

# PA-40IN

# Pennsylvania Personal Income Tax Return

# 2015

## INSTRUCTIONS BOOKLET NO FORMS INCLUDED

### TAX RATE

The state income tax rate for 2015 is 3.07 percent (0.0307).

### 2015 TAX RETURN FILING DUE DATE

To remain consistent with the federal tax due date, the due date for filing 2015 Pennsylvania tax returns will be on or before midnight, Monday, April 18, 2016.

### TAX FORGIVENESS

Depending on your income and family size, you may qualify for a refund or reduction of your Pennsylvania income tax liability with the state's Tax Forgiveness program. Read the instructions beginning on Page 34 to see if you qualify.

### 2015 STATE TAX CHANGES

#### What's New for 2015

There were no tax law changes for 2015 as of October 15, 2015. However, the following important revisions were made to the instructions contained herein:

- The foreign address instructions were revised. See Page 5.
- The instructions for PA Schedule UE were revised to include that Federal Form 2106 or Form 2106EZ may only be used to provide the amount of vehicle expenses using the actual or mileage method for PA Schedule UE. See Pages 23 and 26.
- Three new filing tips were added to the instructions for PA Schedule W-2S. See Page 25.
- The instructions for PA Schedules A and B were revised to provide additional clarification regarding when to include the schedules and what amounts are required to be reported on each. See Pages 29, 30 and 31.
- The instructions for PA Schedules D and E were revised to include additional information regarding the reporting of income and expenses related to oil and gas wells. See Pages 31, 32 and 33.
- The instructions were revised to include information for reporting income from a bankruptcy estate on PA Schedule SP and where to obtain the instructions for preparing a pro-forma PA-40. See Pages 7 and 36.

### COMBAT ZONE AND HAZARDOUS DUTY SERVICE

Pennsylvanians serving in combat zones or qualified hazardous duty areas have the same additional time to file their state income tax returns and make payments as they have for federal income tax purposes. The due date is automatically extended for 180 days from the last day of service or the last day of continuous hospitalization for injuries incurred in one of these areas. See Page 38 for more information.

### ELECTRONIC FILING OPTIONS

E-filing offers advantages not available to taxpayers filing by paper, including error-reducing automatic calculators; prompt confirmation of a successful filing; faster refund processing and direct deposit options.

**padirectfile:** padirectfile is a state-only system for electronically filing Pennsylvania income tax returns for free. Most taxpayers interested in a no-cost free electronic filing service can use padirectfile. This secure service is offered exclusively by the Department of Revenue and allows taxpayers to prepare and submit only the Pennsylvania personal income tax return directly to the department. With padirectfile, you can report most types of income and claim dependent children for Tax Forgiveness. To file using padirectfile, you will need your Social Security number and one of the following: last year's tax liability or PA Driver's License/Identification Card number.

**PA Free File:** Free File tax software, available online from reputable vendors, prepares state and federal filings simultaneously for free for qualifying individuals with federal adjusted gross income of \$62,000 or less for the tax year.



**Fed-State E-File:** Those who don't qualify for PA Free File tax software but prefer electronically filing state and federal tax returns using software available from reputable vendors can e-file for a fee.

**Visit [www.revenue.pa.gov](http://www.revenue.pa.gov) to explore all the e-filing options.**

### BENEFITS OF ELECTRONICALLY FILING YOUR RETURN

**SAFE:** Regardless of the option you choose, the department protects your information with the latest security safeguards.

**EASY:** The systems perform math calculations for you.

**FAST:** The department processes refunds in half of the time compared to a paper return.

**DIRECT DEPOSIT:** You can have your refund deposited directly into your checking or savings account. Direct deposit is not available with a paper PA tax return.

**CONFIRMATION:** Upon filing electronically the department sends an acknowledgement directly to you, your tax professional or Electronic Return Originator (ERO).

**REMEMBER: When you use one of the electronic filing options, do not mail a paper copy of your tax return; instead, keep it for your records along with your confirmation number.**

You may need to submit other information such as copies of military orders (if on active duty outside Pennsylvania), Form(s) W-2 (if your employer withheld additional PA income tax), and tax returns you filed in other states (when requesting a PA Resident Credit). Read and follow the instructions. The department reserves the right to request an explanation or supporting information for any amount that a taxpayer reports on a Pennsylvania tax return.

## TAXPAYER SERVICES AND ASSISTANCE

### ONLINE SERVICES

[www.revenue.pa.gov](http://www.revenue.pa.gov)

#### Revenue Personal Income Tax e-Services Center

- Request an extension of time to file; make payments, including estimated payments; check the status of your return and refund; update your address; calculate penalty and interest; pay tax due by electronic funds withdrawal for PA personal income taxes; and find a link to pay by credit/debit card.

#### Online Customer Service Center

- Find answers to commonly asked questions by using the department's Online Customer Service Center. Use the *Find an Answer* feature to search the database of commonly asked questions. If you do not find your answer in this area, you can submit your question to a customer service representative.

#### PA Personal Income Tax Guide (PA PIT Guide)

- The department's PA PIT Guide has information that explains Pennsylvania's income tax and its differences from federal rules. You can only access the PA PIT Guide at the department's website. You can open specific chapters of the PA PIT Guide and use the search features of Adobe Acrobat Reader™ to find additional information on PA personal income tax rules. The department offers a link for free download of the Adobe Acrobat Reader™.

### TELEPHONE SERVICES

#### Taxpayer Service and Information Center

- Call 717-787-8201 for PA personal income tax help during normal business hours, 7:30 a.m. to 5 p.m.

#### 1-888-PATAXES

Touch-tone service is required for this automated 24-hour toll-free line. Call to order forms or check the status of a personal income tax account, corporation tax account or property tax/rent rebate.

Harrisburg area residents may call 717-425-2533.

### FORMS ORDERING SERVICES

To obtain forms, visit a Revenue district office or use one of the following services:

#### Internet: [www.revenue.pa.gov](http://www.revenue.pa.gov)

Pennsylvania income tax forms, schedules, brochures, electronic filing options, and other information are available on the depart-

ment's website. If you do not have Internet access, visit your local public library.

#### E-mail Requests for Forms: [ra-forms@pa.gov](mailto:ra-forms@pa.gov)

#### Automated 24-hour Forms Ordering Message Service: 1-800-362-2050.

- This line serves taxpayers without touch-tone telephone service.

**Written Requests:** PA DEPARTMENT OF REVENUE  
TAX FORMS SERVICE UNIT  
1854 BROOKWOOD ST  
HARRISBURG PA 17104-2244

### OTHER SERVICES

#### Services for Taxpayers with Special Hearing and/or Speaking Needs: 1-800-447-3020 (TTY)

#### Free Income Tax Preparation Assistance

- You can receive free assistance in preparing uncomplicated, non-business federal, state, and local income tax returns through the Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs. Visit the department's website, contact the department's nearest district office, or call the Internal Revenue Service's toll-free number (1-800-829-1040) for the location of assistance sites. Taxpayers with modest incomes and older residents are urged to take advantage of these services.

#### Language Services

- Non-English-speaking taxpayers can receive assistance from the department through an interpretation service.

#### Español

- El Departamento de Impuestos puede ayudar los contribuyentes que no hablan inglés por medio de un servicio de traducción durante el periodo de pago de impuestos.

#### Federal Tax Assistance

- Federal tax account or technical information and problem solving are available by calling: 1-800-829-1040.
- Recorded Tele-Tax Service on federal tax topics or tax refund information is available by calling: 1-800-829-4477.
- Federal tax forms and publications are available by calling: 1-800-829-FORM (3676).

## TAXPAYERS' RIGHTS ADVOCATE

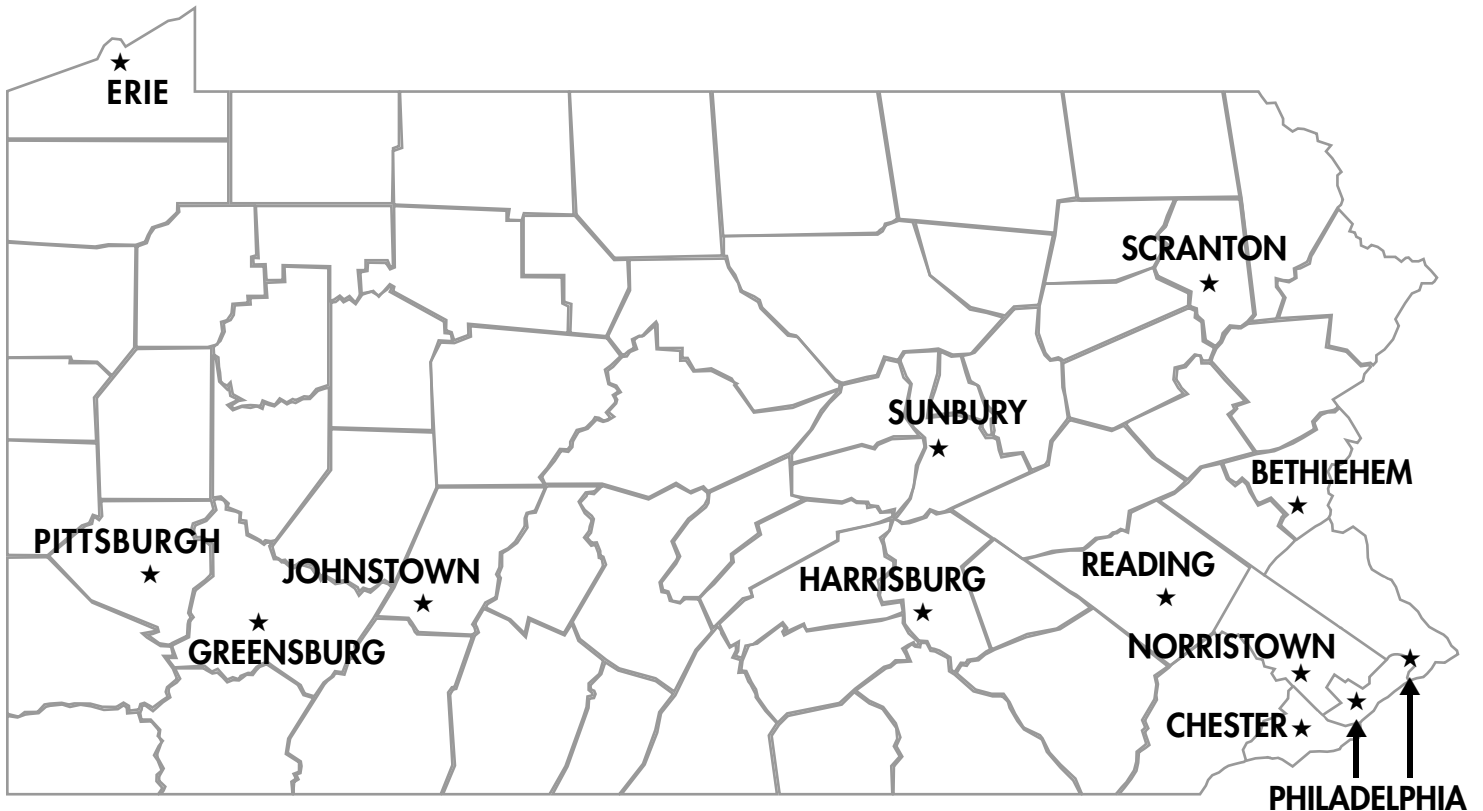
The Pennsylvania Department of Revenue has a Taxpayers' Rights Advocate who assists taxpayers with PA personal income tax and PA inheritance tax problems and concerns that have not been resolved through normal administrative procedures. It is the Advocate's responsibility to ensure that the department provides equitable treatment with dignity and respect. For more information concerning taxpayers' rights, visit the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov), or request the department's Taxpayers' Rights Advocate brochure (REV-527) from one of the Forms Ordering Services above.

To contact the Taxpayers' Rights Advocate:

- Send e-mail to: [pataxadvocate@pa.gov](mailto:pataxadvocate@pa.gov)
- Call: 717-772-9347
- Write: PA DEPARTMENT OF REVENUE  
TAXPAYERS RIGHTS ADVOCATE  
LOBBY STRAWBERRY SQUARE  
PO BOX 280101  
HARRISBURG PA 17128-0101

## PA DEPARTMENT OF REVENUE DISTRICT OFFICES

**NOTE:** Please call ahead to verify a district office's address and its services or visit the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov) for information. Taxpayer assistance hours are 8:30 a.m. to 5:00 p.m.



**BETHLEHEM**  
44 E BROAD ST  
BETHLEHEM PA 18018-5998  
**610-861-2000**

**CHESTER**  
6TH FL STE 602  
419 AVENUE OF THE STATES  
CHESTER PA 19013-4451  
**610-619-8018**

**ERIE**  
448 W 11TH ST  
ERIE PA 16501-1501  
**814-871-4491**

**GREENSBURG**  
SECOND FL  
15 W THIRD ST  
GREENSBURG PA 15601-3003  
**724-832-5283**

**HARRISBURG**  
LOBBY  
STRAWBERRY SQ  
HARRISBURG PA 17128-0101  
**717-783-1405**

**JOHNSTOWN**  
425 MAIN ST  
JOHNSTOWN PA 15901-1808  
**814-533-2495**

**NORRISTOWN**  
SECOND FL  
STONY CREEK OFFICE CENTER  
151 W MARSHALL ST  
NORRISTOWN PA 19401-4739  
**610-270-1780**

**PHILADELPHIA**  
STE 204A  
110 N 8TH ST  
PHILADELPHIA PA 19107-2412  
**215-560-2056**

**PHILADELPHIA**  
ACDMY PLZ SHPG CTR  
3240 RED LION RD  
PHILADELPHIA PA 19114-1109  
**215-821-1860**

**PITTSBURGH - DOWNTOWN**  
411 7TH AVE - ROOM 420  
PITTSBURGH PA 15219-1905  
**412-565-7540**

**PITTSBURGH - GREENTREE**  
11 PARKWAY CTR STE 175  
875 GREENTREE RD  
PITTSBURGH PA 15220-3623  
**412-929-0614**

**READING**  
STE 239  
625 CHERRY ST  
READING PA 19602-1186  
**610-378-4401**

**SCRANTON**  
RM 207  
BANK TOWERS  
207 WYOMING AVE  
SCRANTON PA 18503-1427  
**570-963-4585**

**SUNBURY**  
535 CHESTNUT ST  
SUNBURY PA 17801-2834  
**570-988-5520**

## BEFORE YOU BEGIN

### Filing Due Date

You must file before midnight, Monday, April 18, 2016. The U.S. Postal Service postmark date on your envelope is proof of timely filing. You must report all taxable income received or accrued from Jan. 1, 2015, through Dec. 31, 2015.

