

Instructions for Form 4913 2015 Michigan Corporate Income Tax (CIT) Quarterly Return

CIT and the Michigan Business Tax

All business taxpayers, regardless of business type, may use Form 4913 to make their required estimated tax payments for the CIT. Follow general instructions for all business types and specific instructions as identified for C Corporations, Financial Institutions, and Insurance Companies.

NOTE: Under the rules of Public Act 39 of 2011, some taxpayers may continue to file Michigan Business Tax (MBT) and will use Form 4913 to pay their estimates. MBT filers should use the instructions for the *2011 MBT Quarterly Return* (Form 4548) online at www.michigan.gov/mbt. (Select “Tax Forms.”)

Under Public Act (PA) 39 of 2011, the MBT will be repealed when the last certificated credit or carryforward based on that credit is claimed. Taxpayers may choose to continue to file under the MBT to keep certain certificated credits.

Form 4913 replaces the *Michigan Business Tax Quarterly Return* (Form 4548) and estimated payments will be filed using Form 4913 regardless of which type of annual tax return will be filed. Any payments applied to CIT will be credited properly to MBT should an MBT annual return be filed.

CIT Estimated Tax Payments

The CIT consists of a franchise tax for financial institutions, a premiums tax for insurance companies, and an income tax for C Corporations and entities taxed as C Corporations for federal income tax purposes.

Taxpayers with an annual combined CIT liability reasonably expected to exceed \$800 must make quarterly estimated tax payments. If the tax year was less than 12 months (e.g., the business was opened or closed during the year), annualize the tax to see if estimates must be filed. For guidance on annualizing, see “Filing if Tax Year Is Less Than 12 Months” in the CIT general instruction booklet (Form 4890).

The sum of estimated tax payments must equal at least 85 percent of total liability and the amount of each payment must reasonably approximate the tax liability incurred during the period.

If the preceding year’s tax liability was \$20,000 or less, the taxpayer can submit four equal installments, the sum of which equals the immediately preceding tax year’s CIT liability. (“Four equal installments” describes the minimum pace of payments that will satisfy this safe harbor. Payments at a more accelerated pace also will qualify.) If the prior tax year was less than 12 months, annualize the prior year’s tax liability for purposes of both the \$20,000 ceiling and calculating the quarterly payments due under this method. Reliance on the prior year’s tax liability as a means to avoid interest and penalty charges is only allowed if you had business activity in Michigan in that prior year. In addition, if your business was not in existence in the preceding year, no safe harbor exists.

CIT estimated tax payments are not required for taxpayers with a short year of less than four calendar months.

NOTE: If the taxpayer has certificated credits **AND** is electing or has elected to file under MBT, and the preceding year’s tax liability under the MBT Act, including surcharge, if applicable, was \$20,000 or less, the taxpayer can submit four equal installments, the sum of which equals the immediately preceding tax year’s tax liability.

NOTE: Insurance companies must calculate the \$20,000 safe harbor and estimated payments based on the higher of CIT or retaliatory tax liability.

Special Instructions for Unitary Business Groups

Under the CIT statute, the term “*taxpayer*” can include a C Corporation, insurance company, financial institution, or Unitary Business Group (UBG). A UBG is a group of United States persons, other than a foreign operating entity, one of which owns or controls (directly or indirectly) more than 50 percent of the ownership interests with voting or comparable rights of the other United States persons and that has business activities resulting in a flow of value between or among persons in the group, or has business activities that are integrated with, are dependent upon, or contribute to each other. All CIT estimated tax payments for a UBG should be made by the Designated Member.

A CIT return is due for a standard taxpayer or UBG of standard taxpayers if the taxpayer’s gross receipts after intercompany eliminations are \$350,000 or greater for the tax year (annualized if a short period). For information on CIT topics, see the Treasury Web site at www.michigan.gov/treasury. Revenue Administrative Bulletin (RAB) 2013-1 addresses the UBG Control Test and Relationship Tests.

Filing CIT Quarterly Tax Returns

A taxpayer may remit quarterly estimated payments by check with Form 4913 or may remit monthly or quarterly estimated payments electronically by Electronic Funds Transfer (EFT). When payments are made by EFT, Form 4913 is not required.

NOTE: Formerly, taxpayers could pay by check on a monthly or quarterly basis by remitting a check with a *Combined Return for Michigan Tax* (Form 160). Beginning January 2015, Form 160 will be replaced. The new form will no longer accommodate CIT payments. As a result, this Form 4913 is the only form that supports a CIT estimated payment.

Estimated returns and payments for calendar year taxpayers are due to Treasury by April 15, July 15, October 15, and January 15 of the following year. Fiscal year taxpayers should make returns and payments by the appropriate due date which is fifteen days after the end of each fiscal quarter. The sum of estimated payments for each quarter must always reasonably approximate the liability for the quarter.

NOTE: Insurance companies must file on a calendar year basis.

NOTE: Your debit transaction will be ineligible for EFT if the bank account used for the electronic debit is funded or otherwise associated with a foreign account to the extent that the payment transaction would qualify as an International ACH Transaction (IAT) under NACHA Rules. Contact your financial institution for questions about the status of your account.

