

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 2019	6
¶21-100 Gross income in general	16
¶21-200 Exclusions in general	21
¶21-300 Deductions in general.	32
¶21-400 Sales and Exchanges	47
¶21-500 Pensions, IRAs, and other deferred compensation	53
¶21-600 Depreciation, amortization, and depletion	57
Chapter 2: Personal Income Tax	61
¶22-100 Filing status	61
¶22-200 Filing requirements	64
¶22-300 Filing, payment, and refund options	69
¶22-400 Community property	73
¶22-500 Registered domestic partners (RDPs).	77
¶22-600 Residency and nonresidency	79
¶22-700 Military and Native Americans	100
¶22-800 Individual health care mandate	103
¶22-900 Voluntary contributions	112
Chapter 3: Corporations	113
¶23-000 Corporations in general	113
¶23-100 Forming a California corporation.	114
¶23-200 Minimum franchise tax	114
¶23-300 Corporate Statement of Information — in general	115
¶23-400 Electing S corporation status	116
¶23-500 Foreign corporations	120
¶23-600 Corporate filing requirements.	126
¶23-700 Suspended corporations — revivor.	133
¶23-800 Liquidation and dissolution.	134
Chapter 4: Partnerships, LPs, LLPs, and LLCs	140
¶24-000 Partnership/LLC return due dates.	140
¶24-100 General partnerships	142

¶24-200 Limited partnerships . . . . .	.145
¶24-300 Limited liability partnerships . . . . .	.147
¶24-400 Limited liability companies. . . . .	.148
Chapter 5: Credits . . . . .	.171
¶25-000 Credits generally . . . . .	.171
¶25-100 Specific credits . . . . .	.173
¶25-200 Carryovers of expired credits . . . . .	.201
Chapter 6: AMT and Other Taxes . . . . .	.204
¶26-100 Alternative minimum tax (AMT) — individuals . . . . .	.204
¶26-200 Alternative minimum tax (AMT) — corporations . . . . .	.206
¶26-300 Other taxes . . . . .	.207
¶26-400 Paying use tax with California income and franchise tax returns . . . . .	.209
Chapter 7: Periods, Methods, and Inventories . . . . .	.210
¶27-001 Accounting periods in general . . . . .	.210
¶27-002 Accounting methods in general . . . . .	.210
¶27-003 Taxable year of inclusion . . . . .	.212
¶27-004 Taxable year of deduction. . . . .	.212
¶27-005 Passive losses . . . . .	.213
¶27-006 Inventories . . . . .	.213
¶27-007 Mark-to-market for certain securities dealers. . . . .	.213
¶27-008 Adjustments and allocations of income. . . . .	.213
¶27-009 Allocation and apportionment . . . . .	.213
¶27-010 Unitary business . . . . .	.219
¶27-011 Elections . . . . .	.220
Chapter 8: Administration . . . . .	.221
¶28-100 Audits and appeals . . . . .	.221
¶28-200 Statute of limitations, assessments, and refunds . . . . .	.239
¶28-300 Penalties, interest, and fees . . . . .	.250
¶28-400 FTB collections . . . . .	.280
¶28-500 Power of Attorney and Taxpayer Information Authorization. . . . .	.295
¶28-600 FTB e-Services . . . . .	.300
Chapter 9: Information Returns and Withholding at Source. . . . .	.304
¶29-100 Information returns . . . . .	.304
¶29-200 Withholding at source. . . . .	.308
Part 3: Estates and Trusts . . . . .	.326
Chapter 1: Estates . . . . .	.326
¶31-100 Death and gift taxes. . . . .	.326
¶31-200 Income in respect of a decedent . . . . .	.326
¶31-300 Taxation of probate estates and their beneficiaries . . . . .	.326
Chapter 2: Trusts. . . . .	.328

¶32-100 Taxation of trusts and beneficiaries	328
¶32-200 Trust income taxed by California	330
Part 4: Sales and Use Taxes	335
Chapter 1: Overview	335
¶41-100 Imposition of S&U taxes	335
Chapter 2: Subject Taxpayers and Transactions	340
¶42-100 S&U taxes — who is taxed?	340
¶42-200 Elements of a taxable sale	340
¶42-300 Elements of a sale.	341
¶42-400 Definition of retail	342
¶42-500 Sale of property and sale of services distinguished.	347
¶42-600 Tangible personal property distinguished from real property	352
¶42-700 Tangible personal property distinguished from intangible property	353
¶42-800 California retailer	353
¶42-900 California purchasers	356
Chapter 3: Deductions, Exemptions, and Exclusions	358
¶43-100 Deductions, exemptions, and exclusions in general	358
¶43-200 Necessities of life	358
¶43-300 General public benefit	364
¶43-400 Industry benefit	366
¶43-500 Exclusions by definition	371
¶43-600 Other exemptions, exclusions, and credits	372
Chapter 4: Permits, Returns, and Payments	376
¶44-100 Permits and registration.	376
¶44-200 S&U tax returns.	379
¶44-300 Payments	381
Chapter 5: Audits, Administration, and Collections	383
¶45-100 Audits — S&U taxes	383
¶45-200 Administrative remedies and appeals — S&U taxes	387
¶45-300 Collection of S&U taxes	392
Chapter 6: Penalties and Interest.	399
¶46-100 Penalties — S&U taxes	399
¶46-200 Interest — S&U taxes.	400
Part 5: Employment Taxes.	401
Chapter 1: Payroll Taxes and Reporting	401
¶51-100 California employment taxes	401
¶51-200 Definitions	404
¶51-300 Employees or independent contractors?	411
¶51-500 Employer change of status	427
¶51-600 Employees working in multiple states	428

