

# 2024 RI-1065 - Rhode Island Partnership Income Tax Return

## SPECIFIC INSTRUCTIONS

### NEW FOR TAX YEAR 2024

#### Form RI-PTE is now RI Schedule PTE

Form RI-PTE is now a schedule that is part of Form RI-1065. If the entity elects to pay state income tax at the entity level for any partner, member, or shareholder, the entity must complete include RI Schedule PTE with its filing.

Each K-1 issued to a partner, member, or shareholder must include the tax paid on behalf of the **any** partner, member, or shareholder, as well as the increasing modification amount for the partner, member, or shareholder, if applicable.

#### Total Number of K-1s issued

To aid in proper reporting of partner, member, or shareholder information on RI Schedule K-1s there are fields to use to report a count of the number of K-1s issued by the entity for the tax year.

**Total number of RI K-1s issued:** Enter the total number of RI Schedule K-1s issued by the entity for the tax year.

**Total number of RI K-1s issued for Schedule PTE:** Enter the total number of RI Schedule K-1s issued by the entity for the tax year that are reporting RI Schedule PTE (Pass-through Entity Election) information in Section VI of RI Schedule K-1.

**Total number of RI K-1s issued for Schedule PTW:** Enter the total number of RI Schedule K-1s issued by the entity for the tax year that are reporting RI Schedule PTW (Pass-through Withholding) information in Section IV of RI Schedule K-1.

#### Sole Proprietor Entity Type

The new Sole Proprietor check box as an Entity Type is to be used solely for an individual who is a Sole Proprietor and has made a pass-through entity election.

### INFORMATION SECTION

Enter the requested entity information on the top of the form, including name, address, federal identification number, email address, NAICS code, type of return being filed, and if the entity is not a calendar year filer, enter the beginning and end dates of the entity's fiscal year.

Enter the following information in the corresponding boxes:

#### **Gross Receipts:**

The gross receipts from U.S. Form 1065, page 1, line 1a or other applicable Federal form.

#### **Depreciable Assets:**

The depreciable assets from line 10a, column (c), Schedule L, U.S. Form 1065, page 4 or other applicable Federal form.

#### **Total Assets:**

Enter the total assets from line 15, column (d), Schedule L, U.S. Form 1065, page 4 or other applicable Federal form.

#### **RETURN DUE DATE:**

For all filers except for calendar year and non-June 30 fiscal year end single-member LLC filers, Form RI-1065 is due on or before the fifteenth day of the third month following the close of the taxable year.

For calendar year and non-June 30 fiscal year end single-member LLC filers, Form RI-1065 is due on or before the fifteenth day of the fourth month following the close of the taxable year.

**NOTE:** If filing a final return, a separate request for a letter of good standing for dissolution or withdrawal should also be filed. Attach the final return to the request form and follow the instructions for section V or VI. The final return and request form must be completed through the date of withdrawal. When filing for dissolution or withdrawal, an extension is not valid. Within thirty (30) days of the date of the letter, it must be recorded with the Secretary of State.

#### **LIMITED LIABILITY COMPANY FILERS:**

(i) If the LLC is to be treated as a corporation for federal tax purposes, it shall pay a tax the same as a "C" corporation and file Form RI-1120C.

(ii) If the LLC is to be treated as a subchapter S corporation for federal tax purposes, it shall pay a fee equal to the minimum tax as defined under R.I. Gen. Laws § 44-11-2(e) and file Form RI-1120S.

(iii) All other LLCs shall pay a fee equal to the minimum tax as defined under R.I. Gen. Laws § 44-11-2(e) and file Form RI-1065.

Check the "LLC" box in the "Entity type" section.

If the LLC is a single member LLC for federal tax purposes, check the "SMLLC" box and NOT the "LLC" box in the "Entity type" section.