If you cannot file by the due date, request an extension of time to file. Read the instructions beginning on Page 38. If you do not file your return by the due date, the department imposes late filing penalties and interest charges.

### Who Must File a PA Tax Return?

If you are a PA resident, nonresident or a part-year PA resident, you must file a 2015 PA tax return if:

- You received total PA gross taxable income in excess of \$33 during 2015, even if no tax is due with your PA return; and/or
- You incurred a loss from any transaction as an individual, sole proprietor, partner in a partnership or PA S corporation shareholder.

**Minors.** PA law does not exempt a minor from the previously described requirements to file a PA tax return even if claimed as a dependent on a federal return. A parent/guardian must file a return on behalf of the minor child in such circumstances.

**Decedents.** The executor, administrator or other person responsible for the affairs of a decedent must file a PA tax return if the decedent met the previously described requirements.

**Persons Not Required to File Federal Income Tax Returns.** If you are not required to file a federal income tax return, you may still be required to file a PA personal income tax return because the requirements for filing a return in Pennsylvania are different than federal requirements. You must file a return in Pennsylvania if any of the situations previously described apply. See Chapter 4, "Who Must File a PA Tax Return" of the PA PIT Guide found on the department's website, for more information.

## REMINDERS FOR FILING YOUR 2015 PA-40


### Supporting Schedules

An acceptable return has not been filed until all schedules required by the department have been filed. Failing to provide required schedules may not only delay the processing of your return, but also subject you to late-filing penalties.

### Assembling Your PA-40


Arrange your documents in the following order when submitting your 2015 PA tax return:

- **Original PA-40.** Do not mail a photocopy of your PA-40 or a copy of your electronic PA tax return.
- **PA Schedule W-2S**, or photocopies of your Form(s) W-2 (be sure the information is legible), or your actual Form(s) W-2. Use Part B of this schedule to list and total your other taxable compensation. You must submit photocopies of your Form(s) 1099-R and other statements that show other compensation and any PA tax withheld. **NOTE:** Do not include copies of Form(s) 1099-DIV, and 1099-INT, unless the forms show PA income tax withheld.
- **PA Schedule OC**, and the required supporting documents when claiming any of the restricted tax credits that PA law allows.
- **PA Schedule(s) RK-1, PA Schedule(s) NRK-1.** If you did not receive PA schedules, then submit federal Schedule(s) K-1. See Partnership, Limited Liability Company and PA S Corporation Partners, Members and Shareholders on Page 14.
- **PA Schedule(s) G-L.** If you are claiming a resident credit for taxes paid to other states, include each schedule followed by any required supporting documents for the schedule.
- **All other required PA schedules and forms**, including any additional sheets you prepared.

 **IMPORTANT:** Please include your name(s), Social Security number(s), tax year, and a brief line reference to the PA-40 or PA-40 schedule for any additional sheets you include with your return.

- **All other required documents**, including federal schedules (where the instructions allow the use of federal schedules), that explain the information you entered.

- **Using PA Payment Voucher (Form PA-V) and payment.** See the instructions beginning on Page 22.

 **IMPORTANT:** Do not staple your check or money order to your Form PA-V or your PA-40 form. If you do not use a Form PA-V, see the instructions on Page 23.

### Entering Information

- **Social Security Number(s)**  
Carefully write your SSN, and your spouse's SSN if married, in the boxes provided on your PA-40 form. You must enter your SSN, even if using your label. Please double-check your SSN.
- **Rounding Numbers**  
On the PA-40 form and schedules, show money amounts in whole-dollars. Eliminate any amount less than \$0.50 and increase any amount that is \$0.50 or more to the next highest dollar.
- **Your Address**  
Print your name and address on the form.

**NOTE:** If you are using a military address, please use your APO or FPO address. **EXAMPLES:**

KEVIN TAXPAYER	JOSEPH TAXPAYER
UNIT 2050 BOX 4190	USCGC HAMILTON
APO AP 96278-2050	FPO AP 96667-3931

### Foreign Address Instructions (other than Canada)

If you live outside of the U.S., it is important that you write your foreign address on your PA-40 according to U.S. Postal Service standards. Failure to use these standards may delay any refunds you request or correspondence necessary to complete the processing of your return. To comply with the foreign address standards, use the following rules when completing the address portion of your PA-40 form: write your name(s) in the spaces provided; write the house number with street, apartment number and street or postal delivery location in the spaces provided for the First Line of Address on your PA-40 form; write the name of the city, city and province, and/or foreign postal number (ZIP code equivalent) in the spaces provided for the Second Line of Address on your PA-40 form; write the name of the country in the spaces provided for the City or Post

Office on your PA-40 form; write OC in the entry space for state to indicate out-of-country; and leave the ZIP code spaces on your PA-40 form blank. Other important rules to follow include: using all capital letters to write all lines of the address; initials, simple given names, fictitious names or figures are not permitted; and addresses should not have more than five lines. Below are two examples of properly completed foreign addresses as provided by the U.S. Postal Service. Providing your address in this format will better ensure that the department is able to contact you in the event we need additional information, or to send you your refund on a timely basis.

THOMAS CLARK	CRISTINA CRUZ
117 RUSSELL DRIVE	APARTADO 3068
LONDON WIP 6HQ	46807 PUERTO VALLARTA JALISCO
GREAT BRITAIN OC	MEXICO OC

### Canada Only Foreign Address Instructions

The same rules apply as for other foreign address instructions. However, when the Canada address contains a postal zone and two-character abbreviation for provinces and territories, there are special spacing rules for the second line of the address for the PA-40. On mail to Canada, there must be two spaces between the

province abbreviation and the postal code. A U.S. Postal Service approved Canada address example is as follows:

HELEN SAUNDERS  
1010 CLEAR ST  
OTTAWA ON K1A 0B1  
CANADA OC

### Privacy Notification

By law (42 U.S.C. §405(c)(2)(C)(i); 61 Pa. Code §117.16), the Pennsylvania Department of Revenue has the authority to use the SSN to administer the Pennsylvania personal income tax and other Commonwealth of Pennsylvania tax laws. The department uses the SSN to identify individual taxpayers and verify their incomes. The department also uses the SSN to administer tax-offset and child-support programs required by federal and Pennsylvania laws. The commonwealth may also use the SSN in exchange-of-tax-information agreements with governmental authorities. Pennsylvania law prohibits the commonwealth from disclosing information that individuals provide on income tax returns, including the SSNs, except for official purposes.

## WHEN ENTERING INFORMATION

### DO:

- Print in black ink
- Use UPPER CASE (CAPITAL) letters
- Print one number or letter in each box
- Leave a blank box between whole words
- Print your name – last, first, middle initial, and suffix on the correct lines
- Print your correct street address
- Print your apartment number, suite number, room number, rural route, floor, etc. on the first line
- Print your PO Box on the second line
- Fill in all appropriate ovals completely
- Prepare a copy before submitting your return

### DO NOT:

- Use red pen or pencil
- Use lower case letters or script
- Leave a blank box or use a punctuation mark if your name, address, or city has Mc, Van, O, etc.
- Use dashes or other punctuation in boxes
- Print a PO Box number if the post office delivers to your home
- Use a PO Box on any line of your address except the line directly above your city and state
- Use an X or check mark (✓) in an oval
- Erase or use correction fluid/tape

## GENERAL INSTRUCTIONS

### PA-40 Tax Form

If you do not electronically file your tax return, use the PA-40 form. Please read the instructions.

### Keep Your Records

The department has the statutory authority to verify and audit all of the amounts you report on your return and accompanying schedules. Maintain your books and records for at least four years after filing, as evidence of the information you reported on your PA return. Basis documentation for any item reported or potentially reportable on current or future tax returns must be kept indefinitely or at least four years after the asset is sold, exchanged or disposed of by a taxpayer. For example, books and records used to calculate basis for retirement plans, stocks, bonds, mutual funds, business assets, business interests, tuition account programs, principal residence, etc. must be kept indefinitely.

### Daytime Telephone Number

Enter the area code and telephone number where the department can call you between 8:30 a.m. and 4 p.m.

### School Code and School District Name

You must enter the five-digit code and name of the school district where you lived on Dec. 31, 2015, even if you moved after Dec. 31, 2015. Do not enter the school district where you work. Using an

incorrect code may affect your school district's funding. The lists of school district names and codes are on Pages 42 and 43.

**NOTE:** If you do not know the name of the school district where you resided on Dec. 31, 2015, you can obtain this information from the Online Customer Service Center at [www.revenue.pa.gov](http://www.revenue.pa.gov).

Some examples of what to consider when entering the school district code on a return are as follows:

- Military personnel should use the school district code for the domicile of their spouse (if the spouse lives in Pennsylvania), their parents (if entering the military while they are domiciled in Pennsylvania), or the code for the school district in which they live while on federal active military duty while stationed in Pennsylvania (if a PA resident).
- Persons residing in a nursing home or other care facility who are planning to return to their principal residence after a temporary stay in such facilities should enter the school district code for the physical address of their principal residence and not the nursing home or care facility.
- Persons who reside in a nursing home or care facility on a permanent basis and have made the decision to do so (who are or were mentally capable of making this decision) should

use the school district code for the physical address of the nursing home or care facility.

- The residence of a person in a nursing home, long-term care facility or similar facility is presumed to be the person's residence prior to becoming a patient in the home or facility, unless there is substantial evidence that the person is legally competent and does not intend to return to his/her previous home.
- PA residents who are students attending college inside or outside of Pennsylvania should use the school district code for the physical address of the domicile or principal residence of their parents.
- Nonresidents or part-year residents who did not reside in the state as of Dec. 31, 2015, should enter 99999 in the school district code field.
- Part-year residents who resided in Pennsylvania as of Dec. 31, 2015, should enter the school district code of the physical address of their domicile or principal residence.
- Persons who use a mailing address other than the physical address of the domicile or principal residence should enter the school district code for the physical address of their domicile or principal residence.
- Persons who work outside of Pennsylvania, but maintain a permanent place of abode inside Pennsylvania during their absence from Pennsylvania or persons who plan to return to Pennsylvania after a temporary relocation to another state or country who are still considered PA residents should use the school district code for the physical address of their permanent place of abode or the school district code of their physical address prior to moving out of Pennsylvania.

#### Extension of Time to File Your 2015 Tax Return

Fill in this oval if you have an extension to file your 2015 PA income tax return. Read the instructions beginning on Page 38.

#### Amended Return

Fill in this oval only when you are amending your 2015 PA tax return. Please read the instructions on Page 39.

#### Residency Status

##### • (R) Resident

If you were a resident of Pennsylvania for all of 2015, fill in this oval. You must report all income (losses) regardless of the source from which you earned, received, or realized the income (loss).

#### Nonresidents and Part-Year Residents

Please read the instructions beginning on Page 40. Nonresidents and part-year residents use the same PA-40 form as PA residents.

##### • (N) Nonresident

If you were a nonresident of Pennsylvania for all of 2015, fill in this oval. PA law taxes nonresidents on the income earned, received, or realized from Pennsylvania sources during 2015. See the instructions beginning on Page 40 for more information.

##### • (P) Part-Year Resident

If you moved into Pennsylvania during 2015, fill in this oval even though you were a PA resident at the end of 2015. If you moved from Pennsylvania during 2015, fill in this oval even though you were not a PA resident at the end of 2015.

PA law taxes part-year residents on all income from all sources while a PA resident, and all income (loss) earned, received, and realized from PA sources when not a resident of Pennsylvania. See the instructions beginning on Page 40 for more information.

See Chapter 4, "Who Must File a PA Tax Return," of the PA PIT Guide found on the department's website for more information. You may also request the Determining Residency for PA Personal Income Tax Purposes brochure (REV-611) from the department's website, or one of the Forms Ordering Services on Page 2.

#### Students

If you are a PA resident college student attending school outside Pennsylvania or a nonresident college student attending school within Pennsylvania, request the brochure PA Personal Income Taxes for College Students (REV-758) for more information.

#### Filing Status

Fill in the oval that describes your status on Dec. 31, 2015. You do not have to file a PA tax return if you do not individually meet the requirements described under *Who Must File a PA Tax Return?* on Page 4. If you do not live in Pennsylvania and do not have any income (loss) from PA sources, you do not have to file a PA tax return, even if married to someone who must file a PA tax return. If you are a PA resident who does not have any PA income (loss) to report, you do not have to file a PA tax return, even if married to a person who must file a PA tax return.

#### (S) Single

You must file as single if on Dec. 31, 2015:

1. You were not married; or
2. During 2015, you divorced or became a widow or widower, did not remarry and/or could not or did not elect to file a joint return with a deceased spouse.

#### (J) Married, Filing Jointly

You and your spouse, even if living apart or one of you is deceased, can file a joint return for convenience. The executor(s) of the estate(s) of the taxpayer and spouse may also elect to file jointly. To file jointly, you must meet ALL of the following conditions:

1. Your taxable years end on the same date (not including returns with a deceased taxpayer and/or spouse); and
2. You and your spouse elect to have the same residency period (earliest starting date if you moved into Pennsylvania and latest ending date if you moved out of Pennsylvania) if you are part-year residents; and
3. Neither of you is individually claiming one or more of the credits on PA Schedule OC, (see Page 19); and
4. Your deceased spouse's estate has not elected to file a separate return on his or her behalf; and
5. Neither of you is individually liable for the payment of child or spousal support, or another liability to the PA Department of Public Welfare.



**FILING TIP:** If you and your spouse made separate estimated payments, you should file separate tax returns, each claiming only your own payments. If you and your spouse made your estimated payments jointly, you should file a joint tax return. However, if you and your spouse made estimated payments jointly and because of PA guidelines you must file separate tax returns, you must allocate the payments by completing Form REV-459B, Consent to Transfer, Adjust or Correct PA Estimated Personal Income Tax Account. The form must be completed in its entirety, showing the total number of payments made for the year and the amount of the payments to be transferred to the spouse. Both individuals must sign the form. This form can be sent to the address shown on the form prior to filing the return or a copy of the form can be submitted with both returns when filing. This avoids processing delays and correspondence from the department.

## Joint Income - Joint Returns

Married taxpayers can file a joint tax return for convenience only. If you and your spouse jointly own income-producing property, you must each report your share of the income (loss). Income-producing property includes savings accounts, businesses, securities, and real estate. Spouses usually equally divide income from jointly owned property.

**CAUTION:** On a joint return, you and your spouse are each separately liable for the entire amount of PA tax due, even if only one of you had taxable income, and even if one of you paid your own PA tax through withholding or estimated payments. The income and losses of a taxpayer and spouse must be determined separately. You may not offset the income of the taxpayer with a loss from the spouse and vice versa. See REPORTING NET INCOME, GAINS, AND LOSSES ON LINES 4, 5, AND 6 beginning on Page 13 and the requirements for the schedules reporting the income and losses for each class of income for additional information and reporting requirements.

