

# FILING INFORMATION

- ◆ Your filing status and gross income determine whether you have to file a tax return. **NOTE:** The income levels which determine whether or not you are required to file a return have been raised for the 2001 tax year. See chart below.
- ◆ Age is not a factor in determining whether a person must file. Even minors (including students) and senior citizens must file if they meet the income filing requirements.
- ◆ *Gross income* means reportable income after exclusions but before personal exemptions are subtracted. It does not include nonreportable (exempt) benefits. See page 19 to find out which types of income are not reportable.
- ◆ Members of the Armed Forces see page 4 for additional information.

Use the following chart to determine whether you must file a tax return. This chart is a guide only and may not cover every situation. If you need assistance, contact the Division's Customer Service Center (609-292-6400).

## Who Must File

You must file a New Jersey income tax return if—  
Your residency status is:

your filing status is: and your gross income was more than:

**Nonresident — File Form NJ-1040NR (Nonresident Return) as a nonresident if:**  
New Jersey was not your domicile, and you spent 183 days or less here;  
**or**  
New Jersey was not your domicile, you spent more than 183 days here, but you did not maintain a *permanent*\* home here.  
You may also be considered a nonresident for **New Jersey income tax purposes** if you were domiciled in New Jersey and you met **all** three of the following conditions for the entire year:

- ◆ You did not maintain a *permanent* home in New Jersey; **and**
- ◆ You did maintain a *permanent* home outside of New Jersey; **and**
- ◆ You did not spend more than 30 days in New Jersey.

Single	\$10,000
Married, filing separate return	(from all sources)
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Married, filing joint return	\$20,000
Head of Household	(from all sources)
Qualifying Widow(er)	

**Part-Year Resident — File Form NJ-1040 (Resident Return) as a part-year resident if:**  
You met the definition of resident for only part of the year.  
**NOTE:** Both part-year resident (Form NJ-1040) and part-year nonresident (Form NJ-1040NR) returns may have to be filed when a part-year resident receives income from New Jersey sources during the period of nonresidence.

Single	\$10,000 from all sources
Married, filing separate return	(for the entire year)
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Married, filing joint return	\$20,000 from all sources
Head of Household	(for the entire year)
Qualifying Widow(er)	

**Full Year Resident — File Form NJ-1040 (Resident Return) as a full year resident if:**

- ◆ New Jersey was your domicile (permanent legal residence) for the entire year;
- or**
- ◆ New Jersey was not your domicile, but you maintained a *permanent*\* home in New Jersey for the entire year and you spent more than 183 days in New Jersey. (If you are a member of the Armed Forces stationed here and New Jersey is not your domicile, you are not a resident under this definition.)

Single	\$10,000
Married, filing separate return	(from all sources)
<hr/>	
Married, filing joint return	\$20,000
Head of Household	(from all sources)
Qualifying Widow(er)	

\*A home (whether inside or outside of New Jersey) is not permanent if it is maintained only during a temporary or limited period for the accomplishment of a particular purpose. Likewise, a home used only for vacations is not a permanent home.

### Attention Pennsylvania Residents:

As a result of the Reciprocal Personal Income Tax Agreement between the Commonwealth of Pennsylvania and the State of New Jersey, compensation paid to Pennsylvania residents employed in New Jersey is not subject to New Jersey income tax. For more information, see page 2.

## Other Filing Information

**Married Persons and Filing Status.** If both you and your spouse were nonresidents of New Jersey during the entire taxable year, and only one of you earned, received, or acquired income from New Jersey sources, the spouse who had income from New Jersey sources may file a separate New Jersey return even though you filed a joint Federal return. The spouse with income from New Jersey sources computes income and exemptions as if a Federal married, filing separate return had been filed. You have the option of filing a joint return, but remember, joint income would be reported in Column A of Form NJ-1040NR.

If one spouse was a nonresident and the other a resident of New Jersey during the entire taxable year and both had income from New Jersey sources, separate New Jersey returns may be filed (the nonresident files a nonresident return and the resident files a resident return). Each spouse computes income and exemptions as if Federal married, filing separate returns had been filed. You have the option of filing a joint resident return, but remember, joint income would be taxed as if both spouses were residents.

**Domicile.** A domicile is any place you regard as your permanent home—the place to which you intend to return after a period of absence (as on vacation abroad, business assignment, educational leave, etc.). A person has only one domicile, although he or she may have more than one place to live. Once established, your domicile continues until you move to a new location with the intent to establish your permanent home there and to abandon your New Jersey domicile. Moving to a new location, even for a long time, does not change your domicile if you intend to return to New Jersey.

A place of abode, whether inside or outside of New Jersey is not permanent if it is maintained only during a temporary stay for the accomplishment of a particular purpose (e.g., temporary job assignment). If New Jersey is your domicile,

## TAXPAYERS' BILL OF RIGHTS

The New Jersey Taxpayers' Bill of Rights simplifies tax administration and ensures that all taxpayers—individuals and businesses alike—are better informed and receive fair and equitable treatment during the tax collection process. Highlights of the Taxpayers' Bill of Rights include:

### Service—

- ◆ Division must respond to taxpayers' questions within a reasonable time period.
- ◆ Notices of taxes and penalties due must clearly identify the purpose of the notice and must contain information about appeal procedures.

### Appeals—

- ◆ Time to appeal to the Tax Court is generally 90 days.

### Interest on Refunds—

- ◆ Interest is paid at the prime rate on refunds for all taxes when the Division takes more than six months to send you a refund.
- ◆ You may request that your overpayment of this year's tax be credited towards next year's tax liability, however, interest will not be paid on overpayments that are credited forward.

For more information on the rights and obligations of both taxpayers and the Division of Taxation under the Taxpayers' Bill of Rights, call the Division's automated information and assistance service. (See inside back cover.)

you will be considered a resident for New Jersey tax purposes *unless* you meet all three conditions for nonresident status (see "Who Must File" on page 1). Likewise, if New Jersey is not your domicile, you will only be considered a New Jersey resident if you maintain a permanent home and spend more than 183 days here.

## Pennsylvania Residents

**Income from New Jersey.** As a result of the Reciprocal Personal Income Tax Agreement between the Commonwealth of Pennsylvania and the State of New Jersey, compensation paid to Pennsylvania residents employed in New Jersey is not subject to the New Jersey income tax. Compensation means salaries, wages, tips, fees, commissions, bonuses, and other remuneration received for services rendered as an employee.

If New Jersey income tax was withheld from your wages, you must file a New Jersey nonresident return to obtain a refund. To stop the withholding of New Jersey income tax, complete a New Jersey Certificate of Nonresidence (Form NJ-165) and give it to your employer. You may obtain Form NJ-165 by contacting the Division's Customer Service Center.

The Reciprocal Agreement covers compensation only. If you are self-employed or receive other income (for example, gain from sale of property) which is taxable in both states, you must file a New Jersey nonresident return and report the income received.

**Column A.** Complete Column A, Lines 34 through 46, showing income from everywhere.

**Column B.** When Pennsylvania residents complete Column B, employee compensation from New Jersey sources should not be included on Line 34. For Pennsylvania residents Line 34, Column B, is zero, so enter "0."

**Withholdings.** If New Jersey income tax was withheld, enter the amount from your W-2(s) on Line 24.

**Signed Statement.** Pennsylvania residents employed in New Jersey who had New Jersey income tax erroneously withheld must attach a signed statement declaring the following, "Under penalties of perjury, I affirm that I am a resident of the Commonwealth of Pennsylvania and that, pursuant to an agreement existing between the Commonwealth and the State

**AVOIDING COMMON MISTAKES**

Check the following items to avoid delays in processing returns and refunds.

- ✓ **Name, Address, and Social Security Number** should be checked for accuracy whether you use the peel-off label or write the information on the form. Be sure your social security number appears on all documents submitted with your return. Also indicate your state of residency in the space provided.
- ✓ **Use correct form** for your tax situation. See the "Who Must File" chart on page 1.
- ✓ **Use only blue or black ink** when completing forms.
- ✓ **Read Instructions** carefully before completing your return.
- ✓ **You may not report a loss on Form NJ-1040NR.**
- ✓ **Use "State wages" figure(s)** from your W-2(s), not Federal wages figure(s). If you received wages from sources outside New Jersey, this figure may need to be adjusted to reflect New Jersey tax law.
- ✓ **Complete** both Column A and Column B, Lines 34-46.
- ✓ **Locate the correct column** for your filing status in the Tax Table when calculating tax on Line 21.
- ✓ **Request a refund** by completing Line 33.
- ✓ **Attach all necessary forms**, schedules, and other documents to your return. See page 17.
- ✓ **Check arithmetic.**
- ✓ **Sign and date your return.** Both spouses must sign a joint return.
- ✓ **Changes or mistakes** to your original return may be corrected by filing an amended return. See page 8.

of New Jersey, I claim exemption from payment of New Jersey gross income tax on compensation paid to me in the State of New Jersey. I understand that under the agreement between Pennsylvania and New Jersey this information is available to the Commonwealth of Pennsylvania."

**Guidelines for Part-year Nonresidents**

**Filing Requirements.** Any person who became a resident of New Jersey or moved out of this State during the year, and whose income from all sources for the entire year is greater than \$20,000 (\$10,000 if filing status is single or married, filing separate return), must file a **resident** return and report that portion of the income received while a resident of New Jersey. A person who receives income from a New Jersey source while a nonresident, and whose income from all sources for the entire year exceeds \$20,000 (\$10,000 if filing status is single or married, filing separate return), must file a New Jersey nonresident return,

even though the income from New Jersey sources reported for the period of nonresidence was below these thresholds. **Part-year nonresidents must prorate all exemptions, deductions, and credits, as well as the pension and other retirement income exclusions, to reflect the period covered by each return.**

If your income for the entire year from all sources was \$20,000 or less (\$10,000 if filing status is single or married, filing separate return), no tax is due. You must attach a copy of your Federal income tax return or a statement to that effect if you did not file a Federal return.

**NOTE:** If you derived any income while a resident of New Jersey, it may also be necessary to file a New Jersey resident return. Any withholdings should be allocated between the resident and nonresident returns. For more information, see Form NJ-1040, New Jersey resident return and instructions.

**Line 34 - Wages**

**Column A.** Enter your wages from sources both inside and outside New Jersey for your period of nonresidence.

**Column B.** Enter your wages from New Jersey sources for your period of nonresidence (unless you were a Pennsylvania resident).

**Other Income**

**Column A.** Enter your interest, dividends, pensions, and all other income from sources both inside and outside New Jersey for your period of nonresidence. Partners and shareholders should request Tax Topic Bulletin GIT-9P, *Income from Partnerships*, or GIT-9S, *Income from S Corporations*, for instructions on reporting distributive share of partnership income and net pro rata share of S corporation income.

**Column B.** Enter only the income from New Jersey sources for your period of nonresidence. Part-year nonresident partners and, in general, S corporation shareholders, must prorate the entity's income based on the number of days in the entity's fiscal year that you were a nonresident divided by 365 (366 for leap years).

**Line 41 - Pension, Annuities, IRA Withdrawals, Less Exclusion**

**Column A.** If you qualify for the pension exclusion, prorate the exclusion by the number of months you were a New Jersey nonresident. For this calculation 15 days or more is a month.

**Column B.** No entry is necessary.

**Line 14b - Other Retirement Income Exclusion.**

Do not complete Worksheet A for the Other Retirement Income Exclusion (on page 10). Instead, total the earned income (wages, net profits from business, partnership income, and S corporation income) you received for the *entire* year to determine whether or not you qualify for the exclusion. For more information, request Tax Topic Bulletin GIT-6, *Part-year Residents*.

*Part-year Nonresidents - continued***Line 15 - Total Exemption Amount.**

Your total exemptions (Line 15) must be prorated based upon the number of months you were a New Jersey nonresident. For this calculation 15 days or more is a month. See page 11.

$$\text{Total Exemptions} \times \frac{\text{Mos. NJ Nonresident}}{12} = \text{Line 15}$$

**Lines 16, 17, and 18 - Deductions.** You may deduct medical expenses, qualified Medical Savings Account contributions, health insurance costs of the self-employed, alimony and separate maintenance payments, and qualified conservation contributions based on the actual amounts paid for the period of time you were a nonresident of New Jersey. Complete Worksheet B for medical expenses. See page 12.

**Part IV - Allocation of Wage and Salary Income Earned Partly Inside and Outside New Jersey.** If you must complete Part IV, use the total number of days for your *period of nonresidence*. For more information on part-year nonresidents, order Tax Topic Bulletin GIT-6, *Part-year Residents*.

### Guidelines for Military Personnel

**Residents.** A member of the Armed Forces whose home of record (domicile) is New Jersey when entering the service remains a resident of New Jersey for income tax purposes, and must file a resident return even if assigned to duty in another state or country, unless he or she qualifies for nonresident status (see chart on page 1). If you are a New Jersey resident, you are subject to tax on all your income, including your military pay, regardless of where it is earned, unless the income is specifically exempt from tax under New Jersey law. Mustering-out payments, subsistence and housing allowances are exempt.

**New for 2001** Military pensions are exempt from New Jersey gross income tax, regardless of age or disability status. See *Pensions, Annuities, IRA Withdrawals, Less New Jersey Exclusion* on page 22.

A member of the Armed Forces whose home of record is New Jersey and who is stationed outside the State (whether living in barracks, billets, apartment, or house) and does not intend to remain outside New Jersey, continues to be a resident and must file a resident return and report all taxable income. However, if a serviceperson pays for and maintains facilities such as an apartment or a home outside of New Jersey, either by out-of-pocket payments or forfeiture of quarters allowance, such facilities will constitute a *permanent* home outside of New Jersey. In this case, the serviceperson is not considered a New Jersey resident for tax purposes.

**Nonresidents.** A member of the Armed Forces whose home of record (domicile) is outside of New Jersey does not become a New Jersey resident when assigned to duty in this State. A nonresident serviceperson's military pay is not subject to New Jersey income tax and he or she is not required to file a New Jersey return unless he or she has earned income from New Jersey sources other than military pay. Mustering-out payments, subsistence and housing allowances are also exempt. A nonresident serviceperson who has income from New Jersey sources such as a civilian job in off-duty hours, income or gain from property located in New Jersey, or income from a business, trade, or profession carried on in this State must file a New Jersey nonresident return, Form NJ-1040NR.

If your permanent home (domicile) was New Jersey when you entered the military, but you have changed your state of domicile or you satisfy the conditions for nonresident status (see chart on page 1), then your military pay is not subject to New Jersey income tax. Contact the finance officer at your station for Form DD-2058-1 to stop future withholding of New Jersey income tax. If New Jersey income tax was erroneously withheld from your military pay, you must file a nonresident return (Form NJ-1040NR) to obtain a refund of the tax withheld.

**Spouses of Military Personnel.** Spouses (of military personnel) who were not domiciled in New Jersey when they married the military spouse are not considered residents of New Jersey if:

- ♦ The principal reason for moving to this State was the transfer of the military spouse; and
- ♦ It is their intention to leave New Jersey when the military spouse is transferred or leaves the service.

