Return for:	Complete
Shareholders/partners/members	Side 1 – Part I
Directors	Side 2 – Part II
Both S corporation directors and shareholders	Side 1 and 2 – Part I and Part II

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## Specific Line Instructions for Part I

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### Side 1 Entity Information

Enter the name, FEIN, DBA, and the California corporation or Secretary of State (SOS) file number of the business entity that is filing the group nonresident return on behalf of its electing shareholders/partners/members.

### Part I – Electing Shareholders/Partners/ Members Included in the Group Nonresident Return

Columns (a) and (b)

- Enter the social security number (SSN) or individual taxpayer identification number (ITIN) and name of each electing individual. If the individual has a spouse/RDP, include the spouse's/RDP's information in both columns.
- For a qualified grantor trust (described in IRC Section 675-677 and not recognized as a separate taxable entity for income tax purposes), do not enter the name of the trust. Enter the grantor's name and social security number.

Only individuals (and the grantor of a grantor trust not recognized as a separate taxable entity) can be included on the group nonresident return. Do **not** enter partnerships, LLCs, corporations, estates, trusts, or other entities.

**Column (c)** Enter the individual's distributive share of California source income. For example, if a partnership's taxable year ends on June 30, 2007, then report on the 2007 group return the California source income from each electing partner's Schedule K-1 (565) for the taxable year ending June 30, 2007.

If the amount in Column (c) for any individual exceeds \$1 million, that individual does not qualify to be included in the group nonresident return. Do **not** include that individual in Part I.

**Column (d)** Deferred compensation deductions are for partners and members only. S corporation shareholders do not qualify for this deduction. See FTB Pub. 1067, Section H, Return for Shareholders/Partners/Members, for more information.

**Column (g)** Enter the allowable amount of credits. Only credits directly attributable to the business entity's activities can be claimed. See FTB Pub. 1067, Section H, Return for Shareholders/Partners/Members, for more information.

If the credits exceed the amount of tax for a given year and credits are available for carryover, the business entity will properly account for such credit with respect to each individual included in the group nonresident return.

**Column (h)** Subtract Column (g) from Column (f). If the result is less than zero, enter -0-.

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## Specific Line Instructions for Part II

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### Side 2 Entity Information

Enter the name, FEIN, DBA, and the California corporation or SOS file number of the corporation that is filing the group nonresident return on behalf of its electing nonresident directors.

### Part II – Electing Nonresident Directors Included in the Group Nonresident Return

**Columns (c) and (d)** Report each director's wages, salary, fees, or other compensation from the corporation for director services performed in California, including attendance of board of director meetings in California. Enter in Column (c) the California source amount the corporation reported on a Form 1099. Enter in Column (d) the California source amount the corporation reported on a Form W-2.

**Column (e)** Enter in Column (e) the total of Column (c) and Column (d).

If the amount in Column (e) for any individual exceeds \$1 million, that individual does not qualify to be included in the group nonresident return. Do not include that individual in Part II. See FTB Pub. 1067, Section A, Introduction, for more information.

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# Group Nonresident Return Payment Transfer Request

1067B

Business Entity/Corporation Name and Address	FEIN	Secretary of State (SOS) File No., if issued	Taxable Year
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Check only **one** of the boxes below. Use separate sheets if needed.  
**A.**  Move payments **from** the group **to** the individual account.  
 Original payment reduced to: \_\_\_\_\_  
**B.**  Move payments **from** the individual account **to** the group.  
 Total amount transferred to group: \_\_\_\_\_

**Important:** It takes 6 to 8 weeks to process your request to move estimated tax payments.

	Name of Individual and SSN or ITIN	Individual's Complete Address	* Taxpayer in or out	Prior year transfer	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Extension Payments	Total Payments
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
<b>TOTALS</b>										

\* If taxpayer status has changed after transfer (ie: included or excluded from group) please submit a revised 1067A with this request.

*I have been authorized by the above-named business entity/corporation and individuals to request the transfer of payments as shown above.*

Authorized Signature	Print Name	Title	Date	Telephone Number	Contact Person
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Fax or mail to: **Fax number: (916) 845-9392**

**Do NOT attach this request to the return.**  
**This request must be faxed or mailed separately from the return.**

Mailing Address:  
 GROUP FILING PROGRAM MS L170  
 ATTN: INFORMATION VALIDATION SECTION (732)  
 FRANCHISE TAX BOARD  
 PO BOX 1468  
 SACRAMENTO CA 95812-1468

# 2007 Group Nonresident Return Election

# 3864

Attach to Form 540NR and to the appropriate business entity return.

Business entity's/corporation's name	FEIN	CA corporation or Secretary of State (SOS) file no.	
Business address (including number and street, suite, PO Box, or PMB no.)		Telephone ( )	
City, state, and ZIP Code		Nature of business activity	
Principal California business address		State in which the principal business activity is conducted	
		Shareholders/Partners/Members/Directors	
		Number non-electing	Number electing

### TERM AND CONDITIONS OF FILING A GROUP NONRESIDENT RETURN

The above business entity/corporation and its electing nonresident individuals included in the filing of the group nonresident return agree to the following terms and conditions:

