

# 2013 COMPOSITE RETURN INSTRUCTIONS

Qualified nonresident individuals who are members of general and limited partnerships, professional athletic teams, limited liability partnerships, limited liability companies, New Jersey electing S corporations, estates and trusts may participate in a composite return. Any composite return which is filed on behalf of 25 or more participants **must** be filed on diskette. General diskette specifications can be found beginning on page 5.

Only individuals are eligible to file as part of a composite return. To qualify for participation in a composite return the nonresident must be a member of one of the specified entities and satisfy all of the following conditions:

1. The individual was a nonresident for the entire taxable year;
2. The individual did not maintain a permanent place of abode in New Jersey at any time during the taxable year;
3. The individual was not a fiscal year filer;
4. The individual did not have income derived from or connected with New Jersey sources other than the income reported on composite return(s);
5. The individual waives the right to claim any New Jersey personal exemption, credit or deduction and agrees to have the tax calculated directly on the individual's income reported on the composite return at the highest tax rate in effect for single taxpayers for the tax year; and
6. The individual elects to be included in a composite return by completing and delivering to the filing entity a Form NJ-1080-E (Election to be Included in a Composite Return) prior to the filing of the composite return by the entity.

An individual may participate in other New Jersey gross income tax composite returns, providing that the requirements of subsections 1 through 6 above are satisfied. Once a nonresident elects to participate in a composite return the election is binding on the individual's heirs, representatives, assigns, successors, executors and administrators and constitutes an express consent to personal jurisdiction in New Jersey for New Jersey personal income tax purposes.

## ELECTION TO PARTICIPATE

Every participating member must make the election to be part of the composite return in writing each year by filing Form NJ-1080-E with the filing entity. The elections must be maintained in the filing entity's files. When filed, the composite return must include a list of the members who are participating, as well as a list of those who have not elected, or are not qualified, to participate in the composite return. The list must include each member's name, address and Federal Identification Number.

## PERMISSION TO FILE NOT REQUIRED

In previous years, the Division accepted composite returns only when written permission had been requested by the filing entity and a copy of the permission letter was attached to the composite return when filed. **Written permission to file a composite return is not required.** Any entity which is eligible to file a composite return may now do so without first putting the Division on notice.

## WHEN TO FILE

Returns for calendar year 2013 are due April 15, 2014. No fiscal composite returns will be accepted.

## 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.

## EXTENSION OF TIME TO FILE

An extension of time to file will be granted on a composite basis only. The request for an extension of time to file must be made on Form NJ-630, on or before the original due date of the return. The request must be made under the filing entity's Federal identification number. A six month extension of time to file the NJ-1080-C will be granted if at least 80% of the actual tax liability is paid in the form of estimated or other payments by the original due date of the return.

Taxpayers who file Form NJ-630 will not receive an approved copy. The Division will only send notification if the request for extension is denied.

**If the requirements for extension are not satisfied, or if the return is not filed by the extended due date, the 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 2.**

## WHERE TO FILE

Mail Form NJ-1080-C to:

State of New Jersey  
Division of Taxation  
Revenue Processing Center  
PO Box 188  
Trenton, New Jersey 08646-0188

## ESTIMATED TAX

If the filing entity has filed a composite return in the previous years and the amount estimated to be the total income tax liability for the composite return for the current tax year exceeds \$400, the filing entity must file a declaration of estimated tax and make quarterly estimated tax payments using Form NJ-1040-ES. Instructions for computing the estimated tax and making the payments are included with that form. 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 the filing entity failed to make the required estimated tax payments as described above, the entity must complete Form NJ-2210, Underpayment of Estimated Tax by Individuals. Completing Form NJ-2210 will determine if interest on the underpayment is due and if so, will calculate the amount. If you complete and enclose Form NJ-2210 with your return, check the box below Line 18. **NOTE: Credit will not be given on the composite return for estimated tax payments made by any of the qualified electing nonresident participants.**

## ACCOUNTING METHOD

The accounting method used for Form NJ-1080-C must be the same as the accounting method used by the participants for Federal income tax purposes.

## ACCOUNTING PERIODS

The accounting period for a nonresident composite return is the calendar year.

## FORMS AND ASSISTANCE

Forms are available by calling 1-800-323-4400 or by writing to the New Jersey Division of Taxation, 50 Barrack Street, PO Box 269, Trenton, NJ 08695-0269, Attention: Forms Distribution Center. You can have forms faxed to you at any time by faxing the requested form number to TaxFax at 1-609-588-4500, or call that number for facsimile instructions. You may also request forms by accessing the Division's home page on the Internet at:

<http://www.state.nj.us/treasury/taxation/>

Assistance is available by calling the Division's Customer Service Center at: 609-292-6400.