New Jersey law requires that a couple's filing status for New Jersey gross income tax purposes be the same as for Federal income tax purposes. A married couple filing a joint Federal return must file a joint return in New Jersey unless both spouses are nonresidents and only one had income from New Jersey. Another exception to this rule is where one spouse is a New Jersey resident and the other is a nonresident for the entire year. In this case, the resident may file a separate return unless both spouses agree to file jointly as residents. If a joint resident return is filed, their joint income will be taxed as if both spouses were residents.

**Extensions.** A person on active duty with the Armed Forces of the United States who may not be able to file timely because of distance, injury, or hospitalization as a result of this service, will automatically receive a three-month extension by attaching an explanation to the return when filed.

New Jersey allows an extension of time to file an income tax return for members of the Armed Forces serving in an area which has been declared a "combat zone" by executive order of the President of the United States or a "qualified hazardous duty area" by Federal statute. Once you leave the combat zone or qualified hazardous duty area, you have 180 days to file your tax return. Enclose a statement with your return to explain the reason for the extension.

In addition, if you are hospitalized outside of the State of New Jersey as a result of injuries you received while serving in

*continued*

*Military Personnel - continued*

a combat zone or qualified hazardous duty area, you have 180 days from the time you leave the hospital or you leave the combat zone or hazardous duty area, whichever is later. Enclose a statement of explanation with your return when you file. No interest or penalties will be assessed during a valid extension for service in a combat zone or qualified hazardous duty area. This extension is also granted to a taxpayer's spouse who files a joint return.

**Death Related to Duty.** When a member of the Armed Forces serving in a combat zone or qualified hazardous duty area dies as a result of wounds, disease, or injury received there, no income tax is due for the taxable year the death occurred, nor for any earlier years served in the zone or area.

For more information on military personnel, request Tax Topic Bulletin GIT-7, *Military Personnel*.

### When to File

Generally, your New Jersey income tax return is due when your Federal income tax return is due. For calendar year filers, the 2001 New Jersey income tax return is due by April 15, 2002. Fiscal year filers must file their New Jersey income tax return by the 15th day of the fourth month following the close of the fiscal year.

**Postmark Date.** All New Jersey income tax returns postmarked on or before the due date of the return are considered to be filed on time. Tax returns postmarked after the due date are considered to be filed late. When a return is postmarked after the due date, the filing date for that return is the date the return was received by the Division, not the postmark date of the return. Interest on unpaid liabilities is assessed from the due date of the return.

### Extensions

Extensions of time are granted only to file your New Jersey income tax return. There are no extensions of time to pay tax due. **Penalties and interest are imposed whenever tax is paid after the original due date.**

### Four-Month Extension

You may receive a four-month extension of time to file your New Jersey nonresident income tax return if at least 80% of the tax liability computed on your Form NJ-1040NR when filed is paid in the form of withholdings, estimated, or other payments by the original due date, **and**

- 1. Federal extension filed.** A copy of your Federal Application for Automatic Extension is attached to your final return and the box at the top of the NJ-1040NR is checked; **or**
- 2. No Federal extension filed.** You file a request for a four-month extension on Form NJ-630, Application for Extension of Time to File New Jersey Gross Income Tax Return, by the original due date of the return.

Form NJ-630 must also be filed by the original due date if you are required to make a payment to satisfy the 80% requirement.

### Extensions Beyond Four Months

If you have requested and been granted a four-month extension, you may apply for an additional two-month extension before the original four-month extension expires. You must file Form NJ-630 if you require an extension of more than four months for New Jersey purposes and you are not requesting an additional two-month extension for Federal purposes. Otherwise, attach a copy of your Federal application for an additional two-month extension to your NJ-1040NR when filed.

Taxpayers who file Form NJ-630 will not receive an approved copy. We will notify you only if your request is denied.

**If you fail to satisfy the requirements outlined for extensions, or you fail to file your return by the extended due date, your extension will be denied and penalties and interest will be imposed from the original due date of the return. See "Penalty and Interest Charges" on page 7.**

### How to Pay

The balance of tax due must be paid in full by the original due date of the return. If you owe less than \$1, no payment is required. You may make your payment by check or money order, credit card, or electronic check (e-check).

**Check or Money Order.** You will find a payment voucher (Form NJ-1040NR-V) at the front of this booklet. If you owe tax with your 2001 return, enter the amount of tax due in the boxes on the payment voucher. Do not make changes to any information preprinted on the payment voucher. Instead make any necessary changes on the NJ-1040NR. For information about mailing forms, see "Where to Send Your Return" on page 6.

Make check or money order payable to: **State of New Jersey – TGI.** Write your social security number on the check or money order. Use social security numbers of both husband and wife for a joint return. Send your payment for the balance due with the payment voucher in the same envelope with your tax return.

If you are paying a balance due for the 2001 tax year and are making the first installment of estimated tax for 2002, please use separate checks or money orders for each payment. Send your 2002 estimated tax payment with an NJ-1040-ES voucher to the address on that payment voucher. **Do not include the estimated tax payment with your 2001 income tax return.**

**Credit Card.** You may pay your 2001 New Jersey income taxes or make a payment of estimated tax for 2002 by credit card. Pay by phone (1-800-2PAYTAX, toll free) or directly over the Internet ([www.officialpayments.com](http://www.officialpayments.com)), and use an American Express, MasterCard, or Discover/Novus credit card. Payments cannot be made with a Visa card. Do not send in the payment voucher if you pay your taxes by credit card. A fee of 2.5% of the tax payment will automatically be added to your account.

*How to Pay - continued*

**Electronic Check (e-check).** You may be able to pay your 2001 New Jersey income taxes or make a payment of estimated tax for 2002 by e-check. This option is available on the Division's Web site ([www.state.nj.us/treasury/taxation/](http://www.state.nj.us/treasury/taxation/)). Taxpayers who do not have Internet access can make a payment by e-check by contacting the Division's Customer Service Center at 609-292-6400. Do not send in the payment voucher if you pay your taxes by e-check.

When using e-check on the Web, you will need your social security number and 4-digit Personal Identification Number (PIN) to make a payment. Be sure the social security number you enter matches the first social security number shown on the form for which you are making the payment.

Your PIN ensures that no one else may tamper with your payment. You may request a PIN through the Division's Web site and it will be sent to you by U.S. Mail. When requesting a PIN online, enter the first social security number shown on the form for which you will make your payment.

**NOTE:**

- (1) If you do not enter your social security number and Personal Identification Number (PIN) properly, you will not be able to pay by e-check.
- (2) If you are filing a New Jersey return for the first time, or your filing status is different than the filing status on your 2000 return, you may not be able to pay by e-check.

**Time Limit for Assessing Additional Taxes.**

The Division of Taxation has three years from the date you filed your income tax return or the original due date of the return, whichever is later, to send you a bill for additional taxes you owe. There is no time limit if you did not file your tax return, or if you filed a false or fraudulent return with the intent to evade tax. The time limit may be extended if:

- You amended or the IRS adjusted your Federal taxable income;

- You amended your New Jersey taxable income;
- You entered into a written agreement with the Division extending the time to make an assessment;
- You omit more than 25% of your gross income on your New Jersey income tax return; or
- An erroneous refund is made as a result of fraud or misrepresentation by the taxpayer.

**Where to Send Your Return**

Your packet contains a large envelope. Use the large envelope to mail your NJ-1040NR along with related enclosures, payment voucher, and check or money order for any tax due.

**Mail Your Return to:**

STATE OF NEW JERSEY  
DIVISION OF TAXATION  
REVENUE PROCESSING CENTER  
PO BOX 244  
TRENTON NJ 08646-0244

**Refunds**

A return must be filed to claim a refund for overpayment of tax. If the refund is \$1 or less, you must enclose a statement specifically requesting it.

**Time Period for Refunds.** You have three years from the date the return was filed or two years from the time tax was paid, whichever was later, to claim a refund. If you and the Division agree in writing to extend the period of assessment, the period for filing a refund claim will also be extended.

**Interest Paid on Refunds.** If the Division takes more than six months to send you your income tax refund, you have a right to receive interest on that refund. Interest at the prime rate, compounded annually, will be paid from the *later* of:

- the date the refund claim was filed;
- the date the tax was paid; or
- the due date of the return.

No interest will be paid when an overpayment is credited to the next year's tax liability.

New Jersey law requires that any money owed to the State of New Jersey, any of its agencies, or the Internal Revenue Service be deducted from your refund or credit before it is issued. These debts include, among other things, money owed for past due taxes, child support due under a court order, school loans, and IRS levies. If the Division applies your refund or credit to any of these debts, you will be notified through the mail.

**Deceased Taxpayers**

If a person received income in 2001 but died before filing a return, the New Jersey income tax return should be filed by the surviving spouse, executor, or administrator. Use the same filing status that was used on the final Federal income tax return. Print "Deceased" and the date of death above the decedent's name. **Do not** prorate deductions or exemptions unless the decedent was a part-year nonresident.

The due date for filing is the same as for Federal purposes. In the area where you sign the return write "Filing as Surviving Spouse," if appropriate. A personal representative filing the return must sign in his or her official capacity. Any refund check will be issued to the decedent's surviving spouse or estate.

**Income in Respect of a Decedent.** If you had the right to receive income that the deceased person would have received had he or she lived, and the income was not included on the decedent's final return, you must report the income on your own return when you receive it. The income or gain is included on Line 45, as "Other" income.

**Estates and Trusts**

**Filing Requirements for Estates and Trusts.** The fiduciary of an estate or trust may be required to file a New Jersey gross income tax return for that estate or trust. The return for an estate or trust

*Estates and Trusts - continued*

must be filed on a New Jersey Fiduciary Return, Form NJ-1041. The fiduciary must also provide each beneficiary with a copy of the Federal Schedule K-1 which shows the beneficiary's share of the estate or trust income.

Revocable grantor trusts are required to file a New Jersey Fiduciary Return, Form NJ-1041, where there is sufficient nexus with this State and the statutory filing requirement is met. For further information, see the Fiduciary Return, Form NJ-1041, instructions.

**Filing Requirements for Beneficiaries.**

You must report the items of income or gain you receive as a beneficiary of an estate or trust on Line 45, "Other" income. Interest, dividends, capital gains, business or partnership income, etc. as listed on the Federal K-1 form(s) you received must be adjusted to reflect New Jersey tax law and then netted together before inclusion on the "Other" income line. Enclose a copy of the Federal K-1(s) with your return.

If the income from a grantor trust is reportable by or taxable to the grantor for Federal income tax purposes, it is also taxable to the grantor for New Jersey gross income tax purposes. See instructions for Line 45 for reporting requirements.

**Partnerships**

A partnership is not subject to tax. Individual partners are subject to tax on the income they earned from the partnership under the Federal Internal Revenue Code and the New Jersey Gross Income Tax Act. See page 26 for information on reporting income from a partnership. Every partnership having a New Jersey resident partner or income from New Jersey sources must file New Jersey Form NJ-1065 with the New Jersey Division of Taxation by the 15th day of the fourth month following the close of the partnership's taxable year. For more information on partnership filing, request Form NJ-1065 and instructions.

**Estimated Tax**

*Estimated tax* means the amount which you estimate to be your income tax for the taxable year after subtracting payments, withholdings, and other credits.

**TAX TIP**

You are required to make estimated tax payments using Form NJ-1040-ES when your estimated tax exceeds \$400. Instructions for computing the estimated tax and making the payments are included with the form. Review the amount of your New Jersey gross income tax on your expected gross income (after deductions and credits) to determine if you need to make estimated tax payments for 2002.

To avoid having to make estimated tax payments, you may ask your employer to withhold an additional amount from your wages by completing Form NJ-W4. Failure to file a Declaration of Estimated Tax or pay all or part of an underpayment *will result in interest charges* on the underpayment.

**Underpayment of Estimated Tax.** If you failed to make all of the required estimated tax payments as described above, you should request Form NJ-2210, Underpayment of Estimated Tax by Individuals, Estates or Trusts, and instructions. Complete Form NJ-2210 to determine if interest is due and if so, calculate the amount. If you complete and attach Form NJ-2210 to your return, check the box below Line 23.

**Penalty and Interest Charges**

Penalty and interest should be included with the payment of any tax due.

**Late Filing Penalty**

5% per month (or fraction of a month) up to a maximum of 25% of the outstanding tax liability when a return is filed after the due date or extended due date. Also, a penalty of \$100 for each month the return is late may be imposed.

**Late Payment Penalty**

5% of the outstanding tax balance may be imposed.

**Interest**

3% above the prime rate for every month or fraction of a month the tax is unpaid, compounded annually. At the end of each calendar year, any tax, penalties, and interest remaining due (unpaid) will become part of the balance on which interest is charged.

**Rounding Off to Whole Dollars**

When completing your return and any accompanying schedules, you may show the money items in whole dollars. If you have to add two or more items to figure the total to enter on a line, include cents when adding the items and round off only the total. When entering the rounded total on the line, you may eliminate any amount under 50 cents and increase any amount 50 cents or more to the next higher dollar. If you do round off, do so for all amounts. When rounding, enter zeros after the decimal point for cents.

**Keeping Tax Records**

Keep copies of your tax returns and the supporting documentation of income, deductions, and credits until the statute of limitations has expired for each return. Generally, this is three years after the filing date or two years from the date the tax was paid, whichever is later.

**Federal/State Tax Agreement**

The New Jersey Division of Taxation and the Internal Revenue Service have entered into a Federal/State Agreement to exchange income tax information in order to verify the accuracy and consistency of information reported on Federal and New Jersey income tax returns.

**Signatures**

Sign and date your return in blue or black ink. Both husband and wife must sign a joint return. The signature(s) on the form you file must be original; photocopied signatures are not acceptable. A return without the proper signatures cannot be processed and will be returned to you. This causes unnecessary processing delays and may result in penalties for late filing.

*continued*

**Tax Preparers.** Anyone who prepares a return for a fee must sign the return as a "Paid Preparer" and enter his or her social security number or Federal preparer tax identification number. Include the company or corporation name and Federal identification number, if applicable. A tax preparer who fails to sign the return or provide a tax identification number may incur a \$25 penalty for each omission.

### Fraudulent Return

Any person who deliberately fails to file a return, files a fraudulent return, or attempts to evade the tax in any manner may be liable for a penalty up to \$7,500 or imprisonment for a term between three and five years or both.

### Amended Returns

If you received an additional tax statement (W-2 or 1099) after your return was filed, or you discovered that you made any error or omission on your return, file an amended tax return by completing a new NJ-1040NR and writing **AMENDED** across the top. Do not use Form NJ-1040X to amend a nonresident return.

### Changes in your Federal Income Tax.

If you receive a notice from the Internal Revenue Service that they changed your reported income, and that change altered your New Jersey taxable income, you must notify the Division of the change in writing within 90 days. File an amended tax return and pay any additional tax due. If you file an amended Federal return which changes your New Jersey taxable income, you must file an amended New Jersey return within 90 days.

### Privacy Act Notification

The Federal Privacy Act of 1974 requires an agency requesting information from individuals to inform them why the request is being made and how the information is being used.

Your social security number is used primarily to account for and give credit for tax payments. The Division of Taxation

also uses social security numbers in the administration and enforcement of all tax laws for which it is responsible.

