

The references to line numbers and form numbers on federal income tax forms were correct at the time of printing. If they have changed and you are unable to determine the proper line to use, please contact the Department of Revenue. These instructions are to be used as a guide in the preparation of a North Carolina partnership income tax return and are not intended to cover all provisions of the law.

## GENERAL INFORMATION

**Who must file Form D-403.** Every partnership doing business in North Carolina must file a partnership income tax return, Form D-403, for the taxable year if a federal partnership return was required to be filed. (**Exception:** A partnership whose only activity is as an investment partnership is not considered to be doing business in North Carolina. Consequently, an investment partnership is not required to file an income tax return in North Carolina nor pay income tax to North Carolina on behalf of its nonresident partners. For more information, refer to the Department's website.) A limited liability company classified as a partnership for federal income tax purposes is also classified as a partnership for State income tax purposes and is required to file a partnership income tax return if a federal partnership return is required to be filed. A partnership which elects to be taxed as a corporation for federal income tax purposes will also be taxed as a corporation for North Carolina income tax purposes. The partnership must file a corporation income tax return, Form CD-405, in lieu of filing Form D-403.

**Time and place for filing.** The return of a partnership on a calendar year basis must be filed with the North Carolina Department of Revenue on or before April 15th following the close of the calendar year. If the partnership is on a fiscal year basis, the return must be filed on or before the 15th day of the fourth month following the close of the fiscal year. A fiscal year return should be filed on a form for the year in which the fiscal year begins. (For example, a 2018 form should be used for a fiscal year beginning in 2018.)

**Signature.** The partnership return must be signed by the managing partner. If the return is prepared by a person or firm other than a partner, it must be signed also by the one preparing the return. If the partnership is a limited partnership, the return must be signed by a general partner. The managing partner should provide a telephone number where he may be reached during the day if we need additional information to process the return.

**Paid Preparer.** If you want to allow the paid preparer to discuss certain tax matters with the Department, check the applicable box in the signature area of the return. If you check the box, you are authorizing the Department to call the paid preparer to answer any questions that may arise during the processing of the return. You are also authorizing the paid preparer to:

- Give the Department any information that is missing from the return,
- Call the Department for information about the processing of the return or the status of the refund or payment(s),
- Receive copies of notices or transcripts related to the return, upon request, and
- Respond to proposed notices of assessment or notices of adjustment.

**Important:** You are not authorizing the paid preparer to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Department regarding audit activity or a request for a Departmental review or proposed assessment of a proposed denial of refund. Those types of matters require a Power of Attorney, Gen 58, to be filed with the Department. Paid preparer authority is extended only to an individual paid preparer, not to employees of a company. For more information on Power of Attorney, visit the Department's website.

**Extensions.** If the partnership return cannot be filed by the due date, the partnership may apply for an automatic 6-month extension of time to file the return. **To receive the extension, the partnership must file Form D-410P, Application for Extension for Filing Partnership, Estate, or Trust Tax Return, by the original due date of the return.**

A partnership is not required to send a payment of tax it estimates as due to receive the extension; however, it will benefit the partnership to pay as much as it can with the extension request. An extension of time for filing the partnership return does not extend the time for paying the tax due. A partnership may file the return at any time within the extension period but it must be filed on or before the end of the extension period to avoid the late filing penalty.

**Penalties.** If a partnership return on which tax is due is not filed by the due date, the partnership will have to pay a penalty of 5 percent of the net tax due for each month, or part of a month, the return is late. The maximum penalty is 25 percent of the unpaid tax. Returns filed after April 15th without a valid extension are also subject to a late payment penalty of 10 percent of the unpaid tax. If a partnership has an extension of time for filing its return, the 10 percent late payment penalty will apply on the remaining balance due if the tax paid by the due date of the return is less than 90 percent of the total amount of tax due. If the 90 percent rule is met, any remaining balance due must be paid with the partnership return on or before the expiration of the extension period to avoid the late payment penalty. In addition, penalties are provided by law for willful failure to file a return on time and for willful attempt to evade or defeat the tax.