A composite return, Form 1080C, must be paper-filed. The directory information for a composite return filed on behalf of 25 or more participants MUST be submitted on diskette or re-writable CD. See page 6 for general diskette specifications.

## ROUNDING OFF WHOLE DOLLARS

The money items on the return and schedules may be shown in whole dollars. This means that any amount under 50 cents may be eliminated and amounts of 50 cents or more should be increased to the next higher dollar.

## AMENDED RETURNS

An amended Form NJ-1080-C must be filed if an amended Federal return is filed for any filing entity, or if the Internal Revenue Service changes or corrects any item of income, gain or loss previously reported. The amended New Jersey return shall be filed within 90 days of the date the amended Federal form is filed or, in the case of a federal Audit, within 90 days after the final determination of the change. To amend the original composite return, use a blank Form NJ-1080-C for the tax year that is to be amended and write "Amended" across the top. Complete the form by entering the correct information and attach an explanation of the changes.

An amended composite return should also be filed if the filing entity issues amended or corrected information returns (e.g. Form W-2, Federal Schedule K-1, etc.) which affect Total New Jersey Taxable Income (Line 17).

## PENALTIES AND INTEREST CHARGES

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

The Division may impose the following:

**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 per month 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.

## SIGNATURES

Form NJ-1080-C is not considered to be a return unless it is signed and dated. If the filing entity is a general partnership, a limited partnership, or a limited liability partnership, the return must be signed by a general partner or the partner designated for tax matters. If the filing entity is an electing New Jersey S Corporation the return must be signed by an officer of the corporation; if a limited liability company, by an authorized member; if an estate, by the executor or administrator; if a trust, by a trustee. If a receiver, trustee in bankruptcy, or assignee controls the organization's property or business, that person must sign the return. If the filing entity is a professional athletic team the return must be signed as required above depending on the type of entity.

Anyone who prepares a composite return for a fee must sign the return as a "Paid Preparer" and must enter his or her social security number. The company or corporation name and Federal Employer Identification Number, must be included, if applicable. The preparer required to sign the composite return must sign it by hand; signature stamps or labels are not acceptable. If someone prepares the return at no charge, the paid preparer's area need not be completed. A tax preparer who fails to sign the return or provide a correct tax identification number may incur a \$25 penalty for each omission.

## 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.

Social security numbers are 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.

## 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.

## FRAUDULENT RETURN

Any person who willfully fails to file a return, files a fraudulent return, or attempts to evade the tax in any manner may be liable for a penalty not to exceed \$7,500 or imprisonment for a term between three years and five years, or both.

# GENERAL INSTRUCTIONS FOR FORM NJ-1080-C

## GENERAL INFORMATION

Enter the exact legal name, trade name, if any, and address of the entity filing the return on behalf of its participating members. The legal name is the name in which the business owns property or acquires debt. Enter the trade name or d/b/a (doing-business-as) name if different from the entity's legal name.

Enter the entity's Federal Employer Identification Number (EIN).

Enter the number of nonresident individuals participating in the composite return in the space provided.

Check the appropriate box to indicate the type of entity which is filing the return.

## 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 44 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 the Commission at PO Box 185, Trenton, New Jersey 08625-0185.

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 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 expenses, check the "Yes" box in the Gubernatorial Elections Fund section of the return. Checking the "Yes" box will not in any way increase your tax liability or reduce your refund.

## ATTACHMENTS

For each qualified electing nonresident participant a copy of the following must be enclosed with Form NJ-1080-C:

- Schedule NJK-1, Form NJ-1065, if the filing entity is a partnership, limited liability partnership or limited liability company;
- Form W-2, if the filing entity is a professional athletic team;
- Schedule NJ-K-1, Form CBT-100S, if the filing entity is a New Jersey electing S Corporation;
- Schedule D, Form NJ-1041, if the filing entity is an estate or trust.

## COMPLETING FORM NJ-1080-C

### INSTRUCTIONS FOR PARTNERSHIPS, LIMITED LIABILITY COMPANIES AND LIMITED LIABILITY PARTNERSHIPS

The income entered on Line 12 - Distributive Share of Partnership Income will be the combined income reported in Column B of Schedule NJK-1, Form NJ-1065 for each qualified electing nonresident partner.

Lines 8 through 11 - Enter "0" (zero) on each of these lines.

Line 12 - Distributive Share of Partnership Income - Enter on this line the composite amount of income from the partnership that was reported on Line 4, Column B, Schedule NJK-1, Form NJ-1065, for all participating partners. If the composite amount is a loss, enter "0" (zero).

Lines 13 through 16 - Enter "0" (zero) on each of these lines.

Line 17 - Total New Jersey Taxable Income - Enter on Line 17 the total of lines 8 through 16.

Line 18 - Tax - Compute the tax by multiplying the amount on Line 17, by 8.97%.