### Accounting Method

Use the same accounting method for New Jersey gross income tax that you used for Federal income tax purposes. Income must be recognized and reported in the same period as it is recognized and reported for Federal income tax purposes.

### Name and Address

Place the peel-off label from the front of this booklet in the name and address section at the top of the return. **Do not use the label if any of the information is incorrect.** If your label contains inaccurate information or you do not have a label, print or type your name (last name first), complete address, and zip code in the spaces provided. Also include your spouse's name if filing jointly. Your refund and next year's form will be sent to the address you provide.

If your legal residence and the address on the return differ, attach a statement of explanation to avoid a delay in processing.

### Social Security Number

**New for 2001** Your social security number(s) is no longer printed on your name and address label. **You must enter your social security number(s)** in the space provided on the return, one digit in each box. If your filing status is married, filing joint return, remember to report both spouses' numbers in the order in which the names are listed on the return.

### State of Residency

Indicate the place outside New Jersey where you resided for the period covered by this return.

### Filing Status (Lines 1 - 5)

Generally, you must use the same filing status on your New Jersey return as you do for Federal income tax purposes. In-

dicating the appropriate filing status. Check only **one** box.

### TAX TIP



If both you and your spouse were nonresidents of New Jersey during the entire taxable year, and only one of you earned, received, or acquired income from New Jersey sources, the spouse who had income from New Jersey sources may file a separate New Jersey return even though you filed a joint Federal return. The spouse with income from New Jersey sources computes income and exemptions as if a Federal married, filing separate return had been filed. You have the option of filing a joint return, but remember, joint income would be reported in Column A of Form NJ-1040NR.

If one spouse was a nonresident and the other a resident of New Jersey during the entire taxable year and both had income from New Jersey sources, separate New Jersey returns may be filed (the nonresident files a nonresident return and the resident files a resident return). Each spouse computes income and exemptions as if Federal married, filing separate returns had been filed. You have the option of filing a joint resident return, but remember, joint income would be taxed as if both spouses were residents.

If you meet the requirements to file as head of household for Federal income tax purposes, you may file as head of household for New Jersey. Certain married individuals living apart may file as head of household for New Jersey if they meet the requirements to file as head of household for Federal purposes.

If your filing status is married, filing separate return, be sure to enter the name and social security number of your spouse in the space provided under Line 3.

For more information on filing status, order Tax Topic Bulletin GIT-4, *Filing Status*.



## Exemptions - Personal (Lines 6 - 8)

The exemptions claimed on Lines 6, 7, and 8 apply only to you and your spouse. The exemptions for age and disability are not available for dependents. If your filing status is married, filing separate return, you generally do not check the spouse box on Lines 6, 7, or 8.

### Line 6 - Regular Exemptions

As a taxpayer you may claim a personal exemption for yourself, even if you are a minor who is claimed as a dependent on your parents' return. For your convenience, "Yourself" is already checked. If you are filing a joint return, check the spouse box as well. Add the number of boxes checked and enter the result on Line 6.

### Line 7 - Age 65 or Older

If either you or your spouse were 65 years of age or older at the end of the tax year, you (and your spouse if qualified) are entitled to an additional exemption. Check the appropriate box(es). Add the number of boxes checked and enter the result on Line 7.

### Line 8 - Blind or Disabled

If either you or your spouse were blind or disabled at the end of the tax year, you (and your spouse if qualified) are entitled to an additional exemption. "Disabled" means total and permanent inability to engage in any substantial gainful activity because of any physical or mental impairment, including blindness. Attach a copy of the doctor's certificate or other medical records to your return the first time you claim the exemption. This information need not be submitted each year providing there is no change in your condition. Check the appropriate box(es).

Add the number of boxes checked and enter the result on Line 8.

## Exemptions - Dependency (Lines 9 - 11)

The exemptions claimed on Lines 9, 10, and 11 apply only to dependents. The exemption for dependents attending colleges is not available to you, the taxpayer, or your spouse.

### Line 9 - Dependent Children

You may claim an exemption for each dependent child who qualifies as your dependent for Federal income tax purposes. Enter the number of your dependent children on Line 9.

### Line 10 - Other Dependents

You may claim an exemption for each other dependent who qualifies as your dependent for Federal income tax purposes. Enter the number of your other dependents on Line 10.

### Line 11 - Dependents Attending Colleges

You may claim an additional exemption for each dependent under age 22 who is a full-time student at an accredited college or postsecondary institution for whom you paid one-half or more of the tuition and maintenance costs. Financial aid received by the student is not calculated into your cost when totaling one-half of your dependent's tuition and maintenance. However, the money earned by students in College Work Study Programs is income and is taken into account. **Remember, to claim this additional exemption, each dependent must have already been claimed on Lines 9 or 10.**

#### Requirements

- ♦ Student must be **under 22 years of age** for the entire tax year.
- ♦ Student must attend full-time. "Full-time" is determined by the institution.
- ♦ Student must spend at least some part of each of five calendar months of the tax year at school.
- ♦ The educational institution must maintain a regular faculty and curriculum and have a body of students in attendance.

Enter the number of exemptions for your qualified dependents attending colleges on Line 11.

### Line 12 - Totals

Add Lines 6, 7, 8, and 11 and enter the total on Line 12a. Add Lines 9 and 10 and enter that total on Line 12b.

### Residency Status (Line 13)

If you were a New Jersey resident for any part of the taxable year, list the month, day, and year your residency began and the month, day, and year it ended.

### Gubernatorial Elections Fund

The Gubernatorial Elections Fund, financed by taxpayer designated \$1 contributions, provides partial public financing to qualified candidates for the office of Governor of New Jersey. With its contribution and expenditure limits, the Gubernatorial Public Financing Program has since 1977 assisted 54 candidates to conduct their campaigns free from the improper influence of excessive campaign contributions. Operation of the program has also permitted candidates of limited financial means to run for election to the State's highest office. As a condition of their receipt of public financing, candidates must agree to participate in two debates which provide the public with an opportunity to hear the views of each candidate. For more information on the Gubernatorial Public Financing Program, contact the New Jersey Election Law Enforcement Commission at 609-292-8700 or write to:

NJ ELECTION LAW ENFORCEMENT COMMISSION  
PO BOX 185  
TRENTON NJ 08625-0185

Lists of contributors to gubernatorial candidates may be viewed on the Election Law Enforcement Commission Web site at: [www.elec.state.nj.us](http://www.elec.state.nj.us)

Participation in the \$1 income tax check-off protects the continuity and integrity of the Gubernatorial Elections Fund by providing that funds will be reserved for

*continued*

**Worksheet A**  
**Other Retirement Income Exclusion\***  
**Age Requirement: 62 or older**

**Part I**

- 1. Enter amount from Line 34, Col. A, NJ-1040NR ..... 1. \_\_\_\_\_
- 2. Enter amount from Line 37, Col. A, NJ-1040NR ..... 2. \_\_\_\_\_
- 3. Enter amount from Line 42, Col. A, NJ-1040NR ..... 3. \_\_\_\_\_
- 4. Enter amount from Line 43, Col. A, NJ-1040NR ..... 4. \_\_\_\_\_
- 5. Add lines 1, 2, 3, and 4 ..... 5. \_\_\_\_\_

\*Part-year nonresidents, do **not** complete this worksheet. See instructions on page 3.

**STOP -**

- ♦ **If line 5 is MORE than \$3,000** – Do not complete Part II. Enter “0” on line 9 and continue with Part III.
- ♦ **If line 5 is \$3,000 or LESS** – Continue to Part II.

**Part II**

- 6. **Enter: if your filing status is:**  
 \$15,000 Married, filing joint return  
 \$11,250 Single; Head of Household; Qualifying Widow(er)  
 \$ 7,500 Married, filing separate return ..... 6. \_\_\_\_\_
- 7. Enter amount from Line 41, Column A, NJ-1040NR, plus any pension exclusion amount you used to get that figure ..... 7. \_\_\_\_\_
- 8. Subtract line 7 from line 6. Enter the difference here and on line 9 (Part III). If zero or less, enter “0” ..... 8. \_\_\_\_\_

**Part III**

- 9. Unclaimed Pension Exclusion (from line 8) ..... 9. \_\_\_\_\_
- 10a. Are you (and/or your spouse, if filing jointly) now receiving, or will you (and/or your spouse, if filing jointly) ever be eligible to receive Social Security or Railroad Retirement Benefits?  
 No — Continue with item 10b  
 Yes — Enter “0” on line 10 and continue with line 11
- 10b. Would you (and your spouse, if filing jointly) be receiving or ever be eligible to receive Social Security or Railroad Retirement Benefits if you had participated in either program?  
 No — Enter “0” on line 10 and continue with line 11  
 Yes — Enter on line 10 the amount of exclusion for your filing status shown below and continue with line 11  
**Enter: if your filing status is:**  
 \$ 6,000 Married, filing joint return; Head of Household; Qualifying Widow(er)  
 \$ 3,000 Single; Married, filing separate return ..... 10. \_\_\_\_\_
- 11. **Your Other Retirement Income Exclusion**  
 Add lines 9 and 10. Enter here and on Line 14b, Column A and Column B, Form NJ-1040NR ..... 11. \_\_\_\_\_

future gubernatorial elections thereby deterring the use of needed funding for other purposes. If you want to designate \$1 to go to help candidates for governor pay campaign expenses, check the “Yes” box in the Gubernatorial Elections Fund section of the return. If you are filing a joint return, your spouse may also designate \$1 to this fund by checking “Yes.” **Checking the “Yes” box will not in any way increase your tax liability or reduce your refund.**



**You must complete Part I (Lines 34 through 46) on the back of the return before completing Line 14a. Go to page 16.**

**Line 14a - Total Income**

**COLUMN A**

Enter on Line 14a, Column A, the total amount of income from everywhere from Part I, Line 46, Column A.

**COLUMN B**

Enter on Line 14a, Column B, the total amount of income from New Jersey sources from Part I, Line 46, Column B.

**Line 14b - Other Retirement Income Exclusion**

If you and/or your spouse were 62 years of age or older at the end of the tax year and you did not use the maximum pension exclusion on Line 41, Column A, Part I (your pension, annuity, or IRA withdrawal was less than the exclusion amount for your filing status or you did not receive a pension, annuity, or IRA withdrawal), you may be entitled to exclude other income on Line 14b. Complete Worksheet A to determine if you qualify for any additional exclusion. Whether or not you use the maximum pension exclusion, if you are unable to receive Social Security or Railroad Retirement benefits, but would have been eligible for benefits had you fully participated in either program, you may be entitled to an additional exclusion. Complete Worksheet A, Part III to see if you qualify for this additional exclusion. If

Line 14b - Other Retirement Income Exclusion - continued

your filing status is married, filing joint return, both you and your spouse must meet the requirements to be eligible for the additional exclusion.

When you and your spouse file a joint return and only one of you is 62 years of age or older, you may claim the full exclusion. However, only the income of the qualified spouse may be excluded.

**Line 14c - Gross Income**

**COLUMN A**

Subtract Line 14b, Column A, from Line 14a, Column A, and enter the result on Line 14c, Column A. If zero or less, enter "0."

**New for 2001** If you were a nonresident for the entire year and the amount on Line 14c, Column A, is \$20,000 or less (\$10,000 if filing status is single or married, filing separate return), you have no tax liability to New Jersey and no return must be filed. However, you must file a return in order to obtain a refund of taxes withheld or estimated payments made. Enter zero on Lines 20 and 21 and complete the return.

If you were a New Jersey resident for any part of the year, see "Guidelines for Part-year Nonresidents" on page 3.

You may claim an exemption from withholding if you expect to have no New Jersey income tax liability for the taxable year because your gross income will be less than the minimum income filing threshold. Complete Form NJ-W4 and submit it to your employer to claim the exemption.

**COLUMN B**

Subtract Line 14b, Column B, from Line 14a, Column B, and enter the result on Line 14c, Column B. If zero or less, enter "0."

**Exemptions and Deductions (Lines 15 - 18)**

New Jersey allows deductions only for exemptions, certain medical expenses, qualified Medical Savings Account contributions, health insurance costs of the self-employed, alimony and separate maintenance payments, and qualified conservation contributions. No deduction is allowed for adjustments taken on the Federal return such as employee business expenses, IRA contributions, and Keogh Plan contributions. However, be sure to keep records of all contributions to IRAs and Keogh Plans. You will need this information when you make withdrawals in future years. Part-year nonresidents must follow the guidelines on page 3.

**Line 15 - Total Exemption Amount**

Calculate your total exemption amount as follows:

From Line 12a \_\_\_\_\_ x \$1,000 = \_\_\_\_\_

From Line 12b \_\_\_\_\_ x \$1,500 = \_\_\_\_\_

Total Exemption Amount \_\_\_\_\_

Enter the number of exemptions from Line 12a, Form NJ-1040NR. Multiply the number by \$1,000 and enter the result.

Enter the number of exemptions from Line 12b, Form NJ-1040NR. Multiply the number by \$1,500 and enter the result.

Add the exemption amounts calculated above together and enter the total on Line 15, Form NJ-1040NR.

**Line 16 - Medical Expenses**

You may deduct certain medical expenses that you paid during the year for yourself, your spouse, and your dependents. However, you cannot deduct expenses for which you were reimbursed. Only expenses in excess of 2% of your income may be deducted. You may also deduct qualified Medical Savings Account contributions. Use Worksheet B on page 12 to calculate your deduction for medical expenses/Medical Savings Account contributions.

**Allowable Medical Expenses.** *Medical expenses* means nonreimbursed payments for physicians, dental and other medical fees, prescription eyeglasses and contact lenses, hospital care, nursing care, medicines and drugs, prosthetic devices, X-rays, and other diagnostic services conducted by or directed by a physician or dentist. In addition, medical expenses may also include amounts paid for transportation primarily for and essential to medical care and insurance (including amounts paid as premiums under Part B of Title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged) covering medical care. As a general rule, medical expenses allowed for Federal income tax purposes will be allowed for New Jersey income tax purposes.

**NOTE: Do not include** on line 1, Worksheet B

- ♦ Contributions you made to a Medical Savings Account or any amounts paid or disbursed from a Medical Savings Account that have been excluded from gross income; or
- ♦ Any amounts taken as a deduction on line 5, Worksheet B, for the health insurance costs of the self-employed.

**Medical Savings Account Contributions.** Enter on line 4, Worksheet B, the amount of your qualified Medical Savings Account contributions from Federal Form 8853. New Jersey follows the Federal rules for this deduction. Your contribution may not exceed 75% of the amount of your annual health plan deductible (65% if you have a self-only plan). Attach Federal Form 8853 to your return. Excess contributions that you withdraw before the due date of your tax return are not taxable. However, you must report the earnings associated with the excess contributions you withdraw as wages on Line 34, Column A and Column B.



