

Table of Contents

Part 1: California Taxes and 2016 Information	1
¶10-100 California taxes	1
¶10-200 California's tax agencies	1
¶10-300 Authority to tax	2
Part 2: Income and Franchise Taxes	5
Chapter 1: Taxable Income Elements	5
¶21-000 California conformity	5
Quick Guide to California Nonconformity for Taxable Year 2016	7
¶21-100 Gross Income	16
¶21-200 Exclusions.	21
¶21-300 Deductions	30
¶21-400 Sales and Exchanges	45
¶21-500 Pensions, IRAs, and Other Deferred Compensation	50
¶21-600 Depreciation, Amortization, and Depletion.	54
Chapter 2: Personal Income Tax	59
¶22-100 Filing status	59
¶22-200 Filing requirements	62
¶22-300 Filing, payment, and refund options	67
¶22-400 Community property	69
¶22-500 Registered domestic partners (RDPs).	72
¶22-600 Residency and nonresidency	75
¶22-700 Military and Native Americans	92
¶22-800 Voluntary contributions	96
Chapter 3: Corporations	97
¶23-000 Corporations in general	97
¶23-100 Forming a California corporation.	98
¶23-200 Minimum franchise tax	98
¶23-300 Corporate Statement of Information	99
¶23-400 Electing S corporation status	99
¶23-500 Foreign corporations	104
¶23-600 Filing requirements	109
¶23-700 Suspended corporations.	115
¶23-800 Liquidation and dissolution.	117
Chapter 4: Partnerships, LPs, LLPs, and LLCs	122
¶24-000 Filing requirements	122
¶24-100 General partnerships	124
¶24-200 Limited partnerships	126

¶24-300 Limited liability partnerships	128
¶24-400 Limited liability companies	128
Chapter 5: Credits	149
¶25-000 Credits generally	149
¶25-100 Specific credits	151
¶25-200 Carryovers of expired credits	180
Chapter 6: AMT and Other Taxes	183
¶26-100 Alternative minimum tax (AMT) — individuals	183
¶26-200 Alternative minimum tax (AMT) — corporations	185
¶26-300 Other taxes	186
¶26-400 Paying use tax with California income and franchise tax returns	188
Chapter 7: Periods, Methods, and Inventories	190
¶27-001 Accounting periods in general	190
¶27-002 Accounting methods in general	190
¶27-003 Taxable year of inclusion	191
¶27-004 Taxable year of deduction	192
¶27-005 Passive losses	192
¶27-006 Inventories	192
¶27-007 Mark-to-market for certain securities dealers	192
¶27-008 Adjustments and allocations of income	193
¶27-009 Allocation and apportionment	193
¶27-010 Unitary business	197
¶27-011 Elections	198
Chapter 8: Administration	208
¶28-100 Audits and Appeals	208
¶28-200 Statute of Limitations, Assessments, and Refunds	226
¶28-300 Penalties, Interest, and Fees	235
¶28-400 Collections	265
¶28-500 Power of Attorney	280
¶28-600 FTB E-services	283
Chapter 9: Information Returns and Withholding at Source	287
¶29-100 Information returns	287
¶29-200 Withholding at source	291
Part 3: Estates and Trusts	306
Chapter 1: Estates	306
¶31-100 Death and gift taxes	306
¶31-200 Income in respect of a decedent	306
¶31-300 Taxation of probate estates and their beneficiaries	306
Chapter 2: Trusts	308
¶32-100 Taxation of trusts and beneficiaries	308

¶32-200 Trust income taxed by California	310
Part 4: Sales and Use Taxes	313
Chapter 1: Overview	313
¶41-100 Imposition of tax	313
Chapter 2: Subject Taxpayers and Transactions	317
¶42-100 Who is taxed?	317
¶42-200 Elements of a taxable sale	317
¶42-300 Elements of a sale	318
¶42-400 Definition of retail	319
¶42-500 Sale of property and sale of services distinguished	323
¶42-600 Tangible personal property distinguished from real property	328
¶42-700 Tangible personal property distinguished from intangible property	329
¶42-800 California retailer	330
¶42-900 California purchasers	332
Chapter 3: Deductions, Exemptions, and Exclusions	334
¶43-100 Deductions, exemptions, and exclusions in general	334
¶43-200 Necessities of life	334
¶43-300 General public benefit	341
¶43-400 Industry benefit	343
¶43-500 Exclusions by definition	348
¶43-600 Other exemptions, exclusions, and credits	349
Chapter 4: Permits, Returns, and Payments	353
¶44-100 Permits	353
¶44-200 Sales and use tax returns	356
¶44-300 Payments	358
Chapter 5: Audits, Administration, and Collections	360
¶45-100 Audits	360
¶45-200 Administrative remedies and appeals	364
¶45-300 Collections	368
Chapter 6: Penalties and Interest	374
¶46-100 Penalties	374
¶46-200 Interest	375
Part 5: Employment Taxes	376
Chapter 1: Payroll Taxes and Reporting	376
¶51-100 California employment taxes	376
¶51-200 Definitions	380
¶51-300 Employees or independent contractors?	388
¶51-400 Reporting	394
¶51-500 Employer change of status	399
¶51-600 Employees working in multiple states	400

