

Rhode Island Department of Revenue Division of Taxation

Business Basics

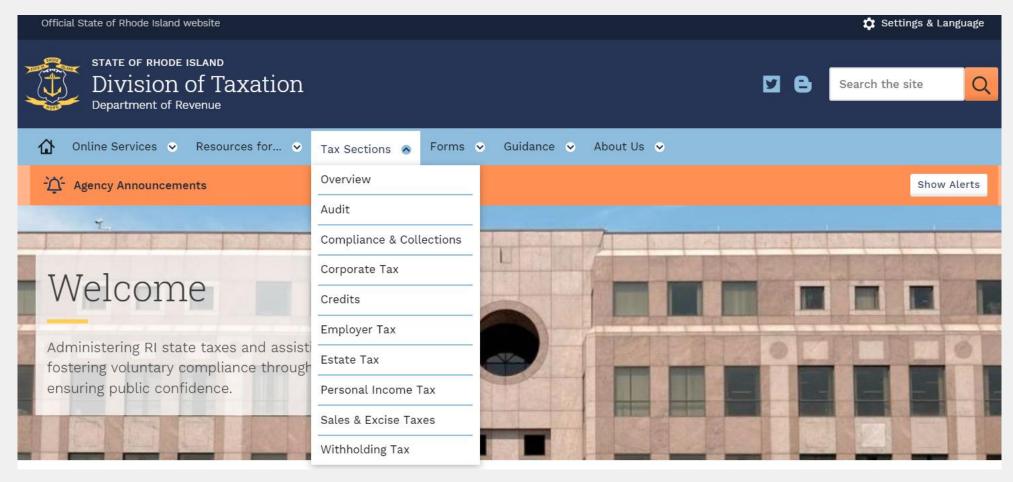
March 27, 2023

Agenda

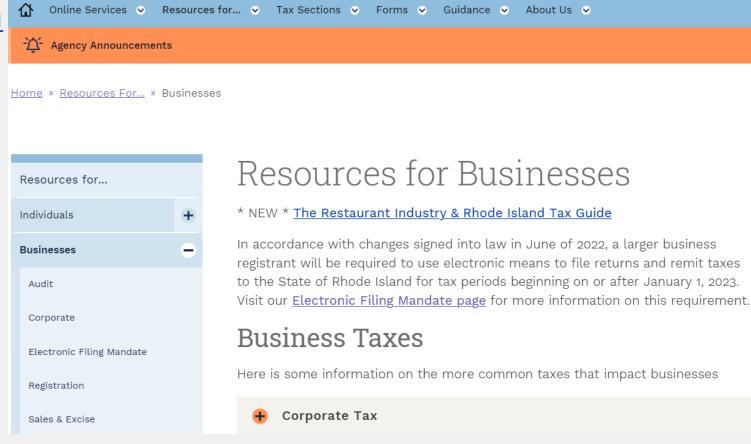
- Introduction
- Website Components and Features
- Sales Tax
- Meals and Beverage Tax
- Corporate Tax
- Personal Income Tax
- Electronic Mandate and Taxpayer Portal
- Additional Information
- Questions

https://tax.ri.gov/

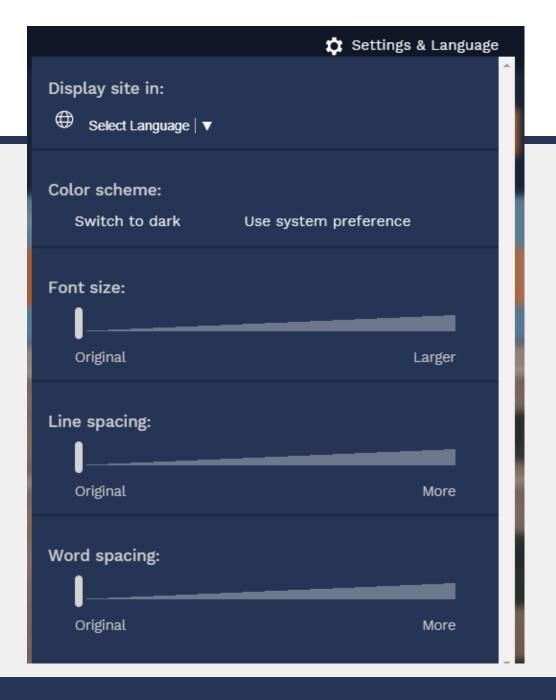
- Provides
 resources
 broken out
 by sections
- Forms are broken out in similar way



- Contact Us | RI Division of Taxation
- Sales & Excise | RI Division of Taxation
- Corporate | RI Division of Taxation
- Withholding Tax | RI Division of Taxation

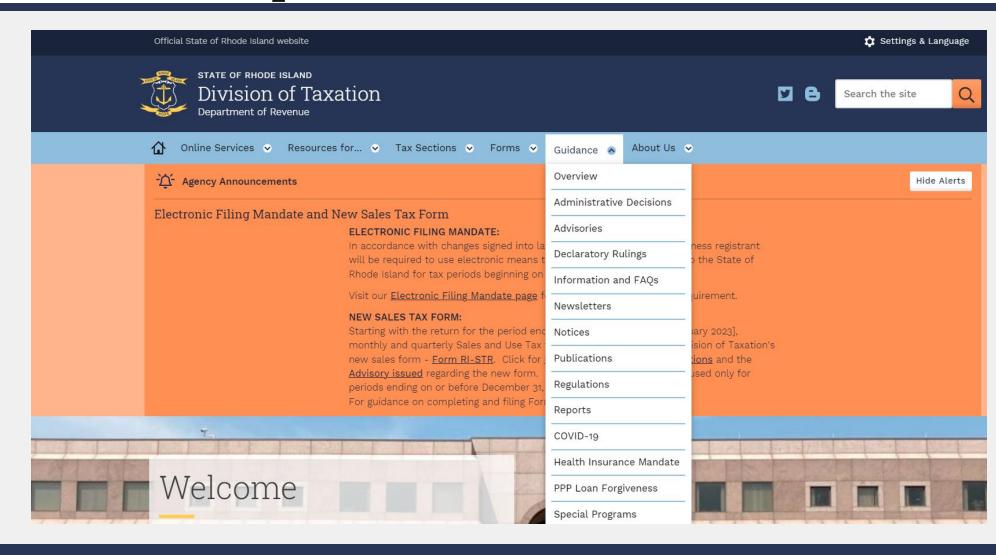


- Ability to
 Customize the
 language and
 translate pages
- Change Font size



- Links to
 Advisories,
 FAQs and
 Newsletters
- Alerts and Messages

Search functionality



- Business Application and Registration
- Sales & Use Tax | RI Division of Taxation
- Returns are due monthly or quarterly
 - More than \$200 tax per month average monthly filing frequency
 - STR form is due by the 20th of month following the sale
 - Less than \$200 per month on average quarterly filing frequency
 - STR form due by last day of the month following the end of the quarter
 - Initial registration is monthly for first 6 months
 - Must file "zero" returns
- Annual Reconciliation
 - T-204R is due by 01/31 of each year
- Current Rate is 7%
- What's Taxable? | RI Division of Taxation