**Self-Employed Health Insurance Deduction.**

If you are considered a self-employed individual for Federal income tax purposes, or you received wages in 2001 from an S corporation in which

<b>Worksheet B</b> <b>Deduction for Medical Expenses</b> (Keep for your records)	
1. Total nonreimbursed medical expenses .....	1. _____
2. Enter Line 14c, Column A _____ x .02 = .....	2. _____
3. Medical Expenses Deduction. Subtract line 2 from line 1 and enter result here. If zero or less, enter zero .....	3. _____
4. Enter the amount of your qualified Medical Savings Account contributions from Federal Form 8853 .....	4. _____
5. Enter the amount of your self-employed health insurance deduction .....	5. _____
6. <b>Total Deduction for Medical Expenses.</b> Add lines 3, 4, and 5. Enter the result here and on Line 16, Form NJ-1040NR. If zero, enter zero here and make no entry on Line 16, Form NJ-1040NR .....	6. _____

you were a more-than-2% shareholder, you may deduct the amount you paid during the year for health insurance for yourself, your spouse, and your dependents. The amount of the deduction may not exceed the amount of your earned income, as defined for Federal income tax purposes, derived from the business under which the insurance plan is established. You may not deduct any amounts paid for health insurance coverage for any month during the year in which you were eligible to participate in any subsidized health plan maintained by your (or your spouse's) employer.

**Line 17 - Alimony and Separate Maintenance Payments**

Enter on Line 17 the amount of alimony and separate maintenance paid which was required under a decree of divorce or separate maintenance. Do not include payments for child support.

**Line 18 - Qualified Conservation Contributions**



Enter on Line 18 the amount of any contribution you made for conservation purposes of a qualified real property interest in property located in

New Jersey. The amount of the deduction is the amount of the contribution allowed as a deduction in computing your taxable income for Federal income tax purposes. If you are required to file Federal Form 8283 with your Federal 1040, attach a copy.

**Line 19 - Total Exemptions and Deductions**

Enter on Line 19 the total of Lines 15, 16, 17, and 18.

**Line 20 - Taxable Income**

Subtract Line 19 from Line 14c, Column A, and enter the result on Line 20. If Line 20 is zero or less, enter "0."

**Line 21 - Tax on Amount on Line 20**

Compute your tax by using one of the following methods.

**Tax Table.** If your taxable income from all sources on Line 20 is less than \$100,000, you may use the New Jersey Tax Table on page 30 or the New Jersey Tax Rate Schedules on page 39 to find your tax. When using the tax table, be sure to use the correct column. After you have found your tax, enter the amount on Line 21.

**Tax Rate Schedules.** You must use the New Jersey Tax Rate Schedules on page 39 if your taxable income from all sources on Line 20 is \$100,000 or more. Use the correct schedule for your filing status. After you have calculated your tax, enter the amount on Line 21.

**Line 22 - Income Percentage**

To figure your income percentage, divide the amount on Line 14c in Column B by the amount on Line 14c in Column A.

$$\frac{\text{Column B (Line 14c)}}{\text{Column A (Line 14c)}} = \text{_____} \%$$

Carry your result to four decimal places. For example, if the amounts used were \$20,000 (Line 14c, Column B) divided by \$30,000 (Line 14c, Column A), the result would be 66.67% or .6667. In certain situations, however, the income percentage can exceed 100%.

**NOTE: The income percentage can exceed 100%.** For example, a taxpayer realizes a \$50,000 gain from the sale of real property in New Jersey and sustains a \$10,000 loss from the sale of property in Florida. This nonresident (who has no other income) reports \$40,000 as his income from everywhere (Column A) and \$50,000 as income from New Jersey sources (Column B). The income percentage is 125% (or 1.25) calculated as follows: \$50,000 (Line 14c, Column B) divided by \$40,000 (Line 14c, Column A).

**Line 23 - New Jersey Tax**

Multiply the amount on Line 21 by the income percentage on Line 22, and enter the result on Line 23. This is your New Jersey tax.

**Line 24 - Total New Jersey Income Tax Withheld**

Enter on Line 24 the total New Jersey income tax withheld, as shown on your W-2, W-2G, and/or 1099 statement(s). The W-2 must indicate the amount of New Jersey tax withheld and the "State" box must indicate that the tax withheld

*Line 24 - Total New Jersey Income Tax Withheld - continued*

was New Jersey income tax. See sample W-2 on page 21. Attach the state copy of each withholding statement (W-2, W-2G, 1099). **Attach Form 1099 to the return only if New Jersey income tax was withheld.**

**Do not** include on Line 24 amounts withheld as New Jersey unemployment insurance/health care subsidy fund/workforce development partnership fund contributions (shown on the W-2 as UI/HC/WD, if combined, or UI, HC, and WD, if stated separately) or New Jersey disability insurance (may be shown as DI). These are **not** New Jersey income tax withholdings and may not be used as credits on Line 24. See instructions for Lines 26 and 27 for more information on unemployment insurance/health care subsidy fund/workforce development partnership fund contributions and/or disability insurance contributions.

All W-2 statements must reflect your correct social security number for the withholdings to be credited. If the social security number is missing or incorrect, you must obtain a corrected W-2 from your employer. Only your employer/payer can issue or correct this form. If you have not received a W-2 form by February 15, 2002, or if the form you received is incorrect, contact your employer/payer immediately.

### Line 25 - New Jersey Estimated Payments/Credit from 2000 Tax Return

Enter on Line 25 the total of:

- ♦ Estimated tax payments made for 2001
- ♦ Credit applied from your 2000 tax return\*
- ♦ Amount, if any, paid to qualify for an extension of time to file
- ♦ Payments made by an S corporation on behalf of a nonresident/nonconsenting shareholder

\*This is the amount of overpayment that you chose to carry forward on Line 31A of your 2000 NJ-1040NR as a credit to-

wards your income tax liability for 2001. If you received a refund check for 2000, do not enter the amount of that refund check on Line 25.

**Payments Made Under Another Name or Social Security Number.** If you changed your name because of marriage, divorce, etc., and you made estimated tax payments using your former name, attach a statement to your return explaining all the payments you and/or your spouse made for 2001 and the name(s) and social security number(s) under which you made payments.

If your spouse died during the year and any estimated payment(s) were made under the deceased spouse's social security number and other payments were made under your social security number, you must attach a statement to your return listing the social security numbers and the amounts submitted under each social security number.

### UI/HC/WD;DI Credit (Lines 26 and 27)

You may take credit for excess unemployment insurance/health care subsidy fund/workforce development partnership fund contributions and/or disability insurance contributions withheld by two or more employers. For 2001, the maximum employee unemployment insurance/health care subsidy fund/workforce development partnership fund contribution was \$93.93, and the maximum employee disability insurance contribution was \$110.50. If you had two or more employers and you contributed more than the maximum amount(s), you must attach a completed Form NJ-2450 to your return to claim the credit.

If any single employer withheld more than the maximum for either UI/HC/WD (\$93.93) or disability insurance (\$110.50) contributions, enter only the maximum amount for that category on Form NJ-2450. You must contact the employer who withheld contributions in excess of the legal maximum for a refund.

All information on Form NJ-2450 must be substantiated by W-2 statements or the claim will be denied. The amounts of unemployment insurance/health care subsidy fund/workforce development partnership fund contributions and disability insurance withheld must be reported separately on all W-2 statements. The employer's New Jersey Taxpayer Identification Number **or** approved private plan number must also be shown. See sample W-2 on page 21.

Be careful when completing Form NJ-2450 and check that your W-2 verifies the information you provide. If **all** New Jersey Department of Labor requirements are not met, your income tax credit must be denied. You must then refile your claim with the Department of Labor using their Form UC-9A, "Employee's Claim for Refund of Excess Contributions."

Once your income tax credit for excess unemployment insurance/health care subsidy fund/workforce development partnership fund contributions and/or disability insurance contributions has been denied, it can **only** be claimed through the Department of Labor. Contact our Customer Service Center to request Form NJ-2450.

### Line 26 - Excess New Jersey UI/HC/WD Withheld

Enter on Line 26 the excess unemployment insurance/health care subsidy fund/workforce development partnership fund contributions withheld from Line 4 of Form NJ-2450. Attach Form NJ-2450 to your return.

### Line 27 - Excess New Jersey Disability Insurance Withheld

Enter on Line 27 the excess disability insurance withheld from Line 5 of Form NJ-2450. Attach Form NJ-2450 to your return.

### Line 28 - Total Payments/Credits

Add Lines 24 through 27 and enter the total on Line 28.

### Amount of Tax You Owe or Overpayment (Lines 29 and 30)

Compare Lines 23 and 28.

- If Line 23 is more than Line 28, you have a balance of tax due. Complete Line 29.
- If Line 23 is less than Line 28, you have overpaid your tax. Complete Line 30.

### Line 29 - Amount of Tax You Owe

Subtract Line 28 (Total Payments/Credits) from Line 23 (New Jersey Tax) and enter the result on Line 29.

If you owe tax, you may make a donation on Lines 31B, 31C, 31D, 31E, 31F, and/or 31G by adding the amount of your donation to your payment.

If you are attaching Form NJ-2210, the amount of the payment should also include interest calculated for the underpayment of estimated tax. Make your check for the total amount payable to "State of New Jersey – TGI."

You may also pay your 2001 New Jersey income taxes by credit card (American Express, MasterCard, or Discover/Novus) or electronic check (e-check). See "How to Pay" on page 15. Do not send in the payment voucher if you pay your taxes by credit card or e-check.

**NOTE:** If the amount of tax you owe (Line 29) is more than \$400, you may want to increase your estimated payments or contact your employer for Form NJ-W4 to increase your withholdings to avoid future interest assessments.

### Line 30 - Overpayment

Subtract Line 23 (New Jersey Tax) from Line 28 (Total Payments/Credits) and enter the result on Line 30.

### Line 31A - Credit to Your 2002 Tax

Enter on Line 31A the amount of your overpayment that you wish to credit to your 2002 tax liability.

### Contributions (Lines 31B - 31G)

Whether you have an overpayment or a balance due, you may make a donation to any of the following funds:

- Endangered Wildlife Fund
- Children's Trust Fund
- Vietnam Veterans' Memorial Fund
- Breast Cancer Research Fund
- U.S.S. New Jersey Educational Museum Fund

You may also contribute to one of the other funds designated at Line 31G.

The amount you donate will reduce your refund or increase your balance due. Be sure to enter an amount when making a contribution.

If you are making a donation on Line 31B, 31C, 31D, 31E, 31F, and/or 31G, and you have a balance due, increase the amount of your payment by the amount you wish to contribute. If you are paying your tax due by check and including a donation, your check or money order must be made out to "State of New Jersey – TGI," not to the charity or charities you selected. Your donation will be deposited in the appropriate fund(s) when your return is processed.

### Contributions (Lines 31B, 31C, 31D, 31E, and 31F)

Indicate the amount you want to contribute by checking the appropriate box(es) or enter any amount you wish to contribute.

### Contributions (Line 31G)

**New for 2001** You may make a donation to one of the following funds on Line 31G:

- Drug Abuse Education Fund (01), or
- Korean Veterans' Memorial Fund (02), or
- Organ and Tissue Donor Awareness Education Fund (03)

Indicate the amount you want to contribute by checking the appropriate box or enter any amount you wish to contribute.

Also enter the code number (01, 02, or 03) for the fund of your choice in the boxes after the words "Designated Contribution" at Line 31G. For your convenience, "0" is already entered.

### Line 32 - Total Deductions from Overpayment

Add any amounts on Lines 31A, 31B, 31C, 31D, 31E, 31F, and 31G. Enter the result on Line 32.

### Line 33 - Refund

Subtract Line 32 from Line 30 (Overpayment). Enter the result on Line 33. This is the amount of your refund.

### Remember—

- Sign and date your return.
- If you owe tax, complete the Payment Voucher and mail it with your check or money order in the large envelope with your return.
- Do not send in the payment voucher if you pay your taxes by credit card or e-check.

Contributions - continued

**Line 31B - New Jersey — Endangered Wildlife Fund**

**YOU CAN HELP KEEP NEW JERSEY'S WILDLIFE IN OUR FUTURE!** As the most densely populated state in the nation, NJ has lost nearly 40% of its wildlife habitat. Each day brings many species closer to extinction. You can help reverse this trend. Your contribution goes directly to help the Endangered and Nongame Species Program restore and protect the future of our State's endangered and threatened wildlife. We receive no dedicated State funding and rely solely on your contributions. Thank you for your support.

This year, **Check Off for Wildlife!** To receive our free quarterly newsletter, please write to *Conserve Wildlife News*, ENSP, PO Box 400, Trenton, NJ 08625-0400. Phone: 609-984-6012 Web: <http://www.state.nj.us/dep/fgw/ensphome.htm>

**Line 31C - New Jersey — Children's Trust Fund... to prevent child abuse**

**Help protect New Jersey's children!** Every year thousands of children in New Jersey are neglected and abused. The Children's Trust Fund is working in all 21 counties to help prevent these terrible tragedies by supporting:

- home visiting programs for parents of newborns
- respite care for children with special needs
- parent education and support groups.

We rely on your support. Every dollar you contribute goes to communities throughout New Jersey to prevent child abuse and neglect. **Help children in New Jersey have a safe and healthy childhood - Support the Children's Trust Fund.** Want more information? Contact: Children's Trust Fund, PO Box 711, Trenton, NJ 08625-0711 Phone: 609-633-3992 Web: <http://www.state.nj.us/humanservices/njcap.html>

**Line 31D - New Jersey — Vietnam Veterans' Memorial Fund**

"To Honor, To Heal, To Remember"

Your support honors 1,556 New Jerseyans whose names are engraved on the Memorial and helps us teach future generations about this unique time in our nation's history at the Vietnam Era Educational Center.

For more information, write: **New Jersey Vietnam Veterans' Memorial, PO Box 648, Holmdel, NJ 07733** or call: **1-800-648-8387**. Visit us on the Web at <http://www.njvvmf.org>.

**Line 31E - New Jersey — Breast Cancer Research Fund  
HELP SAVE LIVES**

New Jersey has one of the highest breast cancer rates in the country. Your contribution supports research relating to the prevention, screening, treatment and cure of breast cancer right here in New Jersey. Please join the fight to make breast cancer a thing of the past.

For further information, please write to:

**The New Jersey Commission on Cancer Research, PO Box 360, 28 West State Street, Trenton, NJ 08625-0360, Phone: 609-633-6552. Web: <http://www.state.nj.us/health>**

**Line 31F - New Jersey — U.S. New Jersey Educational Museum Fund**

New Jersey's namesake Battleship would appreciate your continued support. Your contribution will be used to develop a world-class Educational Museum as a tribute to Veterans of all of the Armed Forces.

**For more information contact:**

Battleship New Jersey Foundation, Inc.  
1715 Hwy 35, Middletown, NJ 07748

Phone: 732-671-6488 Web: <http://www.battleshipnj.org> E-mail: [bb62fdn@aol.com](mailto:bb62fdn@aol.com)



continued

## Contributions - continued

**Line 31G - New Jersey — Designated Contribution****01 - Drug Abuse Education Fund - THE EPIDEMIC OF DRUG ABUSE NEEDS**

**YOUR HELP!** Your contribution helps New Jersey children receive valuable education from highly trained uniformed law enforcement officers throughout the State in providing drug abuse education programs. Research has shown that the more resistance education children receive, the more likely they will be drug free. The monies raised will help maintain K-6 curricula and increase program activity to Middle School and High School students as well as parents.