- a. Attach a Signed form FTB 3864 to the Group Nonresident Return.** Each year the business entity/corporation must make an election to file a group return on behalf of its electing nonresident individuals. Make the election by attaching a completed form FTB 3864 to the group nonresident return (Form 540NR). An authorized general partner, member-manager, corporate officer, or an attorney-in-fact of the business entity/corporation must sign the form FTB 3864.
- b. Group Nonresident Return Must be a Calendar Year.** A group nonresident return is not allowed to have a fiscal year end. If the business entity has a fiscal year end, report on the 2007 group nonresident return the individual's distributive share of California source income from the business entity's taxable year ending in 2007. If the corporation has a fiscal year end, report on the 2007 group nonresident return the director's compensation that he or she received in 2007.
- c. Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return.** Use Long Form 540NR for the group nonresident return. Prepare the Form 540NR as instructed in FTB Pub. 1067, Guidelines for Filing a Group Form 540NR.
- d. Individual's Election to be Included in the Group Nonresident Return is Irrevocable.** Each year the business entity/corporation will allow each nonresident individual the election to be included in the group nonresident return. Only a qualified nonresident individual may elect to be included in the group nonresident return. Once the group nonresident return is filed for the year, the individual's election is irrevocable.
- e. Qualified Nonresident Individual.** A qualified individual must be an individual, must **not** have California taxable income in excess of \$1 million, and must be a full-year nonresident of California. In addition, the income from the business entity/corporation must be the only California source income of the individual, unless the other California source income is being reported on another group nonresident return.  
Partnerships, LLCs, corporations, estates, trusts (other than the grantor of grantor trusts described under IRC Section 675-677 and not recognized as a separate taxable entity for income tax purposes), and other entities cannot be included on the group nonresident return.
- f. Powers-of-Attorney Maintained by Business Entity/Corporation.** The business entity/corporation shall maintain a file of powers-of-attorney executed by each electing nonresident individual. The powers-of-attorney shall authorize the business entity/corporation to include the electing nonresident individual in the group nonresident return filed. Do **not** attach the powers-of-attorney to the return.
- g. Minimum Number of Electing Nonresident Individuals.** There must be at least two electing nonresident individuals to file a group nonresident return.  
**Exception:** For taxable years 2002 and after, an S corporation may file a group nonresident return with one nonresident individual shareholder.

**h. Deductions.**

- Shareholders/partners/members are not allowed deductions except those necessary to determine each individual's distributive share of income from the business entity. However, a deduction is allowed for contributions to qualified deferred compensation plans attributable to earned income of a partner/member as provided in Subchapter D of Chapter 1 of Subtitle A of the Internal Revenue Code, as modified by the Revenue and Taxation Code (R&TC) beginning with Section 17501. No deduction to a qualified deferred compensation plan is allowed if the individual has earned income from any other source.
- Directors are not allowed any deductions.

See FTB Pub.1067 for more information.

**i. Credits.**

- Shareholders/partners/members are not allowed credits except those directly attributable to the business entity's activity. In the event the allowable credits exceed the amount of tax for a given year and credits are available for carryover, the business entity will properly account for such credit with respect to each individual included in the group nonresident return.
- Directors are not allowed any credits.

See FTB Pub. 1067 for more information.

**j. Tax Assessed at the Highest Marginal Rate.** Each individual included in the group nonresident return will be assessed tax on his or her California source income at the highest marginal rate of 9.3 percent.

**k. Estimated Tax.** The business entity/corporation shall make estimated tax payments for the group pursuant to R&TC Section 19136. Payment for the group will be made under the FEIN of the business entity or corporation as instructed in FTB Pub. 1067.

**l. Tax Assessments, Protest, Claims, Appeals, Court Procedures.** The business entity/corporation shall receive any notices of proposed tax to be assessed and any assessments of tax with respect to the group nonresident return. Additionally, the business entity/corporation, or its designated representative, shall represent the individuals in protest, claims for refund, appeal procedures, or in court proceeding related to tax matters associated with the group nonresident filing. The business entity/corporation shall pay any tax assessments and any attributable interest and penalties for the group nonresident return. The penalties will be computed as if all the electing individuals included in the return did not participate in any other group nonresident return for that same tax year. The business entity's/corporation's agreement to pay tax, interest and penalties does not absolve the individuals of their respective obligations to pay their California taxes, interest, and penalties, if such obligations are not satisfied by the business entity/corporation.

**m. Agree to Act as Withholding Agent.** If an electing nonresident individual has a tax deficiency attributable to California source income that was distributable by the business entity or paid by the corporation to the individual for any tax year, the business entity/corporation agrees that it shall act as a withholding agent. The business entity agrees to accept (without contesting jurisdiction) Orders to Withhold against funds to be distributed to such individuals. The funds need not be paid over to the Franchise Tax Board until they are clearly identified as being currently distributable.

**n. Business Entity to File Appropriate California Return.** The business entity shall file Form 100S, California S Corporation Franchise or Income Tax Return/Form 565, California Partnership Return of Income/Form 568, Limited Liability Company Return of Income, as appropriate. A business entity doing business within and outside of California must determine the portion of the total net income that has its source in California using the allocation and apportionment provisions in the Uniform Division of Income for Tax Purposes Act (UDITPA). Refer to R&TC Sections 25120 through 25141 and applicable regulations.

**o. Corporation to File Appropriate California Return.** The corporation shall file Form 100, California Franchise or Income Tax Return, or Form 100S, California S Corporation Franchise or Income Tax Return.

The terms and conditions set forth above are agreed to on behalf of the above-named business entity/corporation and its electing nonresident individuals. I have been authorized by the above-named business entity/corporation and its electing individuals to accept the terms and conditions set forth above.

Authorized Signature (As specified in item a.)  ▶	Title	Date	Telephone  (      )
Print name	Business entity's name		
▶		▶	