Name Address Address 2						Account identification number For the period ending: Amende Return NAICS code															
											City, town or post office			State ZIP ∞de			E-mail address				
											Com	putation of Tax									
1 G	1 Gross Sales for the Period							1													
2 a Re	2 a Resale				2a																
b Int	b Interstate Sales				2b																
c No	c Non-Taxable Sales and Services				2c																
dБ	d Exempt Organizations				2d																
e Ot	ther (Specify):				2e																
3 То	3 Total Deductions (Add lines 2a through 2e)							3													
4 Ta	4 Taxable Sales (Line 1 less line 3)							4													
5 To	5 Total Trust Fund Sales Tax Due and Required to be Remitted ("Sales Tax") (Multiply line 4 by 7%)							. 5													
6 To	6 Total Use Tax Due (From Use Tax Worksheet in Instructions)																				
7 To	7 Total Sales Tax and Use Tax Due (Add lines 5 and 6)							7													
8aPr	repaid Sales Tax (Licensed Cigare	tte Dealers Onl	ly)		8a																
	ther (Specify):				8b																

Tips:

Enter your Gross Sales Amount

• Know your Account ID#

• Know your NAICS code

STEP 1

Log on to the Taxpayer Portal: <u>taxportal.ri.gov</u>.

STEP 2

Choose: "Transactions" —— "File a Form"

STEP 3

Complete the return. Remember to enter your NAICS code & Account ID#.

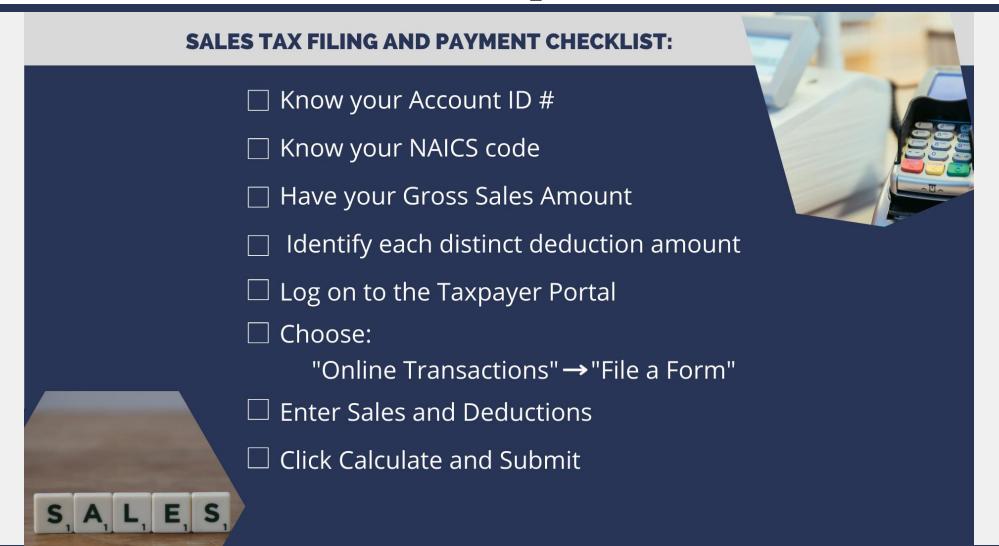
STEP 4

Enter Sales and Deductions

STEP 5

Certify, sign, and submit your return & submit payment.





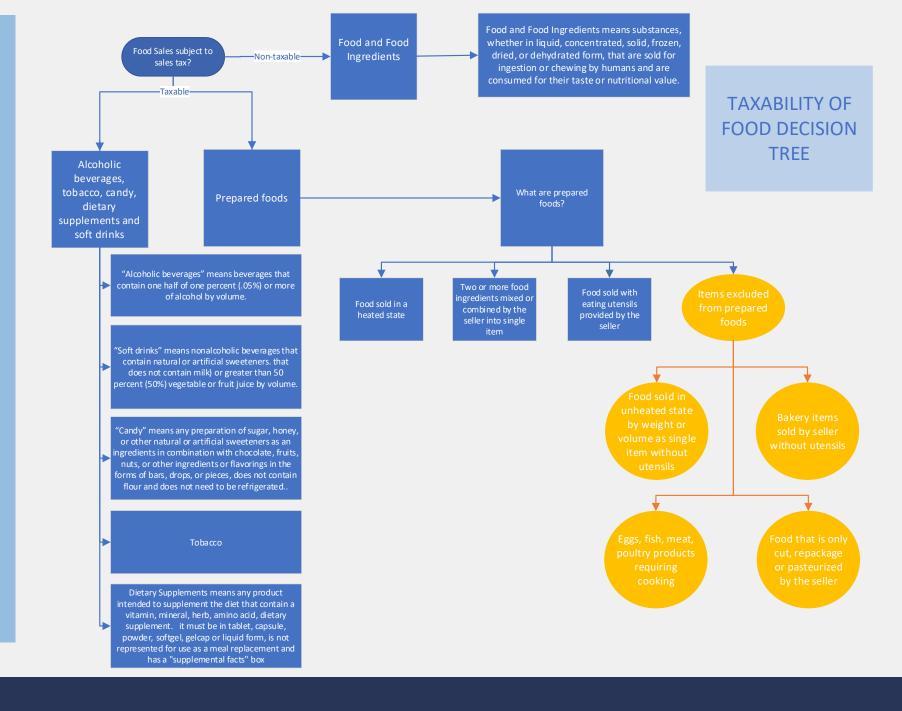
- What is Taxable?
 - All Tangible Personal Property and certain enumerated services
 - Question should be asked is what is not taxable?
 - § 44-18-30. Gross receipts exempt from sales and use taxes
 - § 44-18-7.3. Services defined
 - Taxicab and limousine services
 - Other road transportation services
 - Pet care services
 - Room resellers
 - Investigation, Guard, and Armored Car Services

Exemptions

- Food and Food Ingredients-substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.
 - Does not include "alcoholic beverages," "tobacco," "candy," "dietary supplements," and "soft drinks."
 - Prepared foods are taxable
- Manufacturing purposes (exemption certificate required)
- Electricity and Gas
- Clothing less than \$250
- Exempt Organizations (exemption certificate required)
- Sales for resale (exemption certificate required)

