

Table of Contents

Part 1: California Taxes, Tax Agencies, Authority to Tax	1
¶10-100 California taxes	1
¶10-200 California's tax agencies	1
¶10-300 California's authority to tax.	2
Part 2: Income and Franchise Taxes	4
Chapter 1: Taxable Income Elements	4
¶21-000 California conformity	4
Quick Guide to California Nonconformity for Taxable Year 2018.	6
¶21-100 Gross income in general	16
¶21-200 Exclusions in general	21
¶21-300 Deductions in general.	31
¶21-400 Sales and exchanges	46
¶21-500 Pensions, IRAs, and other deferred compensation	52
¶21-600 Depreciation, amortization, and depletion	56
Chapter 2: Personal Income Tax	60
¶22-100 Filing status	60
¶22-200 Filing requirements	63
¶22-300 Filing, payment, and refund options	68
¶22-400 Community property	71
¶22-500 Registered domestic partners (RDPs).	74
¶22-600 Residency and nonresidency	78
¶22-700 Military and Native Americans	95
¶22-800 Voluntary contributions	99
Chapter 3: Corporations	100
¶23-000 Corporations in general	100
¶23-100 Forming a California corporation	101
¶23-200 Minimum franchise tax	101
¶23-300 Corporate Statement of Information — in general	102
¶23-400 Electing S corporation status	103
¶23-500 Foreign corporations	107
¶23-600 Corporate filing requirements	112
¶23-700 Suspended corporations — revivor	119
¶23-800 Liquidation and dissolution	120
Chapter 4: Partnerships, LPs, LLPs, and LLCs	125
¶24-000 Partnership/LLC return due dates.	125
¶24-100 General partnerships	127
¶24-200 Limited partnerships	130

¶24-300 Limited liability partnerships	132
¶24-400 Limited liability companies	133
Chapter 5: Credits	155
¶25-000 Credits generally	155
¶25-100 Specific credits	157
¶25-200 Carryovers of expired credits	183
Chapter 6: AMT and Other Taxes	186
¶26-100 Alternative minimum tax (AMT) — individuals	186
¶26-200 Alternative minimum tax (AMT) — corporations	188
¶26-300 Other taxes	189
¶26-400 Paying use tax with California income and franchise tax returns	191
Chapter 7: Periods, Methods, and Inventories	192
¶27-001 Accounting periods in general	192
¶27-002 Accounting methods in general	192
¶27-003 Taxable year of inclusion	194
¶27-004 Taxable year of deduction	194
¶27-005 Passive losses	194
¶27-006 Inventories	195
¶27-007 Mark-to-market for certain securities dealers	195
¶27-008 Adjustments and allocations of income	195
¶27-009 Allocation and apportionment	195
¶27-010 Unitary business	200
¶27-011 Elections	201
Chapter 8: Administration	212
¶28-100 Audits and appeals	212
¶28-200 Statute of limitations, assessments, and refunds	230
¶28-300 Penalties, interest, and fees	240
¶28-400 FTB collections	269
¶28-500 Power of Attorney and Taxpayer Information Authorization	285
¶28-600 FTB e-services	290
Chapter 9: Information Returns and Withholding at Source	294
¶29-100 Information returns	294
¶29-200 Withholding at source	298
Part 3: Estates and Trusts	314
Chapter 1: Estates	314
¶31-100 Death and gift taxes	314
¶31-200 Income in respect of a decedent	314
¶31-300 Taxation of probate estates and their beneficiaries	314
Chapter 2: Trusts	316
¶32-100 Taxation of trusts and beneficiaries	316

¶32-200 Trust income taxed by California	318
Part 4: Sales and Use Taxes	323
Chapter 1: Overview	323
¶41-100 Imposition of S&U taxes	323
Chapter 2: Subject Taxpayers and Transactions	328
¶42-100 S&U taxes — who is taxed?	328
¶42-200 Elements of a taxable sale	328
¶42-300 Elements of a sale	329
¶42-400 Definition of retail	330
¶42-500 Sale of property and sale of services distinguished.	335
¶42-600 Tangible personal property distinguished from real property	339
¶42-700 Tangible personal property distinguished from intangible property	340
¶42-800 California retailer	341
¶42-900 California purchasers	344
Chapter 3: Deductions, Exemptions, and Exclusions	346
¶43-100 Deductions, exemptions, and exclusions in general	346
¶43-200 Necessities of life	346
¶43-300 General public benefit	352
¶43-400 Industry benefit	354
¶43-500 Exclusions by definition	359
¶43-600 Other exemptions, exclusions, and credits	360
Chapter 4: Permits, Returns, and Payments	364
¶44-100 Permits and registration.	364
¶44-200 S&U tax returns.	367
¶44-300 Payments	369
Chapter 5: Audits, Administration, and Collections	371
¶45-100 Audits — S&U taxes	371
¶45-200 Administrative remedies and appeals — S&U taxes	375
¶45-300 Collection of S&U taxes	380
Chapter 6: Penalties and Interest.	386
¶46-100 Penalties — S&U taxes	386
¶46-200 Interest — S&U taxes	387
Part 5: Employment Taxes.	388
Chapter 1: Payroll Taxes and Reporting	388
¶51-100 California employment taxes	388
¶51-200 Definitions	392
¶51-300 Employees or independent contractors?	401
¶51-400 Reporting payroll taxes	406
¶51-500 Employer change of status	411
¶51-600 Employees working in multiple states	413