#### **LIMITED LIABILITY PARTNERSHIPS, LIMITED PARTNERSHIPS OR PARTNERSHIP FILERS:**

(i) If the LLP or LP is to be treated as a corporation for federal tax purposes, it shall pay a tax the same as a "C" corporation and file Form RI-1120C.

(ii) If the LLP or LP is to be treated as a partnership for federal tax purposes, it shall pay a fee equal to the minimum tax as defined under R.I. Gen. Laws § 44-11-2(e) and file Form RI-1065.

In the "Entity type" section, LLPs check the "LLP" box, LPs check the "LP" box, and general partnerships check the "Partnership" box. Check only one box in this section. For example, if the entity type is a SMLLC, check SMLLC, not LLC, and not both SMLLC and LLC.

#### **SOLE PROPRIETOR FILERS:**

Form RI-1065 for tax year 2024 includes a new Entity Type check box for a Sole Proprietor.

The new Sole Proprietor check box is to be used solely for an individual who is a Sole Proprietor and who has made a pass-through entity election. Previously, the Sole Proprietor would have filed

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Form RI-PTE, but because that form has been discontinued effective with tax year 2024 this is the mechanism to allow the Sole Proprietor to make the pass-through entity election.

The Sole Proprietor is not subject to the \$400 annual fee.

In addition to completing RI Schedule PTE and RI Schedule K-1, the filing for a Sole Proprietor only requires lines 7d through lines 16 of the Form RI-1065 be completed.

When filing a return for a Sole Proprietor be sure to include all four pages of Form RI-1065, RI Schedule PTE and RI Schedule K-1.

When the Sole Proprietor files a personal income tax return they must be sure to include RI Schedule K-1 to document the amount of the pass-through entity tax paid on their behalf and claimed on RI Schedule W.

### SCHEDULE A - COMPUTATION OF TAX

#### TAXABLE INCOME

##### **Line 1 - Federal Taxable Income**

Enter the taxable income as it appears on Federal Form 1065, Schedule K, line 1 from the Analysis of Net Income (Loss) section or line 31 from Federal Form 1040 or 1040-SR, Schedule C, or other applicable Federal form.

##### **Line 2 - Total Deductions**

Enter Total Deductions from page 2, Schedule B, line 1e.

##### **Line 3 - Total Additions**

Enter Total Additions from page 2, Schedule C, line 1f.

#### APPORTIONED TAXABLE INCOME

##### **Line 4 - Adjusted Taxable Income**

Subtract the total deductions amount on line 2 from the Federal Taxable Income amount on line 1. Add to that the total additions amount on line 3.

##### **Line 5 - Rhode Island Apportionment Ratio**

Complete Schedule I on page 4. Enter the amount from Schedule I, line 5.

##### **Line 6 - Apportioned Rhode Island Taxable Income**

Multiply your adjusted taxable income amount from line 4 times the Rhode Island Apportionment Ratio from line 5.

**If the entity type is a general partnership, enter 0.00 on lines 7a and 7b. No annual fee is due from an entity filing as a general partnership. Form RI-1065 must still be filed even though no annual fee is due and must determine any pass-through withholding due on the Rhode Island source income of all nonresident members.**

##### **Line 7a - Rhode Island Annual Fee**

Enter the amount of \$400.00 on this line. Pursuant to R.I. Gen. Laws § 44-11-2(e), the minimum tax imposed shall be \$400.00

##### **Line 7b - Jobs Growth Tax**

Enter 5% of the aggregate performance-based compensation paid to eligible employees as per the Jobs Growth Act (R.I. Gen. Laws § 42-64.11-5).

##### **Line 7c - Pass-Through Withholding**

Enter Rhode Island Pass-Through Withholding from RI Schedule PTW, Line 13.

Starting with tax years beginning on or after January 1, 2023, pass-through entities will calculate pass-through withholding for its non-resident members using RI Schedule PTW and including the schedule with Form RI-1065.

See the RI Schedule PTW section on page 4 of these instructions for more information.

