



Nexus Questionnaire

Part I. General Questions

1. Department of Revenue Representative _____

2. Type of Business. Please mark one box.

C Corp
 S Corp
 Partnership
 Exempt from Tax
 Other (Specify) _____

3. Entity Information

Legal Name of Business	Contact Person
d/b/a Name	Contact Phone
Street Address	Contact Email
City/State/Zip	Business Web Address
Federal Employer Identification Number	Year End Date
Montana Secretary of State ID Number	Date of Incorporation
State or Country of Incorporation	Date Business Began Activity in Montana*

* If you have not yet begun to do business in Montana, please state so and answer the rest of the questionnaire according to how the company plans to do business in Montana.

4. Are you a sole proprietor, disregarded entity or a single member LLC? If yes, provide the owner's name and SSN or FEIN Yes No
 Name _____ SSN/FEIN _____

5. Status of Your Business. Please mark one box.

Active
 Dormant
 Dissolved
 Non Survivor of Merger
 Other (Specify) _____

6. Is this business the survivor of a merger with another business that was formerly a Montana taxpayer? If yes, provide the name and FEIN of the surviving and non-surviving business and the date of the merger. Yes No
 Date _____ Survivor's Name _____ FEIN _____
 Non-Surviving Business Name _____ FEIN _____

Answer all the following questions as they relate to the business' activities in Montana during the past ten years. Space is provided on the last page of the questionnaire for detailed explanation of all "Yes" answers. Number your explanation to agree with the part and number of the question answered.

7. Explain the nature of your business and give a description of the property and/or services sold _____

8. Describe your principle business activity in Montana _____

Part I. General Questions - Continued

9. List all the states in which you conduct business activities _____

10. Are you a member (parent or subsidiary) of a consolidated group for federal income tax purposes? If yes, provide the name and FEIN of the ultimate U.S. parent..... Yes No

Name _____ FEIN _____

11. List all subsidiaries, divisions, disregarded entities or parent corporations engaged in any activities within Montana (include additional pages if needed).

	Name	Relationship	Address	FEIN
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
d)	_____	_____	_____	_____

12. Have you or an affiliate ever filed Corporate License Tax returns with Montana? If yes, provide the date of last return, and name and FEIN under which return was filed. Yes No

Date _____ Name _____ FEIN _____

13. Have you or an affiliate ever filed any other tax returns in Montana (for example, withholding, S corporation, partnership, liquor, etc.)? Yes No

a) If yes, provide the type of return, and name and FEIN under which the return was filed (include additional pages if needed).

Type _____	Name _____	FEIN _____
Type _____	Name _____	FEIN _____
Type _____	Name _____	FEIN _____

b) If you or an affiliate have filed withholding returns in Montana, please provide an explanation of those employees' activities.

14. Is your business registered with another Montana state agency (for example, the Department of Labor and Industry for unemployment insurance or worker's compensation, the State Auditor's Office for premiums tax, etc.)? If yes, provide the state agency, and name and FEIN under which the business registered (include additional pages if needed). Yes No

Agency _____	Name _____	FEIN _____
Agency _____	Name _____	FEIN _____
Agency _____	Name _____	FEIN _____

15. Is the business a partner in a partnership that has operations, conducts business or owns property in Montana? If yes, provide the name and FEIN of the partnership with activity in Montana (include additional pages if needed)..... Yes No

Name _____	FEIN _____
Name _____	FEIN _____
Name _____	FEIN _____

Part I. General Questions - Continued

16. Have you received a letter from the Department of Revenue? If yes, provide the date and Letter ID..... Yes No
 Date _____ Letter ID _____

17. List names and addresses of your three largest customers in Montana
 a) _____
 b) _____
 c) _____

18. In the past ten years, did the business have any unrelated business income reportable on Federal Form 990-T? Yes No

19. Enter net income (before net operating loss and special deductions, i.e. Line 28) on federal tax return for last five years
 a) 20 ____ \$ _____
 b) 20 ____ \$ _____
 c) 20 ____ \$ _____
 d) 20 ____ \$ _____
 e) 20 ____ \$ _____

20. Enter amount of sales for the last five years

Tax Year Ended	Total Everywhere Sales	Total Montana Sales
a) ____ / ____ / ____	\$ _____	\$ _____
b) ____ / ____ / ____	\$ _____	\$ _____
c) ____ / ____ / ____	\$ _____	\$ _____
d) ____ / ____ / ____	\$ _____	\$ _____
e) ____ / ____ / ____	\$ _____	\$ _____