The estimated payment made with each quarterly return must be computed on the actual CIT for the quarter, or 25 percent of the estimated total liability if paying a CIT liability.

How Much to Pay

C Corporations and Financial Institutions. Compute quarterly estimated tax payments for CIT based on the tax liability for the period.

Insurance Companies. Compute quarterly estimated tax payments on the greater of the amount of tax imposed under MCL 206.635-643 (CIT) or MCL 500.476a (Retaliatory tax).

All Taxpayers. Penalty and interest for underpaid estimated tax payments will not be charged if payments are made on time and meet the requirements for the amount per quarter as stated under the heading CIT Estimated Tax Payments in these instructions.

NOTE: For a taxpayer that calculates and pays estimated tax payments for federal income tax purposes pursuant to section 6655(e) of the Internal Revenue Code (IRC), that taxpayer may use the same methodology used to calculate the annualized income installment or the adjusted seasonal installment, whichever is used, as the basis for the federal estimated tax payment to calculate the estimated tax payments required each quarter for CIT.

Estimating Tax Liability

C Corporations

A CIT annual return is not due if a taxpayer's apportioned or allocated gross receipts are less than \$350,000. Similarly, if the taxpayer's current year liability is \$100 or less then the taxpayer is not required to file the annual return or pay the tax.

For C Corporations with apportioned or allocated gross receipts of \$350,000 or more (annualized, if a short period), CIT is comprised of a 6.0 percent tax on the corporate income tax base. The apportionment for C Corporations is based on a sales factor, utilizing rules set in statute.

For most C Corporations, the corporate income tax base is that part of federal taxable income derived from business activity, with certain adjustments. *Federal taxable income* means taxable income as defined in IRC § 63, except that federal taxable income shall be calculated as if IRC § 168(k) and IRC § 199 were not in effect.

Additions (to the extent deducted or excluded from federal taxable income) include:

- Interest income and dividends derived from obligations or securities of states other than Michigan.

- Taxes on or measured by net income and the tax imposed under CIT.
- Any net operating loss carryback or carryover.
- Royalty, interest, or other expense paid to a person related to the taxpayer by ownership or control for the use of an intangible asset if the person is not included in the taxpayer's UBG.

Subtractions (to the extent included in federal taxable income) include:

- Dividends and royalties received from persons other than United States persons and foreign operating entities.
- Interest income derived from United States obligations.
- Income from producing oil and gas.

The tax base of a standard taxpayer whose business activities are subject to tax both within and outside Michigan is apportioned. The apportionment for C Corporations is based on a sales factor, utilizing rules set in statute. For guidance on the definition of sale or sales, see instructions for the *CIT Annual Return* (Form 4891). For guidance on the Sourcing of Sales to Michigan under the CIT, see that section in the general instruction book, Form 4890.

After additions and subtractions and, if applicable, allocation or apportionment of the tax base, a taxpayer may be allowed a business loss deduction, if available. A business loss deduction is a carryforward of a business loss from the immediately preceding year where business loss means a negative business income after allocation or apportionment. A taxpayer may use available business loss incurred under the CIT after December 31, 2011. For more guidance on business loss, see instructions for Form 4891.

Some C Corporations may find that business income may be approximated using monthly profit and loss statements. To the extent that a C Corporation's tax base arises from interests in a flow-through entity that is making withholding payments on behalf of the Corporation, the Corporation may choose to reduce its estimated payments accordingly. Ultimately, however, the Corporation is responsible for adequate, timely payments toward its corporate income tax liability. Therefore, if the flow-through entity fails for any reason to make the expected withholding payments, causing the C Corporation's account to be underpaid, the Corporation may be assessed penalty and interest for underpaid estimates.

NOTE: Withholding payments by a flow-through entity will be claimed on the corporate owner's CIT annual return for the Corporation's tax year in which the flow-through entity's tax year ends. Flow-through withholding is paid quarterly, but may only be used by the corporate owner annually, after the flow-through entity files its *Annual Flow-Through Withholding Reconciliation Return* (Form 4918).

Insurance Companies

Under CIT, insurance companies are subject to a 1.25 percent tax on gross direct premiums written on property or risk located or residing in Michigan with certain exclusions, including:

- Premiums on policies not taken.
- Returned premiums on canceled policies.
- Receipts on sales of annuities.
- Receipts on reinsurance premiums if the tax has been paid on the original premiums.
- The first \$190,000,000 of disability insurance premiums written in Michigan, other than credit insurance and disability income insurance premiums, reduced by two dollars for each dollar by which the gross direct premiums from insurance carrier services, both within and without Michigan, exceed \$280,000,000.

Credits may be claimed against the tax for amounts paid to the following, using the assessments from the immediately preceding tax year:

- Michigan Workers' Compensation Placement Facility
- Michigan Basic Property Insurance Association
- Michigan Automobile Insurance Placement Facility
- Property and Casualty Guaranty Association
- Michigan Life and Health Guaranty Association.