¶51-700 Household employers	430
¶51-800 Layoff alternative — work sharing	432
¶51-900 Employment tax treatment of stock options	432
Chapter 2: Audits, Appeals, and Administration	435
¶52-001 Employment Development Department	435
¶52-002 EDD audits	435
¶52-003 EDD appeals	438
¶52-004 Penalties and interest — payroll taxes	439
¶52-005 Settlements — payroll taxes	440
¶52-006 Collections — payroll taxes	441
¶52-007 Offers in Compromise — EDD	443
¶52-008 Statute of limitations — payroll taxes	444
Part 6: Property Taxes	445
Chapter 1: Overview	445
¶61-100 Property subject to tax	445
¶61-101 Property tax definitions	445
¶61-102 Rate of property tax	445
¶61-103 Property tax exemptions	445
Chapter 2: The Assessment Process	447
¶62-100 Property tax assessment.	447
¶62-101 Assessor’s notification of the taxpayer	447
¶62-102 Delivery of property roll to the auditor	447
¶62-103 Supplemental assessments	447
Chapter 3: Base-Year Values	448
¶63-000 Assessments, generally	448
¶63-100 Change in ownership	448
¶63-101 Reporting change in ownership	449
¶63-102 Disputing change of ownership	450
Chapter 4: Real Property	451
¶64-101 Proposition 13.	451
¶64-102 Proposition 8	451
¶64-103 Conflict between Propositions 8 and 13	451
¶64-104 Transfer of ownership without reappraisal	452
¶64-105 Transfer of base-year value	452
¶64-106 Transfers between parent and child or grandparent and grandchild	454
¶64-107 Transfers to surviving co-owners	456
¶64-108 Transfers between registered domestic partners	457
¶64-109 Ownership or control	457
¶64-110 Construction resulting in reassessment	461
¶64-111 Dates of reappraisal	462

¶64-112 Property tax postponement . . . . .	.462
¶64-113 Disaster relief — property taxes . . . . .	.463
Chapter 5: Business Property Taxes . . . . .	.465
¶65-101 Property tax filing requirements . . . . .	.465
¶65-102 Classification of property . . . . .	.466
¶65-103 Tax return consistency of property treatment . . . . .	.466
¶65-104 Tools and equipment property tax exemption . . . . .	.466
¶65-105 Computer valuation factors — property taxes . . . . .	.467
¶65-106 Assessment of leased equipment . . . . .	.467
¶65-107 Lien dates and assessments — property taxes . . . . .	.467
Chapter 6: Application for Changed Assessment, Audits, and Appeals . . . . .	.469
¶66-101 Protests . . . . .	.469
¶66-102 Residential property valuation . . . . .	.470
¶66-103 Income property valuation . . . . .	.470
¶66-104 Special-purpose property valuation. . . . .	.472
¶66-105 Property tax appeal issues other than value. . . . .	.473
¶66-106 Assessor audits . . . . .	.473
¶66-107 Managing property tax appeals . . . . .	.474
Chapter 7: Property Tax Reduction Tips . . . . .	.475
¶67-101 Down market — property values . . . . .	.475
¶67-102 Property tax statement . . . . .	.475
¶67-103 Homeowner's exemption . . . . .	.475
¶67-104 Timing of property delivery. . . . .	.475
¶67-105 Estate planning/property tax planning overlap . . . . .	.475
¶67-106 Proper classification of property costs . . . . .	.475
¶67-107 Parent-child exemption. . . . .	.475
¶67-108 New construction . . . . .	.475
Chapter 8: Returns, Payments, Penalties, and Refunds . . . . .	.476
¶68-101 Property tax returns . . . . .	.476
¶68-102 Property tax payments . . . . .	.476
¶68-103 Penalties — property tax . . . . .	.476
¶68-104 Refunds of property tax. . . . .	.476
Part 7: Miscellaneous Taxes and Fees . . . . .	.477
¶70-001 Miscellaneous taxes and fees — overview . . . . .	.477
¶70-002 Environmental fees . . . . .	.477
¶70-003 Excise taxes. . . . .	.477
¶70-004 Motor vehicle taxes . . . . .	.481
¶70-005 Fuel taxes . . . . .	.482
¶70-006 Private railroad car tax . . . . .	.482
¶70-007 Documentary transfer tax . . . . .	.482

¶70-008 Business license taxes 483

¶70-009 Oil and gas production taxes 483

¶70-010 Reserved 483

¶70-011 Public utilities 483

¶70-012 Fire Prevention Fee 483

¶70-013 Timber yield tax. 483

¶70-014 Lumber products assessment 484

¶70-015 Reserved 484

¶70-016 Childhood Lead Poisoning Prevention Fee. 484

¶70-017 Oil Spill Prevention, Response, and Administration Fee 484

¶70-018 Prepaid Mobile Telephony Services (MTS) surcharge 484

Index. 485