For more information contact **D.A.R.E. New Jersey** at 44 Washington Ave., Milltown, NJ 08850 or call 1-800-DARENJ1. Web address: <http://www/darenj.org>.

**Line 31G - New Jersey — Designated Contribution****02 - Korean Veterans' Memorial Fund**

We need your help to complete the New Jersey Korean War Memorial which is being built in Atlantic City to honor all of the New Jerseyans who served and especially the 822 who died during the *Forgotten War*. Please do not forget these men and women.

For more information, write: Korean War Memorial, c/o Dept. of Military and Veterans Affairs, PO Box 340, Eggert Crossing Road, Trenton, NJ 08625-0340. Phone: 609-530-7049. <http://www.state.nj.us/military/korea/>

**Line 31G - New Jersey — Designated Contribution****03 - Organ and Tissue Donor Awareness Education Fund**

More than 2,000 critically ill New Jerseyans from all walks of life — parents, children, siblings, grandparents — are waiting for life-saving organ transplants. Each day 15 people on waiting lists will die due to the lack of donated organs. But you have the power to donate life. Just one organ and tissue donor can save up to 8 lives and enhance the health of 75 others. Your support will help raise awareness of this drastic need for organ and tissue donors. Begin today by checking off line 31G to help fund organ and tissue donor education awareness in New Jersey.

**For more information, call 1-800-SHARE-NJ or visit [www.sharenj.org](http://www.sharenj.org)**



## Part I - Total Income (Lines 34 - 46)

Enter on Lines 34 through 46 the amount of gross income received while a nonresident of New Jersey during the taxable year for each of the various categories of income.

In Column A, report your gross income from all sources (both inside and outside New Jersey). **These figures cannot be copied from the figures reported on the Federal return.** *Reportable income* means income that would be taxable if you were a New Jersey resident. Married couples filing a joint return must report the income of both spouses in Column A, even if only one had income from New Jersey.

In Column B, enter the income that comes from New Jersey sources. For every entry in Column A, there should be an entry on the corresponding line in Column B. If none of your income is from New Jersey sources, enter "0" in Column B. Your final tax liability is based on the percentage of your income from New Jersey sources.

**Income of a Nonresident Subject to Tax.** Some examples of income taxable to a nonresident include:

1. Wages, salaries, tips, fees, commissions, bonuses, and other payments received, whether in cash or in property, for services performed in New Jersey;
2. Profits and other income from a business, trade, profession, or partnership conducted in New Jersey;
3. Rents or royalties from real and tangible personal property located in New Jersey or from other business activities in New Jersey;
4. Gains from the sale of your principal residence or other real estate located in New Jersey;
5. Gambling winnings from New Jersey sources (other than the New Jersey Lottery) such as winnings from a casino or racetrack located in New Jersey;
6. Income of a New Jersey S corporation allocated to New Jersey.



### Assembling Your Return

Be sure to check the following before mailing your completed return:

- **Check arithmetic.**
- **Sign and date your return.** Both spouses must sign a joint return.
- **Attach all supporting documents and schedules with the return including:**
  - W-2(s) and 1099-R(s) that indicate NJ withholdings
  - If appropriate, New Jersey Form(s): NJ-630, NJ-2440, NJ-2450, NJ-NR-A, Schedule NJK-1 (or copy of Federal Schedule K-1, Form 1065), Schedule NJ-K-1 (or copy of Federal Schedule K-1, Form 1120S)
  - If appropriate, statement of residency (Pennsylvania residents)
  - If appropriate, copy of Federal Form(s):
    - Schedule B or Schedule 1 for interest over \$400
    - Schedule C, C-EZ, or F for business income
    - Schedule K-1 for fiduciary income
    - Form 2106 for employee business expenses
    - Form 3903 for moving expenses
    - Form 4868 for filing under a Federal extension
    - Form 8283 for Qualified Conservation Contributions
    - Form 8853 for Medical Savings Account contributions
- **Balance due.** Complete the Payment Voucher, Form NJ-1040NR-V, and return it with your payment if paying by check or money order. Write your social security number on your check or money order. If paying by credit card or e-check do not include payment voucher.
- **Use the large envelope** to mail Form NJ-1040NR with related attachments, payment voucher, and check or money order.
- **Changes or mistakes** to your original return may be corrected by filing an amended return. See page 8.
- **Keep a copy** of your return and all supporting documents or schedules.

Income or losses which a nonresident taxpayer receives from a business entity (i.e., sole proprietorship, partnership, LLP, or LLC) located in New Jersey will not be deemed to be derived from New Jersey sources if the business entity's only activity is the purchase, holding, or sale of intangible personal property, such as commodities or securities, and such intangible personal property is not held for sale to customers.

*Gross income* means all income you received in the form of money, goods, property, and services unless specifically exempt by law.



**TAX TIP** **Important! A net loss in any category of income cannot be reported as such on Form NJ-1040NR. A loss within one category of income may be applied against other income within the same category. However, a net loss in one category of income cannot be applied against income or gains in another. In case of a net loss in any category, enter "0" for that category. No carryback or carryover of losses is permitted under New Jersey law.**

### Line 34 - Wages, Salaries, Tips, etc.

#### COLUMN A

Enter the total amount you received during the taxable year from wages, salaries, tips, fees, commissions, bonuses, and other

payments received for services performed as an employee. Include all payments you received whether in cash or property.

Enter the total of State wages, salaries, tips, etc. from **all** employment both inside and outside New Jersey. **Be sure to take the figure(s) from the "State wages" box on your W-2(s).** See sample W-2 on page 21. All W-2(s) must be attached to your tax return.

**NOTE:** The "State wages" figure on W-2(s) you received from employment outside New Jersey may need to be adjusted to reflect New Jersey tax law.

**Pension and annuity income or early retirement benefits should not be included on this line but should be reported on Line 41.**

**Retirement Plans.** Under New Jersey law, contributions to retirement plans (other than 401(k) Plans) are included in the State wages figure on the W-2 in the year the wages are earned. This may cause your State wages figure to be higher than your Federal wages figure.

**Meals and/or Lodging.** You may exclude from the amount reported on Line 34 meals and/or lodging reported as wages on your W-2 provided that:

1. The meals and/or lodging were furnished on the business premises of your employer; and
2. The meals and/or lodging were furnished for the convenience of your employer; and

*For lodging only:*

3. You were required to accept the lodging as a condition of your employment.

If you exclude the value of meals and/or lodging from your wages, you **must** attach a signed statement explaining how you have met these conditions. If the statement is not attached, your wages will be adjusted to represent the full amount shown on your W-2.

**Gross Income** includes the following:

- ♦ Wages and other compensation
- ♦ Interest and dividends
- ♦ Earnings on nonqualified withdrawals from qualified State tuition program accounts, including the New Jersey Better Educational Savings Trust Program (NJBEST) accounts
- ♦ Net profits from business, trade, or profession
- ♦ Net gains or income from sale or disposition of property
- ♦ Pensions, annuities, and IRA withdrawals
- ♦ Net distributive share of partnership income
- ♦ Net pro rata share of S corporation income
- ♦ Net rental, royalty, and copyright income
- ♦ Net gambling winnings
- ♦ Alimony
- ♦ Estate and trust income
- ♦ Income in respect of a decedent
- ♦ Prizes and awards, including scholarships and fellowships (unless they satisfy the conditions on page 27)
- ♦ Value of residence provided by employer
- ♦ Fees for services rendered, including jury duty

New Jersey gross income also **includes** the following which are not subject to Federal income tax:

- ♦ Interest from obligations of states and their political subdivisions, other than New Jersey and its political subdivisions
- ♦ Income earned from foreign employment
- ♦ Certain contributions to pensions and tax-deferred annuities
- ♦ Employee contributions to Federal Thrift Savings Funds, 403(b), 457, SEP, or any other type of retirement plan other than 401(k) Plans

Food and maintenance payments made to New Jersey State Police officers as part of their union contract **cannot** be excluded from gross income. These payments do not meet the criteria above.

**Employee Business Expenses.** Employee business expenses are **not** deductible for New Jersey gross income tax purposes. However, you may exclude from the amount reported on Line 34 reimbursements for employee business expenses reported as wages on your W-2 provided that:

1. The expenses for which you are reimbursed are job related expenses;
2. You are required to and do account for these expenses to your employer; and
3. You are reimbursed by your employer in the exact amount of the allowable expenses.

If you receive excludable reimbursements for employee business expenses which are included in your wages on your W-2, attach a statement explaining the amount you are excluding and your reasons for excluding this amount. Also attach a photocopy of your Federal Form 2106.

**Commuter Transportation Benefits.**

Certain amounts you receive from your employer up to \$1,175 for using alternative means of commuting (such as public transportation, carpools, vanpools, etc.) may be excluded from your New Jersey gross income. Commuter transportation benefits may not be excluded from gross income unless your employer provides those benefits *in addition* to your regular compensation.

If the commuter transportation benefits you receive exceed the maximum excludable amount, the excess amount is taxable and is included in your gross income.

Your W-2 form will show both the taxable and nontaxable benefit amounts. The taxable benefits are included in the "State wages" figure on your W-2, while the nontaxable benefits are not.

An employee who receives money towards commuter transportation benefits must provide his/her employer with suitable proof (receipts, ticket stubs, etc.) to show that the employer-provided money was used for an alternative means of commuting.

**Federal Statutory Employees.** If you are considered a "statutory employee" for Federal income tax purposes, you may not deduct your business expenses unless you are self-employed or an independent contractor under New Jersey law. The Federal label of "statutory employee" has no meaning for New Jersey gross income tax purposes. Business expenses may only be deducted from the business income of a self-employed individual. See the instructions for Line 37 (Net Profits from Business).

**Moving Expenses.** Moving expenses are **not** deductible for New Jersey gross income tax purposes. However, you may exclude from the amount reported on Line 34 reimbursements for the following moving expenses if the Federal requirements to claim moving expenses were met and the expenses were included in wages on your W-2.

1. The cost of moving your household goods and personal effects from the old home to the new home.
2. The actual expenses incurred by you for traveling, meals, and lodging when moving you and your family from your old residence to your new residence.

Reimbursements for any other moving expenses may **not** be excluded from income.

If you receive excludable reimbursements for moving expenses which are included in your wages on your W-2, attach a statement explaining the amount you are

Line 34 - Wages, Salaries, Tips, etc. - continued

excluding and your reasons for excluding this amount. Also attach a photocopy of your Federal Form 3903.

**Compensation for Injuries or Sickness.**

Certain amounts received for personal injuries or sickness are not subject to tax. You may exclude from the amount reported on Line 34 such amounts included as wages on your W-2 provided that:

1. The payments must be compensation for wage loss which results from absence due to injury or sickness of the employee; and
2. The payments must be due and payable under an enforceable contractual obligation under the plan; and
3. The payments must not relate to sick leave wage continuation, the taking of which is largely discretionary and the payments are made regardless of the reason for absence from work.

If such payments are included in the State wages figure on your W-2, you must file Form NJ-2440 with your New Jersey return to exclude them.

**COLUMN B**

Enter the portion of your wages, salaries, etc. that comes from New Jersey sources. If zero, enter "0."

Pennsylvania residents, see page 2.

If you had wage/salary income earned partly within and partly outside of New Jersey, and you cannot easily determine the amount of income from New Jersey, see Part IV on page 29.

Do not use Part IV if your wage/salary income is based on volume (the amount of sales or amount of business transacted). Instead, enter on Line 34, the portion of your wage/salary income calculated using the following formula:

$$\frac{\text{NJ Vol.}}{\text{Total Vol.}} \times \text{Vol. Income} = \text{Line 34, Col. B}$$

In determining where the business was transacted, the location where the serv-

**Exempt Income**

The following income is not taxable to residents or nonresidents. These items should not appear anywhere on your nonresident return (Column A or Column B).

- ♦ Federal Social Security
- ♦ Railroad Retirement (Tier 1 and Tier 2)
- ♦ United States military pensions and survivor's benefit payments
- ♦ Life insurance proceeds received because of a person's death
- ♦ Employee's death benefits
- ♦ Permanent and total disability, including VA benefits
- ♦ Temporary disability received from the State of New Jersey or as third party sick pay
- ♦ Worker's Compensation
- ♦ Gifts and inheritances
- ♦ Qualifying scholarships or fellowship grants
- ♦ New Jersey Lottery winnings
- ♦ Unemployment Compensation
- ♦ Interest and capital gains from: (a) Obligations of the State of New Jersey or any of its political subdivisions; or (b) Direct Federal obligations exempt under law, such as U.S. Savings Bonds and Treasury Bills, Notes, and Bonds
- ♦ Earnings on qualified withdrawals from qualified State tuition program accounts, including the New Jersey Better Educational Savings Trust Program (NJBEST) accounts
- ♦ Distributions paid by mutual funds to the extent the distributions are attributable to interest earned on Federal obligations
- ♦ Certain distributions from "New Jersey Qualified Investment Funds"
- ♦ Employer and employee contributions to 401(k) Salary Reduction Plans (but not Federal Thrift Savings Funds)
- ♦ Some benefits received from certain employer-provided cafeteria plans (but not salary reduction or premium conversion plans). Request Division Technical Bulletin TB-39
- ♦ Contributions to and distributions from Medical Savings Accounts if they are excluded for Federal income tax purposes
- ♦ Direct payments and benefits received under homeless persons assistance programs
- ♦ Income tax refunds (New Jersey, Federal, and other jurisdictions)
- ♦ Federal advance payments paid under the EGTRRA of 2001
- ♦ Welfare
- ♦ Child Support
- ♦ Amounts paid as reparations or restitution to Nazi Holocaust victims
- ♦ Assistance from a charitable organization, whether in the form of cash or property

ices or sales were actually performed is the deciding factor. An explanation of how you computed the amount of wage/salary income must be attached to your return.

**Line 35 - Interest Income**

**COLUMN A**

Enter all of your reportable interest from sources both inside and outside of New Jersey on Line 35, Column A. New Jersey reportable interest income includes interest from the following:

- ♦ Banks
- ♦ Savings and loan associations
- ♦ Credit unions
- ♦ Savings accounts
- ♦ Earnings on nonqualified withdrawals from qualified State tuition program accounts, including the New Jersey Better Educational Savings Trust Program (NJBEST) accounts
- ♦ Distributions from education IRAs (but only the earnings portion)
- ♦ Checking accounts
- ♦ Bonds and notes
- ♦ Certificates of deposit

*Line 34 - Wages, Salaries, Tips, etc. - continued*

- Ginnie Maes
- Fannie Maes
- Freddie Macs
- Repurchase agreements
- Life insurance dividends
- Obligations of states and their political subdivisions, other than New Jersey
- Any other interest not specifically exempt

Interest received by your sole proprietorship is reportable as net profits from business on Line 37.

Your portion of interest earned and received by a partnership, an estate or trust or, in general, an S corporation is reportable as distributive share of partnership income on Line 42, net income from estates or trusts on Line 45, or net pro rata share of S corporation income on Line 43.

For detailed information regarding the reporting of partnership or S corporation income, request Tax Topic Bulletin GIT-9P, *Income from Partnerships*, or GIT-9S, *Income from S Corporations*. For information regarding grantor trusts see the reporting instructions for Line 45 on page 26. Interest paid or deemed to have been paid to you by a partnership or an S corporation and reportable to you on Form 1099 must be included on Line 35 in Column A.