##### **Line 7d - Pass-through Entity Election Tax**

Enter the amount of Rhode Island Pass-through Entity Election Tax from RI Schedule PTE, line 5.

Starting with tax years beginning on or after January 1, 2024, pass-through entities making the election to pay tax at the entity level for its members will calculate the tax using RI Schedule PTE and include the schedule with Form RI-1065.

See the RI Schedule PTE section on page 5 of these instructions for more information.

##### **Line 8a and 8b - Rhode Island Total Tax/Fee and Withholding**

Add lines 7a through 7d.

##### **Line 9a - Estimated Tax Payments**

Enter the total estimated tax payments made with respect to the taxable year, if any, including any overpayment allowed from the preceding taxable year.

##### **Line 9b - Other Payments**

Enter the amount of all other tax payments (i.e. extension payment) made with respect to the taxable year.

**Note: Rhode Island pass-through withholding payments MAY NOT be claimed by LLCs, LLPs, LPs, partnerships or SMLLCs on Form RI-1065 since they themselves are pass-through entities. LLCs, LLPs, LPs, partnerships and SMLLCs must complete their own RI Schedule PTW as part of Form RI-1065 and pass any pass-through withholding payments through to their members/shareholders.**

##### **Line 10 - Total Payments**

Add the amounts from lines 9a through 9d.

##### **Line 11 - Net Tax Due**

Subtract the amount on line 10 from the amount on line 8b.

##### **Line 12 - Interest and Penalty Calculation**

Enter the total of (a), (b) and (c) on this line.

##### **(a) Interest on the balance due**

For failure to pay the tax on time, interest at the rate of 12% (0.1200) per year; or 1.0% (0.0100) per month, shall be assessed.

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Interest shall accrue on the amount from line 12 at the rate of 12% per annum from the due date for filing the return to the actual date of payment.

### (b) Penalty on the balance due

For failure to file the return on time, a penalty at the rate of 5% (0.0500) per month not to exceed 25% (0.2500) shall be assessed.

For failure to pay the tax on time, a penalty at the rate of 0.5% (0.0050) per month not to exceed 25% (0.2500) shall be assessed.  
*Delinquency charge:* LLCs, LPs, and LLPs are subject to a \$100.00 charge if the annual fee is not paid by the due date.

### (c) Interest for underpayment of estimated taxes

In the case of any underpayment of the estimated taxes by an entity there shall be added to the tax as the case may be for the taxable year, an amount determined at the rate of 12% per annum upon the amount of the underpayment for the period of the underpayment.

The amount of the estimated payments made for the tax year must equal at least eighty (80%) percent of the current year tax amount, or one hundred (100%) percent of the prior year tax amount, whichever is less. In addition, unless using the annualization of income method, total payments and withholding for each quarter must be at least equal to one quarter of the amount of tax in order to avoid underestimating interest. An overpayment or underpayment from the immediately preceding quarter should be applied to the next quarter when determining the overpayment or underpayment for that quarter.

### Line 13 - Total Due with the Return

Add lines 11 and 12. The amount is due and payable when the return is filed. See the Electronic Mandate section at the end of these instructions for information on how to file your return and remit payment.

### Line 14 - Overpayment

If line 10 is more than line 8b, this is the amount of your overpayment. If there is an amount due on line 12c, subtract that amount from your overpayment.

If the amount on line 12c is more than your overpayment, enter the amount on line 13. This amount is due and payable when the return is filed.

### Line 15 - Amount to be Applied to 2025 Estimated Tax

Enter the amount of the overpayment from line 14 that is to be credited against next year's estimated tax. The amount on this line may be adjusted by the Tax Administrator.

### Line 16 - Amount to be refunded.

Subtract line 15 from line 14.

## SCHEDULE B - DEDUCTIONS

### Line 1a - Exempt Interest

Enter the amount of interest exempt from Rhode Island tax included on line 5, Schedule K of Federal 1065.