**Manager's Responsibility.** In a partnership having one or more nonresident partners, the managing partner is responsible for reporting the share of the income of nonresident partners and is required to compute and pay the tax due for each nonresident partner. If the nonresident partner is a corporation, partnership, trust or estate, the managing partner is not required to pay the tax on that partner's share of the partnership income provided the partner files Form NC-NPA, Nonresident Partner Affirmation. Form NC-NPA affirms that the partner will pay the tax with its corporation, partnership, trust or estate income tax return. In such cases, a copy of Form NC-NPA must be attached to the partnership return when it is originally filed. The Form NC-NPA must be signed by the partner. An unsigned form is not considered valid. A new Form NC-NPA must be provided by the nonresident partner and submitted by the managing partner each year. The signed Form NC-NPA applies to the original return, any amended return for that year, and any proposed assessments of additional tax for that year. **Important:** A nonresident partner that is an individual or grantor trust cannot file Form NC-NPA and the managing partner is required to compute and pay the tax due for all nonresident partners that are individuals

or grantor trusts. A nonresident individual partner is not required to file a North Carolina income tax return when the only income from North Carolina sources is the nonresident's share of income from a partnership doing business in North Carolina, and the manager of the partnership pays the tax due for the nonresident partner. Payment of the tax due by the managing partner on behalf of corporations, partnerships, trusts or estates that are partners does not relieve the partner from filing a North Carolina tax return. Credit for the tax paid by the managing partner may be claimed on the partner's income tax return. The manager is authorized by statute to withhold the tax due from each nonresident partner's share of the partnership income. **Note:** If a nonresident partner is a tax-exempt organization as described in Section 501 of the Internal Revenue Code, the managing partner is not required to pay the tax unless the partnership income is from a business enterprise not related to the organization's tax-exempt purpose. Also, the managing partner is not required to pay the tax for nonresident partners who serve as investment vehicles for investing in IRAs and other qualified retirement plans.

**Publicly Traded Partnerships.** Effective for taxable years beginning on or after January 1, 2008, a publicly traded partnership that is described in section 7704(c) of the Code is exempt from the payment and filing requirements under G.S. 105-154(c) and (d). The filing requirement is limited to partners whose distributive share of the partnership's net income during the tax year was more than five hundred dollars (\$500.00) and the payment requirements do not apply.

**Estimated income tax.** A partnership is not required to make estimated income tax payments; however, if the partnership makes any prepayments of tax, enter the prepayment on Part 1, Line 14. A resident individual partner who meets the statutory requirements must file estimated tax on Form NC-40. (*For information on the requirements for paying estimated income tax, see Form D-401, Individual Income Tax Instructions available from the Department's website.*) A nonresident individual partner is not required to pay estimated tax on his distributive share of partnership income.

**Tax Credits.** All tax credits allowed to individuals are allowed to partnerships except the tax credit for income taxes paid to other states.

A partnership may pass through to each of its partners the partner's distributive share of an income tax credit for which the partnership qualifies. Any dollar limit on the amount of a tax credit applies to the partnership as a whole instead of to the individual partners. Maximum dollar limits and other limitations that apply in determining the amount of tax credit available to a taxpayer apply to the same extent in determining the amount of tax credit for which a partnership qualifies, with one exception. The exception is a limitation that the tax credit cannot exceed the tax liability of the taxpayer.

If there is a nonresident partner whose share of tax is being paid by the manager of the partnership, and the partnership claims a tax credit, complete Form D-403TC, Partnership Tax Credit Summary, and include the form with the partnership return. Attach a separate schedule showing the computation of any tax credits and the allocation of the credits among the partners. If claiming any tax credit that is limited to 50 percent of the partnership's tax, less the sum of all other credits claimed, complete Form NC-478 and attach it to the front of the partnership return. The partnership must provide sufficient information about the tax credits to allow the partner to complete the Form NC-478 series.

**Attachments.** With the exception of Part 5 and Part 6, attachments may not be used as a substitute for completing the partnership return. Do not enter "See Attached" instead of completing the

applicable spaces on the return. If supporting schedules are required, the schedules should be attached behind Form D-403. The schedules must contain all required information, follow the format of the official schedules, and must be attached in the same sequence as the schedules appear on the partnership return. **Important:** List the partnership federal identification number on each attachments.

**Specific instructions for Schedule NC K-1.** Schedule NC K-1 is used by the partnership to report each partner's share of the partnership's income, adjustments, tax credits, etc. The NC K-1 must reflect the net tax paid by the partnership. Prepare and give a Schedule NC K-1 to each person who was a partner in the partnership at any time during the year. Schedule NC K-1 must be provided to each partner on or before the day on which the partnership return is required to be filed. When reporting the distributive share of tax credits, provide a list of the amount and type of tax credits. Any amount reported as tax paid by the manager of the partnership should include amounts paid with extension and by other partnerships, if applicable.