**Forfeiture Penalty for Early Withdrawal.** If you incur a penalty by withdrawing a time deposit early, you may subtract the amount of the penalty from your interest income.

If your reportable interest income on Line 35, Column A, is more than \$400, attach a copy of Schedule B, Federal Form 1040, or Schedule 1, Federal Form 1040A.

Do not report tax-exempt interest on Line 35. New Jersey tax-exempt interest income includes:

- Obligations of the State of New Jersey or any of its political subdivisions
- Direct Federal obligations such as U.S. Savings Bonds and Treasury Bills, Notes, and Bonds

- Earnings on qualified withdrawals from qualified State tuition program accounts, including the New Jersey Better Educational Savings Trust Program (NJBEST) accounts
- Sallie Maes
- CATS
- TIGRs
- Certain distributions from "New Jersey Qualified Investment Funds"
- Distributions paid by mutual funds to the extent the distributions are attributable to interest earned on Federal obligations

**New Jersey Qualified Investment Funds.** A New Jersey Qualified Investment Fund is a regulated investment company in which at least 80% of the fund's investments (other than cash or receivables) are obligations issued either directly by the Federal government or the State of New Jersey or any of its political subdivisions. The Fund must certify such status to the Division of Taxation annually.

If you received a distribution from a qualified investment fund, you may exclude from your income the portion of the distribution which comes from the qualified exempt obligations. The taxable portion of the distribution, if any, is reported as dividends on Line 36. By February 15, shareholders should be notified by the New Jersey qualified investment fund of the portion of their distribution that may be excluded from income. Contact your broker to determine whether your fund qualifies.

**Do not report interest earned on your IRA(s) on Line 35, Interest Income. If you made a withdrawal from your IRA during the year, see the instructions for Line 41.**

For more information on tax-exempt interest income, order Tax Topic Bulletin GIT-5, *Exempt Obligations*.

**COLUMN B**

Only interest received as a result of a business or profession carried on in New Jersey and not properly reportable as net

profits from business, distributive share of partnership income, net income from estates or trusts, or net pro rata share of S corporation income should be reported on Line 35, Column B. See instructions for Line 35, Column A. **Do not report interest from personal accounts.**

**Line 36 - Dividends****COLUMN A**

Enter on Line 36, Column A, the amount of dividends received during the year from investments (e.g., from stocks, mutual funds) or other income-producing activities which do not constitute a trade or business. The total amount of dividends received, **regardless of where earned**, must be reported.

Dividends received by your sole proprietorship are reportable as net profits from business on Line 37. Your portion of dividends earned and received by a partnership, an estate or trust or, in general, an S corporation are reportable as distributive share of partnership income on Line 42, net income from estates or trusts on Line 45, or net pro rata share of S corporation income on Line 43. For detailed information regarding the reporting of partnership income or S corporation income and distributions, request Tax Topic Bulletin GIT-9P, *Income from Partnerships*, or GIT-9S, *Income from S Corporations*. For information regarding grantor trusts see the reporting instructions for Line 45 on page 26.

**Capital Gain Distributions.** Capital gain distributions you receive from mutual funds or other regulated investment companies are reported on Line 48, Part II and are not to be included as dividends.

**Tax-Free Distributions.** A distribution which is a return of your investment or capital and does not come from earnings or profits is a nontaxable capital or tax-free distribution. These distributions reduce the basis of the stock or investment and are not taxable until your investment is fully recovered.

Line 36 - Dividends - continued

**Insurance Premiums.** Dividends received from insurance companies are not taxable unless the dividends received exceed the premiums paid. Any interest from accumulated insurance dividends must be reported on Line 36, Column A.

**COLUMN B**

Only dividends received as a result of a business or profession carried on in New Jersey and not properly reportable as net profits from business, distributive share of partnership income, net income from estates or trusts, or net pro rata share of S corporation income should be reported on Line 36, Column B. See instructions for Line 36, Column A. **Do not report dividends from personally-held securities.**

**Line 37 - Net Profits from Business**

**COLUMN A**

Report the net profits from your business, trade, or profession, whether carried on

inside or outside New Jersey, on Line 37, Column A. To determine your New Jersey profit (or loss), first complete a Federal Schedule C (or Schedule C-EZ or Schedule F). To comply with New Jersey income tax law, make the following adjustments to your Federal Schedule C (or Schedule C-EZ or Schedule F):

1. Add any amount you deducted for taxes based on income.
2. Subtract interest you reported on Federal Schedule C (or Schedule C-EZ or Schedule F) which is exempt for New Jersey purposes but taxable for Federal purposes.
3. Add interest not reported on Federal Schedule C (or Schedule C-EZ or Schedule F) from states or political subdivisions outside of New Jersey which is exempt for Federal purposes.
4. Deduct the remaining 50% of meal and entertainment expenses (that were disallowed on the Federal return).

5. Add interest and dividends that were derived in the conduct of a trade or business.
6. Add or subtract income or losses derived in the conduct of a trade or business from rentals, royalties, patents, or copyrights.
7. Add or subtract gains or losses from the sale, exchange, or other disposition of the trade or business's property.

If you are a New Jersey small to medium business child care consortium member, you may be eligible for a special deduction for certain child care center expenditures (or for certain qualifying sponsor contributions).

Use the same accounting method (cash or accrual) that you used for Federal income tax purposes. In the case of a loss, enter "0" on Line 37. Attach a copy of the Federal Schedule C (or Schedule C-EZ or Schedule F) to your return.

**Sample W-2 (This form is for illustration only and is not reproducible.)**

a Control number <b>22222</b>		Void <input type="checkbox"/>	For Official Use Only ▶ OMB No. 1545-0008		
b Employer identification number		1 Wages, tips, other compensation \$	2 Federal income tax withheld \$		
c Employer's name, address, and ZIP code		3 Social security wages \$	4 Social security tax withheld \$		
d Employee's social security number		5 Med. ins. and tips \$	6 Medicare tax withheld \$		
		7 Social security tips \$	8 Allocated tips \$		
e Employer name and address Last name		9 Additional payment \$	10 Dependent care benefits \$		
f Employee's address and ZIP code		11 Non-qualified plans \$	12a See instructions for box 12 \$		
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>	12b \$		
		14 Other UI/HC/WD 93.93 DI 110.50 DI P.P. #(Private Plan No.)	12c \$ 12d \$		
15 State Employer's state ID number NJ   234-567-890/000	16 State wages, tips, etc. \$ 32,250.00	17 State income tax \$ 525.00	18 Local wages, tips, etc. \$	19 Local income tax \$	20 Locality name
<b>Form W-2 Wage and Tax Statement</b>		<b>2001</b>		Department of the Treasury—Internal Revenue Service For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.	

continued

**COLUMN B**

Enter the portion of your business income that comes from New Jersey sources. If zero, enter "0." If you carry on business both inside and outside New Jersey, you must complete and attach Form NJ-NR-A for each business. Form NJ-NR-A is available on the Division's Web site at [www.state.nj.us/treasury/taxation/](http://www.state.nj.us/treasury/taxation/) or contact our Customer Service Center at 609-292-6400 for Form NJ-NR-A and instructions.

Do not include in Column B net profits (or losses) which you received from a business entity located in New Jersey if the business entity's only activity is the purchase, holding, or sale of intangible personal property, such as securities or commodities, and such intangible personal property is not held for sale to customers. You must, however, include such net profits in Column A.

**Line 38 - Net Gains or Income from Disposition of Property****COLUMN A**

Enter on Line 38, Column A, the amount of net gains from Part II, Line 50. See page 28.

**COLUMN B**

Enter the net gains or income from New Jersey sources. If zero, enter "0."

**Line 39 - Net Gains or Income from Rents, Royalties, Patents, and Copyrights****COLUMN A**

Enter on Line 39, Column A the amount of net gains or income from Part III, Line 53. See page 29.

**COLUMN B**

Enter your net gains or income from New Jersey sources. If zero, enter "0."

**Line 40 - Net Gambling Winnings****COLUMN A**

Enter on Line 40, Column A, the amount of your net gambling winnings from both inside and outside New Jersey. You may

deduct your gambling losses from your winnings that occurred during the same year. **You may not use New Jersey Lottery losses to offset other gambling winnings.** If your net gambling winnings are less than zero, enter "0."

You must be able to substantiate gambling losses used to offset winnings reported on your New Jersey nonresident income tax return. Evidence of losses may take several forms, including a daily log or journal of wins and losses, canceled checks, losing pari-mutuel tickets, etc. With respect to winnings or losses resulting from casino gambling, letters from casinos which purport to "rate" the gambling activity of an individual or "estimate" losses are acceptable as **part** of the evidential material required to prove losses.

Winnings or losses from other state lotteries may be reported on this line. **Remember, do not include any winnings or losses from the New Jersey State Lottery.**

Although no specific rider to the New Jersey income tax return is required to substantiate gambling losses, it is suggested that if you enter gambling winnings net of losses on Line 40 of the return, you should note the total winnings and total losses on a supporting schedule. This procedure may eliminate certain questions in the event the return is selected for audit. Although not taxable, New Jersey Lottery winnings and losses should be listed on the supporting schedule.

**COLUMN B**

Enter your net gambling winnings from New Jersey sources. Gambling losses incurred from sources outside New Jersey may not be used to offset gambling winnings from New Jersey sources. If zero, enter "0."

**Pensions, Annuities, IRA Withdrawals, Less New Jersey Exclusion (Line 41)****COLUMN A**

Enter on Line 41, Column A, your reportable pensions, annuities, and certain IRA withdrawals, less your New Jersey pension exclusion. See page 25 for information on Roth IRAs and the pension exclusion. Pensions, annuities, and IRA withdrawals are reportable on the New Jersey return although the reportable amount may differ from the Federal amount. All state and local government, teachers', and Federal pensions, and Keogh Plans are treated in the same manner as pensions from the private sector. Amounts received as "early retirement benefits" and amounts received as pension on Schedule NJK-1, Partnership Return Form NJ-1065 are also reportable. Social Security and Railroad Retirement benefits are exempt from New Jersey income tax and should not be reported as pension income. Pension payments received by reason of total and permanent disability are also exempt. However, if you retired before age 65 on a total and permanent disability pension and continue to receive pension payments after age 65, your disability pension is then treated as an ordinary pension.

**Worksheet C  
Which Pension Method to Use**

1. Amount of pension you will receive during the first three years (36 months) from the date of the first payment ..... 1. \_\_\_\_\_
2. Your contributions to the plan ..... 2. \_\_\_\_\_
3. Subtract line 2 from line 1 ..... 3. \_\_\_\_\_
  - (a) If line 3 is "0" or more, *and* both you and your employer contributed to the plan, you may use the **Three-year Rule Method**.
  - (b) If line 3 is less than "0," or your employer did not contribute to the plan, you must use the **General Rule Method**.

**Worksheet D  
General Rule Method**

- 1. Your previously-taxed contributions to the plan ..... 1. \_\_\_\_\_
- 2. Expected return on contract\* ..... 2. \_\_\_\_\_
- 3. Percentage excludable (Divide line 1 by line 2) ..... 3. \_\_\_\_\_%
- 4. Amount received this year ..... 4. \_\_\_\_\_
- 5. Amount excludable (Multiply line 4 by line 3) ..... 5. \_\_\_\_\_
- 6. Reportable amount (Subtract line 5 from line 4)  
Enter here and then use this figure to calculate the  
amount to put on Line 41, NJ-1040NR ..... 6. \_\_\_\_\_

\*The expected return on the contract is the amount receivable. If life expectancy is a factor under your plan, Federal actuarial tables must be used to compute the expected return. The Federal actuarial tables are contained in the Internal Revenue Service's Publication 939, *General Rule for Pensions and Annuities*. Contact the IRS for this publication. If life expectancy is not a factor under your plan, the expected return is found by totaling the amounts to be received.

**New for 2001**

If you are receiving a United States military pension or survivor's benefit payments, the military pension or survivor's benefit is not reportable for New Jersey gross income tax purposes, regardless of your age or disability status. Do not include such payments on Line 41, Column A, Form NJ-1040NR.

Military pensions are those resulting from service in the Army, Navy, Air Force, Marine Corps, or Coast Guard. This exemption does not apply to civil service pensions or annuities, even if the pension or annuity is based on credit for military service. Most military pensions and survivor's benefit payments are received from the U.S. Defense Finance and Accounting Service while a civil service annuity is received through the U.S. Office of Personnel Management.

Retirement plans (pensions, annuities, IRAs) are either noncontributory or contributory. A noncontributory plan is one to which you have not made contributions. A contributory plan is one to which you have made contributions.

**Pensions, Annuities, and IRA Withdrawals**

The amount you report on Line 41, Column A, will depend on whether or not you made contributions to the plan.

**Noncontributory Plans.** Amounts you receive from noncontributory plans are fully reportable. Include on Line 41, Column A, the total amount of the pension or annuity from your 1099-R.

**Contributory Plans (Other than IRAs).**

The total value of your pension or annuity consists of your contributions, your employer's contributions (if any), and earnings. Generally, your contributions to a pension or annuity were taxed when they were made and are not reportable when withdrawn (except for 401(k) Plans). You must determine the reportable part of any distribution you receive. Use Worksheet C on page 22 to determine whether you should use the Three-year Rule Method or the General Rule Method for your pension or annuity.

**NOTE:**

- ♦ If you received a distribution from a 401(k) Plan, see the section on 401(k) Plans before continuing.
- ♦ The reportable amount of an IRA withdrawal must be determined by completing Worksheet E, IRA Withdrawals, on page 24. **Do not use Worksheet C or D for an IRA withdrawal.**
- ♦ After determining the reportable amount of your pensions, annuities, and IRA withdrawals, see page 25 for New Jersey exclusion information.

**Three-year Rule Method.** If you will recover your contributions within three years from the date you receive the first payment from the plan, and both you **and** your employer contributed to the plan, you may use the Three-year Rule Method to determine your New Jersey reportable pension income. The Three-year Rule allows you to exclude your pension and annuity payments from gross income until the payments you receive equal your contributions to the plan. Until that time the amounts you receive, because they are considered your contributions, are not reportable and should not be entered on your return. Once you have received (recovered) an amount equal to the amount you contributed, the payments you receive are fully reportable.

Since the Three-year Rule has been repealed for Federal income tax purposes, if you retired after July 1, 1986, the reportable amount of pension or annuity that you enter on your New Jersey return when using this method will differ from the amount you report on your Federal return.