### Line 1b - Bonus Depreciation Adjustment

Enter the amount of adjustment which represents the difference

between normal first year depreciation and residual depreciation as long as depreciation lasts.

### Line 1c - Modification for Tax Incentives for Employers

Enter the amount of modification allowed under R.I. Gen. Laws § 44-55. Attach Form RI-107 and required documentation to the return.

### Line 1d - Cash Basis Only - Deductions for Pass-Through Tax Claimed

Enter the amount of deductions allowed for Pass-Through Entity Tax Claimed in prior year.

### Line 1e - Total Deductions

Add lines 1a through 1d. Enter here and on page 1, Schedule A, line 2.

## SCHEDULE C - ADDITIONS

### Line 1a - Interest

Enter the gross amount of interest income received or accrued with respect to all obligations of any state, territory or possession of the United States or any political subdivision of the foregoing, or the District of Columbia other than Rhode Island or its political subdivisions not included on line 5, Schedule K of Federal 1065.

### Line 1b - Bonus Depreciation Adjustment

Enter the entity's bonus depreciation amount less its normal depreciation amount.

### Line 1c - Intangible Addback

Enter the total amount of interest expenses and costs and intangible expenses and costs that must be added back under R.I. Gen. Laws § 44-11-11(f).

### Line 1d - Pass-Through Entity Tax Elected to be Paid

Enter the amount the Pass-Through Entity Tax Elected to be paid under R.I. Gen. Laws § 44-11-2.3.

### Line 1e - Taxable portion of Paycheck Protection Program

Enter the taxable portion of Paycheck Protection Program loan under R.I. Gen. Laws § 44-11-11.

### Line 1f - Total Additions

Add lines 1a through 1e. Enter here and on page 1, Schedule A, line 3.

## SCHEDULE D - RHODE ISLAND CREDITS

If the entity has credits passing through to its members, complete RI Schedule CR-PT - Other RI Credits for RI-1065 & RI-1120S filers.

## SCHEDULE E - OTHER DEDUCTIONS TO FEDERAL TAXABLE INCOME

**Line 1 - Elective Deduction for New Research and Development Facilities** - Refer to R.I. Gen. Laws § 44-32-1 for more details.

**Line 2 - Capital Investment Deduction - R.I. Gen. Laws § 44-43-2**

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- Rhode Island General Laws provide for a deduction for purposes of computing net income in accordance with R.I. Gen. Laws § 44-11, for investments in certified venture capital partnerships. Taxpayers claiming this deduction for investments in certified venture capital partnerships must provide copies of certification from the Department of Economic Development of the Venture Capital Partnership. A recapture of a previously take deduction may be necessary under the law. This should be done by listing the recaptured amount as a negative number.

### **SCHEDULE I - ALLOCATION FACTOR**

**Prior to considering your apportionment factors, Regulation 280-RICR-20-25-11 and R.I. Gen. Laws § 44-11-13 should be considered to determine whether a company has the ability to apportion its Rhode Island adjusted taxable income. All apportionment factors should be filled out even if your apportionment is 100% Rhode Island.**

**If utilizing an alternative allocation apportionment as allowed under R.I. Gen. Laws § 44-11-14.1, §44-11-14.2, §44-11-14.3, §44-11-14.4, §44-11-14.5 or §44-11-14.6, check the box above the apportionment schedule.**

#### **Line 1 - Average Net Book Value Factor**

Real and tangible personal property owned is valued at book value. Real and tangible personal property rented is valued at 8 times the annual net rental rate. The annual net rental rate shall be reduced (but not to less than zero) by the annual rental rate received from subrentals.

“Tangible personal property” means such property as machinery, tools, implements, goods, wares, and merchandise. It does not include cash, shares of stock, bonds, notes, credits, or evidences of an interest in property and evidences of debt.