## LINE INSTRUCTIONS

### Part 1. Computation of Income Tax Due or Refund

**Line 1.** Enter the total amount of income or loss for the partnership. Before making this entry, the partnership must complete Part 5 and Part 6. (See *instructions on page 4.*)

**If the amount on Line 1 is negative, enter the amount and fill in the circle located next to Line 1 to indicate the amount is negative. Do not use brackets or other symbols to indicate a negative number.**

**Line 2.** Enter the total amount of guaranteed payments made to all partners for services or for the use of capital. Guaranteed payments received by a nonresident partner must be apportioned or allocated to North Carolina on the same basis as other partnership distributive income. On Page 3, Part 4, enter the amount of guaranteed payments received by each nonresident partner that is apportionable on Line 9 and the amount of guaranteed payments received by each nonresident partner that is allocable to North Carolina on Line 14.

**Line 4.** Certain additions to income are required in calculating North Carolina partnership income to the extent the additions are not included in income. Before making this entry, complete Part 7, Lines 1 through 4. (See *instructions on page 4.*)

**Line 6.** Certain deductions from income are permitted in calculating North Carolina partnership income to the extent the deductions are included in income. Before making this entry, complete Part 7, Lines 5 through 9. (See *instructions on page 4.*)

**Line 8.** When a partnership has income from sources within North Carolina as well as sources outside North Carolina a determination of apportionable and nonapportionable income must be made. If the partnership's business is both within and outside of North Carolina, complete Part 3, Nonapportionable Net Distributive Partnership Income on Page 2 and enter the total amount of nonapportionable income from Column D on Line 8.

**If the amount on Line 8 is negative, enter the amount and fill in the circle located next to Line 8 to indicate the amount is negative.**

**Line 9.** All income apportionable under the U.S. Constitution is apportioned to North Carolina and to other states based on the

apportionment factor. Subtract Line 8 from Line 7 and enter the amount on Line 9.

**If the amount on Line 9 is negative, enter the amount and fill in the circle located next to Line 9 to indicate the amount is negative.**

**Line 10.** Complete Part 3, Nonapportionable Net Distributive Partnership Income, on Page 2. Enter on Line 10 the amount of nonapportionable income allocated directly to this State from Column E.

**If the amount on Line 10 is negative, enter the amount and fill in the circle located next to Line 10 to indicate the amount is negative.**

**Line 11.** Complete Part 4 to determine the tax for nonresident partners.

**Line 12.** Enter the total tax credits allocated to nonresident partners from Part 4.

**Line 13.** Enter the net tax due for nonresident partners from Part 4.

**Line 14.** If Form D-410P was filed to request an extension of time to file the partnership return, enter any tax paid with the extension form. Also, enter any other prepayments of tax that were made prior to filing this partnership return. If filing an amended return, include on Line 14 any amount paid with the original partnership return.

**Line 15.** If tax was paid on behalf of this partnership by other partnerships, enter the amount paid. Include with the return a copy of the information furnished by the partnership(s) to verify the amount claimed.

**Line 16.** North Carolina income tax is required to be withheld from the compensation paid to a nonresident partnership or limited liability company for services performed in North Carolina in connection with a performance, an entertainment or athletic event, a speech, or the creation of a film, radio, or television program. Include only the portion of tax withheld that is attributable to nonresident partners on whose behalf the managing partner is required to pay the tax. Attach Form NC-1099PS to the front of the return to verify the North Carolina income tax withheld.

**Line 20.** Add Lines 18 and 19c to determine the total due for nonresident partners. The manager of the partnership must pay this amount with the return. The tax may be paid by check or money order payable in U.S. dollars to the North Carolina Department of Revenue. **Important:** The Department will not accept a check, money order, or cashier's check unless it is drawn on a U.S. (domestic) bank and the funds are payable in U.S. dollars.

**Line 21.** If total payments on Line 17 exceed the net tax due for nonresident partners on Line 13, subtract and enter the amount to be refunded.

#### **Part 2 - Apportionment Percentage For Partnerships Having One or More Nonresident Partners**

A partnership with one or more nonresident partners whose business activities in North Carolina are unified and integrated with its business activities in other states is required to apportion its partnership income to North Carolina by multiplying the income by a fraction, the numerator of which is the total sales of the partnership within North Carolina, and the denominator of which is the total sales of the partnership everywhere during the income year. G.S. 105-130.4 and the instructions for completing Form CD-

405, C-Corporation Tax Return, should be consulted for detailed information regarding apportionment of income.

**Important:** Special apportionment provisions apply to certain types of businesses. The Department refers to the North American Industry Classification System (NAICS) as a means of determining whether a taxpayer's business operations require the use of a special apportionment provision. See G.S. 105-130.4 for definitions and other statutory requirements.