### (M) Married, Filing Separately

You and your spouse have the option to file separate returns. However, you and your spouse must file separate returns if:

1. Your taxable years end on different dates; or
2. Your taxable years begin on different dates for part-year residents; or
3. Either of you is claiming one or more of the credits on PA Schedule OC; or
4. Either of you is individually liable for the payment of spousal/child support, or another liability to the PA Department of Public Welfare; or
5. One of you is a PA resident and the other is not. However, you can file jointly if you both elect to file as PA residents and meet all other requirements for filing jointly. See Married, Filing Jointly beginning on the previous page.

**CAUTION:** You must include your spouse's SSN even if filing Married, Filing Separately.

### (F) Final Return

Use this filing status if you lived in Pennsylvania during 2015, but permanently moved away or if for any other reason, you will not have any PA-taxable income (or loss) in 2016. Provide the reason, such as you moved to another state.

**REMEMBER:** Even after you move from Pennsylvania, you must report any PA-taxable income you earned, received, or realized from PA sources.

### (D) Deceased

Use this status if the taxpayer, spouse or both died in 2015. Enter the date(s) of death.

For tax years beginning on or after Jan. 1, 2015, a joint return can be filed by the surviving spouse and decedent when a spouse or taxpayer dies during the tax year if:

1. The decedent did not previously file a return for the tax year; and
2. The personal representative, executor or administrator has not been appointed by the time the return is made, signed and filed; or
3. The fiduciary of the decedent consents to the filing of and signs the joint return.

Also for tax years beginning on or after Jan. 1, 2013, the executor(s) of the estate(s) of the taxpayer and spouse (if both die during

the same tax year) may elect to file a joint return on behalf of the taxpayer and spouse if:

1. The personal representatives, executors or administrators consent to filing a joint return; and
2. The joint return is signed by both fiduciaries.

A surviving spouse must file a separate return if the fiduciary of the estate does not agree to a joint return or if a fiduciary of the decedent is appointed after the filing of the joint return and the fiduciary supersedes the joint return filing by filing a separate return on behalf of the decedent. In cases where a joint return has already been filed by the spouse and a fiduciary has been appointed who wants to file a separate return on behalf of the decedent, a separate return for the surviving spouse must be filed within 90 days of the filing of the decedent's separate return by the fiduciary. If the surviving spouse's separate return is filed within 90 days, the separate return shall be considered to be filed on the date the original joint return was filed. Otherwise, the surviving spouse's return shall be considered to be filed on the date the department receives it.

### FILING TIPS:

- If a joint return is filed and the taxpayer, spouse or both are deceased, complete the married filing joint oval, the deceased oval and the spouse and/or taxpayer ovals as well as the date(s) of death. The surviving spouse should complete the name and Social Security number section of the return as the primary taxpayer on the return.
- If a separate return must be filed by the surviving spouse and a joint return was not previously filed, the surviving spouse's filing status should be single and no information should be included in the deceased filing status area.
- If a separate return must be filed by the surviving spouse after having filed a joint return, the surviving spouse should also complete the amended return oval and include Schedule PA-40X.
- If a separate return is filed by the decedent's fiduciary, the fiduciary should complete the deceased and taxpayer ovals and include the date of death.
- If both taxpayers die during the tax year and the fiduciaries do not elect to file a joint return, complete the taxpayer deceased oval and include the date of death on the separate returns for each.
- If a decedent was not married when he or she died, the fiduciary should complete the deceased taxpayer oval and include the date of death.

**CAUTION:** Do not list the deceased taxpayer's name and Social Security number as the primary taxpayer unless both the taxpayer and spouse die during the tax year and a joint return is filed on their behalf.

The executor, or other person responsible for the affairs of the decedent should also use this filing status to complete, sign, and file a separate return for the decedent. The return must report all the decedent's 2015 income, payments, and credits. The person signing the decedent's return must indicate his or her relationship to the decedent (executor or person responsible for the affairs of the decedent).

### Surviving Spouse

If the decedent was married, the surviving spouse may be required to file a separate return, and use the Single (S) filing status. If the decedent made PA estimated payments, the surviving spouse may request Form REV-459B to reconcile the estimated payments to the separate PA tax returns. Request this form from the department's website, or one of the Forms Ordering Services on Page 2.

## Farmers

Fill in this oval if you derived at least two-thirds of your 2015 gross income from farming.

## Pro-Forma Returns for Taxable Bankruptcy Estates


Please see the instructions for the PA-41 Fiduciary Income Tax Return for additional information regarding the preparation of a pro-forma PA-40 Personal Income Tax Return for a taxable bankruptcy estate.

## PA INCOME CLASSES

You must report your income (loss) by applicable class, whether it is received directly, as estate or trust income or as a distributive share of the income of a partnership or PA S corporation. Read the instructions for each income class.

- Line 1. Compensation – Page 9
- Line 2. Interest – Page 12
- Line 3. Dividends and Capital Gains Distributions – Page 13
- Line 4. Net Income or Loss from the Operation of a Business, Profession, or Farm – Page 15
- Line 5. Net Gain or Loss from the Sale, Exchange, or Disposition of Property – Page 15
- Line 6. Net Income or Loss from Rents, Royalties, Patents, or Copyrights – Page 16
- Line 7. Estate or Trust Income – Page 17
- Line 8. Gambling and Lottery Winnings – Page 17

Federal income classifications are disregarded to the extent they are inconsistent with PA classifications.

 **FILING TIP:** Generally, other or miscellaneous income is either compensation on Line 1a, (see Page 9), or business income on Line 4, (see Page 15). If you cannot determine the income class, contact the department for assistance.

## TAXABLE INCOME FOR PA PIT PURPOSES:

The PA-40 line number on which to report the income follows each item. Classify means report the income in the appropriate PA income class based on all facts and circumstances. See PA PIT Guide for more information.

- Employer provided fringe benefits, unless excludable (Line 1a)
- Sick pay and disability benefits that represent regular wages, such as sick leave pay (Line 1a)
- Allowances and reimbursements in excess of allowable employee business expenses (Line 1a)
- The value of property received as payment for services (Line 1a)
- Delay damages received in connection with a court judgment or settlement to the extent that the payments represent back wages (Line 1a)
- Honoraria (Line 1a)
- Compensation as fees for performing services as an executor or an administrator of an estate or a director of a corporation (Line 1a)
- Severance pay (Line 1a)
- Incentive payments received for terminating employment before reaching normal retirement age (Line 1a)
- Awards and gifts given in recognition for, or given as a transfer of cash or property, in payment for past, present, or future service as an inducement to perform future services (Line 1a)
- Jury fees (Line 1a)
- Expert witness fees (Line 1a)

- Cash reimbursements for personal expenses, such as commuting and day care (Line 1a)
- A discharge of indebtedness, unless specifically excludable from taxable income (Classify)
- Damage awards and settlements to the extent that the payments represent back wages or another uncollected entitlement to PA-taxable income (Classify)
- Covenants not to compete, or for refraining from the performance of services (Classify)
- Other income described in the PA income classes (Classify)
- Income for performing services as an executor or director when such services are undertaken as part of your business or profession (Line 4)

## INCOME NOT TAXABLE FOR PA PIT PURPOSES:

- Social Security benefits and/or Railroad Retirement benefits
- Commonly recognized pension, old age, or retirement benefits paid after becoming eligible to retire, and retiring
- United Mine Workers Pension
- Military pension benefits
- Civil Service Annuity
- Unemployment compensation and public assistance
- Payments received under federal trade assistance, trade adjustment allowances and alternative adjustment assistance.
- Payments received under workers' compensation acts, occupational disease acts, or similar legislation; including Heart and Lung Pension
- Payments for injuries received while working, and damages received, whether by suit or otherwise, for personal injuries
- Sick pay and disability benefits, including payments by third party insurers for sickness or disability (does not include amounts paid as sick leave)

**NOTE:** If your employer includes your payments for sickness, disability, and/or on-the-job injuries in Box 16 of your Form W-2, provide a statement from your employer verifying the amount of these payments.

- Employer-paid group term life insurance premiums
- Damage awards and settlements from physical injury or sickness such as pain and suffering or emotional distress
- Child support
- Alimony
- Inheritances, death benefits, and income in respect of a decedent (IRD) as defined for federal income tax purposes
- Active-duty pay received as a member of the U.S. Armed Forces from the U.S. government for service outside Pennsylvania (see Page 38)
- Awards and gifts made from detached or disinterested generosity
- Personal use of an employer's owned or leased property and/or services, at no cost or at a reduced cost
- Federally taxable punitive damages received for personal physical injury or physical sickness, whether received by suit or by settlement
- Income from contracts of insurance for long-term care that do not have accumulated refundable reserves payable upon lapse or surrender
- Interest earned from an IRC Section 529 plan like the Pennsylvania 529 College Savings Program when earned or used for Qualified Higher Education Expenses as defined by IRC Section 529 (e)(3)(A).



## DIFFERENCES BETWEEN PA PIT AND IRS

For more information on differences between Pennsylvania and the IRS, refer to the PA PIT Guide and the specific chapters related to the income class for which you have a question. The following differences are the result of recent Pennsylvania and federal legislation:

### Depreciation - PA Limitations

- **Bonus Depreciation**

PA PIT law does not follow the federal allowances for additional depreciation expenses. You may not use any of the bonus depreciation elections enacted for federal purposes.

- **ACRS and MACRS and IRC Section 179**

Pennsylvania allows ACRS and MACRS and limited IRC Section 179 to the extent allowable under the version of the Internal Revenue Code in effect at the time the property was placed in service, or under Section 179 of the IRC of 1986, as amended to Jan. 1, 1997, whichever is earlier, but not any other accelerated method. 72 PS § 7303(a.3)(Act 89 of 2002.)

- **Limited IRC Section 179**

**The maximum deduction that PA income tax law permits using IRC Section 179 is \$25,000.** If you have income (loss) from more than one business, profession, or farm, you may not deduct more than a total of \$25,000 of IRC Section 179 expenses for all activities. The PA Section 179 expense is phased out for purchases in excess of \$200,000.

For more information regarding what PA Section 179 expenses are allowed or allowable, please see Informational Notice PIT 2012-05 on the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov).


- **Intangible Drilling Costs**

Per Act 52 of 2013, taxpayers that directly incur intangible drilling and development costs (IDCs) may elect to currently expense up to one-third of the IDCs in tax years beginning after Dec. 31, 2013. The remainder of the IDCs may be amortized over 10 years. If a taxpayer does not elect to currently expense his/her IDCs, he/she may amortize the IDCs over 10 years. For tax years beginning prior to Jan. 1, 2014, IDCs must be amortized over the life of the well.

**CAUTION:** Any election to expense up to one-third of the IDCs must be made by the taxpayer incurring the IDCs. A partner or shareholder may not make an election to expense IDCs passed through from a partnership or S corporation.

- **Other Differences**

You must adjust your federal expense for the difference between your federal depreciation and your depreciation for PA PIT purposes, when you elect a different generally accepted method that you consistently use.

 **IMPORTANT:** The basis for property (where bonus depreciation or IRC Section 179 in excess of \$25,000 has been taken for federal income tax purposes) will be different for federal and state tax purposes. As a result, PA law requires straight-line depreciation to be taken on these assets.

## PA-40 LINE INSTRUCTIONS

### Deductions

PA law does not allow standard deductions, deductions for personal exemptions, itemized deductions or deductions for personal expenses.

**CAUTION:** PA-taxable interest income (Line 2), dividend income (Line 3) and gambling and lottery winnings (Line 8) are gross taxable income classes. You may not deduct *any* expenses in computing these classes of income. In computing compensation, only certain expenses are deductible; see the PA Schedule UE instructions beginning on Page 25. The remaining classes of income are net taxable - you may deduct ordinary and necessary expenses paid or accrued during the taxable year in their production. See the line instructions for each class of income.

### Cost Recovery

PA law does not permit deductions or exemptions for contributions to retirement plans, investments in annuities, mutual funds, money market funds, and other personal contributions, even when deducted or exempt for federal purposes. Therefore, Pennsylvania will not tax your distributions or the payments you receive until you have recovered an amount equal to your contributions. Maintain your records of your contributions. If you receive an early taxable distribution from a retirement plan, and you do not have records of your contributions, consult your plan administrator.

### Education Savings Accounts - Qualified Tuition Programs under IRC Section 529, like Pennsylvania 529 College Savings Program

Contributions to a Pennsylvania 529 College Savings Program account and other IRC Section 529-qualified tuition program accounts are deductible. For additional information, see the instructions for Line 10, Other Deductions, on Page 18 and the instructions for PA Schedule O, Other Deductions, on Page 34.

**NOTE:** Certain withdrawals and distributions not used for educational purposes are taxable. See the instructions for PA Schedule A beginning on Page 29 for additional information.

### LINE 1a. GROSS COMPENSATION

**Overview:** PA-taxable compensation includes, but is not limited to: salaries; wages; tips; gratuities; commissions; bonuses; incentive payments; vacation and holiday pay; employer student loan payments; student loan debt forgiveness for entering certain fields or professions; distributions from nonqualified deferred compensation plans; certain early distributions from retirement plans; and termination pay. The amount your employer reports in Box 16 of your Form W-2 shows your PA-taxable compensation. If you receive Forms 1099 or other statements, your PA-taxable compensation is the gross amount that you received for performing services.

The amount in Box 16 of your Form W-2 may be different from the amount in Box 1. PA law requires your employer to follow PA income tax rules to determine Box 16. If you have any questions, contact your employer.

### Form W-2 Wage and Tax Statement

When reporting PA-taxable compensation, you may or may not have to submit Form(s) W-2 with your tax return. If you do not have to submit your Form(s) W-2 as shown on Page 10 in When to Submit Form(s) W-2, you have these options:

- Complete PA Schedule W-2S, Summary of PA-Taxable Employee, Miscellaneous, and Non-employee Compensation. See the instructions beginning on Page 24 and When to Submit Form(s) W-2 on Page 10; or
- Submit photocopies of your state copy of each Form W-2 on 8-1/2 X 11-inch paper. You may photocopy more than one Form W-2 on each sheet, but the form must be legible; or
- Submit your actual state copy of Form(s) W-2.

Report your PA compensation and withholding from each 2015 Form W-2 from each employer. Enter your PA-taxable compensation from Box 16 of your 2015 Form(s) W-2. Do not use Box 1, Federal Wages. Report your PA income tax withheld from Box 17 of each Form W-2 on Line 13 of your PA-40. Do not report federal income tax withheld, or income tax withheld or paid to another state or country, or income tax withheld and paid to any local tax authority.