General Overview of Sales Tax Responsibilities

This flowchart is for educational purposes only. Please consult the relevant Rhode Island General Laws and Regulations for detailed requirements



Food Scenarios

- Examples such as eggs, corn, tomatoes meet the definition of Food and Food Ingredients and therefore are exempt.
- Items coated with sugar or candy such as candy apples are defined as candy—do not meet the exemption.
- If items such as heated apple pie, coffee or apple cider are served, the location would be required to collect meals and beverage tax as well as the sales tax.
- Other examples can be found in Regulation 280-RICR-20-70-4

- When is a sales permit required?
 - Every business making sales at retail or renting living quarters
 - Retail sale
 - Sale, lease or rental of tangible personal property
 - "Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses.
 - Prewritten computer software
 - Specified digital products
 - Taxable services
 - A tax exemption does not remove sales permit requirement.
 - Annual renewal by 02/01 for no fee.

Sales Tax vs Use Tax

Sales Tax

Sales tax is a levy imposed on the retail sale, rental or lease of many goods and services. Any sale is a retail sale if the property or service sold will be used and not resold in the regular course of business.

Sales tax collection is required by a retailer in most cases.

Use Tax

Use tax is a levy imposed on the storage, use of other consumption in this state.

Use tax is due when tax is not collected by a retailer on taxable goods or services.

Meals and Beverage Tax Responsibilities

- Meals and Beverage Tax | RI Division of Taxation
- Returns are due monthly or quarterly
 - More than \$200 in sales tax per month average is monthly filing frequency
 - MTM form is due by the 20th of month following the sale.
 - Less than \$200 in sales tax per month on average is quarterly filing frequency.
 - MTQ form is due by last day of the month following the end of the quarter
 - Must file "zero" returns
 - Current Rate is 1%
 - Initial registration is monthly for first 6 months
- Eating and drinking establishment

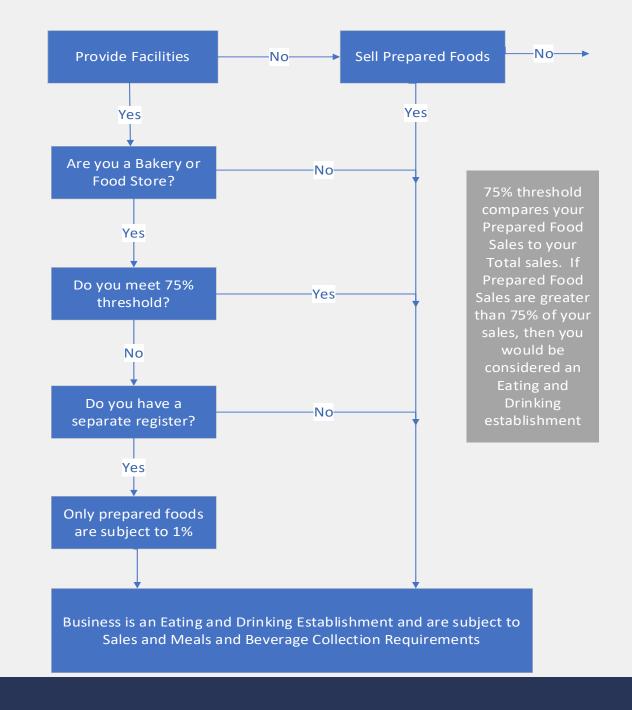
Meals and Beverage Tax Responsibilities

"Eating and/or drinking establishments" includes but is not limited to restaurants, bars, taverns, lounges, cafeterias, lunch counters, drive-ins, roadside ice cream and refreshments stands, fish and chip places, fried chicken places, pizzerias, food and drink concessions, or similar facilities in amusement parks, bowling alleys, clubs, caterers, drive-in theaters, industrial plants, race tracks, shore resorts or other locations, lunch carts, mobile canteens and other similar vehicles, and other like places of business which furnish or provide facilities for immediate consumption of food at tables, chairs or counters or from trays, plates, cups or other tableware or in parking facilities provided primarily for the use of patrons in consuming products purchased at the location.

Retailers selling prepared foods in bulk, either in customer-furnished containers or in the seller's containers, for example "Soup and Sauce" establishments, are deemed to be selling prepared foods ordinarily for immediate consumption and, as such, are considered eating establishments.

General Overview of Eating and Drinking Establishments and Tax Consequences

This flowchart is for educational purposes only. Please consult the relevant Rhode Island General Laws and Regulations for detailed requirements



Meals and Beverage Tax Responsibilities

Additional Items of Importance

- This tax is a local tax remitted to the state thus the forms require a distribution of tax by city/town.
- If delivery occurs, then those sales need to be tracked by delivery location.
- Schedule A on back of the MTM or MTQ is used to report the distribution.
- Retailer is subject to Meals and Beverage Tax requirements whether product is consumed on or off premises (take-out).

Industry Library Initiative

- Beginning with Restaurant and Hospitality Industry
 - More guides to follow
- Developed a comprehensive guide
- Goal: to help businesses achieve and maintain voluntary compliance
- The Restaurant Industry & Rhode Island Tax Guide for Businesses

Corporation

Federal

- Files Form 1120 subject to corporate income tax rates
- No filing for the shareholders
- Can make separate S-corporation election on <u>Federal Form 2553</u>
 - Same tax treatment as partnership

State

- Follows federal election
- Files RI-1120 subject to corporate 7% tax rate
- No filing for the shareholders
- If S-corporation election is made federally
 - Same tax treatment as partnership
- Subject to combined reporting requirements

Partnership

Federal

- Files Federal 1065 including K-1(s) to report income/loss
- Income tax paid by partners on tax return
 - Corporation partners would pay on Form 1120
 - Individual partners would pay on Schedule E of Form 1040
 - A partnership or an LLC partner would flow through activity to their partner/member(s)

State

- Required to file RI-1065 to report income/loss and pay annual charge of \$400. No charge for general partnership.
- Income tax paid by partners on their income tax return
 - Corporation partners would pay on RI-1120C
 - Individual partners would pay on RI-1040 based on Federal AGI of Form 1040
 - Partnership or LLC partners would flow through activity to their partner/member(s)

