

2017 Instructions for Form 592

Resident and Nonresident Withholding Statement

General Information

Tax withheld on California source payments is reported to the Franchise Tax Board (FTB) using Form 592, Resident and Nonresident Withholding Statement. Form 592 includes a Schedule of Payees section, on Side 2, that requires the withholding agent to identify the payees, the income amounts, and the withholding amounts. This schedule will allow the FTB to allocate the withholding payments to the payee upon receipt of the completed Form 592.

Withholding, excluding backup withholding, is optional, at the discretion of the withholding agent, on the first \$1,500 in payments made during the calendar year. Withholding must begin as soon as the total payments of California source income for the calendar year exceed \$1,500.

When filing Form 592 with the FTB, the withholding agent is not required to submit a Form 592-B, Resident and Nonresident Withholding Tax Statement, to the FTB, for each payee. However, withholding agents must provide the payees with Form 592-B at the end of the year which shows the total amount withheld for that year.

For California withholding purposes:

- Nonresident includes all of the following:
 - Individuals who are not residents of California.
 - Corporations not qualified through the California Secretary of State (CA SOS) to do business in California or having no permanent place of business in California.
 - Partnerships or limited liability companies (LLCs) with no permanent place of business in California.
 - Any trust without a resident grantor, beneficiary, or trustee, or estates where the decedent was not a California resident.
- Foreign refers to non-U.S.

Backup Withholding – With certain limited exceptions, payers that are required to withhold and remit backup withholding to the Internal Revenue Service (IRS) are also required to withhold and remit to the FTB on income sourced to California. The California backup withholding rate is 7% of the payment. For California purposes, dividends, interests, and any financial institutions release of loan funds made in the normal course of business are exempt from backup withholding. For additional information on California backup withholding, go to ftb.ca.gov and search for **backup withholding**.

If a payee has backup withholding, the payee must contact the FTB to provide a valid Taxpayer Identification Number (TIN) before filing a tax return.

The following are acceptable TINs: social security number (SSN); individual taxpayer identification number (ITIN); federal employer identification number (FEIN); California corporation number (CA Corp no.); or CA SOS file number. Failure to provide a valid TIN will result in the denial of the backup withholding credit.

Penalty Increase – Beginning on or after January 1, 2016, the penalties related to failure to file information returns increased. See General Information F, Interest and Penalties, or get FTB 1150, Withhold at Source Penalty Information, for more information.

A Purpose

Use Form 592 to report the total withholding under California Revenue and Taxation Code (R&TC) Sections 18662 and 18664. Items of income that are subject to withholding are payments to independent contractors, recipients of rents, endorsement income, royalties, or distributions to domestic nonresident partners in a partnership, LLC members, estate or trust beneficiaries, and S corporation shareholders.

Use Form 592-V, Payment Voucher for Resident and Nonresident Withholding, to remit withholding payments relating to Form 592.

The amount of resident and nonresident withholding tax to be withheld shall be computed by applying a rate of 7% or such lesser amount as authorized in writing by the FTB. Get Form 589, Nonresident Reduced Withholding Request, for more information.

The amount of backup withholding is computed by applying the rate of 7% to a reportable payment when federal backup withholding is required (with certain limited exceptions). There are no reductions or waivers for backup withholding, and no set minimum threshold. Backup withholding supersedes all types of withholding.

Important:

Form 592 is also used:

- By pass-through entities to pass-through withholding credit to their pass-through owners.
- To report withholding payments for a resident payee.

Do not use Form 592 if:

- There is no distribution or remittance.
- You are reporting withholding on foreign partners or members. Use Form 592-F, Foreign Partner or Member Annual Return.
- You are the buyer or real estate escrow person withholding on the sale of real estate. Use Form 593, Real Estate Withholding Tax Statement, to report real estate withholding.

B Helpful Hints

If you are filing Form 592 only to pass-through withholding credits to your domestic nonresident partners in a partnership, LLC members, estate or trust beneficiaries, or S corporation shareholders, enter your information in Part I as the withholding agent. **Do not** enter the name or TIN of the entity which originally withheld payments from you.

C When and Where to File

The tax withheld on payments is remitted in four specific periods. Each period has a specific due date.