### When to Submit Form(s) W-2

Submit an actual state copy or a legible photocopy of each state copy of Form W-2 (keep the original for your records) and a written explanation if:

1. The PA compensation you enter on Line 1a of your PA-40 is not the same as Box 16 on your Form W-2 (you believe that the PA compensation or withholding is incorrect).
2. Your employer gave you a handwritten Form W-2.
3. Your employer reported an incorrect amount on your Form W-2. You must also submit a written statement from your employer.
4. Your employer withheld PA income tax from your wages at a rate that is more than the 2015 tax rate of 3.07 percent.
5. You are a resident of a reciprocal compensation agreement state and your employer withheld PA income tax.
6. The Medicare wages in Box 5 on your Form W-2 are greater than your PA wages in Box 16. In this case, complete and include with your return the PA-40 W-2 Reconciliation Worksheet. To obtain the worksheet, use one of the Forms Ordering Services on Page 2.
7. You are a PA resident working in another state or country and did not have PA income tax withheld by your employer.
8. You have a distribution from a nonqualified deferred compensation plan included in Box 1 of your Form W-2.
9. Your Form W-2 shows income earned or tax withheld for another state.

**NOTE:** If you do not have a Form W-2 or a federal substitute W-2, Form 4852, you must submit evidence of your PA compensation and tax withheld by providing pay stubs and a statement identifying your employer and the reason you do not have a Form W-2. Please submit legible photocopies. Keep your original documents.



### FILING TIPS:

1. Complete and submit a PA Schedule W-2S unless the original Form W-2 is required to be included with your return as described above.
2. Some original Form W-2 documents cannot be processed by the department's imaging equipment (onion skin paper printed in blue ink, for example) and could delay the processing of a return. If possible, submit a photocopy of the Form W-2 on standard size paper instead of the actual Form W-2.
3. If the PA-taxable wages you are reporting are less than the amount reported on your Form W-2, please include a brief explanation of the difference with your return and/or a letter from your employer documenting the difference in taxable amounts.
4. If your employer withholds excess PA personal income tax at your request, include with your return a statement from your employer verifying the rate and amount of tax withheld for the tax year.
5. If you worked outside of Pennsylvania and your employer did not withhold PA personal income tax, your PA wages may be higher or lower than the state wages reported on your Form W-2 in Box 16. Amounts paid to you as retirement plan contributions, personal use of company automobile and/or group term life insurance may require additional adjustments

to the amount reported to the other state or country. See the PIT Guide, Chapter 7 for additional information.

**CAUTION:** If you receive distributions of previously taxed contributions from a nonqualified deferred compensation plan, you should complete and include with your return the PA-40 W-2 Reconciliation Worksheet. To obtain the worksheet, use one of the Forms Ordering Services on Page 2.

### Reciprocal Compensation Agreement States

Pennsylvania has agreements with Indiana, Maryland, New Jersey, Ohio, Virginia and West Virginia. Generally, under these agreements, one state will not tax a resident of the other state on compensation that is subject to employer withholding. These agreements apply to most types of W-2 compensation earned while a resident of the reciprocal compensation agreement state. It does not apply to miscellaneous and non-employee compensation, compensation earned while a PA resident and received while a resident of the reciprocal compensation agreement state or compensation paid to Ohio resident shareholder-employees with a 20 percent or greater interest in a PA S corporation who worked or performed services in Pennsylvania in 2015.

If you are a PA resident working in one of these states, and your employer withheld the other state's income tax, you must file for a refund from that state.



**FILING TIP:** File early so you will have your refund before the due date for paying your PA tax liability.



**IMPORTANT:** If you earn at least \$8,000 in the other state, and your employer doesn't withhold PA income tax, under PA law you may have to make estimated payments. Please read the information on Page 38. If this is your situation, you are liable for Estimated Underpayment Penalty. See the instructions for Line 27 on Page 21.

### Resident of a Reciprocal State Filing for a Refund

If you are a resident of a reciprocal state working in Pennsylvania and your employer withheld PA income tax, you may request a refund of the PA tax. You report zero taxable compensation on Line 1a, and the PA tax withheld on Line 13. You must submit a legible photocopy of your Form W-2, a copy of the resident income tax return that you filed with your resident state (without the supporting forms and schedules), and a statement explaining that you are a resident of a reciprocal state.

### Reimbursable Expenses/Cash Reimbursements for Personal Employee Expenses

PA-allowable employee expenses are not always the same as allowable federal business expenses. Read the instructions beginning on Page 25. You must be able to substantiate travel expenses as to time, place and business purpose.

Report all reimbursements and allowances paid by your employer as compensation unless you meet all three of the following requirements:

1. The expenses are PA-allowable employee business expenses; and
2. You must, and do, account for these expenses to your employer; and
3. Your employer reimburses you in the exact amount of the allowable business expenses.

If you receive a fixed-mileage allowance or a per-diem living expense allowance that does not exceed applicable federal limits, you meet these requirements. Do not report these expenses on PA Schedule UE.

## Retirement, Pensions, and Deferred Compensation

### • Eligible Employer-Sponsored Retirement Plans

Pennsylvania does not impose income tax on payments you receive that are commonly recognized retirement benefits distributed from eligible employer-sponsored retirement plans. Eligible employer-sponsored retirement plans can, but do not necessarily, include employer-sponsored deferred compensation plans; pension or profit sharing plans; 401(k) plans; thrift plans; thrift savings plans; and employee welfare plans. Ask your employer or plan administrator if your employer's retirement plan is an eligible plan for PA income tax purposes. Eligible non-employer-sponsored retirement plans can, but do not necessarily, include Individual Retirement Accounts (IRAs) and Roth IRAs.

### • Contributions

The contributions you make to your employer's sponsored retirement plan are PA-taxable compensation, even if your contributions are not taxable for federal purposes or included in the state wages shown on your W-2.

### • Distributions from Eligible Employer-Sponsored Retirement or Deferred Compensation Programs

All amounts you receive from your eligible employer-sponsored retirement or old age benefit plan are taxable in the year you receive the payments, except:

1. Payments you receive after you qualify for retirement and retire.
2. Payments you receive that you rollover into another deferred payment program or retirement IRA, but only when the transferred amounts are not taxable income for federal purposes.
3. Distributions from an employer-sponsored deferred compensation plan that represent your previous contributions.
4. Payments paid to the estate or designated beneficiary upon an employee's death are not PA-taxable income on the employee's final PA-40 or on the decedent's estate or trust PA-41, PA Fiduciary Income Tax Return or on the beneficiary's PA-40.
5. All distributions (regardless of the distribution code reported in Box 7 of the 1099-R) from the State Employees' Retirement System, the Pennsylvania School Employees' Retirement System, the Pennsylvania Municipal Employees' Retirement System, and the U.S. Civil Service Commission Retirement Disability Plan.
6. Retired or retainer pay of a member or former member of a uniform service computed under Chapter 71 of Title 10, U.S. Code as amended.

## Individual Retirement Accounts

### • Contributions

PA law does not allow you to deduct your contributions to any IRA.

### • Undistributed Income

You do not report the undistributed interest and other earnings on the assets held in your IRA.

### • Withdrawals

Distributions from an IRA, including a federal Roth IRA, are taxable to the extent the distribution exceeds your previous contributions. Distributions you receive after retiring but before age 59½ are taxable even if you receive substantially equal payments, and you do not pay the federal penalty for an early withdrawal. PA law does not have any exceptions similar to the federal exceptions for withdrawal before age 59½. However, distributions from an IRA are not taxable if the payments are:

1. Received, including lump sum distributions, on or after reaching the age of 59½; or
2. Paid to the estate, or designated beneficiary, of the participant because of the participant's death.

### • Traditional IRA Rollover

You do not have to pay PA tax on the difference between the amount distributed from your traditional IRA and your previous contributions:


1. If you rolled over the entire withdrawal directly (trustee to trustee) from one traditional IRA to another traditional IRA; or
2. If you withdrew from the traditional IRA and within 60 days invested the entire (100 percent) amount you received into another traditional IRA.

### • Roth IRA Rollover

You do not have to pay PA tax on the difference between the amount distributed from your traditional IRA and your previous contributions:

1. If you rolled over the entire withdrawal directly (trustee to trustee) from the traditional IRA to the Roth IRA; or
2. If you withdrew from the traditional IRA and within 60 days invested the entire (100 percent) amount you received into a Roth IRA.

**CAUTION:** If federal tax is withheld from a rollover distribution, the amount of federal tax withheld must also be reimbursed into the new IRA account in order for the rollover to be considered nontaxable for PA PIT purposes. See Filing Tips beginning on Page 24 for additional information.

 **IMPORTANT:** For detailed information on Pennsylvania taxation of distributions from IRAs, please review Tax Bulletin 2008-01 on the department's website, [www.revenue.pa.gov](http://www.revenue.pa.gov).

## Early Retirement Incentive Plans

Payments you receive as an inducement to retire early are taxable compensation. Such payments are not part of a PA-qualifying retirement program. Your employer includes these incentive payments on your Form W-2 and withholds PA tax. Even when you move out of Pennsylvania, these incentive payments remain taxable to Pennsylvania.

### • Distributions

If you withdrew from your retirement or pension plan, and received a Form 1099-R, you may have PA-taxable compensation if:

1. Your retirement plan is not an eligible employer-sponsored retirement plan; or
2. You have not reached the retirement age or years of service requirements under such eligible, employer-sponsored retirement plan.

## Non-Qualified Deferred Compensation Programs


With certain exceptions, Pennsylvania's constructive receipt rules are the same as the federal constructive receipt rules to determine when compensation is received by a cash basis taxpayer. Following the federal constructive receipt rule, deferrals to nonqualified deferred compensation plans are not included in compensation. However, compensation includes distributions from nonqualified deferred compensation plans attributable to an elective deferral of income, regardless of whether the distributions are paid during employment or retirement. Also, distributions of previously taxed contributions are not taxable. If you receive distributions of previously taxed contributions, complete and include with your return the PA-40 W-2 Reconciliation Worksheet. To obtain the worksheet, use one of the Forms Ordering Services on Page 2.

## Federal Form 1099-R (Qualified Plans and IRAs)

The PA PIT Guide contains a table which cross-references the information on the Form 1099-R with its corresponding PA income tax treatment. PA law does not follow federal law concerning early retirement options for Individual Retirement Accounts, IRC Section 401 plans, 403 plans, and other federally qualified plans. To determine if the amount you received is taxable in Pennsylvania, review Boxes 1 through 3 (the amount you received or your distributions) and the PA tax treatment of Box 7 (the codes that will help determine the taxability of your distribution). The federal codes contained in Box 7 of Form 1099-R include:

- **Code 1 & 2 Early Distribution**

This distribution is taxable for PA purposes, unless: (1) your pension or retirement plan was an eligible employer-sponsored retirement plan for PA tax purposes; and (2) you retired after meeting the age conditions of the plan or years of service conditions of the plan. If your plan was not an eligible employer-sponsored retirement plan, or if you have not attained the age or years of service required under the plan to retire, you must determine the PA-taxable amount of your distribution. You must use the cost recovery method to determine this amount. See Page 9 for additional information.

 **IMPORTANT:** If you are not sure whether your plan was an eligible employer-sponsored retirement plan under PA tax law, ask your plan administrator.

- **Code 3 or 4 Death/Disability Distribution**

This is a distribution due to death and/or disability. A distribution due to death is not taxable for PA purposes. A distribution due to disability generally is not taxable for PA purposes.

- **Code 7 Normal Distribution**

This distribution from an eligible employer-sponsored retirement plan is not taxable if you met the plan requirements (the age and/or years of service required by the plan) for retirement, and retired after meeting those requirements.

**CAUTION:** Distributions from a commercial insurance or mutual company annuity (Code D also included with Code 7) purchased as a retirement annuity are not distributions from an eligible employer-sponsored retirement plan and are taxable as interest income to the extent they are included in federal gross taxable income. See Annuities, Life Insurance or Endowment Contracts on Page 13 and the instructions for PA Schedule W-2S beginning on Page 24 for additional information.

- **Code G or H Rollover**

This is a rollover from one qualified fund to another and is not taxable for PA purposes. See IRA Distributions on this page.

- **Box 8**

Distributions listed in this box are distributions from an insurance policy or annuity purchased for your retirement. Such distributions are not taxable if: (1) your insurance policy or annuity was from an eligible employer-sponsored retirement plan for PA tax purposes; and (2) you retired after meeting the age or years of service conditions of such eligible plan. If you do not meet these requirements, the taxation of your distributions is based upon what is taxable for federal income tax purposes. See Page 9 for additional information. This distribution is taxable as interest on PA Schedule A, not as compensation on Line 1a.

- **Box 9b**


If an amount is entered in the total employee contributions box, it may be used to determine the taxable amount of any distributions when using the cost recovery method for PA personal income tax purposes.

- **Boxes 12 and 13**

If there is state withholding noted in Box 12 of the 1099-R and the state indicated in Box 13 is PA, report the amount of PA tax withheld on PA Schedule W-2S in Part B. A copy of the 1099-R reporting the withholding must be included with the return.


### IRA Distributions (60-day rollover rule)

If you received a distribution from an IRA (before age 59½ and retiring) and rolled the entire distribution (100 percent) into a Roth IRA directly, or within 60 days, the distribution is not taxable income for PA purposes. If you did not roll the entire distribution into another IRA, you must report PA-taxable income to the extent the distribution exceeds your contributions that is apportionable thereto.

 **IMPORTANT:** If you retired, but did not reach age 59½, you must report your distributions on a cost recovery basis until you reach age 59½.


### Annuities

If you received a distribution from an annuity that is not an employer-sponsored retirement plan, see Annuities, Life Insurance, or Endowment Contracts on Page 13.

 **FILING TIP:** If you receive a distribution from a retirement plan, IRA or any other plan reported on federal Form 1099-R, you must complete Part B of PA Schedule W-2S regardless of whether the distribution is taxable or tax-exempt. Withholding on distributions is also reported on this schedule. See the instructions for PA Schedule W-2S, beginning on Page 24.

## LINE 1b. UNREIMBURSED EMPLOYEE BUSINESS EXPENSES

Review the instructions beginning on Page 25 to determine if you can deduct expenses from your PA-taxable compensation. Follow the instructions. PA law does not follow federal law for allowable employee business expenses. **EXAMPLE:** You may deduct 100 percent of your PA-allowable expenses on the PA Schedule UE. If claiming expenses on PA Schedule UE, briefly describe your occupation or job in the space provided. If your spouse also has expenses, describe his or her occupation or job on a separate PA Schedule UE.