Limited Liability Company

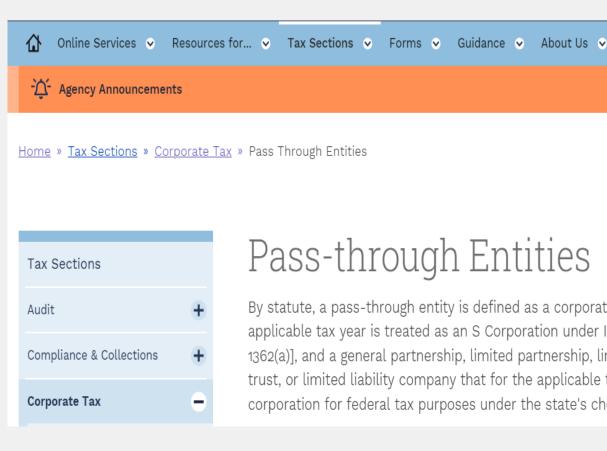
Federal

- No entity filing requirement
- Income tax paid by member(s) on tax return
 - Corporation member(s) would pay on Form 1120
 - Individual member(s) would pay on Schedule C or Schedule E of 1040
 - A partnership or another LLC member(s) would flow through activity to their member(s)

State

- Required to file RI-1065 to report income/loss and pay annual charge of \$400
- Income tax paid by member(s) on their income tax return
 - Corporation member(s) would pay on RI-1120C
 - Individual member(s) would pay on RI-1040 flow from Federal AGI of Form 1040
 - A partnership or another LLC member(s) would flow through activity to their member(s)

- Tax Filing Requirements RI Division of Taxation
- Pass-Through Entity Requirements
 - S-corp, LLC, LP, LLP and General Partnership
 - Pass-through Withholding Requirement
 - Composite Election for non-resident members
 - Pass-through Entity Election
- Pass-through Entities | RI Division of Taxation



Pass-through Entities

By statute, a pass-through entity is defined as a corporation that for the applicable tax year is treated as an S Corporation under IRC § 1362(a) [26 U.S.C. § 1362(a)], and a general partnership, limited partnership, limited liability partnership, trust, or limited liability company that for the applicable tax year is not taxed as a corporation for federal tax purposes under the state's check-the-box regulation.

State of Rhode Island General Laws

- Related Statutes
 - Corporate Tax R.I. Gen Laws §44-11-1 et al.
 - Limited Partnership R.I. Gen Laws §7-13.1-213
 - Limited Liability Partnerships R.I. Gen Laws §7-12-60
 - Limited Liability Company R.I. Gen Laws §7-16-67
 - Pass-through Entity Requirements R.I. Gen Laws §§44-11-2.2 & 2.3

Single Member LLC vs Sole Proprietor

Single Member LLC

- Entity apart from its owner
- Registered as an entity with RI Department of State
- Has liability protection limited to investment
- Registration date dissolution date
- Subject to annual charge (currently \$400) on separate tax form for state purposes

Similarities

- Files Form 1040
 reporting on
 Schedule C to pay
 federal income taxes
- Files RI-1040 to pay state income tax on Federal AGI including Schedule C income

Sole Proprietor

- Owner is the entity
- Can register a trade name with local municipality
- Personal liability
- No dissolution to close business
- No separate filing requirement/annual charge

Personal Income Taxes

- Individuals | RI Division of Taxation
- Personal Income Tax | RI Division of Taxation
- Personal Income Tax Forms | RI Division of Taxation
- Returns for residents and non-residents are due by 04/15 each year
- 2022 Filing Threshold Single \$13,650
 - Individual Tax Filing Requirements | RI Division of Taxation
- RI tax returns begin with Federal Adjusted Gross Income

Additional Taxes and Fees

- Litter permit fee
 - All Rhode Island sales tax permit holders whose sales relate in whole or in part to the sales of food and/or beverages
 - Due by 08/01 each year (for following January December)
 - Fee determined based on amount of sales (\$25 \$125)
- Cigarette Dealer's License
 - Due by 02/01 each year (for following July-June)
 - Fee of \$25
- Tobacco Tax
 - Due by 02/01 each year (for following July-June)
 - Fee of \$25

Electronic Filing & Payment Mandate

- Electronic filing and payment mandate for large business registrant taxpayers effective 01/01/2023
 - Large Business Registrant defined:
 - is operating a business whose combined annual liability for **all taxes** administered by the Division of Taxation for the entity is or exceeds \$5,000; or
 - is operating a business whose annual gross income is over \$100,000 for the entity
 - Penalties
 - \$50 per occurrence for failure to file electronically
 - 5% of tax amount or \$500, whichever is less for failure to pay electronically
 - Taxpayers with reasonable causes may be exempt on a case-by-case basis
 - Individuals and trusts filing personal or fiduciary income tax returns are not larger business registrants for the purposes of R.I. Gen Laws §44-1-31.2

Using the Taxpayer Portal

- Benefits of Portal
 - Satisfies new Electronic Filing and Payment Mandate requirements
 - Can file and pay all taxes from same site
 - · Can schedule payment for future withdrawal
 - You can schedule payments up to 364 days in advance on the Portal
 - 24-hour access
 - Interactive to help ensure accurate filings with all required fields completed
 - Ability to see all previous filing and payments for all tax types
 - Securely store banking information for future use
- Stats over 52,000 registered users have submitted over 329,000 payments for over \$1.74B throughout 2022
- Other electronic methods available

Step 1: Visit <u>www.taxportal.ri.gov</u> and create a User ID and password.



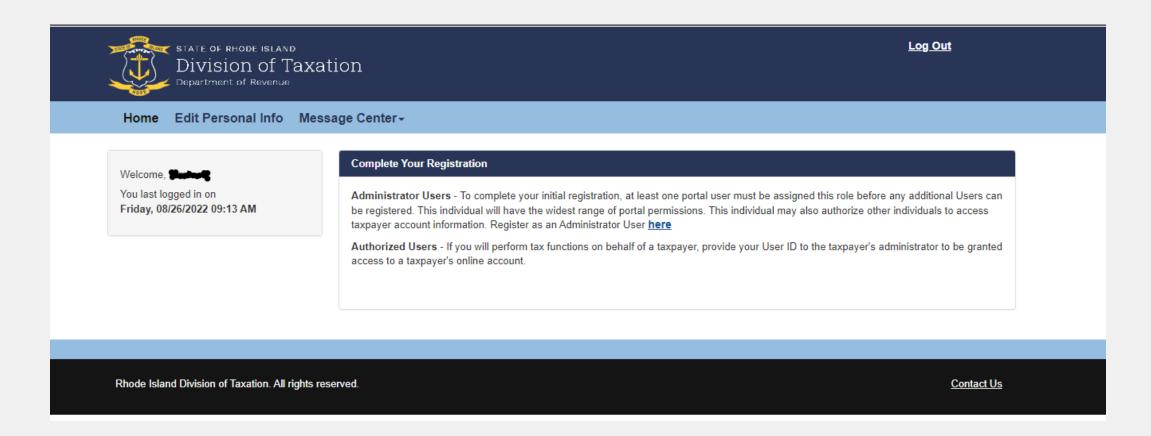
Contact info to request a pin or any other questions:

- taxportal@tax.ri.gov
- 401-574-8484

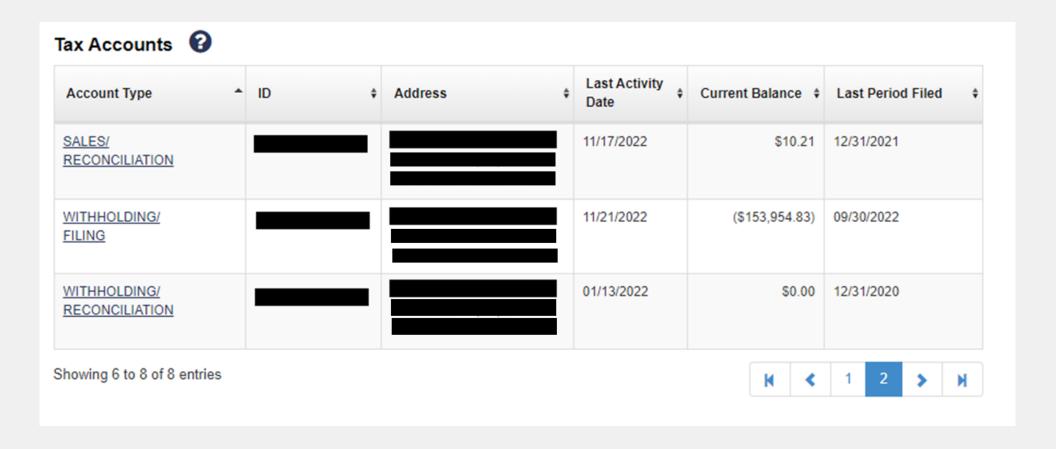
Virtual Training

Sessions

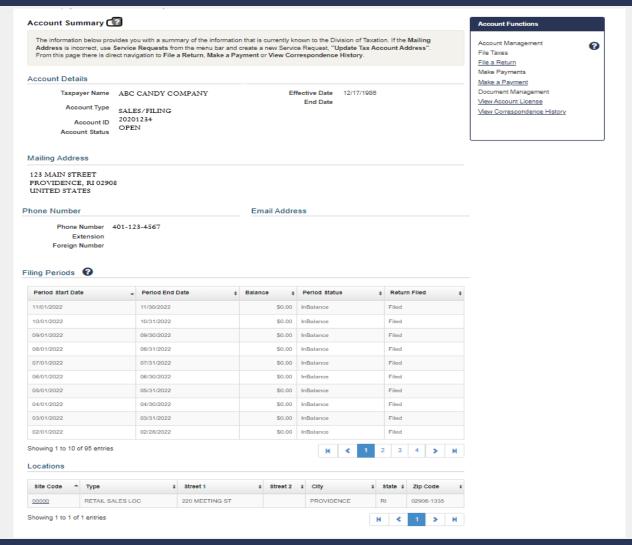
Step 2: Link User ID to Taxation using PIN.



The Account Administrator has access to all accounts

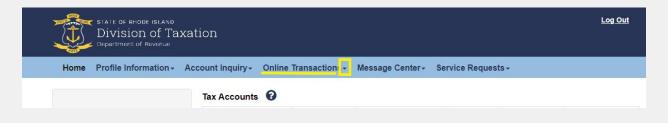


Account summary shows status of period for the accounts

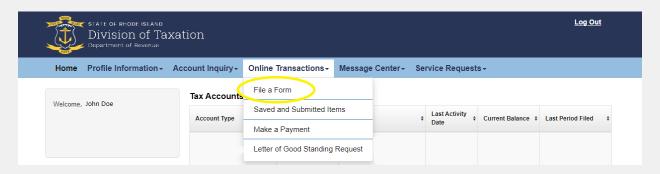


File a Form

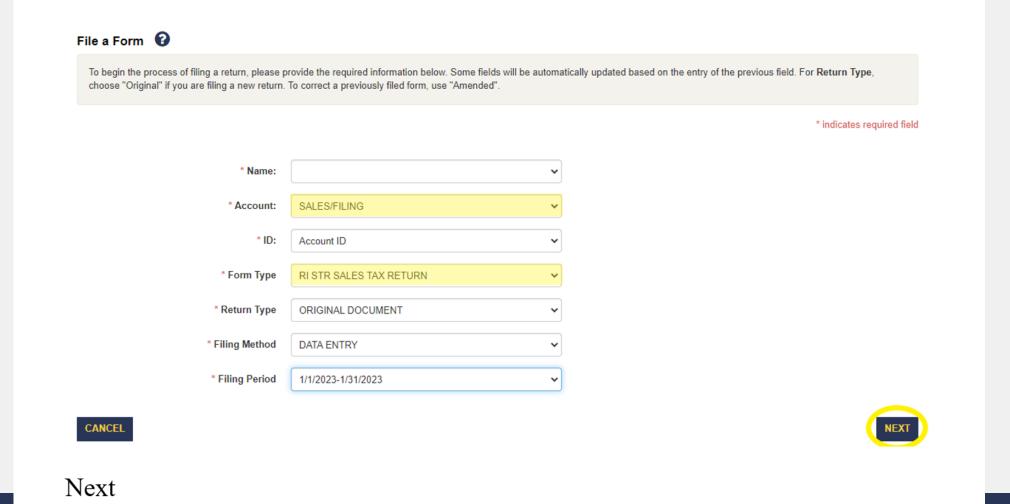
From the Home screen select "Online Transactions" click on the small arrow to the right for drop-down menu.



In the drop-down menu select "File a Form."



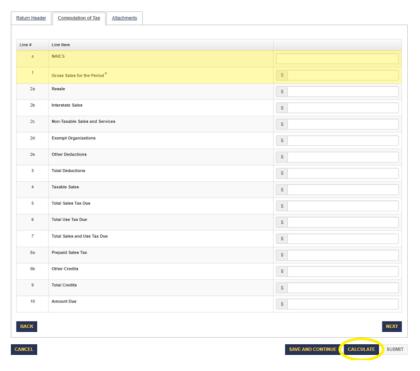
Complete the required drop-downs and select "Next"



Complete all information needed and select Calculate.