#### **Line 2 - Receipts Factor**

**2a)** 100% allocation to Rhode Island of the gross receipts from sales of tangible personal property sold in the regular course of business where Rhode Island (or any other state or place) is the place of origin and Rhode Island is the destination. Sales of tangible personal property are in Rhode Island if the property is delivered or shipped to a purchaser within this state regardless of the free on board (F.O.B.) point or other conditions of the sale.

Gross income from services is attributed to Rhode Island if the services are performed in Rhode Island.

Pursuant to R.I. Gen. Laws § 44-11-14(a)(2)(i)(B), gross sales of tangible personal property where shipments are made from an office, store, warehouse, factory or other place of storage in this state and the taxpayer is not taxed in the state of purchase must now be included in the Receipts section of the Rhode Island apportionment column. This gross receipts amount must be listed separately as shown on the apportionment schedule.

**2b)** Dividend income. This amount should not be included in 2(h).

**2c)** Interest income. This amount should not be included in 2(h).

**2d)** Gross rental income from the leasing or renting of real and tangible personal property.

**2e)** Royalty income associated with Rhode Island activities.

**2f)** Net income from the sale of real property, tangible personal property, or other capital assets not held by the taxpayer for sale to customers in the regular course of business.

**2g)** Net income from the sale or disposition of securities or financial obligations. Do not include related dividends or interest. Dividends and interest are reported on line 2(b) and 2(c).

**2h)** Gross income from all other receipts includes income from all other sources (not listed above) and includes (but is not limited to) receipts from patents, royalties, copyrights, commissions, dividends and interest. Gross income from royalties is attributable to Rhode Island to the extent that the patent or copyright is used in this state by the person paying royalties to the taxpayer. A patent is used in Rhode Island to the extent that it is employed in fabrication, manufacturing, production or other processing in Rhode Island or to the extent that a patented product is produced in Rhode Island. A copyright is used in Rhode Island to the extent that printing or other publication originates in Rhode Island. Accordingly, all such gross income should be included in Schedule I, line 2(h), Column A. For corporations organized under Rhode Island laws, all gross income from interest and dividends must be shown on Schedule I, lines 2(b&c), Column A.

**2i)** Income exempt from federal taxation.

#### **Line 3 - Salaries and Wage Factor**

Schedule I, line 3, Column A represents that part of the total wages, salaries and other compensation to officers and employees paid or incurred by the taxpayer during the taxable year which is assignable to offices, agencies, or places of business within the State of Rhode Island, or which is attributable to services performed in connection with the taxpayer's activities or transactions within this state during the taxable year.

#### **Line 4 - Rhode Island Ratios**

Total the Rhode Island ratios from lines 1f, 2k and 3b.

#### **Line 5 - Allocation Factor**

If dollar amounts for property, receipts and salaries exist in Column B, the total of the three ratios on line 4 should be divided by 3. If one factor is not found in Column B, then the total of the two ratios on line 4 must be divided by 2. If only one factor exists in Column B, then the ratio on line 4 should be carried to line 5. Also, enter this ratio on page 1, Schedule A, line 5.

### **RI SCHEDULE PTW**

Pursuant to R.I. Gen. Laws § 44-11-2.2. Pass-through entities, A pass-through entity shall withhold income tax at the highest Rhode Island withholding tax rate provided for individuals or seven percent (7%) for corporations on the member's share of income of the entity that is derived from or attributable to sources within this state distributed to each nonresident member and pay the withheld amount to the R.I. Division of Taxation.

If a nonresident member's only source of income within Rhode Island is from one or more pass-through entities, that nonresident member may elect to be included in a composite return to satisfy the nonresident pass-through withholding requirement under R.I.

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Gen. Laws § 44-11-2.2.

For tax years beginning on or after January 1, 2023, Rhode Island pass-through withholding of a pass-through entity with **nonresident** partners, members, beneficiaries and shareholders will be reported and calculated using RI Schedule PTW as part of Form RI-1065 rather than using Form RI-1096PT.