**General Rule Method.** If you will not recover your contributions within three years from the date you receive the first payment from the plan, or your employer did not contribute to the plan, you must use the General Rule Method to determine your New Jersey reportable pension income. From the first year you receive your pension and every year thereafter, part of your pension will be excludable (the amount that represents your contributions) and part will be reportable. Use

## Worksheet E - IRA Withdrawals 2001

**Part I**

1. **Value of IRA** on 12/31/01 ..... 1. \_\_\_\_\_
  2. **Total distributions from IRA during the tax year.** Do not include tax-free rollovers ..... 2. \_\_\_\_\_
  3. **Total value of IRA.**  
Add lines 1 and 2 ..... 3. \_\_\_\_\_
- Unrecovered Contributions:**  
Complete **either** line 4a or 4b:
- 4a. **First year of withdrawal from IRA:**  
Enter the total of IRA contributions that were previously taxed ..... 4a. \_\_\_\_\_
  - 4b. **After first year of withdrawal from IRA:** Complete Part II. Enter amount of unrecovered contributions from Part II, line (g)\* ..... 4b. \_\_\_\_\_
5. **Accumulated earnings in IRA on 12/31/01.** Subtract either line 4a or 4b from line 3 ..... 5. \_\_\_\_\_
  6. Divide line 5 by line 3 and enter the result as a decimal ..... 6. \_\_\_\_\_
  7. **Reportable portion of this year's withdrawal.**  
Multiply line 2 by decimal amount on line 6.  
Enter here and on Line 41, NJ-1040NR ..... 7. \_\_\_\_\_

**Part II—Unrecovered Contributions**

(For Second and Later Years)

- (a) **Last year's unrecovered contributions.**  
From line 4 of last year's worksheet \* ..... (a) \_\_\_\_\_
- (b) **Amount withdrawn last year.**  
From line 2 of last year's worksheet ..... (b) \_\_\_\_\_
- (c) **Reportable portion of last year's withdrawal.** From line 7 of last year's worksheet ..... (c) \_\_\_\_\_
- (d) **Contributions recovered last year.** Subtract line (c) from line (b) ..... (d) \_\_\_\_\_
- (e) **This year's unrecovered contributions.**  
Subtract line (d) from line (a) ..... (e) \_\_\_\_\_
- (f) **Contributions to IRA during current tax year.** Do not include tax-free rollovers ..... (f) \_\_\_\_\_
- (g) **Total unrecovered contributions.**  
Line (e) plus line (f). Enter here and on Part I, line 4b ..... (g) \_\_\_\_\_

\* If you did not complete a worksheet in prior year(s), skip Part II and calculate the amount of unrecovered contributions as follows:

- A. Determine the total amount of **withdrawal(s)** made from the IRA in previous years.
- B. Total the portion(s) of these previous year withdrawal(s) already reported as income on prior New Jersey tax returns.
- C. Subtract the amount of previous year withdrawals reported (B) from the total amount of previous year withdrawals (A).  
This difference is the amount of contributions that have been *recovered* thus far.
- D. Subtract the amount of *recovered* contributions (C) from the *total* amount of contributions made to the IRA.  
This is the amount of **unrecovered** contributions to enter on **line 4b** of **Part I**.

**(Keep a copy of this worksheet for your records.)**

Worksheet D on page 23 to determine the reportable amount.

Complete Worksheet D the year in which you receive your first pension payment. Once calculated, use the percentage on line 3 to determine the reportable amount year after year. You must recalculate the percentage only if your annual pension payments decrease.

**401(k) Plans.** Beginning on January 1, 1984, New Jersey's treatment of 401(k) Plan contributions changed. After that date employee contributions to 401(k) Plans were no longer included in taxable wages when earned. If you made contri-

butions to your 401(k) Plan prior to January 1, 1984, your distribution will be treated differently than if you made all of your contributions after this date.

1. **All contributions made after January 1, 1984.** If all of your contributions to the 401(k) Plan were made after January 1, 1984, then your distributions from the plan are fully reportable unless your contributions exceeded the Federal limit.
2. **Contributions made before January 1, 1984.** If you made contributions to the 401(k) Plan before January 1, 1984, or you made contributions beyond the Federal limit, calculate the

reportable portion of your distributions from the plan using one of the methods described under contributory plans.

**Lump-Sum Distributions and Rollovers.**

When a lump-sum distribution of the entire balance from a qualified employee pension, annuity, profit-sharing, or other plan is made, the amount received in excess of the contributions to the plan that have already been taxed must be included in your income in the year received. New Jersey has no provisions for income averaging of lump-sum distributions. Enter the reportable amount of a lump-sum distribution on Line 41, Column A.

*continued*



*Pensions, Annuities, and IRA Withdrawals - continued*

A lump-sum distribution from an IRA or a qualified employee pension or annuity plan which you roll over into an IRA or other eligible plan is excludable from New Jersey income if the rollover qualifies for deferral for Federal income tax purposes. The amount rolled over (minus previously taxed contributions) is reportable later when it is withdrawn. As under Federal law, the rollover must be made within the 60-day period after distribution.

For more detailed information on reporting pension and annuity income on your New Jersey return, order Tax Topic Bulletin GIT-1, *Pensions and Annuities*.

**IRAs.** Your IRA consists of a nonreportable part (your contributions) and a reportable part (earnings plus certain amounts, if any, rolled over from pension plans). If your contributions have been previously taxed, the portion of your distribution that represents earnings is reportable.

Earnings credited to an IRA are not reportable until withdrawn. The interest, dividends, and other earnings, as well as amounts which were tax-free rollovers, will become reportable when withdrawn. If the total amount in the IRA is withdrawn, the entire amount of the interest or accumulated gains becomes reportable in the year the withdrawal is made. If, however, the withdrawal from an IRA is made over a period of years, the portion of the annual distribution that represents interest income and accumulated gains in the IRA is reportable.

A distribution from a rollover IRA which is fully reportable for Federal income tax purposes may be treated differently for

New Jersey purposes if your contributions were subject to New Jersey income tax when the contributions were made.

Enter the reportable amount of an IRA withdrawal on Line 41. Use Worksheet E on page 24 to determine the reportable portion of your IRA withdrawal. For multiple IRAs, the reportable amount may be determined by using a separate worksheet for each IRA, or all IRAs may be combined on one worksheet.

**Roth IRAs.** Contributions to a Roth IRA are reportable as part of your gross income in the year they are made. However, if the requirements are satisfied, "qualified distributions" from a Roth IRA are excludable and do not have to be included as income in Column A or Column B of Form NJ-1040NR.

A "qualified distribution" is one made after the five-taxable-year period beginning with the first taxable year in which a contribution was made to your IRA, **and** which is:

1. Made on or after the date on which an individual reaches age 59½; or
2. Made to a beneficiary (or the individual's estate) after the individual's death; or
3. Made because the individual becomes disabled; or
4. Made as a qualified first-time home buyer distribution as defined by the Internal Revenue Code.

A payment or distribution cannot be treated as a qualified distribution if it is made within the five-taxable-year period which begins with the year the first contribution was made. A payment or distri-

bution of an allowable rollover contribution (or income earned on the amount rolled over) from an IRA other than a Roth IRA, is not a qualified distribution if it is made within the five-taxable-year period which begins with the year in which the rollover contribution was made.

If you received a nonqualified distribution from a Roth IRA, you must report the earnings as income on Line 41, Column A.

If you converted an existing IRA to a rollover Roth IRA during tax year 2001, any amount from the existing IRA that would be reportable if withdrawn must be reported in your gross income in Column A.

If you converted an existing IRA to a rollover Roth IRA during tax year 1998 and elected to spread the income over a four-year period, you must **also** include one-fourth of the amount reportable for New Jersey purposes on Line 41, Column A.

For more detailed information on IRA withdrawals, order Tax Topic Bulletin GIT-2, *IRA Withdrawals*, or Technical Bulletin TB-44.

**New Jersey Pension Exclusion**

**New for 2001** If you qualify, you may exclude all or a part of the income you received during the year from taxable pensions, annuities, and IRA withdrawals. For tax year 2001 you may exclude up to \$15,000 (filing status married, filing joint return), \$11,250 (filing status single, head of household, or qualifying widow(er)), or \$7,500 (filing status married, filing separate return).

To qualify for the New Jersey pension exclusion you must be:

62 years of age or more

**or**


Disabled as defined by Social Security guidelines

Maximum Pension Exclusion	
Amount:	For Filing Status:
\$15,000	Married, filing joint return
\$11,250	Single Head of Household Qualifying Widow(er)
\$ 7,500	Married, filing separate return

*New Jersey Pension Exclusion - continued*

Enter on Line 41, Column A, the total reportable pension, annuity, and IRA withdrawal income less the amount next to your filing status from the Maximum Pension Exclusion chart on page 25. If zero or less, enter "0."

When you and your spouse file a joint return and only one of you is 62 years of age or older or disabled, you may still claim the maximum pension exclusion. However, only the pension, annuity, or IRA withdrawal of the qualified spouse may be excluded.

**TAX TIP**  If you and/or your spouse were 62 years of age or older at the end of the tax year and did not use the maximum pension exclusion amount for your filing status, or you did not use the pension exclusion because you did not report any taxable pensions, annuities, and IRA withdrawals, you may still qualify for other income exclusions. See the instructions for Line 14b, "Other Retirement Income Exclusion." Part-year nonresidents, see page 3.

**COLUMN B**

Pension, annuity, and IRA withdrawal income is not taxable to nonresidents. Therefore, no entry is necessary on Line 41, Column B.

**Line 42 - Distributive Share of Partnership Income****COLUMN A**

Enter on Line 42, Column A, your share of income derived from partnership(s) as reported to you by the partnership(s) on Schedule NJK-1, Form NJ-1065. The appropriate amount to enter appears on the schedule in column A of the line labeled "Distributive Share of Partnership Income" and must be reported whether or not the income was actually distributed. If the net amount from all Schedule NJK-1s is zero or less, make no entry. Enclose a copy of each Schedule NJK-1 with your return. For detailed information regarding the reporting of partnership income, request Tax Topic Bulletin GIT-9P, *Income from Partnerships*.

If you are a New Jersey small to medium business child care consortium member, you may be eligible for a special deduction for certain child care center expenditures (or for certain qualifying sponsor contributions).

If any adjustments to the amount reported on Line 42, Column A are necessary, follow the detailed instructions in Tax Topic Bulletin GIT-9P, *Income from Partnerships*.

If the partnership had no income from New Jersey sources and you did not receive a Schedule NJK-1, you must attach a copy of the Federal Schedule K-1 and complete Reconciliation Worksheet A contained in Tax Topic Bulletin GIT-9P, *Income from Partnerships*, but only if you had income from other New Jersey sources during the year. Be sure to retain the completed worksheet for your records.

**COLUMN B**

Enter the portion of the partnership income that comes from New Jersey sources. If zero, enter "0."

Do not include in Column B distributive share of partnership income which you received from a partnership, LLP, or LLC located in New Jersey if the business entity's only activity is the purchase, holding, or sale of intangible personal property, such as commodities or securities, and such intangible personal property is not held for sale to customers. You must, however, include such partnership income in Column A.

**Line 43 - Net Pro Rata Share of S Corporation Income****COLUMN A**

Enter on Line 43, Column A, the amount of your net pro rata share of S corporation income, whether or not the income was actually distributed. For detailed information regarding the reporting of S corporation income, request Tax Topic Bulletin GIT-9S, *Income from S Corporations*.

Attach a copy of the Schedule NJ-K-1, Form CBT-100S, which you received from the S corporation. If you did not receive a Schedule NJ-K-1, you must attach a copy of the Federal Schedule K-1 and complete Reconciliation Worksheet B contained in Tax Topic Bulletin GIT-9S, *Income from S Corporations*. Be sure to retain the completed worksheet for your records.

**COLUMN B**

Enter the portion of the net pro rata share of S corporation income that comes from New Jersey sources. If zero, enter "0."

**Line 44 - Alimony and Separate Maintenance Payments Received****COLUMN A**

Enter on Line 44, Column A, the total amount of alimony and separate maintenance payments you received which were required under a decree of divorce or separate maintenance. Do not include payments received for child support.

**COLUMN B**

Enter "0" on Line 44, Column B.

**Line 45 - Other****COLUMN A**

Enter on Line 45, Column A:

**Amounts Received as Prizes and Awards.** A prize won in a raffle, drawing, television or radio quiz show, contest, or any other event is reportable and must be included on Line 45, Column A. Any prizes or awards received in goods or services must be included as income at fair market value.

**Income in Respect of a Decedent.** If you had the right to receive income that the deceased person would have received had he or she lived, and the income was not included on the decedent's final return, you must report the income on your own return when you receive it. The income is reported on Line 45, "Other" income. Enclose a schedule of the items of

*Line 45 - Other - continued*

income reported together and included on Line 45.

**Income from Estates and Trusts.** Beneficiaries receiving income from an estate or trust must include on Line 45 the net of the items listed on the Federal K-1 form(s) received. Interest, dividends, capital gains, business or partnership income, etc. as listed on the Federal K-1(s) must be adjusted to reflect New Jersey tax law and then netted together before inclusion on Line 45, "Other" income. Be sure to include income which is not subject to Federal income tax but is subject to New Jersey gross income tax, such as interest from and losses on the disposition of obligations of states and their political subdivisions, other than New Jersey and its political subdivisions, and exclude income and losses not subject to New Jersey tax, such as gains on New Jersey tax-exempt securities. Enclose a copy of the Federal K-1(s) with your return.

If the income from a grantor trust is reportable by or taxable to the grantor for Federal income tax purposes, it is also taxable to the grantor for New Jersey gross income tax purposes. The grantor must report the interest, dividends, capital gains, business income, partnership income, net pro rata share of S corporation income, etc. in the same categories of income as listed on the Federal or New Jersey K-1(s) and not as income from Estates and Trusts. A copy of the Schedule K-1 should be enclosed with the return.

**Scholarships and Fellowships.** Scholarships and fellowship grants are reportable and must be included on Line 45, Column A, unless they satisfy **all** of the following conditions:

1. The primary purpose of the grant is to further the recipient's education or training; and
2. The grant neither represents payments for past, present, or future services nor payments for services which are subject to the direction or supervision of

the grantor (e.g., a fellowship given in exchange for teaching); and

3. The grant is not for the benefit of the grantor.

**Residential Rental Value or Allowance Paid by Employer.** Enter on Line 45, Column A, either the rental value of a residence furnished by an employer or the rental allowance paid by an employer to provide a home. The rental value of the residence furnished is excludable and should not be reported provided that:

1. The lodging is provided on the business premises of the employer; and
2. The lodging is furnished for the convenience of the employer; and
3. The employee is required to accept such lodging as a condition of employment.

**Other.** Enter on Line 45, Column A, the amount of any reportable income for which a place has not been provided elsewhere on the return. Income from sources both legal and illegal is subject to tax.

**COLUMN B**

Enter the portion of your other income that comes from New Jersey sources. If zero, enter "0."

**Amounts Received as Prizes and Awards.**

Do not include in Column B a prize won in a raffle, drawing, television or radio quiz show, or contest. These amounts, although not taxable for New Jersey nonresidents, are reported and included on Line 45, Column A.

**Income from Estates and Trusts.** Do not include in Column B income you receive from an estate or trust if the estate or trust received such income from a business entity (i.e., sole proprietorship, partnership, LLP, or LLC) located in New Jersey and the only activity of the business entity is the purchase, holding, or sale of intangible personal property, such as commodities or securities, and such intangible personal property is not held for

sale to customers. You must, however, include such income in Column A.

**Line 46 - Total Income****COLUMN A**

Enter on Line 46, Column A, the total of Lines 34-45, Column A. Also enter this amount on Line 14a, Column A.