 **IMPORTANT:** The department has the legal authority to request evidence that your expenses are allowable for PA purposes.

## LINE 1c. NET COMPENSATION

Subtract Line 1b from Line 1a.

## LINE 2. INTEREST INCOME

Report all PA-taxable interest income received or credited during the year. Generally, Forms 1099-INT and similar statements from financial institutions show the interest amount. You do not have to submit these forms and statements. PA taxable interest income includes but is not limited to interest income from personal savings and checking accounts, insurance contracts, obligations of other states (not Pennsylvania), and investments. See the instructions beginning on Page 29 for when to complete and submit PA Schedule A.

Interest income from direct obligations of the U.S. government, the Commonwealth of Pennsylvania, and political subdivisions of Pennsylvania is tax exempt. For a list of exempt obligations, obtain Tax Exempt Obligations for Pennsylvania Personal Income Tax Purposes (Form REV-1643) from one of the Forms Ordering Services on Page 2.

### How to Classify Interest Income

You must classify interest, regardless of how you report the income for federal purposes. Report personal interest on Line 2. Otherwise, include interest:

- From business accounts, working capital interest, and accounts receivable in determining profit (loss) on a PA business schedule;
- From installment sales on PA Schedule D-1; and
- From rental security deposits in determining income (loss) on PA Schedule E.

### Money Market Funds, Mutual Funds and Other Investment Companies

Include the earnings distributed to you (other than withdrawals of your previously PA-taxed contributions) as dividend income on Line 3.

### Annuities, Life Insurance or Endowment Contracts

If you invested in an annuity, including a retirement annuity that is not part of an employer-sponsored retirement program, you may have PA-taxable income when you begin receiving annuity payments. If you are required to report an amount from an annuity for federal income tax purposes, you are required to report the amount as interest income for PA PIT purposes. Also, if you are required to report an amount from a life insurance and endowment contract for federal income tax purposes, you are required to report the amount as interest income for PA personal income tax purposes.

### Charitable Gift Annuities

If you established a gift annuity to a charitable organization from which you are receiving periodic payments, you have PA-taxable income. Charitable gift annuities report their income as interest income on Line 12 of PA Schedule A using the amounts reported or included in gross income for federal income tax purposes (ordinary income and capital gains income) regardless of when they began reporting the income from that charitable gift annuity. In the event that a charitable gift annuity is exchanged or sold in the future, the PA basis in a charitable gift annuity will be different from the federal basis for charitable gift annuities from which payments began prior to Jan. 1, 2005. Income from the sale or exchange of a charitable gift annuity is reported on PA Schedule D.

### Forfeited Interest Penalty

You may offset the penalty for premature redemption or withdrawal of a time savings account or certificate of deposit, only against the interest income you received in the same taxable year from that account or certificate. You cannot offset this penalty against other interest income. If your total penalty exceeds the related interest income, you may report the excess as a loss on PA Schedule D.

## LINE 3. DIVIDENDS AND CAPITAL GAINS DISTRIBUTIONS FROM MUTUAL FUNDS

Report all dividend income received or credited during 2015. You do not have to submit your Form(s) 1099-DIV and other statements. See instructions for this schedule beginning on Page 30 for when to complete and submit PA schedule B. You cannot substitute a Federal Schedule B for PA Schedule B.

### Capital Gains Distributions

Report capital gains distributions from your mutual funds from Box 2a of your 1099-DIV as PA-taxable dividend income, even though you report such distributions as capital gains on federal Schedule D.

### How to Classify Dividend Income

You must classify dividend income, regardless of how you report

the income for federal purposes. Report personal dividends on Line 3. Otherwise, include dividend income from business accounts and working capital dividend income in determining profit (loss) on your PA business schedule.

### PA Resident Shareholders in Another State's S Corporation that is not also a PA S Corporation

If you are a shareholder in another state's Subchapter S corporation, and that corporation elected not to be treated as a PA S corporation, include the cash or property you actually received out of the corporation's earnings and profits as dividend income on Line 3. If you received distributions in excess of the corporation's earnings and profits, report these distributions on PA Schedule D. Do not report the amount of your distributable income, and do not submit the federal Schedule K-1. A shareholder may not claim a credit for income tax paid to another state by an S corporation that elected not to be treated as a PA S corporation.



**FILING TIP:** You must include nontaxable interest and dividends as Eligibility Income on PA Schedule SP.

## REPORTING NET INCOME, GAINS, AND LOSSES ON LINES 4, 5 AND 6 ONLY

Under PA law, losses may only be reported on Lines 4, 5 and 6. If entering a loss, fill in the oval next to the line.

**REMEMBER:** You may not offset income in one PA income class with a loss in any other PA income class. You cannot carry forward or carry back gains or losses to other tax years.

Spouses, whether filing jointly or separately, may not use each other's expenses to reduce income or offset each other's income and losses.

If you are married, you and your spouse may file a joint tax return for convenience only. PA law does not provide any advantage when filing a joint return. PA law does not allow spouses to offset income and losses with each other, even when both have activity in the same income class. You must follow these rules:

1. If each realizes a net profit, gain, or income, add the net income amounts together and report that total on the appropriate line.
2. If each realizes a net loss, add the net losses and report that total on the appropriate line. Fill in the oval next to that line.
3. If one spouse has a net profit, income or gain and the other spouse has a net loss, report only the net income on the appropriate line. Do not take into account the spouse's loss.

### EXAMPLES:

**Line 4.** Mary and Ben file a joint tax return. Mary owned a flower shop, and realized a net profit of \$5,000. Ben was a shareholder in a PA S corporation, and received a PA Schedule RK-1 reporting \$35,000 of business income. They jointly owned a small retail store and realized a loss of \$8,000. They report \$32,000 on Line 4 from Mary's net income of \$1,000 (\$5,000 less her half of the \$8,000 loss), plus Ben's net income of \$31,000 (\$35,000 less his half of the \$8,000 loss).

**Line 5.** They sold the retail store for a \$6,000 loss. Mary sold stock that she owned individually for a \$9,000 gain. Ben sold stock that he individually owned for a \$3,000 loss. On Line 5, they report a gain of \$6,000. Mary's net gain is \$6,000 (\$9,000 less her half of the \$6,000 loss). Ben's net loss is \$6,000 (his \$3,000 stock sale loss and his half of the \$6,000 loss on the sale of the store). Since Ben's separate loss may not reduce Mary's gain, they report a gain of \$6,000 on Line 5.

**Line 6.** They jointly owned a rental property and realized a loss of \$2,000. Mary was a partner in a rental partnership and her share of the partnership's loss was \$1,000. Ben's PA S corporation realized a loss from its rental operations. His share of the loss was \$4,000. Mary's total loss was \$2,000 and Ben's total loss was \$5,000. On Line 6, they report the total loss of \$7,000 (and fill in the oval) since they each individually realized a total net loss.

**PA-Taxable Income.** On their jointly filed 2015 tax return, they report total taxable income of \$38,000: Line 4 of \$32,000 and Line 5 of \$6,000, not taking into consideration their Line 6 loss of \$7,000.

## PA SCHEDULES

Submit the required Pennsylvania schedule for each amount you report on Lines 4 through 8. Read the instructions for each income class carefully. You can obtain the schedule(s) you need from one of the Forms Ordering Services on Page 2.

**CAUTIONS:** A taxpayer and spouse may not report the income from joint ownership of a business that is considered a qualified joint venture for federal income tax purposes on a single PA Schedule C. A taxpayer and the taxpayer's spouse must each file a separate Schedule C to report their shares of the income from a qualified joint venture. See the PA Schedule C instructions for additional information.

If you do not provide the required schedules, the department will need to request the missing information. Failing to provide schedules that the department requires will delay the processing of your tax return and therefore delay the initial date your return is considered to be complete.

## PARTNERSHIP, LIMITED LIABILITY COMPANY AND PA S CORPORATION PARTNERS, MEMBERS AND SHAREHOLDERS

### PA Schedules RK-1 and NRK-1

These schedules show your share of income (loss) for each PA income class. You report your share of income (loss), whether distributed or not, in the same PA income class in which the entity realized the income (loss). If you received any guaranteed payments, add those payments to your share of income (loss) as shown on your Pennsylvania schedules. The partnership, limited liability company or PA S corporation deducts all allowable expenses and other allowable adjustments. If your partnership, limited liability company or PA S corporation requires that you incur direct business expenses, and the expenses are allowable unreimbursed expenses for PA purposes, you must itemize them on a separate statement. The department may require, at a later date, a copy of the partnership or limited liability company agreement or articles of incorporation that require the partner, member or shareholder to pay expenses out of his or her personal assets. You cannot deduct any personal expenses or expenses that you incur for your own convenience.

Copies of PA Schedules RK-1 or NRK-1 must be submitted for each S corporation, partnership or limited liability company in which you are a shareholder, partner or member. Copies of PA Schedules RK-1 and NRK-1 must be submitted with all paper returns filed. Electronically filed returns do not require the separate submission of these schedules as they are electronically submitted with the electronic return. In cases where a PA Schedule RK-1 or NRK-1 is not made available, federal Schedule K-1 should be provided. Federal Schedules K-1 cannot be used to prepare electronically filed returns as they cannot be electronically submitted to the

department. However, if the software product being used supports the attachment of PDF files and the income reported on the federal Schedule K-1 is converted to and reported by PA classification rules, a federal Schedule K-1 can be used to prepare electronically filed returns if the schedule and supporting statements are included with the PDF attachment feature.

### PA Resident Shareholder and/or Partner of an S Corporation or Partnership from Another State


If you are a PA resident shareholder of an S corporation or a PA resident partner in a partnership that does business entirely within another state, the entity is also required to file a PA-20S/PA-65 PA S Corporation/Partnership Information Return as a result of having a PA resident shareholder or partner. You should receive a PA Schedule RK-1 from that entity which you must submit with your PA-40 return to report your share of the income (loss) whether distributed or not, as shown on your PA Schedule(s). All the shareholders may also elect to not be taxed as a PA S corporation by filing Form REV-976, Election Not To Be Taxed As A Pennsylvania S Corporation. You or the S corporation can obtain this form by using one of the Forms Ordering Services on Page 2.

### PA Resident Partner and/or Shareholder

If you are a partner in a partnership or a shareholder of a PA S corporation, you should receive a PA Schedule RK-1. You must submit a copy of each PA Schedule RK-1 and report your share of income whether distributed or not as shown on your PA Schedule(s). If the partnership does not provide a PA Schedule RK-1, you still must report and classify the income (loss) from the federal Schedule K-1 according to the instructions for each PA income class. You must also submit a copy of your federal Schedule K-1 and related supporting schedules where applicable that provide information as to the classification of the income from the federal Schedule K-1.

### Nonresident Partner and/or Shareholder

If you are not a resident of Pennsylvania, but are a partner in a PA partnership or a shareholder of a PA S corporation, you should receive a PA Schedule NRK-1. You must submit a copy of each PA Schedule NRK-1 and report your share of PA-taxable income (loss) whether distributed or not as shown on your PA schedule(s). If the partnership does not provide a PA Schedule NRK-1, and the partnership has income (loss) from PA sources, you still must report and classify the income (loss) from your federal Schedule K-1 according to the instructions for each PA income class. You must also submit a copy of your federal Schedule K-1 and related supporting schedules where applicable that provide information as to the classification of the income from the federal Schedule K-1. If the income (loss) is being reported to PA from a federal Schedule K-1 and the income (loss) is not 100 percent of the amount from the federal Schedule K-1, a schedule or written explanation should be submitted along with the federal Schedule K-1 explaining how the amount reported was determined.

 **IMPORTANT:** If the partnership only provides a federal Schedule K-1, you must classify the income or loss according to the instructions for each PA income class.

**CAUTION:** Resident and nonresident partners and/or shareholders who are not provided PA Schedules RK-1 or NRK-1 and who must use a federal Schedule K-1 to report income and losses may have losses disallowed by the department. In addition, partnerships, limited liability companies and S corporations that do not file PA-20S/PA-65 PA S Corporation/Partnership Information Return may be subject to penalties for failure to file such returns.

**REPORTING INCOME FROM PA SCHEDULES RK-1 OR NRK-1**

PA Schedule RK-1 Line #	PA Schedule NRK-1 Line #	PA-40 Reporting Line #	PA-40 Reporting Schedule and Line # (where applicable)
1.	1.	4.	-
2.	-	2.	Schedule A, Line 15
3.	-	3.	Schedule B, Line 10
4.	2.	5.	Schedule D, Line 6
5.	3.	6.	Schedule E, Line 22
6.	4.	7.	Schedule J
7.	5.	8.	-
8.	-	22.	Schedule G-L
9.	7.	23.	Schedules OC or G-L
12.	10.	4. or 6.	-
17.	15.	See (1) below	n/a
-	6.	17.	-
All other lines	All other lines	See (2) below	-

- (1) The maximum Section 179 deduction per return is \$25,000. See Informational Notice PIT 2012-05, IRC Section 179 Expense Deduction, on the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov) for more information. Amount reported is not an additional deduction.
- (2) See the PA PIT Guide Chapter 16 for additional information regarding the reporting of the information for all other lines on the PA Schedules RK-1 and NRK-1.

**LINE 4. NET INCOME OR LOSS FROM THE OPERATION OF A BUSINESS, PROFESSION OR FARM**

Report all income (loss) from business, farm and business activity from partnership and PA S corporation schedules. You may offset your own income in this class against your own loss or losses from other business activities. If reporting a total net loss, fill in the oval next to Line 4 on your PA-40.

For PA purposes, determine net income (loss) under accepted principles and practices of the accounting profession. Report your net income (loss) from an unincorporated business or profession on PA Schedule C. File a PA Schedule C or a PA Schedule F using your separate books and records for PA purposes.

**CAUTION:** You must use PA Schedule C to report income and expenses from a business or profession or PA Schedule F to report income expenses for a farm. Do not use federal Schedules C or F.

Generally, you must adjust your federal amounts for PA tax purposes. These adjustments can increase or decrease your PA-taxable income (loss). You must maintain appropriate records of such adjustments.

Additional information regarding income and expenses required to be adjusted is available within the instructions for PA Schedules C and F and in the PA PIT Guide. You may also visit the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov) to obtain detailed information about federal and Pennsylvania differences and adjustments.

**Reporting Rental Income (Loss) as Business Activity on Line 4 or as Rents on Line 6**

Rental activity may be a business activity if meeting the conditions described below. If in business, report your net profit (loss) on a PA Schedule C. If not in the business of rents, report your rental activity on a PA Schedule E on Line 6. Report rental business when:

1. You offer the use of your property with the intention of realizing a profit; and
2. The leasing of your property is characterized by regularity and continuity of activities; and
3. You offer the use of your property on a commercial basis to others in a marketplace and at least one of the following applies:
  - The average period of customer use is 30 days or less; or
  - The property is customarily made available for use only during defined business hours; or

- In addition to the property, the taxpayer also provides significant services (see explanation below) to the lessee; or
- The taxpayer incurs significant operating expenses in making the property available for lease; or
- The leasing activity is incidental to a real estate sales business.