Part II. Sales

- Did you derive any type of income from sources located in Montana (sales receipts, fees for services, franchise fees, royalties, licensing fees, rents, etc.)? If yes, please specify. Yes No
- Do you solicit the sales of tangible personal or real property in Montana? Yes No
- Do you solicit the sales of services or intangible property in Montana? Yes No
- Do you provide services in Montana? Yes No
- Please provide an explanation of how sales are made in Montana in the space provided on the last page.
- Have sales to Montana customers been included in the another state's sales factor? Yes No
 If yes, list the state(s) _____

Part III. Property

1. Does the business now have, or did it at any time have, the following:
- a) an office in Montana? Yes No
 - b) an agency in Montana? Yes No
 - c) a warehouse in Montana? Yes No
 - d) another place of business in Montana? Yes No
 - e) If yes to any of the above, provide the location, dates and nature of business activity.
2. Does the business or any affiliate hold title (or has it in the past held title) to any tangible property or realty located and/or used in Montana (such as merchandise inventory, motor vehicles, office or industrial equipment, land, etc.)? If yes, provide the locations and dates..... Yes No
- a) In what name was the property licensed or listed for tax purposes? (include additional pages if needed)
- Name _____
3. Does the business or any affiliate lease or rent (or has it in the past leased or rented) any tangible property or realty located and/or used in Montana (such as warehouse space, motor vehicles, office space, industrial equipment, etc.)? If yes, provide the location and dates..... Yes No
- a) In what name was the property licensed or listed for tax purposes? (include additional pages if needed)
- Name _____
4. Have you licensed intangible rights for use in Montana or sold real estate, services or intangibles in Montana? If yes, provide the location, dates, and description of property, service, or intangibles. Yes No
5. Does the business now have, or has it ever had, consigned inventory in Montana? Yes No
6. Did title to any property, located in Montana, remain with the business until the contract price was fully paid? Yes No
7. Does the business maintain a security interest in any products sold or located in Montana? Yes No
8. Does the business have title to goods present in Montana on trial or approval?..... Yes No
9. Does the business have, or has it ever had, company owned advertising material in Montana?..... Yes No
10. Does the business do any localized advertising (cooperative or otherwise) in Montana? If yes, provide the advertising media used. Yes No
11. Does the business reserve the right to inspect the customer's facilities or the products after delivery? .. Yes No
12. Does the business pick up damaged or returned merchandise in Montana from customers in this state? Yes No
13. Were any contracts ever executed by the business in Montana? If yes, provide the location, dates and value of contracts. Yes No
14. Does your business ever submit bids to potential customers in Montana in which you offer to sell goods or services based upon conditions specified therein?..... Yes No
15. Does your business contract for the use or right to use any research facility situated in Montana? Yes No
16. Does your business have contracts with third parties to build, install, repair, or service equipment or products in Montana? Yes No

Part IV. Payroll

- 1. Does or did the business have any employees or other representatives (resident or nonresident) who
 - a) solicit sales in Montana? Yes No
 - b) perform services in Montana? Yes No
 - c) perform any other activities or otherwise act on the business' behalf in Montana? Yes No
 - d) If yes to any of the above, provide the name, address, relationship, territory covered and a brief description of position, nature and scope of duties and principal responsibilities.
- 2. Does your Montana sales personnel work in states other than Montana? If yes, provide the approximate percentage of their time in Montana. _____ % Yes No
- 3. Does or did the business pay any salaries, wages, fees or commissions to any Montana residents?..... Yes No
- 4. Does or did the business have Montana residents who did not perform work in Montana? If yes, provide a brief description of position, nature and scope of duties and principal responsibilities. Yes No
- 5. Does the business have employees or other representatives whose base of operations is in another state, but whose duties include occasional calls upon customers or clients in Montana?..... Yes No
- 6. Does or did the business have an independent contractor that is used in Montana?..... Yes No
 - a) Does the independent contractor represent any other businesses? Yes No
 - b) Does the independent contractor have to obtain your business' permission to represent another business? Yes No
- 7. Does the business compensate such representatives or employees by
 - a) straight commission? Yes No
 - b) salary plus commission? Yes No
 - c) expense account? Yes No
 - d) other? (specify) _____ Yes No
- 8. Do you use a standard form or written agreement with employees in Montana? If yes, provide a copy for our review. Yes No
- 9. Does any employee or representative maintain
 - a) an in-home office in Montana? (an office is considered in-home if it is located within the residence of the employee or representative.)..... Yes No
 - b) an office other than an in-home office in Montana? Yes No
 - c) If yes to either of the above, answer the following questions regarding the office in Montana..... Yes No
 - i) List it as a business address? Yes No
 - ii) Receive business calls there? Yes No
 - iii) Store inventory there? If yes, provide the dollar amount of inventory. _____ Yes No
 - iv) Store samples there? If yes, provide the dollar amount of samples. _____ Yes No
 - v) Use office equipment (computer, typewriter, furniture, etc.) supplied by the business? If yes, provide the value of equipment in Montana _____ Yes No
 - vi) Receive any office expense reimbursement from the business?..... Yes No
 - vii) Maintain books or records for the business? Yes No
 - viii) Use the office for any purpose other than soliciting and receiving orders from customers or for transmitting orders outside of Montana for acceptance or rejection by the business? Yes No