In addition, credits are available for 50 percent of examination fees paid during the tax year, and 100 percent of the amount paid during the tax year pursuant to Section 352 of the Workers' Disability Compensation Act of 1969, as certificated by the director of the Bureau of Workers' Disability Compensation.

NOTE: An insurance company is not required to file an annual CIT return if current year liability is \$100 or less.

Foreign and alien insurers may be liable for the Retaliatory Tax under Section 476a of the Insurance Code and must look to the laws of their state of incorporation (or port of entry) to make the appropriate calculation. Insurance companies must pay the greater of the CIT or the Retaliatory Tax.

Financial Institutions

In lieu of other taxes imposed by CIT, every financial institution with nexus in Michigan is subject to a franchise tax imposed on its tax base, after allocation or apportionment, at the rate of 0.29 percent.

NOTE: A financial institution is not required to file an annual CIT return if current year liability is \$100 or less.

A *financial institution* is defined as:

- A bank holding company, a national bank, a state chartered bank, a state chartered savings bank, a federally chartered savings association, or a federally chartered Farm Credit System institution.
- Any entity, other than an insurance company subject to the tax imposed under Chapter 12 of the CIT Act, who is directly or indirectly owned by an entity described in the preceding bulleted item and is a member of the UBG.
- A UBG made up of the entities described above.

The tax base of a financial institution is the financial institution's net capital, which is equity capital as computed in accordance with generally accepted accounting principles, with

certain adjustments. Capitalization of an insurance company subsidiary that is in excess of 125 percent of the minimum regulatory capitalization requirements is included in net capital. (The amount capitalized would be carried on the books of the insurance company subsidiary as an asset.) Deductions are allowed for the average daily book value of United States and State of Michigan obligations.

NOTE: If a financial institution does not maintain its books and records in accordance with generally accepted accounting principles, net capital may be computed in accordance with the books and records used by the financial institution, so long as the method fairly reflects the financial institution's net capital for purposes of CIT.

Net capital is determined by averaging the financial institution's net capital as of the close of the current tax year with the preceding four tax years. This calculation is modified if a financial institution has been in existence for less than five tax years. The statute provides additional guidance for mergers and acquisitions.

The tax base of financial institutions whose business activities are subject to tax both within and outside Michigan is apportioned by the gross business factor, utilizing rules set in statute. *Gross business* means the sum of the following:

- Fees, commissions, or other compensation for financial services.
- Net gains, not less than zero, from the sale of loans and other intangibles.
- Net gains, not less than zero, from trading in stocks, bonds, or other securities.
- Interest charged to customers for carrying debit balances of margin accounts.
- Interest and dividends received.
- Any other gross proceeds resulting from the operation as a financial institution.

All Taxpayers

Additional details regarding the calculation of the tax may be found in the forms and instructions provided on the Treasury Web site at www.michigan.gov/taxes. The Web site contains information taxpayers may find helpful in determining their estimated tax liability.

Using Personalized Estimate Returns

If you previously made estimated returns, Treasury will send you personalized estimate returns. Subsequently, Treasury will continue to send them to you if you make estimated tax payments.

- File the original returns and keep copies for your file. The personalized returns are read by an optical scanner which can process only these original returns.
- Use the personalized returns whether you fill them out yourself or get help from a tax preparer.
- Personalized returns shorten the processing time of your payment and reduce the chance of an error in your account.

- Do not use personalized returns if information on the return is incorrect and **DO NOT USE OTHER TAXPAYERS' RETURNS OR PHOTOCOPY THEIR FORMS**. If you do, your payments could be applied to the wrong account.
- If you use software to prepare your return, the software may create a personalized return for you.

If you lose a return or have not made estimated tax payments before, visit www.michigan.gov/taxes to obtain a form.

Reporting Payments

Report all CIT estimated payments, whether made by check or EFT, on the CIT annual return.

NOTE: An annual return must be filed to claim a refund.

Penalty and Interest

If the sum of the estimated tax payments is less than 85 percent of the annual liability, the amount of the estimated tax payment doesn't equal the quarter's liability, or the taxpayer does not qualify for or has not satisfied the prior year safe harbor provision, penalty and interest will accrue.

Penalty is 5 percent of tax due for the first two months by which the payment is late. Penalty increases by an additional 5 percent per month, or fraction thereof, after the second month to a maximum of 25 percent.

The interest rate is adjusted by Treasury on January 1 and July 1 of each year to 1 percent above the adjusted prime rate. For a complete list of interest rates, see the RABs on the Treasury Web site. Go to www.michigan.gov/taxes and click on the "Reference" link on the left side of the page.

Filing Quarterly Tax Returns

Make your check payable to "State of Michigan" and write your Federal Employer Identification Number (FEIN) or the Michigan Treasury (TR) assigned number, the tax year, and "CIT Q" on the front of the check. Mail your check with the CIT Quarterly Return for the applicable quarter. Do NOT staple the check to the return. Mail the check and return to:

Michigan Department of Treasury
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