#### **Part 4A - Partners' Shares of Income, Adjustments, Tax Credits and Other Items**

**Line 4.** Enter the same percentage used for federal income tax purposes. (Line 4 is designed for partners whose share percentages for profits and losses are the same. If one or more partners have different share percentages for profits and losses, write "various" on Line 4 for that partner and attach a schedule to the return that explains the share percentages for that partner.)

**Line 6.** Enter each partner's share of the additions to income from Part 1, Line 4.

**Line 7.** Enter each partner's share of the deductions from income from Part 1, Line 6.

**Line 8.** Enter each partner's share of allowable tax credits. If necessary, attach a separate schedule showing the computation of any tax credit claimed. (*For a detailed explanation of available tax credits, see Form D-401, Individual Income Tax Instructions, available from the Department's website.*)

#### **Part 4B - Computation of North Carolina Taxable Income for Nonresident Partners**

**Line 9.** Enter each nonresident partner's distributive share of the guaranteed payments that are applicable to the income reported on Part 1, Line 9.

**Line 14.** Enter each nonresident partner's distributive share of the guaranteed payments that are applicable to the income reported on Part 1, Line 10.

**Line 16.** Partnerships must identify each nonresident partner's share of separately stated income items and enter that amount on Form D-403, Page 3, Part 4, Line 16. For example, special rules apply for gain from the sale, exchange, or disposition of Internal Revenue Code section 1231 property on which a Code section 179 expense deduction was previously claimed. For federal purposes, the gain is not included at the entity level but instead is passed through separately to the individual partners. As a result, the gain is included in income on the partner's income tax return but is not included as part of the partner's share of the partnership's income. The partnership should assume that the partner claimed all Code section 179 expense allocated to the partner.

#### **Part 4C - Computation of Tax Due for Nonresident Partners on Whose Behalf the Partnership Pays the Tax**

**Line 18.** Compute the tax due for each nonresident partner and enter the amount for each partner on Line 18.

**Line 20.** If the total amount of tax for each nonresident partner shown on Line 18 is more than each nonresident partner's tax credits shown on Line 19, subtract and enter the result on Line 20,

Net Tax Due. Line 20 cannot be less than zero. Enter the net tax due for nonresident partners on Line 13, Page 1. The manager of the partnership is responsible for payment of the total tax, penalties, and interest due for each nonresident partner and must furnish each nonresident partner information to be included with his individual income tax return verifying the tax paid on his share of the partnership earnings in North Carolina.

#### **Part 5. Ordinary Business Income (Loss)**

The computation of net income from trade or business activities follows the determination of ordinary income as defined by the Internal Revenue Code. Partnerships must transfer the information from federal Form 1065, U.S. Income Return for Partnership Income (Lines 1 through 22), to Part 5, or attach a copy of the federal form along with all supporting schedules.

#### **Part 6. Partners' Distributive Share Items**

**Line 1** Enter the ordinary business income (loss) as taken from federal Form 1065, Line 22 or from Part 5, Line 22.

**Lines 2-11** Add income or deduct losses on Lines 2 through 11 that are directly passed to the partners as shown on federal Schedule K, Lines 2 through 11.

**Line 12** Total of Lines 1 through 11; enter on Part 1, Line 1.

#### **Part 7. Adjustments to Income (Loss)**

Certain adjustments must be made to the partnership's taxable income when calculating North Carolina taxable income. Specifically, a partner's income (loss) is subject to the same additions and deductions that are required of individuals. Part 7 lists some of the adjustments required by statute but is not all-inclusive. (*For a detailed list of State adjustments, see G.S. 105-153.5(b), (c), (c1), (c2), and Form D-401, Individual Income Tax Instructions available from the Department's website*). **Note:** Only the adjustments allowed by North Carolina law can be claimed on the partnership return. Deductions reported on Federal Form 1065, Schedule K, Lines 12 and 13 cannot be claimed on the North Carolina D-403.

### **ELECTRONIC FILING**

The North Carolina Department of Revenue participates in the Federal/State eFile program, the fastest, safest, and most accurate way to file partnership income tax returns. The eFile program, the number one Department-recommended method for filing and paying income taxes, allows partnerships to file their federal and State tax returns in a single electronic transmission, or to file their State returns separately in a single transmission. It also allows filing of extensions and bank payments; and features acknowledgment and confirmation of receipt of tax forms. To participate in State eFile, the practitioner must have been accepted into the Federal program and have received an Electronic Filing Identification Number (EFIN) from the IRS. Tax practitioners and taxpayers must eFile using Internal Revenue Service (IRS)-approved and Department-approved, commercially developed, software products; please visit "[eFile for Businesses](#)" to access a list of approved software developers and products.