Specific Period and Due Date

| | |
|-----------------------------|--------------------|
| January 1 through | |
| March 31, 2017 | April 15, 2017 |
| April 1 through | |
| May 31, 2017 | June 15, 2017 |
| June 1 through | |
| August 31, 2017 | September 15, 2017 |
| September 1 through | |
| December 31, 2017 | January 15, 2018 |

When the due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

Due to the federal Emancipation Day holiday observed on April 17, 2017, tax returns filed and payments mailed or submitted on April 18, 2017, will be considered timely.

Mail any payment due with Forms 592 and 592-V to:

WITHHOLDING SERVICES AND
COMPLIANCE
FRANCHISE TAX BOARD
PO BOX 942867
SACRAMENTO CA 94267-0651

Important: If Form 592 was filed electronically, submit only any payment due with Form 592-V.

Record Keeping – The withholding agent retains this form for a minimum of five years and must provide it to the FTB upon request.

10-Day Notification – California follows federal law, which requires that withholding agents notify foreign payees within 10 days of any tax withheld. For California withholding purposes, withholding agents should make a similar notification to nonresident payees. No particular form is required for this notification, and it is commonly done on the statement accompanying the distribution or payment. However, the withholding agent may choose to report the tax withheld to the payee on a Form 592-B.

D Amending Form 592

If an error is discovered after Form 592 has been filed, an amended Form 592 must be filed to correct the error. Only withholding agents can file amended forms.

Important: If you are amending a previously submitted Form 592 and need assistance, call the Withholding Services and Compliance telephone service at: **888.792.4900** or **916.845.4900**.

To amend a Form 592 previously filed on the correct taxable year form, but reporting incorrect information:

- Complete a new Form 592 with the correct information. Use the same year form as the original form, and include all original payees. Do not use negative numbers when completing Form 592.
- Check the "Amended" box at the top of the form.
- Attach a letter to the **back** of Form 592 explaining what changes were made and why.
- Do not attach the original Form 592.

To amend a Form 592 previously filed using an incorrect tax year form:

- Complete a new Form 592 with the withholding information using the correct year form. **Do not** check the "Amended" box on the top left corner of the form.
- Complete a second Form 592 using the same year form as originally filed. Check the "Amended" box in the top left corner of the form. Enter \$0.00 as the amount withheld.

Mail the amended form(s) and letter(s) to the address listed under General Information C, When and Where to File.

E Electronic Filing Requirements

When the number of payees on Form 592 is 250 or more, Form 592 must be filed with the FTB electronically, using FTB's Secure Web Internet File Transfer (SWIFT), instead of paper. However, withholding agents must continue to provide payees with copies of Forms 592-B.

For electronic filing, submit your file using the SWIFT process as outlined in FTB Pub. 923, Secure Web Internet File Transfer (SWIFT) Guide for Resident, Nonresident, and Real Estate Withholding.

For the required file format and record layout for electronic filing, get FTB Pub. 1023S, Resident and Nonresident Withholding Electronic Submission Requirements.

If you are the preparer for more than one withholding agent, provide a separate electronic file for each withholding agent.

Electronic signatures shall be considered as valid as the originals.

F Interest and Penalties

Interest on late payments is computed from the due date of the withholding to the date paid. Failure to withhold may result in the withholding agent being personally liable for the amount of tax that was required to be withheld, plus interest and penalties, unless the failure was due to reasonable cause.

A penalty will be assessed for failure to file complete, correct, and timely information returns (Form 592 Schedule of Payees) with the FTB. The penalty is calculated per payee:

- \$30 if filed 1 to 30 days after the due date.
- \$60 if filed 31 days to 6 months after the due date.
- \$100 if filed more than 6 months after the due date.

For more information, get FTB 1150.

Specific Instructions

If completing Form 592 by hand, enter all the information requested using black or blue ink.

Taxable Year – The taxable year on the form must match the year of withholding.

Prior Year Distribution – Check the prior year distribution box at the top of Side 1 on Form 592 if the income distribution took place in the current taxable year, but represents income for a prior taxable year.

Example: You completed your 2016 tax return on April 15, 2017 and later determine you need to distribute additional income to your owners. Use a 2016 Form 592 and check the Prior Year Distribution box.

Due Date – Check the appropriate box representing the due date for the tax withheld.

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

Foreign Address – Follow the country's practice for entering the city, county, province, state, country, and postal code, as applicable, in the appropriate boxes. **Do not** abbreviate the country name.