**Significant Services**

Providing housekeeping service, room service, valet parking, decorating assistance, delivery services, transportation services, and concierge services are significant services.

However, providing heat, lighting, electric service, elevators, cleaning public access and exit areas, collecting trash, and maintaining the property in a usable rental condition are not usually significant services.

**LINE 5. NET GAIN OR LOSS FROM THE SALE, EXCHANGE OR DISPOSITION OF PROPERTY**

Report your gain (loss) from the sale, exchange, or disposition of any kind of intangible property and any real or tangible property. Report your share of the gains (losses) from a partnership or PA S corporation in which you are a member. Report your total net gains (losses) on PA Schedule D.

**⚠ IMPORTANT:** PA law does not distinguish between long-term and short-term gains (losses) or have provisions relating to casualty losses, sales to related parties, and nonrecognition of gains (losses) under IRC Section 1031 (like-kind exchanges). PA law does not allow the installment sale method of reporting for the sale of intangible property, such as stock or goodwill.

You may offset your own net gains against your own losses in determining this line. If married and you both have income (losses) in this class, see REPORTING INCOME, GAINS, AND LOSSES ON LINES 4, 5, AND 6 beginning on Page 13. If you realize an overall net loss, fill in the oval next to Line 5 on your PA-40.

On PA Schedule D, report gains (losses) from selling:

- Land and buildings;
- Properties held for investment, including rental properties;
- Stocks and bonds;
- Ownership interests in partnerships and business enterprises;

- A business asset in a transaction that is not an ordinary or recurring business transaction; and/or
- Obligations of other states and countries.

Also, include the following on PA Schedule D:

- Amounts from PA Schedules D-1, D-71, RK-1 and NRK-1.
- Amounts from PA Worksheets REV-998 and REV-999.
- Proceeds from an insurance company demutualization.
- Sales of inherited property. The basis of inherited property is its fair market value at the date of death.
- A distribution from a C corporation (other than a dividend) that exceeds your adjusted basis in that corporation. Please see the instructions for Line 4 of PA Schedule D on Page 32.
- A nonqualifying sale of your principal residence - obtain PA Schedule 19, Sale of a Principal Residence.
- A distribution from a partnership or PA S corporation (other than dividends) that represents a return of your investment in that entity. You must determine if such a distribution results in a taxable gain by completing worksheets REV-998 or REV-999. These worksheets are available on the department's website.
- Gains or losses from the IRC Sections 988, 1256, and 475 or from straddles, hedges, options or other derivatives.

### Loss on the Disposition of Property

PA law recognizes a loss only on a transaction entered into for profit, and only in the year in which an identifiable event closed and completed the transaction and fixed the amount of the loss so there is no possibility of any eventual recovery. Do not report a loss on the sale of property that you did not acquire for profit, such as a personal car, furniture, or a qualifying sale of your principal residence.

### Capital Gains Distributions

Report capital gains distributions received from mutual funds as PA-taxable dividend income, even though you report such distributions as capital gains on federal Schedule D. See Page 13 for more information.

### Exchange of Insurance Contracts

Do not report the gain (loss) on the sale, exchange, or disposition of any insurance contracts that are tax-exempt for federal income tax purposes under IRC Section 1035. Tax-exempt exchanges of insurance contracts include:

- An exchange of a life insurance contract for another life insurance contract, an endowment contract or an annuity contract;
- An exchange of an annuity contract for another annuity contract;
- An exchange of an endowment contract for an annuity contract; and
- An exchange of one endowment contract for another endowment contract if the dates for payments begin on or before the original contract's payment dates.

If the exchange of contracts has the effect of transferring property to a non-U.S. citizen, the gain or loss is not tax-exempt. If you receive cash or other boot in an exchange of contracts, see the PA PIT Guide.

### Charitable Gift Annuities

See Page 13 for additional information on where to report income from charitable gift annuities.

### Exempt Obligations Originally Issued before Feb. 1, 1994

Do not report the gain (loss) realized on the sale, exchange, or disposition of the following obligations, if the original issue date

was before Feb. 1, 1994, regardless of the date you acquired the obligation:

- Direct obligations of the U.S. government, such as federal treasury bills and treasury notes;
- Obligations of certain agencies, instrumentalities, and territories of the U.S. government; and
- Direct obligations of the Commonwealth of Pennsylvania and its political subdivisions.



**IMPORTANT:** You may not use any loss realized on the disposition of the above obligations to offset other gains.

### Exempt Obligations Originally Issued on or after Feb. 1, 1994

Report the gain (loss) realized on the sale, exchange, or disposition of the above obligations, if the original issue date was on or after Feb. 1, 1994.



**IMPORTANT:** You must report all such gains and can use any losses to offset other gains.

### Sale of Your Principal Residence

If you sold your principal residence in 2015 and meet the requirements for the 100 percent gain exclusion, do not report the sale on your tax return. This exclusion is not identical to the federal exclusion. Generally, if during the five years preceding the sale of your home, you owned it for at least two years, and used it as your principal residence for at least two years, you are eligible for this exclusion.

If you used a portion of your principal residence for business purposes during your ownership, you may have gain or loss to report on the sale. For more information, request the brochure Sale of Your Principal Residence (REV-625) and PA Schedule 19, Sale of a Principal Residence. Also see the PA Schedule D instructions beginning on Page 31.

**CAUTION:** If you sold your principal residence, but you do not qualify for the exclusion, report your gain or enter zero if you realized a loss on PA Schedule D.

## LINE 6. NET INCOME OR LOSS FROM RENTS, ROYALTIES, PATENTS, OR COPYRIGHTS

Rental income includes the amounts you receive for the use of, or the right to use, your real or personal property.

Royalty income includes the amounts you receive for the extraction of coal, oil, gas, or other minerals in place, and the amounts that you receive for the use of your patents, copyrights, secret processes, formulas, goodwill, trademarks, trade brands, franchises, and similar property.

If in the business of renting your property, you report your net profit (loss) on a PA Schedule C. Please see Page 15, Reporting Rental Income (Loss) as Business Activity on Line 4 or as Rents on Line 6.

Gross rents and royalties include all items of gross receipts as described above except:

1. Receipts from the sale, exchange, or other disposition of rental, royalty, and similar property; and
2. Receipts from operating an oil, gas, or mineral interest as a business, profession, or farm, or otherwise derived in the ordinary course of, and from the operation of, a business.

Report the total income (loss) from all PA Schedules E and all PA Schedules RK-1 or NRK-1. Generally, you must use PA Schedule E. You may use federal Schedule E, if using only Part I, and with the following adjustments:



- Report passive rental/royalty loss in full, rather than carry it over to future years.
- Add any capital gains and distributions that you report on other federal schedules.
- Do not take any depreciation expense on sales tax that you elected to currently expense for PA personal income tax purposes.
- Optional: Deduct sales tax on acquired property as an expense currently rather than add it to the basis of the property as required for federal purposes.

**⚠ IMPORTANT:** If you currently expense such sales tax, the basis of that property will differ from the federal basis, and you must adjust your depreciation expense accordingly. You cannot expense sales tax and still take depreciation on the sales tax. If you do not expense sales tax, you may add such sales tax to the cost basis of the property and depreciate the aggregate cost plus sales tax.

- You must separately show your share of any rental or royalty gain (loss) that you realize as a partner, a shareholder of a PA S corporation, or other entity.

You may only offset your own net income and losses in determining the amount to report on this line. If married and you both have income (losses) in this class, see REPORTING NET INCOME, GAINS AND LOSSES ON LINES 4, 5, AND 6 only beginning on Page 13. If you realize a total net loss, fill in the oval next to Line 6 on your PA-40.

**CAUTION:** Generally, PA law follows IRC Section 280A if you rent or lease your property, but do not intend to realize a profit. Therefore, your rental expenses are limited to your rental income, and you may not use a loss. If you rent or lease your property to realize a profit, read the description of Reporting Rental Income (Loss) as Business Activity on Line 4 or as Rents on Line 6 on Page 15 to determine if you have a business activity that you should report on PA Schedule C.

### Rental and Royalty Allowable Expenses

You deduct those expenses that you paid or incurred during the taxable year that are ordinary and necessary for:

1. The production of, or collection of, rents and royalties; or
2. The management, conservation, or maintenance of rents, royalties, patents, copyrights, and similar property.

See the PA Schedule E instructions beginning on Page 32 for the allowable expenses. You may not deduct expenses for your own labor, capital investment, or capital improvements.

You recover costs associated with capital improvements through depreciation deductions. You may not deduct personal expenses or that part of any expense that is personal.

### Rental Income (Loss) on Line 6 or Net Gain (Loss) on Line 5

#### • Lease with an Option to Buy

A lease with an option to buy may be a purchase contract under accepted accounting principles and practices. If it is, the payments you received under the contract are payments of the purchase price and are not includable as rental income. Report such income on PA Schedule D.

#### • Selling Mineral Interests, Patents, or Copyrights

If you gave up all rights to mineral interests, patents, or copyrights, the amounts you received are considered payments for the sale or exchange of property. Report such income on PA Schedule D.

## LINE 7. ESTATE OR TRUST INCOME

As a beneficiary of an estate or trust, you report the total PA-taxable income that the estate or trust must distribute, pay, or credit to you on PA Schedule J. You cannot report a loss as a beneficiary for PA purposes.

**CAUTION:** You should receive a PA Schedule RK-1 and/or NRK-1 from the estate or trust. If you received a federal Schedule K-1, you must report only the total income, not taking into account any losses, shown on the federal Schedule K-1. Add the total of income reported on federal Schedule K-1 as interest, dividends, long-term and short-term gains, annuities, royalties, trade or business income, rental income, etc. If you included any of these amounts on a PA schedule, other than PA Schedule J, adjust your PA schedule(s) accordingly. Include a photocopy of the federal Schedule K-1 with your return for each nonresident estate or trust and/or each estate or trust for which you fail to receive a PA Schedule RK-1 and/or NRK-1.



**FILING TIP:** Cash and property you acquire from an estate or trust by gift, bequest, devise, or inheritance is not taxable. You must report any PA-taxable income that you subsequently earn or receive from that cash or property.

### Revocable Trusts

The person (settlor) who establishes a revocable trust (including grantor trusts that are revocable) does not file a PA-41 if, under the governing instrument, he/she retains authority to:

1. Completely revoke the trust without the declaration of new uses or the consent of any other party; and
2. Revest in himself/herself the legal title to the corpus of the trust, without the consent of any other party.

If you establish a revocable trust, report the income (loss) that the trust earns, receives, and realizes in the appropriate PA income class on your PA-40 personal income tax return. Do not report the amounts on PA Schedule J.

When submitting supporting schedules and statements showing the name of the trust, write REVOCABLE clearly on the schedule.

### Grantor Trust

A grantor trust generally files a PA-41. The beneficiaries of the trust, including the grantor, if he/she receives income from the trust, report the income as beneficiaries on their PA Schedules J.

## LINE 8. GAMBLING AND LOTTERY WINNINGS

PA law imposes its income tax on PA residents on all gambling and lottery winnings from any source, except prizes from playing the Pennsylvania Lottery. As a PA resident, you must include lottery winnings from other states and countries.

### Nonresidents

PA law imposes its income tax on nonresidents on all gambling and lottery winnings from PA sources, except prizes from playing the Pennsylvania Lottery. Nonresidents should report only gambling and lottery activity that occurs in PA. Do not report winnings or losses from wagers placed in any other state on PA Schedule T.

Gambling and lottery winnings include cash, the value of property (automobiles, jewelry, electronic devices, appliances, clothes, etc.), the value of the use of property (trips, vacations, airline tickets, cruises, etc.), and other items of value. You may only deduct your costs of gambling, wagering, betting, and playing lotteries from your winnings. You may not deduct any expenses (programs, tip sheets, travel, meals, lodging, etc.) that you incurred to take part in gambling, wagering, betting, and lottery activities.

**!** **IMPORTANT:** You may not deduct the cost of Pennsylvania Lottery tickets from other PA-taxable gambling and lottery winnings.

### Powerball and Mega Millions

If you purchase a Powerball or Mega Millions ticket in Pennsylvania, whether a PA resident or not, any prize you win is not taxable for PA PIT purposes. If you are a PA resident and purchase a Powerball or Mega Millions ticket in another state, any prize you win is PA-taxable income.

Report your PA-taxable winnings on PA Schedule T. Spouses must report their winnings separately. The payers of prizes provide the department with copies of the federal Form(s) W-2G that they submit to the IRS.

### Documenting Gambling and Lottery Winnings and Losses

Taxpayers claiming gambling winnings and losses must be able to document their winnings and losses. This documentation should not be included with your return, but may be requested at a future date by the department. You should keep an accurate diary or similar record of winnings and losses. In addition to a diary, you should have other documentation to support the entries within the diary. Some but not all of the documents that can be used to support gambling winnings and losses include: federal Form W-2G, Certain Gambling Winnings; federal Form 5754, Statement by Person(s) Receiving Gambling Winnings; wagering tickets; canceled checks; substitute checks; credit records; bank withdrawals; and statements of actual winnings or payment slips provided by the gambling establishment.

Some examples of the record keeping for slot or electronic gaming machines may include a record of the machine number and all winnings by date and time the machine was played as well as statements of actual winnings, payment slips, or other documentation provided by the gambling establishment. Record keeping for harness or horse racing includes a record of the races, amounts of wagers, amounts collected on winning tickets and amounts wagered on losing tickets as well as the tickets themselves. For more information regarding other forms of gambling and the record keeping and documentation to support gambling winnings and losses, please see IRS Publication 529, Miscellaneous Deductions.

### PA Withholding on Gambling and Lottery Winnings

Many of the new casinos in Pennsylvania offer voluntary withholding of PA personal income tax. If you elected to have tax withheld from your winnings, report withholding on Line 7 of your PA Schedule T. You must also include a copy of your federal Form(s) W-2G with your return. See the instructions for Line 13 beginning below for additional information.

## LINE 9. TOTAL PA TAXABLE INCOME

Add only the positive income amounts from Lines 1c through 8. Do not add, subtract, or take losses into consideration.

**!** **IMPORTANT:** You cannot use a loss that you report in one income class on your tax return to reduce income in any other class.