Line 19 - Total New Jersey Tax Withheld - Enter "0" (zero) on Line 19.

Line 20 - Estimated Payments/Credit from 2012 Composite Return - Enter on Line 20 the total of:

- Estimated tax payments made by the partnership for 2013;
- Credit, if any, applied from the partnership's 2012 composite return;
- Amount, if any, paid to qualify for an extension of time to file.

Credit will not be given on the composite return for estimated tax payments made on an individual basis by any of the participating partners during the tax year.

Line 21 - Tax Paid on Partners Behalf by Partnership - Enter on Line 21 the total amount of New Jersey income tax paid on participating partners' behalf by the partnership, as shown on Line 1, Column B, Part III of Schedule NJK-1s. Attach a copy of Schedule NJK-1 for each participating partner for which a credit is being claimed.

Line 22 - Total Payments/Credits - Enter on Line 22 the total of Lines 19, 20 and 21.

Line 23 - Amount Due - If Line 18 is more than Line 22, there is a balance due. If you are enclosing Form NJ-2210, the amount of the check should also include interest, if any, calculated for the underpayment of estimated tax. Make your check for the total amount payable to "State of New Jersey - TGI".

Line 24 - Overpayment - If Line 18 is less than Line 22, there is an overpayment.

Line 25 - Refund - Enter on Line 25 the amount from Line 24 (Overpayment) that you want refunded to the partnership.

Line 26 - Credit to 2014 Tax - Subtract Line 25 (Refund) from Line 24 (Overpayment). Enter the result on Line 26. This is the amount that will be credited to the 2014 composite tax liability.

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**COMPLETING FORM NJ-1080-C**  
**INSTRUCTIONS FOR NEW JERSEY ELECTING S CORPORATIONS**

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Lines 8 through 12 - Enter "0" (zero) on each of these lines.

Line 13 - Net Pro Rata Share of S Corporation Income - Enter on this line the combined amount of S Corporation Income that was reported on Line 1, Part II, Schedule NJ-K-1, Form CBT-100S for all participating shareholders. If the combined amount of S Corporation Income is a loss, enter "0" (zero).

Lines 14 through 16 - Enter "0" (zero) on each of these lines.

Line 17 - Total New Jersey Taxable Income - Enter on Line 17 the total of Lines 8 through 16.

Line 18 - Tax - Compute the tax by multiplying the amount on Line 17 by 8.97%.

Line 19 - Total New Jersey Tax Withheld - Enter "0" (zero) on Line 19.

Line 20 - Estimated Payments/Credit from 2012 Composite Return - Enter on Line 20 the total of:

- Estimated tax payments made by the New Jersey electing S Corporation for 2013.

- Amount, if any, paid to qualify for an extension of time to file.

- In addition, the total on line 20 must include any payments made by an S Corporation on behalf of any nonresident nonconsenting shareholders who have elected to participate in the composite return. If a nonresident nonconsenting shareholder elects to participate in a composite return the shareholder's social security number reported on Form NJ-1040-SC

(Payment on Behalf of Nonconsenting Shareholders) must be the same as the number shown on Form NJ-1080-C as the entity's Federal Identification Number. If the shareholder's social security number and the entity's identification number are not the same, credit will not be given on Form NJ-1080-C.

Credit will not be given on the composite return for estimated tax payments made on an individual basis by any of the participating shareholders during the tax year.

Line 21 - Tax Paid on Partners Behalf by Partnership - Enter "0" (zero) on Line 21.

Line 22 - Total Payments/Credits - Enter on Line 22 the total of Lines 19, 20, and 21.

Line 23 - Amount Due - If Line 18 is more than Line 22, there is a balance due. If you are enclosing Form NJ-2210, the amount of the check should also include interest, if any, calculated for the underpayment of estimated tax. Make your check for the total amount payable to "State of New Jersey - TGI."

Line 24 - Overpayment - If Line 18 is less than Line 22, there is an overpayment.

Line 25 - Refund - Enter on Line 25 the amount from Line 24 (Overpayment) that you want refunded to the S Corporation.

Line 26 - Credit to 2014 Tax - Subtract Line 25 (Refund) from Line 24 (Overpayment). Enter the result on Line 26. This is the amount that will be credited to the 2014 composite tax liability.

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**COMPLETING FORM NJ-1080-C**  
**INSTRUCTIONS FOR ESTATES AND TRUSTS**

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Lines 8 through 14 - Enter "0" (zero) on each of these lines.

Line 15 - Net Gains or Income Derived Through Estates or Trusts - Enter on this line the combined amount of estate or trust income that was distributed to all participating beneficiaries, but only to the extent that those items were attributable to New Jersey sources and included in the amounts reported on Schedule G, Form NJ-1041. If no estate or trust income was distributed, enter "0" (zero).