RI Schedule PTW is not required to be filed if there are no nonresident members of the pass-through entity.

The pass-through entity is required to include RI Schedule PTW showing the amount of Rhode Island withholding for all nonresident members for whom Rhode Island taxes were withheld. This does not include any nonresident members who made the election on Form RI-1040C-NE to file a composite return (RI-1040C) or elected to file on RI Schedule PTE - Pass-through Entity Election.

*Entities with shareholders making elections on RI-1040C-NE or RI Schedule PTE must complete these Form RI-1040C and/or RI Schedule PTE before completing RI Schedule PTW.*

When submitting RI Schedule PTW with Form RI-1065, the pass-through entity **must** attach all corresponding RI Schedule K-1s.

If any of the following exceptions apply to the pass-through entity, check the applicable box at the top of the form and enter the amount of income associated with the exception on the appropriate line under Part B.

- Cannot distribute funds due to Federal or State restrictions
- Exempt from income tax
- Nonresident member(s) with less than \$1,000.00 in Rhode Island source income
- All Rhode Island source income for the nonresident member(s) is being reported on Form RI-1040C - Composite Income Tax Return.
- A pass-through entity election was made and all Rhode Island source income for the nonresident member(s) is being reported on Form RI-PTE.

**If the pass-through entity cannot distribute funds due to Federal or state restrictions, a statement explaining what is prohibiting the distribution of the funds along with all of the corresponding RI K-1s containing all required information.**

If all the nonresident members of the pass-through entity have Rhode Island source income less than \$1,000.00, RI Schedule PTW must be filed reporting the Rhode Island source income of all nonresident members on line 1, calculating the pass-through withholden due and listing the Rhode Island source income of all members on line 7. All of the corresponding RI K-1s should show the nonresident members' withholding as zero.

### **Part A - Nonresident Rhode Island Source Income Calculation**

**Line 1** – Enter the pass-through entity's apportioned Rhode Island taxable income from Form RI-1065, line 6.

**Line 2** – Enter the profit percentage or current year allocation percentage of all members/partners that are nonresidents.

**Line 3** – Multiply the apportioned Rhode Island taxable income on

line 1 by the profit percentage or current year allocation percentage of all nonresident members/partners from line 2 to calculate Rhode Island source income for all nonresidents.

### **Part B - Pass-through Withholding Calculation**

**Line 4** – Using the amount of Rhode Island source income for all nonresidents from line 3, enter the amount attributed to nonresident members that are C Corporations on line 4a and that are Sub S Corporations, Individuals, LLCs, Partnerships and Trusts.

Lines 4a and 4b must equal line 3.

**For lines 5 through 9:** Use the appropriate column(s) based on entity type and enter the Rhode Island source of income of the nonresident member(s) not subject to pass-through withholding on RI Schedule PTW.

Column A: C Corporations  
Column B: Sub S Corporations, Individuals, LLCs, Partnerships and Trusts.

**Line 5** – Enter the amount of Rhode Island source income for all nonresident members of the pass-through entity which cannot be distributed due to Federal or State restrictions.

**Line 6** – Enter the amount of Rhode Island source income for all nonresident members of the pass-through entity exempt from tax.

**Line 7** – Enter the amount of Rhode Island source of income of those nonresident members with income less than \$1,000 net modifications.

**Line 8** – Enter the amount of the Rhode Island source of income of nonresident members being reported on Form RI-1040C - Composite Income Tax Return.

**Line 9** – Enter Rhode Island source of income of those nonresidents being reported on Form RI-PTE - Pass-through Entity Election.

**Line 10** – Rhode Island source income of nonresident members subject to pass-through withholding  
Column A, subtract the amounts from lines 5a - 9a from line 4a  
Column B, subtract the amounts from lines 5b - 9b from line 4b

**Line 11** – Rhode Island pass-through withholding rate.  
For C corporations only, the rate is 7.0%.  
For Sub S corporations, individuals, LLCs, partnerships and trusts, the rate is 5.99%.