## LINE 13. TOTAL PA TAX WITHHELD

Enter your total PA tax withheld from your PA Schedule W-2S or from Box 17 of your federal Form(s) W-2. Include the PA tax withheld from PA Schedule T or from Box 14 of your federal Form(s) W-2G.

## LINE 10. OTHER DEDUCTIONS

PA law allows three deductions against income. Deductions are allowed for: Medical Savings Account contributions; Health Savings Account contributions; and IRC Section 529 Qualified Tuition Program contributions. If you are claiming a deduction for any of these contributions you made, you must enter a code for the type of deduction you are claiming in the block provided next to the line description. Descriptions of the four codes that can be entered in that block are as follows:

- M** – Medical Savings Account contribution deduction;
- H** – Health Savings Account contribution deduction;
- T** – Tuition Account Program contribution deduction; or
- C** – Combined deduction from two or all three contribution deductions.

You must also complete PA Schedule O and include the information required for each contribution as discussed in the specific instructions. The total deductions you claim cannot reduce your taxable income below zero.

### Medical Savings Account and Health Savings Account Contributions

Pennsylvania follows federal rules for these deductions. If you can take these deductions on your federal return and you wish to claim them for PA purposes, you must complete PA Schedule O and include a copy of page one of your federal Form 1040 with your PA income tax return. You may not claim these deductions if you cannot claim them for federal income tax purposes. Please refer to the PA PIT Guide for additional information. The amount you report as deductions cannot exceed the federal limits.

### IRC Section 529 Qualified Tuition Program Contributions

Pennsylvania allows a maximum deduction of \$14,000 per beneficiary, per taxpayer for IRC Section 529 Qualified Tuition Program contributions for 2015. A taxpayer and spouse each may deduct \$14,000 per beneficiary. For additional information on deductions and limitations, see the instructions for PA Schedule O on Page 34.

**NOTE:** You may not claim a deduction for a rollover of an account from one IRC Section 529 plan into another IRC Section 529 plan. You also may not claim a deduction for the changing of beneficiaries within an account for an IRC Section 529 plan.

**CAUTION:** The amount you report on Line 10 cannot exceed the Total PA Taxable Income reported on Line 9. The amount reported on Line 10 on a joint tax return also cannot exceed the Total PA Taxable Income included in Line 9 for a taxpayer or spouse that would be calculated had the taxpayer or spouse filed separately.

**CAUTION:** Do not report any medical insurance premiums or itemized medical expenses from federal Schedule A on this line.

## LINE 11. ADJUSTED PA TAXABLE INCOME

Subtract Line 10 from Line 9.

## LINE 12. PA TAX LIABILITY

Multiply Line 11 by 3.07 percent (0.0307).

## PAYMENTS AND CREDITS


Also include any PA tax withheld from Box 10 of your federal Form(s) 1099-R and/or Box 16 of your federal Form(s) 1099-MISC.

**!** **IMPORTANT:** If your PA tax withheld is more than 3.07 percent, you must submit your Form W-2, or a legible photocopy, and a written explanation why your employer withheld

at a higher rate. The department may also request an explanation from your employer.

**CAUTION:** Do not include nonresident tax withheld from limited liability companies, partnerships and S corporations. Include nonresident withholding from those entities on Line 17 of the PA-40.


#### Estimated Payments and Credits

 **FILING TIP:** Visit the Revenue e-Services Center at [www.revenue.pa.gov](http://www.revenue.pa.gov) or call 1-888-PATAxes (728-2937) and verify your 2015 PA estimated payments and carryover credit before completing Lines 14, 15, and 16.

If filing separately with a joint estimated account, the department may delay one return until the other processes. If your estimated payments are not properly posted to your account, request and file Form REV-459B. Both spouses must sign this form. The department will apply your estimated payments according to your written request.

#### **LINE 14. CREDIT FROM YOUR 2014 PA INCOME TAX RETURN**

Enter your credit from your 2014 PA tax return.

 **IMPORTANT:** Do not claim the credit if you originally requested the credit be carried over to your 2015 PA estimated account and you subsequently requested a refund, or if you received a refund of your carryover credit from the department. Also, if your account was adjusted by the department or the department assessed you for a previous year's underpayment, do not claim the credit.

#### **LINE 15. 2015 ESTIMATED INSTALLMENT PAYMENTS**

Enter your total 2015 estimated payments. Include your spouse's 2015 estimated payments if filing jointly. Do not include any payment of tax due made with a PA tax return.

If you are including Form REV-459B, Consent to Transfer, Adjust or Correct PA Estimated Personal Income Tax Account, fill in the oval on Line 15 of the PA-40.

#### **LINE 16. 2015 EXTENSION PAYMENT**

Enter the payment you made with your 2015 extension request.

#### **LINE 17. NONRESIDENT TAX WITHHELD FROM YOUR PA SCHEDULE(S) NRK-1**

Enter the PA tax withheld by your partnership, PA S corporation, estate or trust as reported on Line 6 of your PA Schedule(s) NRK-1. You must submit your PA Schedule(s) NRK-1.

#### **LINE 18. TOTAL ESTIMATED PAYMENTS AND CREDITS**

Add only Lines 14, 15, 16, and 17.

#### Tax Forgiveness Credit

Transfer the amounts for Lines 19, 20 and 21 from the PA Schedule SP that you submit with your PA tax return.

#### **LINE 19a. FILING STATUS**

Enter the status from Part A of your PA Schedule SP. To determine if you are eligible to include PA Schedule SP with your return, please refer to the instructions beginning on Page 34.

#### **LINE 19b. DEPENDENT CHILDREN**


Enter the number of dependent children you are claiming from Part B, Line 2 of PA Schedule SP.

#### **LINE 20. TOTAL ELIGIBILITY INCOME**

Enter your total eligibility income from Part C, Line 11 of your PA Schedule SP.

#### **LINE 21. TAX FORGIVENESS CREDIT**

Enter your credit from Part D, Line 16 of your PA Schedule SP.

 **FILING TIP:** If you claim a credit for Tax Forgiveness on Line 21, you must complete and include PA Schedule SP. See the instructions beginning on Page 34 for additional information.

#### **LINE 22. RESIDENT CREDIT**

Enter your total allowable PA credit for personal income tax that you paid to another state(s). You must:


- Submit a PA Schedule G-L and a photocopy of each tax return that you filed in another state. PA Schedule G-L and the instructions for this schedule are not included with this booklet and may be obtained by using one of the Forms Ordering Services on Page 2.
- If you are a shareholder or partner, submit the following: a completed PA Schedule G-L for each state in which a credit is claimed; the statement from the partnership or S corporation providing the breakdown of the states and amounts and classes of income subject to tax in each state; a copy of your PA Schedule(s) RK-1; and a copy of the other states' tax returns. If you are a shareholder or partner and the S corporation or partnership files a composite return on your behalf for the other state or states, your partnership or PA S corporation submits the other state's return with its PA-20S/PA-65 Information Return and a copy of the other states' tax returns are not required to be included with the PA-40. In such cases, submit a statement from the S corporation or partnership providing the breakdown of the income and taxes paid to each state on your behalf.

#### **PA Resident Shareholders in a Subchapter S Corporation that is not also a PA S Corporation**

PA law does not permit a Resident Credit if you are a shareholder in a subchapter S corporation if that corporation elected not to be taxed as a PA S corporation. See Page 13. See the instructions for PA Schedule G-L for additional information. PA Schedule G-L is not included with this booklet and may be obtained by using one of the Forms Ordering Services on Page 2.

#### **LINE 23. TOTAL OTHER CREDITS**

Enter the total of the allowable credits you can claim on PA Schedule OC. PA Schedule OC is not included with this booklet and may be obtained by using one of the Forms Ordering Services on Page 2.

 **FILING TIP:** Taxpayers claiming any credit on PA Schedule OC other than the Educational Improvement or Opportunity Scholarship Tax Credits may not file a joint return and are required to file separate returns.

The credits listed on PA Schedule OC are restricted credits meaning taxpayers or entities must obtain special documentation authorizing the use of the credits. Documents must also be sent to the Bureau of Corporation Taxes so the credit can be verified and applied to

the taxpayer. Additional information on restricted credits is available in Chapter 17 of the PA PIT Guide found on the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov).

**LINE 24. TOTAL PAYMENTS AND CREDITS**

Add Lines 13, 18, 21, 22, and 23.

**LINE 25. USE TAX**

Use tax is the counterpart of sales tax and applies to taxable purchases made over the Internet, through toll-free numbers, from mail order catalogs and from out-of-state locations, or any other occasion where sales tax was not charged and collected by the seller. The use tax rate is the same as the sales tax rate: 6 percent state tax, plus an additional 1 percent local tax for items purchased or used in Allegheny County and 2 percent local tax for Philadelphia.

If you purchase items or services subject to sales tax for which the seller does not charge and collect sales tax on the invoice or receipt, you are personally responsible for remitting the use tax directly to the PA Department of Revenue.

Examples of taxable items include the following: antiques, paintings, appliances, books, stationery, computers, exercise equipment, sports equipment, formal clothing, furniture, furnishings, jewelry, luggage, handbags, musical instruments, office equipment, souvenirs, televisions, radios, stereo equipment, video equipment and camera equipment. Examples of taxable services include lawn care, pest control, self-storage, building cleaning and maintenance services

such as housekeeping services. See the Retailer's Information Guide (REV-717) for an extensive, though not comprehensive, list of taxable items and services.

Please see the CAUTION statements in the instructions for Schedule C, Schedule E and Schedule UE for additional information.

This method of reporting and paying use tax may not be used for purchases of motor vehicles, watercraft, boats, ATVs, snowmobiles or cigarettes.

If you have receipts or purchase records for items or services subject to use tax, use the worksheet below to calculate your use tax liability. Taxpayers are encouraged to review purchase histories made available online by popular Internet sellers and use that information to calculate the tax due.

Note that this worksheet must be used to calculate use tax due on individual purchases over \$1,000.

If you paid some sales tax on items – for example, sales tax at a lower rate paid to another state or sales tax paid to Pennsylvania but not Philadelphia – you may offset your use tax liability by the sales tax already paid using this worksheet.

**⚠ IMPORTANT:** If you do not have a use tax liability or used form PA-1 to report and pay use tax, you must enter zero on Line 25.

The department reserves the right to assess additional use tax due if and when it discovers evidence that the use tax liability reported on the PA-40 is less than the actual liability.

<b>Use Tax Worksheet</b>	
	Amount
1. Purchases of taxable items subject to Pennsylvania use tax, including shipping & handling	
2. Purchases of taxable services subject to Pennsylvania use tax	
3. Amount of utilities expense from Schedules C, E and/or UE subject to use tax	
4. Total taxable purchases and utilities expense	
5. Tax rate (0.07 Allegheny County, 0.08 Philadelphia or 0.06 state)	0. __ __
6. Use tax: Multiply Line 4 by Line 5	
7. Additional estimated use tax from Table 1	
8. Sales tax previously paid on any amount included on Lines 1 and 2 (up to 0.07 per item for Allegheny County, 0.08 for Philadelphia or 0.06 state)	
9. Total use tax liability. Add Lines 6 and 7, then subtract Line 8 and enter the amount here and on Line 25 of your PA-40, Pennsylvania personal income tax return	

If you have incomplete or inaccurate receipts to calculate use tax on purchases less than \$1,000, you may use Table 1 to estimate your use tax liability based on taxable income. The income calculation method in Table 1 is not a safe harbor method and does not preclude the department from auditing and assessing use tax liability.

<b>Table 1 – Estimated Use Tax Due</b>			
PA-40 Line 9, Total PA-Taxable Income	City of Philadelphia	Allegheny County	Remainder of PA
\$15,000 and less	\$8	\$7	\$6
\$15,001 - \$30,000	\$17	\$14	\$12
\$30,001 - \$50,000	\$22	\$19	\$17
\$50,001 - \$75,000	\$30	\$26	\$23
\$75,001 - \$100,000	\$43	\$37	\$32
\$100,001 - \$150,000	\$59	\$52	\$44
\$150,001 - \$200,000	\$76	\$66	\$57
> \$200,000	.03% (0.0003) of PA-40 Line 9, Total PA-Taxable Income, for PA or \$75 whichever amount is smaller, .035% (.00035) for Allegheny County or \$88 whichever amount is smaller . 04 % (0.0004) for Philadelphia County or \$100 whichever amount is smaller		

Individuals and businesses with Pennsylvania sales tax licenses should report use tax on their sales tax returns.

For detailed information on use tax reporting responsibilities and options, visit [www.revenue.pa.gov/usetax](http://www.revenue.pa.gov/usetax).

### LINE 26. TAX DUE

If the total of Line 12 and Line 25 is more than Line 24, enter the tax you owe. You must pay the tax due, in full, on or before April 18, 2016. See the instructions for payment options beginning on Page 22.

### LINE 27. PENALTIES AND INTEREST INCLUDING ESTIMATED UNDERPAYMENT PENALTY

Enter on this line all the penalties and interest you owe from filing your return late and/or failing to pay your tax by the due date. If including Form REV-1630, Underpayment of Estimated Tax by Individuals, or Form REV-1630A, Underpayment of Estimated Tax by Individual Farmers, fill in the oval on Line 27 of the PA-40. Enter the appropriate code in the block provided.

Descriptions of the code that can be entered in the block are as follows:

- L If Late Payment Penalty and Interest, Failure to File Penalty and Interest or Late Filing Penalty and Interest is included in Line 27;
- E If only the Estimated Underpayment Penalty is included in Line 27;
- B If both Late Payment Penalty and Interest and Estimated Underpayment Penalty are included in Line 27;
- X Indicates there is no Estimated Underpayment Penalty due to Exception 2 or the Special Exception rules as indicated on the completed and included REV-1630 or the exception for farmers on the completed and included REV-1630A.

**IMPORTANT:** If you do not owe any penalty or interest, do not complete the amount blocks for Line 27 – leave them blank. If there is no amount included on Line 27 of the return, no code should be entered in the block provided for the code on this line unless an REV-1630 is included with the return that indicates there is no Estimated Underpayment Penalty due to Exception 2 or the Special Exception rules as indicated on the completed and included REV-1630 or REV-1630A is included with the return indicating the individual meets the exceptions for farmers. All returns with amounts listed on Line 27 should have a code listed in the block provided for the code on this line. See the description of the codes listed above for the proper code to enter when an REV-1630 or REV-1630A is included.

You can determine your penalty and interest by visiting the department's e-Services Center at [www.revenue.pa.gov](http://www.revenue.pa.gov). Forms REV-1630 and REV-1630A are also available on the department's website or by utilizing one of the Forms Ordering Services on Page 2 of the instructions.

Include on Line 27 any penalty for failing to make estimated PA income tax payments, or making your payments late, or underpaying your estimated taxes.