Complete each applicable tab

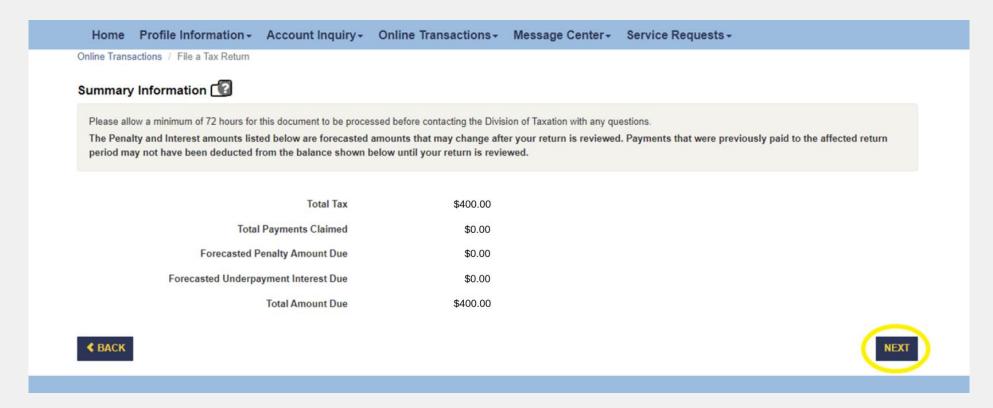
Enter Line A NAICS (NAICS codes can be found on NAICS.com), Line 1 "Gross Sales for the Period. Please include any deductions in lines 2A-2E.



Select "Calculate"

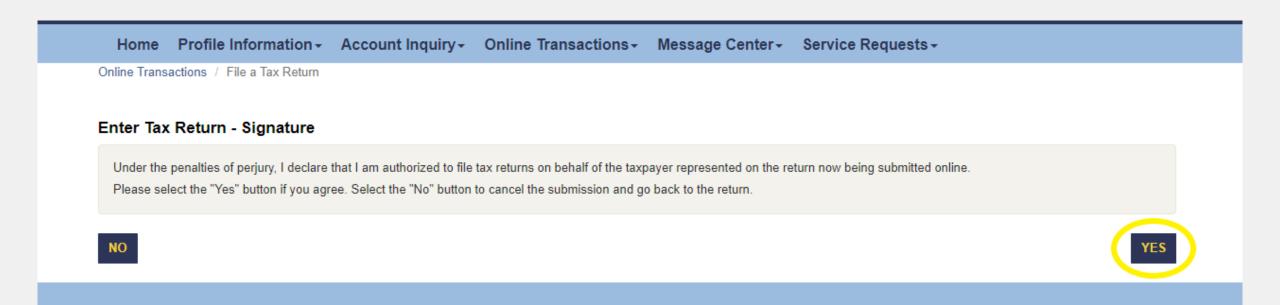


Summary Information An overview of the filing information is presented.



Select "Next"

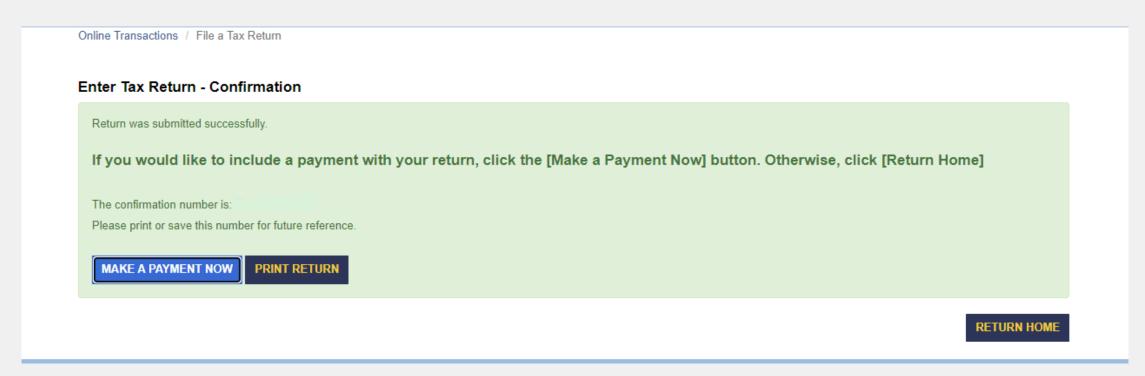
Tax return signature will prompt you for an electronic signature to verify that you are authorized to file tax return.



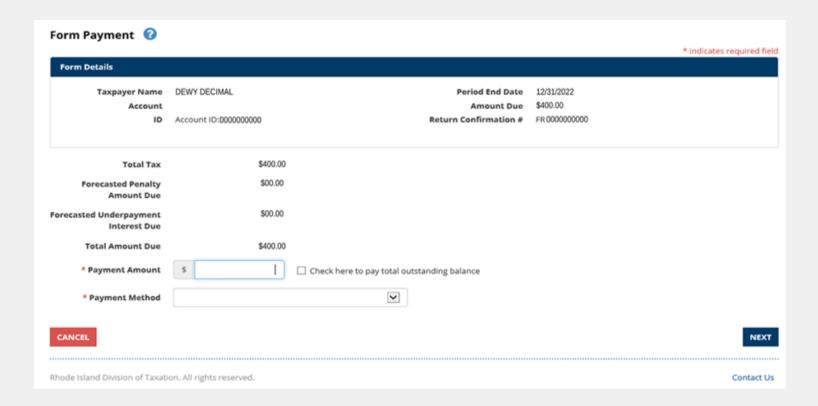
Select "Yes" to file return.

This screen confirms the submission of your return.

Your next step is to make a payment.

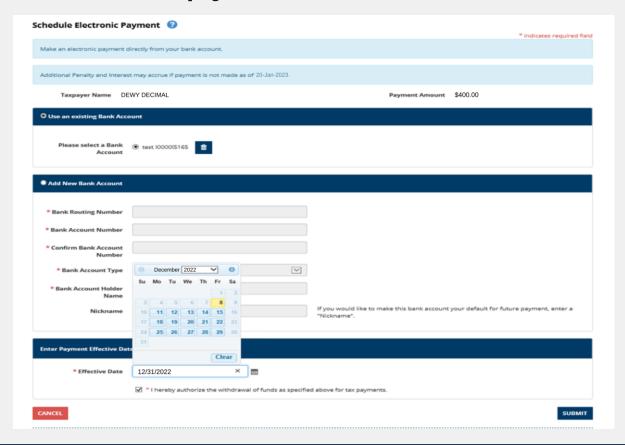


Complete Payment Amount and Payment Method, select Next.