¶51-700 Household employers	402
¶51-800 Layoff alternative — work sharing	402
¶51-900 Employment tax treatment of stock options	403
Chapter 2: Audits, Appeals, and Administration	406
¶52-001 Employment Development Department	406
¶52-002 Audits	406
¶52-003 Appeals	409
¶52-004 Penalties and interest	410
¶52-005 Settlements	411
¶52-006 Collections	412
¶52-007 Offers in Compromise	414
¶52-008 Statute of limitations	415
Part 6: Property Taxes	416
Chapter 1: Overview	416
¶61-100 Property subject to tax	416
¶61-101 Definitions	416
¶61-102 Rate of tax.	416
¶61-103 Exemptions	416
Chapter 2: The Assessment Process	418
¶62-100 Assessment	418
¶62-101 Notification of the taxpayer.	418
¶62-102 Delivery to the auditor	418
¶62-103 Supplemental assessments	418
Chapter 3: Base-Year Values.	419
¶63-100 Change in ownership	419
¶63-101 Reporting change in ownership.	419
¶63-102 Disputing change of ownership.	421
Chapter 4: Real Property.	422
¶64-101 Proposition 13.	422
¶64-102 Proposition 8	422
¶64-103 Conflict between Propositions 8 and 13	422
¶64-104 Transfer of ownership without reappraisal	423
¶64-105 Transfer of base-year value	423
¶64-106 Transfers between parent and child or grandparent and grandchild	425
¶64-107 Transfers to surviving co-owners.	426
¶64-108 Transfers between registered domestic partners	427
¶64-109 Ownership or control	427
¶64-110 Construction resulting in reappraisal	431
¶64-111 Dates of reappraisal	432
¶64-112 Property tax postponement	432

¶64-113 Disaster relief	433
Chapter 5: Business Property Taxes	435
¶65-101 Filing requirements	435
¶65-102 Classification of property	436
¶65-103 Tax return consistency	436
¶65-104 Tools and equipment	437
¶65-105 Computer valuation factors	437
¶65-106 Leased equipment	437
¶65-107 Lien dates and assessments	437
Chapter 6: Application for Changed Assessment, Audits, and Appeals	439
¶66-101 Protests	439
¶66-102 Residential property valuation	439
¶66-103 Income property valuation	440
¶66-104 Special-purpose property valuation	442
¶66-105 Appeal issues other than value	442
¶66-106 Assessor audits	443
¶66-107 Managing property tax appeals	443
Chapter 7: Property Tax Reduction Tips	445
¶67-101 Down market	445
¶67-102 Property tax statement	445
¶67-103 Homeowner's exemption	445
¶67-104 Timing	445
¶67-105 Estate planning issues	445
¶67-106 Proper classification of costs	445
¶67-107 Parent-child exemption	445
¶67-108 New construction	445
Chapter 8: Returns, Payments, and Penalties	446
¶68-101 Returns	446
¶68-102 Payments	446
¶68-103 Penalties	446
Part 7: Miscellaneous Taxes and Fees	447
¶70-001 Purpose of this chapter	447
¶70-002 Environmental fees	447
¶70-003 Excise taxes	447
¶70-004 Motor vehicle taxes	450
¶70-005 Fuel taxes	451
¶70-006 Private railroad car tax	451
¶70-007 Documentary transfer tax	451
¶70-008 Business license taxes	452
¶70-009 Oil and gas production taxes	452

¶70-010 Motor oil fees . . . . .	.452
¶70-011 Public utilities . . . . .	.452
¶70-012 Fire Prevention Fee . . . . .	.452
¶70-013 Timber yield tax. . . . .	.453
¶70-014 Lumber products assessment . . . . .	.453
¶70-015 Propane Fee . . . . .	.453
¶70-016 Childhood Lead Poisoning Prevention Fee. . . . .	.453
¶70-017 Oil Spill Prevention, Response, and Administration Fee . . . . .	.454
¶70-018 Mobile Telephony Services (MTS) surcharge . . . . .	.454
Appendix . . . . .	.455
Table of Statutes — R&TC . . . . .	.455
Table of Statutes — IRC . . . . .	.469
Index of Addresses, E-Mail, Websites, and Phone and Fax Numbers . . . . .	.475
Index. . . . .	.479