Part IV. Payroll - Continued

10. Do any employees or representatives engage in any of the following activities in Montana:

- a) Receive purchase orders when calling upon customers? Yes No
If yes, do they have authority to approve or reject the order? Yes No
- b) Accept or secure deposits or down payments? Yes No
- c) Investigate or approve credit? Yes No
- d) Make on-the-spot sales of any items carried by them? Yes No
- e) Maintain a sample or display room for more than fourteen (14) days at any one location within Montana during the year? Yes No
- f) Collect installments and/or delinquent accounts? Yes No
- g) Repossess the business' products? Yes No
- h) Authorize credits, warranty adjustments or repairs? Yes No
- i) Accept damaged or returned merchandise from customers? Yes No
If yes, do the employees or representatives resell the merchandise to other customers? Yes No
- j) Make adjustments for returned or damaged merchandise? Yes No
- k) Handle complaints, troubleshoot, or give advice other than transferring to headquarters? Yes No
- l) Periodically or occasionally service or repair equipment or property for your customers? Yes No
- m) Perform any installation or construction work? Yes No
- n) Supervise installation of business' products? Yes No
- o) Check inventories of customers or distributors in Montana? Yes No
- p) Inspect or have the right to inspect the marketing of your products or any use of your trademarks or tradenames? Yes No
- q) Plan dealer promotions? Yes No
- r) Arrange cooperative advertising agreements with customers? Yes No
- s) Investigate, recommend, or appoint potential dealers, agents, or distributors of the business? Yes No
- t) Call on dealer's customers accompanied by dealer's salesmen? Yes No
- u) Hire, train, or supervise personnel? Yes No
- v) Conduct lectures, films, etc., promoting or demonstrating business' products or service to a final consumer? Yes No
- w) Conduct training courses or schools for your customers, agents, distributors, etc.? Yes No
- x) Hold meetings? If yes, explain in detail the circumstances, including how often the meetings are held and who attends the meetings. Yes No
- y) Perform engineering, consulting or design functions? Yes No
- z) Provide sales or service manuals to customers, distributors, agents, etc.? Yes No
- aa) Sell or represent other lines of merchandise besides yours? If yes, explain in detail. Yes No
- bb) Engage in any other activities not fully explained by the above questions? If yes, explain in detail. . Yes No