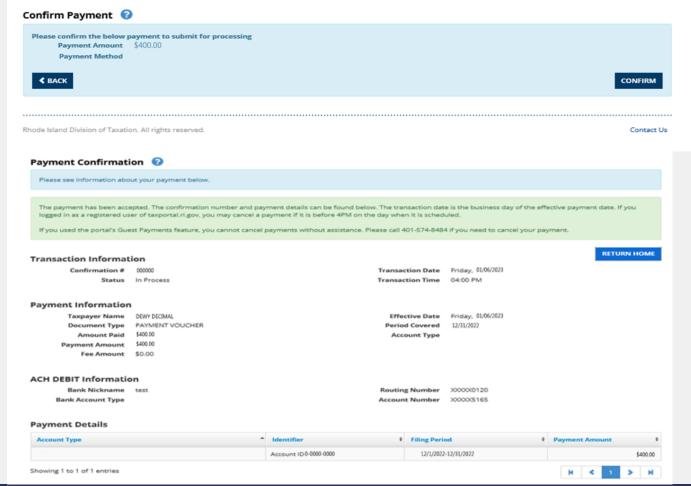
Complete the required information and select Submit.

- Save your banking information for future use.
- Warehouse payments for a future date.



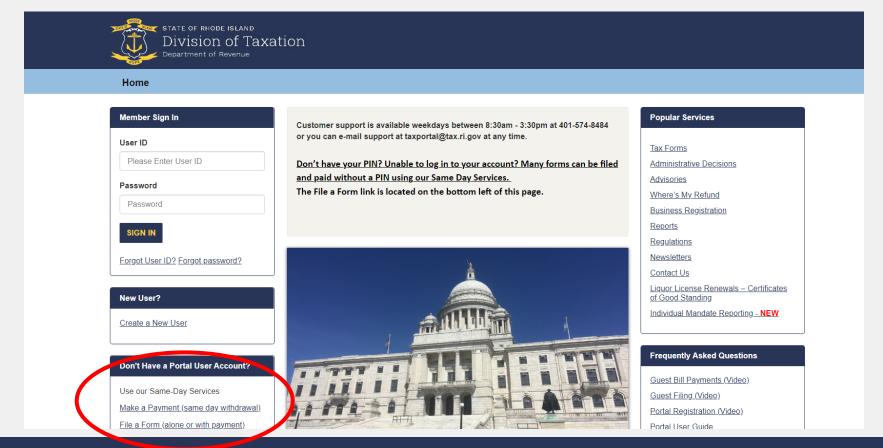
Confirm payment by selecting Confirm.

Payment Confirmation page offers details of submitted payments.



<u>Same-Day/Guest Services:</u> Certain types of payments and filings can made using Same-Day Services/Guest Payment functionality.

You can make a payment, file a form, or file a form with a payment.





You are invited!

- Taxpayer Portal invites you to join us during one of our regularly hosted virtual training sessions!
- We present a live in-Portal session to inform and enlighten taxpayers and tax professionals. Answer questions to increase your knowledge and comfort. All within the Taxpayer Portal through interactive virtual sessions.
- Send email request to tax.portal@tax.ri.gov to request to be added to the list for a session

What are Trust Fund Taxes?

- Trust Fund Taxes are taxes that are collected by one taxpayer from another taxpayer and are held in trust for the state.
- The statutes that enforce these taxes require the collecting taxpayer to remit those taxes to the state at a definite date.
 - R.I. Gen Laws § 44-19-35
 - R.I. Gen Laws § 44-30-76

Examples of Trust Fund Taxes:

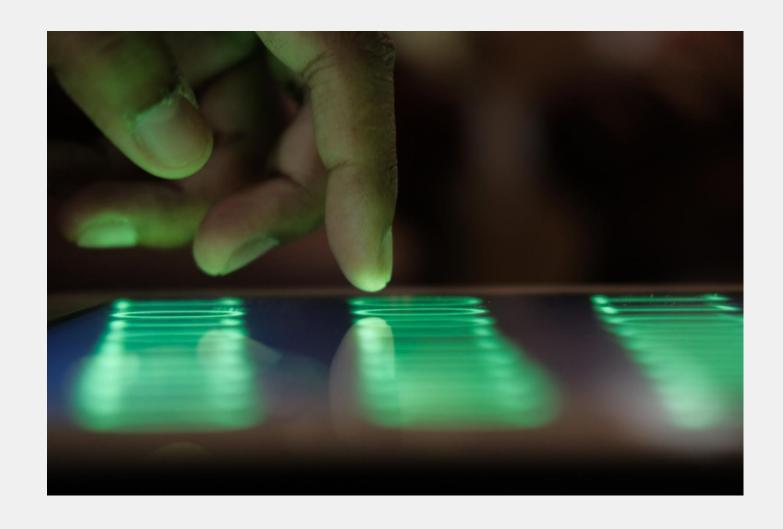
- Sales Tax
 - State Sales Tax is collected by a retailer from their customers. All sales taxes collected must be remitted to the state by the 20th of the following month. The retailer's tax obligation or liability relates directly to its collection of taxes from another taxpayer in this case their customer.
- Withholding Taxes
 - Withholding Taxes are withheld by an employer from their employee's wages. The tax withheld or collected is held in trust for the state and not for the employer's use.

How does Trust Funds impact a business?

- When Trust Fund Taxes are collected, the law indicates that these funds **must** be remitted by the prescribed due date **without exception**.
- There are penalties for misappropriation of trust funds including holding a responsible officer personally liable for the misappropriation.
- It is important for a business owner and their representatives to understand the importance of trust fund remittance.
- Additional details can be found in an article from one of our <u>quarterly newsletters</u>.

Fraud Trends

- IRS/States/Tax Software Industry collaborating on fraud detection and prevention and monitoring data/trends through the IDTTRF-ISAC and the Security Summit.
- How Do You Report Suspected Tax Fraud Activity? | Internal Revenue Service (irs.gov)
- <u>Dirty Dozen | Internal Revenue</u> <u>Service (irs.gov)</u>
- Criminals are becoming more creative, with better technology, and means to perpetrate fraud.