**Line 12** – For each column, multiply the amount of Rhode Island source income of those nonresidents from line 10 by the pass-through withholding rate line 11 to calculate the pass-through withholding amount.

**Line 13** – Add lines 12a and 12b. Enter here and on Form RI-1065, line 7c.

### **Part C - Pass-through Withholding Paid on Entity's behalf by another Pass-through Entity**

Part C must be completed if claiming an amount on Form RI-1065, page 2, line 9b. Attach a separate sheet if additional room is needed. In addition, a copy of all RI Schedule K-1s issued to the entity

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must be attached in order for credit to be given. Failure to attach a copy will result in the disallowance of the pass-through withholding amount until documentation is provided.

Enter the amount of any nonresident pass-through withholding payments made on the entity's behalf by another pass-through entity. This amount should equal the Total Pass-through withholding amount from RI Schedule PTW, Part C, line 1f.

### **RI SCHEDULE PTE**

Pursuant to R.I. Gen. Laws § 44-11-2.3. Pass-through entities – Election to pay state income tax at the entity level, for tax years beginning on or after January 1, 2019, a pass-through entity may elect to pay the state tax at the entity level at the rate of five and ninety-nine hundredths percent (5.99%).

If a pass-through entity elects to pay an entity tax under this subsection, the entity shall not have to comply with the provisions of R.I. Gen. Laws § 44-11-2.2 regarding withholding on non-resident owners.

For tax years beginning on or after January 1, 2024, partners, members, and shareholders of a Rhode Island pass-through entity that makes a pass-through entity election for partners, members, and shareholders will report and calculate the pass-through entity income and tax using RI Schedule PTE as part of Form RI-1065 rather than using Form RI-PTE.

RI Schedule PTE must be completed and included with Form RI-1065 if the entity is making the election to pay the pass-through entity tax on behalf of its partners, members or shareholders.

### **Entity Accounting Method**

Check the method of accounting - Accrual or Cash Basis - being used by the pass-through entity to calculate the amount required to be taken as an increasing modification on the personal income tax returns of the partners, members, and shareholders of the pass-through entity.

### **Determining the Amount of the State Tax Credit for the Pass-through Entity**

The State tax credit amount shall be the amount of tax paid by the pass-through entity, at the entity level, which is passed through to the owners, on a pro rata basis.

Regardless of the Accounting Method used by the pass-through entity making the pass-through entity election, the amount of tax paid by the pass-through entity is equal to the amount calculated for line 5 of RI Schedule PTE.

NOTE: the tax amount must be paid in order to receive the credit.

### **Determining the Amount of the State Tax Credit for the Pass-through Entity Member(s)**

To determine the amount of state tax credit for the pass-through entity member(s), multiply the state tax credit from line 5 of Form RI-PTE by the percent of ownership for each pass-through entity member. This is the amount each pass-through entity member will report on RI Schedule W when filing Form RI-1040 or Form RI-1040NR.

### **Determining the Amount of Income Required to be Reported by the Pass-through Entity**

#### Cash Basis Pass-through Entity:

The amount required to be reported as income by the pass-through entity member(s) is the member's apportioned share of the total of payments made by the pass-through entity DURING the tax year of the return being filed.

For example, a calendar year ending pass-through entity makes four estimated tax payments on the following dates - April 15, June 15, September 15 and December 15. The cash basis pass-through entity also makes an extension payment and a payment following the end of the calendar year.

The cash basis pass-through entity member(s) must report the apportioned share of the total of the four estimates paid during the calendar year as an increasing modification on RI Schedule M, line 2h.

In addition, a cash basis pass-through entity member(s) may take a decreasing modification on RI Schedule M, line 1v for the amount of pass-through entity tax claimed in the prior year which was an overpayment calculated on the RI Schedule PTE when filed.