Part I – Withholding Agent Information

Enter only business or individual information, not both, check the appropriate box and enter the TIN. If your entity is an S corporation, partnership, LLC, estate, or trust that received payments or distributions that were withheld upon by another entity and you are passing through the withholding credit to your domestic nonresident partners in a partnership, LLC members, estate or trust beneficiaries, or S corporation shareholders, enter your entity's name in the business name field, and the TIN, and address in the designated areas.

Enter the **total** number of payees included on the Schedule of Payees.

Part II – Type of Income

Check the box(es) that reflect the type of income withheld upon for the period.

Part III – Tax Withheld

Line 1 – Enter the total withholding, excluding backup withholding, from the Schedule of Payees on Side 2 and from any additional pages of the Schedule of Payees.

Line 2 – Enter the total backup withholding from the Schedule of Payees on Side 2 and any additional pages of the Schedule of Payees.

Line 3 – Add line 1 and line 2. This is the total amount of tax withheld.

Line 4 – Enter the amount of prior payments made to the FTB and not previously distributed to payees on a prior Form 592. These payments may include amounts from an amended Form 592.

Line 5 – Enter the amount withheld by another entity that is being distributed to your domestic nonresident partners in a partnership, LLC members, estate or trust beneficiaries, or S corporation shareholders. If any of the amount withheld by the other entity is to be used against the tax owed by your entity, **do not** include that amount in line 5. Attach a note to Form 592 explaining how much of the credit will be used to offset your tax due.

Line 7 – Subtract line 6 from line 3 and enter the balance due.

Schedule of Payees Instructions

Enter all the applicable information for each payee you report as having nonresident or backup withholding to ensure each payee's withholding payment is applied timely and properly.

Do not include payees who have zero withholding unless you are amending Form 592 to exclude a payee originally reported in error.

Do not leave a blank payee box unless you are at the end of the Schedule of Payees.

You must use the Schedule of Payees on Side 2 of Form 592 to report all payees.

If you withheld tax on multiple payees for the period, complete and include additional copies of the Schedule of Payees from Side 2 of Form 592, as necessary. Include the withholding agent's name and TIN at the top of each additional page.

Do not attach your own schedules to this form. We only accept and process additional payees reported on the Schedule of Payees from Side 2 of Form 592.

Business or Individual Payee Name, TIN, and Address – Enter only business or individual information for each payee, not both, check the appropriate box, and enter the TIN. Do not enter the business name of your entity as a payee.

If the payee is a **grantor trust**, enter the grantor's individual name and TIN. **Do not enter the name of the trust or trustee information.** (For tax purposes, grantor trusts are transparent. The individual grantor must report the income and claim the withholding on the individual's California tax return.)

If the payee is a **non-grantor trust**, enter the name of the trust and the trust's FEIN. **Do not enter trustee information.** If the non-grantor trust has applied for a FEIN and it has not yet been received or they have not applied for a FEIN, leave the identification number field blank. After the FEIN is received, contact the FTB at 888.792.4900.

Total Income for the Withholding Period – Enter the amount of income/distributions withheld upon. **Do not** leave blank or include return of capital.

Backup Withholding – If the payee is subject to backup withholding, check this box.

Amount of Tax Withheld – Enter the total amount withheld for the period.

Additional Information

Website: For more information go to **ftb.ca.gov** and search for **nonwage**.

MyFTB offers secure online tax account information and services. For more information and to register, go to **ftb.ca.gov** and search for **myftb**.

Telephone: 888.792.4900 or 916.845.4900, Withholding Services and Compliance phone service

Fax: 916.845.9512

Mail: WITHHOLDING SERVICES AND COMPLIANCE MS F182
FRANCHISE TAX BOARD
PO BOX 942867
SACRAMENTO CA 94267-0651

For questions unrelated to withholding, or to download, view, and print California tax forms and publications, or to access the TTY/TDD numbers, see the information below.

Internet and Telephone Assistance

Website: **ftb.ca.gov**

Telephone: 800.852.5711 from within the United States
916.845.6500 from outside the United States

TTY/TDD: 800.822.6268 for persons with hearing or speech impairments

Asistencia Por Internet y Teléfono

Sitio web: **ftb.ca.gov**

Teléfono: 800.852.5711 dentro de los Estados Unidos
916.845.6500 fuera de los Estados Unidos

TTY/TDD: 800.822.6268 para personas con discapacidades auditivas o del habla