Line 16 - Other Income - Enter "0" on this line.

Line 17 - Total New Jersey Taxable Income - Enter on Line 17 the total of Lines 8 through 16.

Line 18 - Tax - Compute the tax by multiplying the amount on Line 17 by 8.97%.

Line 19 - Total New Jersey Tax Withheld - Enter "0" (zero) on Line 19.

Line 20 - Estimated Payments/Credit from 2012 Composite Return - Enter on Line 20 the total of:

- Estimated tax payments made by the estate or trust for 2013
- Amount, if any, paid to qualify for an extension of time to file.

Credit will not be given on the composite return for estimated tax

payments made on an individual basis by any of the participating beneficiaries during the tax year.

Line 21 - Tax Paid on Partners Behalf by Partnership - Enter "0" (zero) on Line 21.

Line 22 - Total Payments/Credits - Enter on Line 22 the total of Lines 19, 20, and 21.

Line 23 - Amount Due - If Line 18 is more than Line 22, there is a balance due. If you are enclosing Form NJ-2210, the amount of the check should also include interest, if any, calculated for the underpayment of estimated tax. Make your check for the total amount payable to "State of New Jersey - TGI."

Line 24 - Overpayment - If Line 18 is less than Line 22, there is an overpayment.

Line 25 - Refund - Enter on Line 25 the amount from Line 24 (Overpayment) that you want refunded to the estate or trust.

Line 26 - Credit to 2014 Tax - Subtract Line 25 (Refund) from Line 24 (Overpayment). Enter the result on Line 26. This is the amount that will be credited to the 2014 composite tax liability.

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**COMPLETING FORM NJ-1080-C**  
**INSTRUCTIONS FOR PROFESSIONAL ATHLETIC TEAMS**

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Line 8 - Wages, salaries, tips and other employee compensation - Enter on this line the combined amount of wages that was paid by the team to the participating athletes as a result of duty days spent in New Jersey during the tax year.

Lines 9 through 16 - Enter "0" (zero) on each of these lines.

Line 17 - Total New Jersey Taxable Income - Enter on Line 17 the total of lines 8 through 16.

Line 18 - Tax - Compute the tax by multiplying the amount on Line 17 by 8.97%.

Line 19 - Total New Jersey Tax Withheld - Enter on Line 19 the total New Jersey income tax withheld.

Line 20 - Estimated Payments/Credit from 2012 Composite Return - Enter on Line 20 the total of:

- Estimated tax payments, if any, made by the team for 2013.
- Amount, if any, paid to qualify for an extension of time to file.
- Credit, if any, applied from the team's 2012 Composite return.

Credit will not be given on the composite return for estimated tax payments made on an individual basis by any of the participating nonresident athletes during the tax year.

Line 21 - Tax Paid on Partners Behalf by Partnership - Enter "0" (zero) on Line 21.

Line 22 - Total Payments/Credits - Enter on Line 22 the total of Lines 19, 20, and 21.

Line 23 - Amount Due - If Line 18 is more than Line 22, there is a balance due. If you are enclosing Form NJ-2210, the amount of the check should also include interest, if any, calculated for the underpayment of estimated tax. Make your check for the total amount payable to "State of New Jersey - TGI."

Line 24 - Overpayment - If Line 18 is less than Line 22, there is an overpayment.

Line 25 - Refund - Enter on Line 25 the amount from Line 24 (Overpayment) that you want refunded to the team.

Line 26 - Credit to 2014 Tax - Subtract Line 25 (Refund) from Line 24 (Overpayment). Enter the result on Line 26. This is the amount that will be credited to the 2014 composite tax liability.

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**INSTRUCTIONS FOR SCHEDULES A AND B**

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**SCHEDULE A**  
**PARTICIPANT DIRECTORY**

List all participants. Be sure to include their name, principal address and social security number. Indicate each participant's share of New Jersey taxable income and the amount of New Jersey gross income tax liability. Attach additional sheets if necessary.

Any composite return which is filed on behalf of 25 or more participants must be filed on diskette. See page 6 for general diskette specifications.

**SCHEDULE B**  
**NONPARTICIPANT DIRECTORY**

List all members of the filing entity, including partnerships and corporations, which have not elected to or are not qualified to participate in the composite return. Be sure to include each member's name, principal address and social security number or EIN. Attach additional sheets if necessary.

If Schedule A is required to be submitted on diskette because there are 25 or more participants, Schedule B must also be submitted on diskette.

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**INSTRUCTIONS FOR COMPLETING FORM NJ-1080-E**

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Every qualified nonresident who wishes to participate in a composite return must read and complete Form NJ-1080-E (or a form substantially similar thereto), and return it to the filing entity. Form NJ-1080-E must be completed and returned to the filing entity no later than April 15 following the close of the tax year. The election to participate cannot be revoked after April 15.