If the pass-through entity is a cash basis entity as shown on the entity's federal return and Form RI-PTE for tax year 2023 had an overpayment that was refunded to the entity, use the following to determine the decreasing modification amount.

#### Tax Year 2023 Overpayment Refunded to the Entity:

If the pass-through entity's tax year 2023 had an overpayment that was refunded to the entity, the entity would be expected to include that refund as income on its tax year 2024 corporate filings enabling the individual taxpayer to claim a decreasing modification in tax year 2024 IF the individual taxpayer previously accounted for the tax year 2023 refund as part of the payments made in calendar year 2023 AND properly claimed the payments as an increasing modification in tax year 2023. If any part of the 2023 overpayment was due to payments made within calendar year 2024, the individual taxpayer should not have accounted for those payments as part of the 2023 increasing modification because the payments were made within 2024.

#### Accrual Basis Pass-through Entity:

The amount required to be reported as income by the pass-through entity is the total of payments made by the pass-through entity FOR the tax year of the return being filed minus any overpayment on the return.

For example, a calendar year ending pass-through entity makes four estimated tax payments on the following dates - April 15, June 15, September 15 and December 15. The accrual basis pass-through entity also makes an extension payment and a payment following the

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end of the calendar year.

The accrual basis pass-through entity must report the total of the four estimates, the extension payment and the payment made with the return as an increasing modification on RI Schedule M, line 2h.

If the payments made for the tax year exceeds the amount of tax on line 5, the total amount of payments must be reduced by the overpayment amount regardless of whether the overpayment is refunded or carried forward

taxes administered by the Division of Taxation for the entity is or exceeds \$5,000; or

2) Operated as a business whose annual gross income is over \$100,000 for the entity.

If you meet either of the above criteria you are required to file returns and remit taxes electronically.

Visit the RI Division of Taxation's website for additional information.

<https://tax.ri.gov/resources/businesses/electronic-filing-mandate>

### **Part A - Pass-through Entity Election Tax Calculation**

**Line 1** – Enter the pass-through entity's total amount of income apportioned to Rhode Island from Form RI-1065, line 6.

**Line 2** – Enter the total percentage of economic benefit received by each individual member of the pass-through entity who is making this election.

Note #1:

This percentage should only represent the total of any member(s) of the pass-through entity that are individuals. Portions related to non-individual member(s) should not be included in this amount.

Note #2:

This percentage should not include portions related to individual member(s) who are not making the pass-through entity election.

**Line 3** – Multiply the Total Pass-through Entity Income apportioned to Rhode Island on line 1 by the total percentage of economic benefit on line 2 to calculate the Pass-through Entity income generated by the individuals making the pass-through entity election.

Line 4 - Individual tax rate is 5.99%.

Line 5 - Pass-through Entity Election Tax. Multiply line 3 by line 4. Enter on this line, as well as on Form RI-1065, line 7d.

Note: This is the amount of state tax credit that will be passed through to the member(s) of the pass-through entity. See "Determining the Amount of the State Tax Credit for the Pass-through Entity" and "Determining the Amount of the State Tax Credit for the Pass-through Entity Member(s)" on page 5 of these instructions for additional information.

### **Part B - Additional Information**

**Line 1** – Enter the amount of Rhode Island pass-through entity tax included on US Form 1065, line 14.

## **ELECTRONIC MANDATE**

The R.I. Division of Taxation has an electronic mandate that requires Larger Business Registrants use electronic means to file returns and remit taxes beginning on January 1, 2023.

A "larger business registrant" is defined as any person who:

1) Operates as a business whose combined annual liability for all

**YOU MAY BE SUBJECT TO A PENALTY FOR FAILURE TO FILE RETURNS AND/OR REMIT PAYMENTS VIA ELECTRONIC MEANS.**

DRAFT 1/10/2024