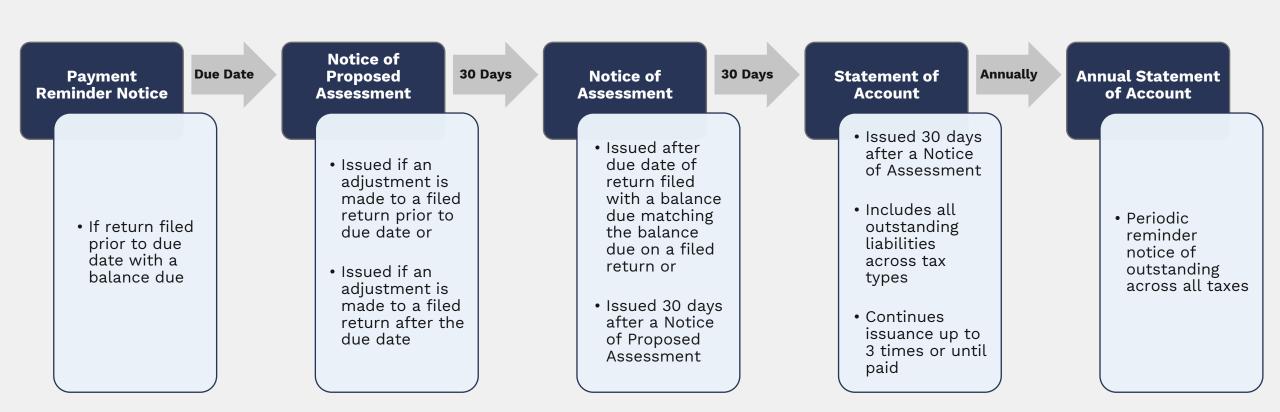
How to Mitigate Fraud

- Consistently update software and operating systems with latest patches—outdated applications and operating systems are the most targeted vulnerabilities for ransomware.
- Train your staff about phishing, cyber security and to look carefully at emails before responding. Check and double check.
- Multifactor Authentication/Strong Passwords.
- Back up data on a regular basis; maintain it on a separate device and store it offline.
- Implement a disaster recovery plan.
- Check the Taxpayer Portal: RI Taxpayer Portal.
- <u>How Do You Report Suspected Tax Fraud Activity? | Internal Revenue Service (irs.gov)</u>.
- Reach out to the RI Division of Taxation: <u>Contact Us | RI Division</u> of <u>Taxation</u>

What records should a taxpayer maintain?

- Federal & State Income Tax returns
- Copies of all state tax returns filed and backup detail
- Sales Records and credit card receipts including
 - Any exemption certificates
 - Daily sales receipts/reports
 - Merchant statements and 1099K forms
 - Delivery slips
- Purchase invoices and ledger listings
- Asset schedules and invoices
- Bank statements, General Ledger and chart of accounts
- Other records as needed

State Tax Notices Timeline

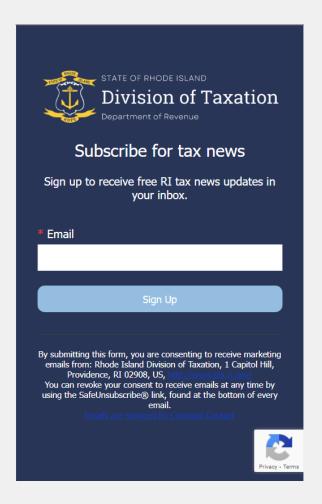


Interest Rate Reduction

- Interest Rate Reduction for non-trust funds
 - Minimum of 12% for most taxes-Effective 01/01/2023
 - Minimum of 18% remains for trust fund taxes
 - Sales
 - Hotel
 - Meals and Beverage
 - Withholding
 - ADV 2022-25.pdf
 - Interest Rate Change FAQ

More Tax Resources

- Sign up for our emails
 - Tax news delivered to your inbox
 - Quarterly newsletters
 - Important updates



Questions?



Thank you



Contact Us

401-574-8983 Tax.Experience@tax.ri.gov One Capitol Hill Providence, RI 02908



Taxpayer Experience Office | RI Division of Taxation



Appendix A

Compliant Taxpayer Profiles











Compliant Taxpayer Guide: Retailer

Example:

Generic Retailer with retail sales out of a RI location of \$250,000 per year of mostly taxable goods. Taxpayer is an LLC taxed as a partnership for federal tax purposes with two partners. They have 5 employees with average total taxes withheld of \$700 per month.



This example is for educational and informational purposes only. It is not a substitute for compliance with the R.I. General Laws and any relevant rules or regulations. Depending on your specific business model, you may have additional or different requirements.

Basics

- Registered for <u>Taxpayer Portal</u>
- Annual Sales Permit renewal filed by 2/1
- RI-STR (Sales tax return) filed by the 20th day of the month following the month in which the tax was collected

Withholding taxes

- Withholding payments made each Monday
- RI-941 filed quarterly before 4/30, 7/31, 10/31, and 1/31

Annual filings

- RI-W3 filed by 1/31
- W2s filed by secure FTP using tax.prodcontrol@tax.ri.gov by 1/31
- T-204R Sales Tax Annual Reconciliation filed by 1/31
- RI-1065 filed by 3/15 with \$400 annual charge and RI K1s to partners

Personal Income Tax

- Shareholders file <u>RI-1040ES</u> making estimated payments on 4/15, 6/15, 9/15, and 1/15
- Shareholders file RI-1040 by 4/15



Compliant Taxpayer Guide: Restaurant

Example:

Restaurant with annual gross receipts of \$750,000 located in Cumberland which delivers into Central Falls and Lincoln. Taxpayer is an S-corporation and 10 employees.



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Basics

- Registered for <u>Taxpayer Portal</u>
- Annual Sales Permit renewal filed by 2/1
- RI-STR (Sales tax return) filed by the 20th day of the month following the month in which the tax was collected
- Litter permit fee of \$100 based on Gross Receipts by 8/01
- MTM filed by 20th of each month
 - Must complete Schedule A of return with sales distributed between Cumberland, Central Falls and Lincoln

Withholding taxes

- Withholding payments made each Monday
- RI-941 filed quarterly before 4/30, 7/31, 10/31, and 1/31

Annual filings

- RI-W3 filed by 1/31
- W2s filed by secure FTP using tax.prodcontrol@tax.ri.gov by 1/31
- T-204R Sales Tax Annual Reconciliation filed by 1/31
- RI-1120S filed by 3/15 with \$400 minimum tax and RI K1s to partners

Personal Income Tax

- Shareholders file <u>RI-1040ES</u> making estimated payments on 4/15, 6/15, 9/15, and 1/15
- Shareholders file RI-1040 by 4/15

Appendix B: Additional State Resources

• Business Services - Rhode Island - Gregg M. Amore (ri.gov)

Start, maintain, or close your business or non-profit





- _____
- · Plan for Success
- · Register Your Business in Rhode Island
- Maintain Your Business
- · Withdraw Your Business



Training Calendar

Business Services offers free workshops, summits, and other educational opportunities on a range of topics for small businesses and non-profit organizations.

Click here to view the event calendar and sign up today!

• RI Tax Credits & Financing | Rhode Island Commerce (commerceri.com)