**COLUMN B**

Enter on Line 46, Column B, the total of Lines 34-45, Column B. Also enter this amount on Line 14a, Column B.



Continue with Line 14a instructions on page 10.

**Part II - Disposition of Property (Lines 47 - 50)**

Your portion of the gain or loss derived from the disposition of property owned by a sole proprietorship, partnership, an estate or trust or, in general, an S corporation is reportable as net profits from business on Line 37, distributive share of partnership income on Line 42, income from estates and trusts on Line 45, or net pro rata share of S corporation income on Line 43. For information regarding grantor trusts see the reporting instructions for Line 45 on page 26.

Use Part II to report all other capital gains and income from the sale or exchange of any property (both inside and outside New Jersey). In arriving at your gain, you may deduct expenses of the sale and your adjusted basis in the property. The basis to be used for computing gain or loss is the cost or adjusted basis determined for Federal income tax purposes. If you sold an interest in a partnership, a sole proprietorship, or rental property, you may be required to use a New Jersey adjusted basis. If you sold shares

*Part II - Disposition of Property - continued*

in an S corporation you **must** use your New Jersey adjusted basis. The gain or loss from your sale or liquidation of a sole proprietorship, a partnership interest, or shares of S corporation stock must be reported as net gains or income from disposition of property in Part II. For instructions on calculating your New Jersey adjusted basis and the New Jersey gain or loss on disposition of a partnership interest or S corporation shares, partners and shareholders should request Tax Topic Bulletin GIT-9P, *Income from Partnerships*, or GIT-9S, *Income from S Corporations*. All gains derived from installment sales must be reported in the same year as reported for Federal income tax purposes. If the spaces provided are not sufficient, attach a statement to the return listing any additional transactions.

**Sale of a Principal Residence.** If you sell your principal residence, you may qualify to exclude all or part of any gain from your income regardless of age. Capital gain and the exclusion of all or part of the gain on the sale of a principal residence are computed in the same manner as for Federal income tax purposes. Any amount that is taxable for Federal purposes is taxable for New Jersey purposes. If you exclude any of the gain on the sale of your principal residence for Federal purposes, the same amount will be excluded for New Jersey purposes.

You can claim the exclusion if, during the 5-year period ending on the date of the sale, you have:

1. Owned the home for at least two years (the ownership test); **and**
2. Lived in the home as your principal residence for at least two years (the use test).

**NOTE:** If you owned and used the property as your principal residence for less than two years, and you qualify for a reduced exclusion for Federal purposes, you may claim a reduced exclusion for New Jersey purposes.

You can exclude up to \$250,000 (\$500,000 for certain married persons filing a joint return) of gain from the sale of your principal residence if **both 1 and 2** below apply.

1. Neither you nor your spouse if filing a joint return is excluding gain from the sale of another home.
2. You or your spouse if filing a joint return owned and lived in the home for periods adding up to at least 2 years within the 5-year period ending on the date of sale.

If you are married, filing a joint return, **both** you and your spouse must meet the use test to qualify for the \$500,000 exclusion.

If only one spouse meets the ownership and use tests, the qualified spouse can exclude up to \$250,000 of the gain when filing either a joint return or a married, filing separate return.

You cannot exclude the gain on the sale of your principal residence if, during the 2-year period ending on the date of the sale, you sold another home at a gain and excluded all or part of that gain. If you cannot exclude the gain, you must include it in your income and complete Part II. Be sure the amount you report on Part II agrees with the amount shown on your Federal return. However, you can claim a reduced exclusion if you sold the home due to a change in health or place of employment and you qualify for a reduced exclusion for Federal purposes.

**Line 47 - List Transactions**

List at Line 47, Part II, any reportable transaction(s) from your Federal Schedule D, indicating the gain or loss for each transaction in Column f. The Gross Income Tax Act does not distinguish between active and passive losses, nor does it authorize carryback or carryforward of such losses. You may deduct Federal passive losses in full in the year incurred against any gain within the **same category** of income, but only in the year that it occurred.

**Line 48 - Capital Gains Distributions**

Enter on Line 48 the total amount of all capital gains distributions from your Form 1099-DIV(s) or similar statement(s). Do not include capital gains from a "New Jersey Qualified Investment Fund" which are attributable to qualified exempt obligations or gains from mutual funds to the extent attributable to Federal obligations. For information on "New Jersey Qualified Investment Funds" see page 20.

**Line 49 - Other Net Gains**

Enter on Line 49 the total amount of net gains or income less net losses from disposition of property not included on Lines 47 or 48 of Part II.

**Line 50 - Net Gains**

Enter on Line 50 the total of the amounts listed on Line 47, Column f and Lines 48 and 49, netting gains with losses. If the netted amount is a loss, enter "0." Also enter this amount on Line 38, Column A, Part I. On Line 38, Column B, enter that portion of this amount which is derived from New Jersey sources.

**Part III - Rents, Royalties, Patents, and Copyrights**

Your portion of net gains or loss derived from rents, royalties, patents, and copyrights from property owned by a sole proprietorship, partnership, an estate or trust or, in general, an S corporation is reportable as net profits from business on Line 37, distributive share of partnership income on Line 42, income from estates and trusts on Line 45, or net pro rata share of S corporation income on Line 43. For information regarding grantor trusts see the reporting instructions for Line 45 on page 26.

Use Part III to report all other net gains or income less net losses from rents, royalties, patents, and copyrights (from both inside and outside New Jersey). The Gross Income Tax Act does not distin-

*continued*

*Part III - Rents, Royalties, Patents, and Copyrights - continued*

guish between active and passive losses, nor does it authorize carryback or carry-forward of such losses. Thus, you may deduct Federal passive losses in full in the year incurred against any gain within the **same category** of income. If the spaces provided are not sufficient, attach a statement to the return listing any additional property and income.

### Line 51 - List Property and Income

List at Line 51, Part III, the kind of property and the net income or loss from each property. For rentals, list the income or loss for each rental property as determined on your Federal Schedule E.

### Line 52 - Totals

Add the amounts in each column and enter the totals on Line 52.

### Line 53 - Net Income

Add the amounts listed on Line 52 in columns b, c, d, and e. Enter the total on Line 53, netting gains with losses. If the netted amount is a loss, enter "0." Also enter this amount on Line 39, Column A, Part I. On Line 39, Column B, enter that portion of this amount which is derived from New Jersey sources.

## Part IV - Allocation of Wage and Salary Income

Part IV must be completed by nonresidents who have wage/salary income earned partly inside and partly outside

New Jersey who cannot readily determine the amount of wage/salary income from New Jersey.

**Do not** use Part IV if your wage/salary income is based on volume (the amount of sales or amount of business transacted). Instead, see the instructions for Line 34, Column B, on page 19.

### Line 54 - Amount to be Allocated

Enter on Line 54 the amount reported at Line 34, Column A, which was earned partly inside and partly outside New Jersey.

### Line 55 - Total Days

Full-year nonresidents, enter 365 on Line 55. Part-year nonresidents, see page 3.

### Line 56 - Nonworking Days

Enter on Line 56 the total number of nonworking days (Saturdays, Sundays, holidays, sick leave, vacation, etc.) during the taxable year covered by this return.

### Line 57 - Total Days Worked

Subtract Line 56 from Line 55 and enter the result on Line 57. This is the total number of days worked during the taxable year covered by this return.

### Line 58 - Days Worked Outside New Jersey

Enter on Line 58 the number of days worked outside of New Jersey during the taxable year covered by this return.

### Line 59 - Days Worked in New Jersey

Subtract Line 58 from Line 57 and enter the result on Line 59. This is the number of days you worked in New Jersey during the taxable year covered by this return.

### Line 60 - Allocation Factor

Divide Line 59 by Line 57. The result will be a decimal. Multiply Line 54 by the decimal and include this amount on Line 34, Column B.

## Part V - Allocation of Business Income to New Jersey

Part V must be used by nonresident taxpayers who are required to complete and attach a Gross Income Tax Business Allocation Schedule (Form NJ-NR-A). This schedule is completed by nonresident individuals, partnerships, estates and trusts carrying on business both inside and outside New Jersey. For more information, contact the Customer Service Center for Form NJ-NR-A and instructions or visit the Division of Taxation Web site at [www.state.nj.us/treasury/taxation/](http://www.state.nj.us/treasury/taxation/).

## 2001 New Jersey Tax Table for Form NJ-1040NR

Use this table if your New Jersey taxable income on Line 20 is less than \$100,000. If your taxable income is \$100,000 or more, you must use the Tax Rate Schedule on page 39 of this booklet.

**Example:** Mr. and Mrs. Evans are filing a joint return. They checked filing status “2,” married, filing joint return. Their taxable income on Line 20 of Form NJ-1040NR is \$39,875. First they find the \$39,850–\$39,900 income line. Next, they find the column for filing status “2” and read down the column. The amount shown where the income line meets the filing status column is \$628. This is the tax amount to be entered on Line 21 of Form NJ-1040NR.

If Line 20 (taxable income) Is—		And Your Filing Status* Is	
At least	But Less Than	1 or 3	2, 4 or 5
		<b>Your Tax is—</b>	
39,800	39,850	711	627
39,850	39,900	713	628
39,900	39,950	715	629
39,950	40,000	717	630

**\*Filing Status:**

- 1—Single
- 2—Married, filing joint return
- 3—Married, filing separate return
- 4—Head of Household
- 5—Qualifying Widow(er)

**2001 NEW JERSEY TAX TABLE (NJ-1040NR)**

If Line 20 (New Jersey Taxable Income) Is —		And You Checked Filing Status Line —		If Line 20 (New Jersey Taxable Income) Is —		And You Checked Filing Status Line —		If Line 20 (New Jersey Taxable Income) Is —		And You Checked Filing Status Line —		If Line 20 (New Jersey Taxable Income) Is —		And You Checked Filing Status Line —	
At Least	But Less Than	1 or 3	2, 4 or 5	At Least	But Less Than	1 or 3	2, 4 or 5	At Least	But Less Than	1 or 3	2, 4 or 5	At Least	But Less Than	1 or 3	2, 4 or 5
		<b>Your Tax Is—</b>				<b>Your Tax Is—</b>				<b>Your Tax Is—</b>				<b>Your Tax Is—</b>	
		<b>1,000</b>				<b>2,000</b>				<b>3,000</b>					
0	50	0	0	1,000	1,050	14	14	2,000	2,050	28	28	3,000	3,050	42	42
50	100	1	1	1,050	1,100	15	15	2,050	2,100	29	29	3,050	3,100	43	43
100	150	2	2	1,100	1,150	16	16	2,100	2,150	30	30	3,100	3,150	44	44
150	200	2	2	1,150	1,200	16	16	2,150	2,200	30	30	3,150	3,200	44	44
200	250	3	3	1,200	1,250	17	17	2,200	2,250	31	31	3,200	3,250	45	45
250	300	4	4	1,250	1,300	18	18	2,250	2,300	32	32	3,250	3,300	46	46
300	350	5	5	1,300	1,350	19	19	2,300	2,350	33	33	3,300	3,350	47	47
350	400	5	5	1,350	1,400	19	19	2,350	2,400	33	33	3,350	3,400	47	47
400	450	6	6	1,400	1,450	20	20	2,400	2,450	34	34	3,400	3,450	48	48
450	500	7	7	1,450	1,500	21	21	2,450	2,500	35	35	3,450	3,500	49	49
500	550	7	7	1,500	1,550	21	21	2,500	2,550	35	35	3,500	3,550	49	49
550	600	8	8	1,550	1,600	22	22	2,550	2,600	36	36	3,550	3,600	50	50
600	650	9	9	1,600	1,650	23	23	2,600	2,650	37	37	3,600	3,650	51	51
650	700	9	9	1,650	1,700	23	23	2,650	2,700	37	37	3,650	3,700	51	51
700	750	10	10	1,700	1,750	24	24	2,700	2,750	38	38	3,700	3,750	52	52
750	800	11	11	1,750	1,800	25	25	2,750	2,800	39	39	3,750	3,800	53	53
800	850	12	12	1,800	1,850	26	26	2,800	2,850	40	40	3,800	3,850	54	54
850	900	12	12	1,850	1,900	26	26	2,850	2,900	40	40	3,850	3,900	54	54
900	950	13	13	1,900	1,950	27	27	2,900	2,950	41	41	3,900	3,950	55	55
950	1,000	14	14	1,950	2,000	28	28	2,950	3,000	42	42	3,950	4,000	56	56









2001 NEW JERSEY TAX TABLE (NJ-1040NR) – Continued

Table with columns: If Line 20 (New Jersey Taxable Income) Is —, And You Checked Filing Status Line —, If Line 20 (New Jersey Taxable Income) Is —, And You Checked Filing Status Line —, If Line 20 (New Jersey Taxable Income) Is —, And You Checked Filing Status Line —, If Line 20 (New Jersey Taxable Income) Is —, And You Checked Filing Status Line —. Rows include tax brackets from 40,000 to 52,000.



2001 NJ-1040NR Tax Table

2001 NEW JERSEY TAX TABLE (NJ-1040NR) - Continued

Table with columns for 'If Line 20 (New Jersey Taxable Income) Is', 'And You Checked Filing Status Line', and 'And You Checked Filing Status Line'. Rows show tax amounts ranging from 64,000 to 69,950 and 67,000 to 76,000.





**2001 New Jersey Tax Rate Schedules  
for Form NJ-1040NR**

<b>FILING STATUS:</b> Single		<b>Table A</b>			
Married, filing separate return					
		<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	
<b>If Taxable Income (Line 20) is:</b>		<b>Enter Line 20</b>	<b>Multiply Line 20 by:</b>	<b>Subtract</b>	<b>Your Tax</b>
<b>Over</b>	<b>But not over</b>				
\$ 0	\$20,000	_____	x .014 = _____	– \$ 0 = _____	_____
\$20,000	\$35,000	_____	x .0175 = _____	– \$ 70.00 = _____	_____
\$35,000	\$40,000	_____	x .035 = _____	– \$ 682.50 = _____	_____
\$40,000	\$75,000	_____	x .05525 = _____	– \$1,492.50 = _____	_____
\$75,000	and over	_____	x .0637 = _____	– \$2,126.25 = _____	_____

<b>FILING STATUS:</b> Married, filing joint return		<b>Table B</b>			
Head of Household					
Qualifying Widow(er)					
		<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	
<b>If Taxable Income (Line 20) is:</b>		<b>Enter Line 20</b>	<b>Multiply Line 20 by:</b>	<b>Subtract</b>	<b>Your Tax</b>
<b>Over</b>	<b>But not over</b>				
\$ 0	\$ 20,000	_____	x .014 = _____	– \$ 0 = _____	_____
\$ 20,000	\$ 50,000	_____	x .0175 = _____	– \$ 70.00 = _____	_____
\$ 50,000	\$ 70,000	_____	x .0245 = _____	– \$ 420.00 = _____	_____
\$ 70,000	\$ 80,000	_____	x .035 = _____	– \$1,154.50 = _____	_____
\$ 80,000	\$150,000	_____	x .05525 = _____	– \$2,775.00 = _____	_____
\$150,000	and over	_____	x .0637 = _____	– \$4,042.50 = _____	_____

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