¶51-700 Household employers . . . . .	.414
¶51-800 Layoff alternative — work sharing . . . . .	.416
¶51-900 Employment tax treatment of stock options . . . . .	.417
Chapter 2: Audits, Appeals, and Administration . . . . .	.419
¶52-001 Employment Development Department . . . . .	.419
¶52-002 EDD audits . . . . .	.419
¶52-003 EDD appeals . . . . .	.422
¶52-004 Penalties and interest — payroll taxes . . . . .	.423
¶52-005 Settlements — payroll taxes . . . . .	.424
¶52-006 Collections — payroll taxes . . . . .	.425
¶52-007 Offers in Compromise — EDD . . . . .	.427
¶52-008 Statute of limitations — payroll taxes . . . . .	.428
Part 6: Property Taxes . . . . .	.429
Chapter 1: Overview . . . . .	.429
¶61-100 Property subject to tax . . . . .	.429
¶61-101 Property tax definitions . . . . .	.429
¶61-102 Rate of property tax . . . . .	.429
¶61-103 Property tax exemptions . . . . .	.429
Chapter 2: The Assessment Process . . . . .	.431
¶62-100 Property tax assessment. . . . .	.431
¶62-101 Assessor’s notification of the taxpayer . . . . .	.431
¶62-102 Delivery of property roll to the auditor . . . . .	.431
¶62-103 Supplemental assessments . . . . .	.431
Chapter 3: Base-Year Values . . . . .	.432
¶63-000 Assessments, generally . . . . .	.432
¶63-100 Change in ownership . . . . .	.432
¶63-101 Reporting change in ownership . . . . .	.433
¶63-102 Disputing change of ownership . . . . .	.434
Chapter 4: Real Property . . . . .	.435
¶64-101 Proposition 13. . . . .	.435
¶64-102 Proposition 8 . . . . .	.435
¶64-103 Conflict between Propositions 8 and 13 . . . . .	.435
¶64-104 Transfer of ownership without reappraisal . . . . .	.436
¶64-105 Transfer of base-year value . . . . .	.436
¶64-106 Transfers between parent and child or grandparent and grandchild . . . . .	.438
¶64-107 Transfers to surviving co-owners . . . . .	.439
¶64-108 Transfers between registered domestic partners . . . . .	.440
¶64-109 Ownership or control . . . . .	.440
¶64-110 Construction resulting in reassessment . . . . .	.444
¶64-111 Dates of reappraisal . . . . .	.445

¶64-112 Property tax postponement	445
¶64-113 Disaster relief	446
Chapter 5: Business Property Taxes	448
¶65-101 Property tax filing requirements	448
¶65-102 Classification of property	449
¶65-103 Tax return consistency of property treatment	449
¶65-104 Tools and equipment property tax exemption	450
¶65-105 Computer valuation factors — property taxes	450
¶65-106 Assessment of leased equipment	451
¶65-107 Lien dates and assessments — property taxes	451
Chapter 6: Application for Changed Assessment, Audits, and Appeals	452
¶66-101 Protests	452
¶66-102 Residential property valuation	453
¶66-103 Income property valuation	453
¶66-104 Special-purpose property valuation	455
¶66-105 Property tax appeal issues other than value	455
¶66-106 Assessor audits	456
¶66-107 Managing property tax appeals	456
Chapter 7: Property Tax Reduction Tips	458
¶67-101 Down market	458
¶67-102 Property tax statement	458
¶67-103 Homeowner's exemption	458
¶67-104 Timing of property delivery	458
¶67-105 Estate planning/property tax planning overlap	458
¶67-106 Proper classification of property costs	458
¶67-107 Parent-child exemption	458
¶67-108 New construction	458
Chapter 8: Returns, Payments, Penalties, and Refunds	459
¶68-101 Property tax returns	459
¶68-102 Property tax payments	459
¶68-103 Penalties — property tax	459
¶68-104 Refunds of property tax	459
Part 7: Miscellaneous Taxes and Fees	460
¶70-001 Miscellaneous taxes and fees — overview	460
¶70-002 Environmental fees	460
¶70-003 Excise taxes	460
¶70-004 Motor vehicle taxes	464
¶70-005 Fuel taxes	465
¶70-006 Private railroad car tax	465
¶70-007 Documentary transfer tax	465

¶70-008 Business license taxes 466

¶70-009 Oil and gas production taxes 466

¶70-010 Reserved 466

¶70-011 Public utilities 466

¶70-012 Fire Prevention Fee 466

¶70-013 Timber yield tax 466

¶70-014 Lumber products assessment 467

¶70-015 Reserved 467

¶70-016 Childhood Lead Poisoning Prevention Fee 467

¶70-017 Oil Spill Prevention, Response, and Administration Fee 467

¶70-018 Prepaid Mobile Telephony Services (MTS) surcharge 467

Index. 469