Part V. Other

- 1. Does your business have a toll free telephone number available for use by Montana residents? Yes No
If yes, please provide _____
- 2. How do your customers in Montana usually transmit their purchase order to your business?
 - a) By mail? Yes No
 - b) By handling it through your representative? Yes No
 - c) Other? (specify) _____ Yes No
- 3. How are deliveries made into Montana?
 - a) By common carrier? Yes No
 - b) By your vehicle? Yes No
 - c) If by vehicle, are such vehicles owned or leased by your business? Yes No
 - d) Are deliveries to customers in Montana always made from an out-of-state location?..... Yes No
- 4. Does your business maintain a bank account in a bank in Montana? Yes No
- 5. Does your business provide intrastate or interstate communication service or equipment to Montana businesses or residents? Yes No
- 6. Does your business have a distribution center located in Montana? Yes No
- 7. Does your business operate a mobile store in Montana? Yes No
- 8. Does your business provide representatives or booths at trade shows in Montana? Yes No
- 9. Do you or any affiliates sell products into Montana via catalog sales or internet sales? Yes No
- 10. Do you provide services as a professional service provider (such as a law firm, accounting firm, etc.) in Montana? Yes No
- 11. Is the business a freight carrier? If yes, provide a detailed explanation of the miles traveled in Montana, the trips made into Montana, and the number of pickups and deliveries made in Montana for each year. Yes No
- 12. Does your business engage in any franchise operations in Montana?..... Yes No
- 13. Does the business license computer software for use in Montana? Yes No
- 14. Is the business or its affiliates involved in offering vehicle loans, personal loans, mortgages or credit cards to Montana residents? If yes, provide the name and FEIN of those companies and brief description of their business activities..... Yes No
- 15. Does your business receive payments for the use of trademarks or trade names in Montana? Yes No
- 16. Do you or an affiliate own an interest in mineral rights in Montana, including interests in coal, oil or natural gas? Yes No
- 17. Does your business receive royalty payments and/or receipts from other intangibles in Montana? Yes No
- 18. Do any affiliates engage in any activities in this state that are listed in this questionnaire? If yes, indicate the company's name, FEIN and which activities it was engaged in. Yes No

Provide a detailed explanation for all questions that were answered yes. Refer to questions answered by part and number. In addition, include any other information that may be useful in determining if your business has a filing requirement in Montana. If the space provided is not sufficient, please include additional pages with references to applicable questions.

I declare, under the penalty of false swearing, that the information provided in this questionnaire and any accompanying schedules and statements is, to the best of my knowledge, true, correct and complete.

Date

Signature of Officer

Title

Written Name

Form NEXUS

What is the purpose of this form? This form is designed to assist the department in determining whether your entity's Montana activities are sufficient to require the payment of Montana income tax. Please do not simply assert the lack of nexus under Public Law 86-272 when completing the questionnaire.

We ask that those who are most familiar with the activities associated with each question complete and sign the questionnaire. The questions regarding employees refer only to those employees, sales representatives, and/or independent contractors who perform activities within Montana, regardless of each employee's domicile or office location. Our questions pertain to the employee's physical presence in Montana; they do not pertain to activities performed outside the state.

What is Public Law 86-272? For a state to tax income earned in interstate commerce, it must be able to show a connection – or nexus – between the state and the activities from which the income is derived. The federal Interstate Income Act of 1959, also known as Public Law 86-272, prevents a state from imposing an income tax on income derived within the state from interstate commerce if the only business activity within the state is the solicitation of orders for tangible personal property, provided that the orders are approved and filled outside the state.

To be exempt from taxation under the protection of Public Law 86-272, the activities of a foreign corporation within the state of Montana must be limited to the solicitation of orders within the state, the orders must be sent outside Montana for approval or rejection, and approved orders must be filled by shipment or delivery from a point outside Montana.

Please note that any sales that are made into Montana that are under the protection of Public Law 86-272 remain subject to throwback rules to the appropriate state that does have jurisdiction to impose its net income tax upon the income derived from those sales.

For additional information regarding Public Law 86-272, please refer to Administrative Rules of Montana 42.26.501 through 42.26.511.

Please note: If your activities in the state are not the sale of tangible personal property, you are not protected under the provisions of Public Law 86-272.

Instructions

If you answer "Yes" to any question on this form, you will have to include a brief explanation and any other applicable information in the space provided on the last page. Number each explanation to agree with the part and number of the question answered. Please include additional pages if needed.

Part I. General Questions

If you have communicated with a representative from the Department of Revenue, enter the representative's name on line 1.

You will need to answer all of the questions.

Part II. Sales

Answer all the following questions as they relate to the corporation's sales in Montana during the past ten years.

Part III. Property

Answer all the following questions as they relate to the corporation's property in Montana during the past ten years.

Part IV. Payroll

Answer all the following questions as they relate to the corporation's payroll in Montana during the past ten years.

Part V. Other

Answer all the following questions as they relate to the corporation's activities in Montana during the past ten years.

Mail this form to:

Montana Department of Revenue
Business Tax & Valuation
P.O. Box 5805
Helena, MT 59604-5805

Questions? Please e-mail us at DORNexus@mt.gov or call us toll free at (866) 859-2254 (in Helena, 444-6900).