The department will send you a notice if you do not include an amount on Line 27, and we determine you owe late filing and/or underpayment penalty and interest.

#### Estimated Underpayment Penalty

You are subject to this penalty if:

1. You received more than \$8,000 of taxable income that was not subject to PA withholding;

2. Your credits from Lines 17, 21, 22 and 23 do not offset the tax due on the income from item 1; and
3. You failed to make timely estimated tax installment payments to cover the difference between items 1 and 2, if any.

If you are subject to the penalty, the penalty will not be imposed if:

1. Each estimated tax installment payment due and paid is equal to the installment payment you should have paid based upon the income from last year's full year return, or based upon the income as if you were a full year resident, based upon this year's tax rate; or
2. Each estimated tax installment due and paid is equal to 90 percent of the installment payment due for each quarter based upon the income you received during the months in each installment period.

You can calculate this penalty on Form REV-1630 or Form REV-1630A that you submit with your return. Submit the appropriate form with your return if you owe the penalty.

The department will send you a notice if we determine you owe this penalty. If you disagree with the department's notice, you must submit Form REV-1630 or REV-1630A to support your own calculation or claim for an exception.

### LINE 28. TOTAL PAYMENT DUE

Add Lines 26 and 27. Or, if the total of Line 12 plus Lines 25 and 27 is more than Line 24, add Lines 12, 25 and 27 and subtract Line 24. You must pay the total due, in full, on or before April 18, 2016. See the instructions for payment options beginning on Page 22.

**REMINDER:** If you owe \$1 or less, you do not have to submit a payment with your return.

**FILING TIPS:** If you overpaid your 2015 PA income tax, but owe estimated underpayment penalty, you must subtract your estimated underpayment penalty from your overpayment.

If you file your return by April 18, 2016 and are unable to make full payment of the taxes due, the department will bill you for the remainder of any tax, penalties and interest due. It is better to file your return when it is due and have a 5 percent penalty plus interest added to the amount you owe than to not file and not pay and have up to a 25 percent penalty plus interest added to the amount you owe.

### LINE 29. OVERPAYMENT

Subtract Line 12 (and subtract Lines 25 and 27, if you entered amounts on these lines) from Line 24, and enter the difference here.

**REMINDER:** The department will not issue a refund for less than \$1.

#### Refund Offsets

- **PA PIT Liability.** The department will apply your overpayment to any outstanding PA personal income tax liability from a previous tax year.
- **Delinquent Spousal/Child Support.** Federal law requires Pennsylvania to establish a child-support offset program. The Department of Revenue, in cooperation with the Department of Human Services (DHS), intercepts PA income tax refunds of taxpayers that are delinquent in spousal/child support, and provides the offsets to the PA Child Support Enforcement System.

**IMPORTANT:** A married person who is liable for spousal/child support must file a separate PA tax return (Married, Filing Separately). If a married person who is liable for support files jointly with his or her spouse, the department will delay the refund until the

taxpayers authorize the department to offset the refund to DHS, or the spouses file separate returns. If the taxpayers do not reply to the department's notice, the department will process the return as Married, Filing Jointly.

- **Treasury Offset Program for Delinquent PA Income Taxes.** The Internal Revenue Service (IRS) will intercept federal income tax refunds for delinquent PA income tax liabilities. The Department of Revenue will notify delinquent taxpayers about its intention to intercept their federal refund and allow them 60 days to pay their liabilities.
- **State Income Tax Levy Program for Delinquent Federal Income Taxes.** The PA Department of Revenue will intercept PA income tax refunds for delinquent federal income tax liabilities. The Department of Revenue will provide a notice of the refund offset. The department's only responsibility in this levy process is sending your refund to the IRS. Therefore, all correspondence and inquiries regarding such offsets must be with the IRS.

**LINES 30 THROUGH 36.  
APPLICATION OF OVERPAYMENT**

If you do not enter amounts on Lines 30 through 36, or the total of these lines does not equal Line 29, you will receive a refund check. If you overpaid, you may apply all or part of your overpayment as follows:

- LINE 30.** Enter the amount of Line 29 that you want as a refund check.
- LINE 31.** Enter the amount of Line 29 that you want as a credit to your 2016 PA Estimated Tax account.

**DONATIONS**

There are seven organizations you can choose from to donate all or a portion of your tax refund. However, you can only donate your tax refund to up to five of those organizations in one tax year due to space limitations on the PA-40. A code box has been included on each of the Lines 32 through 36 so that you can select the organization or organizations to which you wish to donate your refund. The organizations and the code for each are as follows:

- A - PA Breast Cancer Coalition's Refunds for Breast and Cervical Cancer Research Fund
- B - Wild Resource Conservation Fund
- C - Military Family Relief Assistance Program
- D - Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund
- E - Juvenile (Type 1) Diabetes Cure Research Fund
- F - PA Children's Trust Fund
- G - American Red Cross

For more information about each donation organization, see Page 41.

- LINE 32.** Enter the code for the organization you want to donate to and the amount of Line 29 that you want to donate.
- LINE 33.** Enter the code for the organization you want to donate to and the amount of Line 29 that you want to donate.
- LINE 34.** Enter the code for the organization you want to donate to and the amount of Line 29 that you want to donate.
- LINE 35.** Enter the code for the organization you want to donate to and the amount of Line 29 that you want to donate.

**LINE 36.** Enter the code for the organization you want to donate to and the amount of Line 29 that you want to donate.

The total of Lines 30 through 36 must equal Line 29.

**Review Your Return**

Before you sign your return, did you:

- Enter your Social Security number(s)?
- Verify that your name(s) and address are correct?
- Report all your PA-taxable income and claim all your allowable PA credits?
- Check all the entries from Form(s) W-2 and schedules?
- Round income, loss, deductions and credit amounts to the nearest dollar?
- Check your math?
- Enclose all required supporting forms and schedules and assemble the return according to Page 4?
- Make a copy of your PA tax return for your records?

**Your Signature(s) and Date**

Read the oath before you sign and date your return. If Married, Filing Jointly, a spouse must also sign and date the return. If you are responsible for the affairs of a minor, disabled person, or a decedent who could not prepare his or her own PA tax return, you must sign to file a valid tax return.

**E-File Opt Out**

A paid preparer must fill in this oval if the taxpayer requested to file a paper copy of the return instead of electronically transmitting the return. If you are preparing your return yourself, do not fill in this oval.

**Preparer/Company Name, Telephone Number, PTIN and Firm FEIN**

If you paid someone to prepare your tax return, the preparer should enter his or her name or business name, telephone number, PTIN and the company's EIN in the spaces provided on the return.

**How to Pay**

You must submit your payment on or before midnight, Monday, April 18, 2016. Select your payment option.

**PAYMENT OPTIONS**

You may make your payment of taxes due with your return via check or money order with or without PA Form PA-V, using a credit/debit card or through electronic funds transfer. In order for the department to more accurately process payments, the department recommends you use the fill-in form version of the 2015 PA-40 PA-V found on the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov).

**Paying With Fill-In Form PA-V**

Complete the fill-in version of Form PA-V as follows:

- Social Security number(s) - print your SSN and your spouse's SSN on your Form PA-V in the same order as they appear on your tax return.
- Name(s) - type in your name(s) on the Form PA-V in the same order as they appear on your tax return.
- Address - type in your address as it appears on your tax return.
- Payment - type in the amount of your payment and print the Form PA-V. Make the check or money order payable to: PA DEPT OF REVENUE. Do not send cash.
- Mailing your payment - Please write (1) the last four digits of your SSN, (2) "2015 PA-V", and (3) daytime telephone number on your check or money order. The department will need the

last four digits of your SSN if your check becomes separated from your Form PA-V. Carefully detach your Form PA-V from the instructions. Do not staple your check or money order to the Form PA-V. Please place your Form PA-V and payment in an envelope with your PA-40 tax return using the "Payment Enclosed" address provided in the mailing instructions below.

If you filed electronically, mail only your Form PA-V and payment to the "Payment Enclosed" address provided in the mailing instructions below.

#### **Paying Without a Form PA-V**

If you do not use the fill-in version of Form PA-V:

- Make your check or money order payable to: PA DEPT OF REVENUE.
- Write (1) your complete SSN, (2) "2015 PA-V", and (3) daytime telephone number on your check or money order. If you are filing a joint return, enter the complete SSN of the taxpayer shown first on your return. The department will need your complete SSN to more quickly and accurately apply your payment.

Do not staple your check or money order to your return. Please place your payment in an envelope with your PA-40 tax return using the "Payment Enclosed" address provided in the mailing instructions below.

#### **Credit/Debit Card**

You can pay your PA taxes with a major credit card or a debit card. Credit card transactions are charged a 2.49 percent convenience fee (\$1 minimum charge), and debit card transaction fees start at \$3.95. You can use your American Express, Discover, MasterCard or Visa credit card to pay your taxes online or by phone. You may also use a MasterCard or Visa debit card to make payments online. Select one of these options to pay using your credit/debit card:

1. **Internet.** Go to Official Payments Corporation at [www.officialpayments.com](http://www.officialpayments.com).
2. **Telephone.** Call 1-800-2PAYTAX (1-800-272-9829).

#### **Electronic Funds Transfer**

You may also pay your 2015 PA tax due using electronic funds transfer by accessing the Revenue e-Services Center at [www.revenue.pa.gov](http://www.revenue.pa.gov). You will be prompted for your bank account information and the payment will be deducted from your account on the date you specify. There is no charge for using this option.

#### **ORIGINAL AND AMENDED RETURN MAILING INSTRUCTIONS**

The U.S. Postal Service returns envelopes without sufficient postage. If your tax return is more than five pages or in an oversized envelope, you may need additional postage. Check with your local Post Office. Please write your complete return address in the upper left corner of the envelope.

Follow these instructions for mailing your PA tax return:

If you owe tax—You have an amount on Line 28, mail your return to:


**PA DEPT OF REVENUE  
PAYMENT ENCLOSED  
1 REVENUE PLACE  
HARRISBURG PA 17129-0001**

If you overpaid—You have an amount on Line 29, mail your return to:

**PA DEPT OF REVENUE  
REFUND OR CREDIT REQUESTED  
3 REVENUE PLACE  
HARRISBURG PA 17129-0003**

If you neither owe nor overpaid—You have zeros on Lines 28 and 29, mail your return to:

**PA DEPT OF REVENUE  
NO PAYMENT OR NO REFUND  
2 REVENUE PLACE  
HARRISBURG PA 17129-0002**

 **IMPORTANT:** Do not use these addresses to send other correspondence to the department.

## **SCHEDULE INSTRUCTIONS**

For all schedules, enter the complete name and SSN of the taxpayer reporting the income or claiming the expenses. If filing a schedule jointly, enter the complete name and SSN of the taxpayer listed first. Each taxpayer must submit a separate schedule for each separately owned business, profession or farm. You and your spouse may file these schedules jointly:

**PA Schedules A, B and J** - these schedules do not show any losses or expenses.


- You may no longer submit federal Schedule B even if you do not have any Capital Gains Distributions and your amounts are exactly the same for Pennsylvania.

You must use PA Schedules A and B. Spouses must submit separate PA Schedules A and B unless all the income is joint income.

- You cannot submit a federal Schedule K-1 in lieu of PA Schedule J.

**PA Schedule SP** – see the instructions beginning on Page 34 for when to include this schedule.

**PA Schedule O** – see the instructions on Page 34 for when to include this schedule.

 **FILING TIP:** If a joint return including IRC Section 529 Qualified Tuition Program deductions for both taxpayers is filed, schedules reporting the income on a separate basis for each taxpayer should be included, so that the department may calculate the income limitations.

You and your spouse must file these schedules separately, each reporting only your own income, expenses and net income (losses):

**PA Schedule UE** – a separate schedule for each employer or job. You may not submit a federal Form 2106 or federal Form 2106-EZ in place of PA Schedule UE. You may only use a federal Form 2106 or federal Form 2106-EZ to provide the amount of vehicle expenses using the mileage method or the amount of actual vehicle expenses for PA Schedule UE. All other amounts on federal Form 2106 may not be used.

**PA Schedules C and F** – separate schedules for each commercial activity and each taxpayer.

**PA Schedules D** – must submit a separate PA Schedule D for you and your spouse reporting income unless all the gains and losses are joint.

**PA Schedules D-1 and D-71** – separate schedules for each taxpayer and each installment sale.

**PA Schedule E** – follow the instructions on the schedule.

**PA Schedules G-L and T** – separate schedules for each taxpayer.

**PA Schedule OC** – a taxpayer and spouse must file separate PA-40 tax returns if one or both are claiming any credits on this schedule.

### Reproducing PA Returns and Schedules

You may not prepare your own facsimile schedules as replacements for PA schedules.

### Multiple Schedules

If you have multiple Schedules A, B, D, E, or J due to entries beyond the capacity of the forms, include the total income for that form on one form only.

## PA SCHEDULE W-2S, WAGE STATEMENT SUMMARY (LINE 1a)

### PART A

Use **Part A** of this schedule to report your PA-taxable compensation from your Form(s) W-2.

You must submit a legible photocopy of the Form W-2 with a written explanation per the instructions for “When to Submit Form(s) W-2” on Page 10. Please see the filing tips and cautions in the same section for additional information.

Otherwise, do not submit your Form(s) W-2. However, the department has the statutory authority to require your actual Form(s) W-2.

### PART B

Use **Part B** of this schedule to list all the sources of non-employee and other compensation as well as all distributions from eligible Pennsylvania retirement plans, all distributions from IRAs, all distributions from qualified deferred compensation plans, all distributions from annuities purchased from commercial insurance or mutual companies, all distributions from employee stock ownership plans (ESOP), all distributions from endowment contracts and all distributions from charitable gift annuities. Report your PA-taxable and nontaxable compensation and any PA tax withheld from that income. You must include Form(s) 1099-R, 1099-MISC, and other documents reporting the income shown on this schedule. Do not include Form(s) 1099-MISC for income reported elsewhere on PA Schedule C. Include PA-taxable and nontaxable amounts from your Form(s) 1099 that show pensions, retirement plan distributions, executor fees, jury duty pay, and other miscellaneous compensation.

**Column A. Taxpayer or Spouse** – Enter a T if the payment or distribution was to the primary taxpayer shown first on the PA-40 or S if the payment or distribution was to the spouse.

**Column B. Type** – Enter the letter designation for the type of payment from the list of Payment Types shown at the bottom of the PA Schedule W-2S, Wage Statement Summary. If you do not know the type of payment listed on Form 1099-R, you may need to contact the payer for more information regarding the distribution to properly report the type of payment. For distributions from an IRA, the box next to Box 7 on the 1099-R will have an X entered to indicate a distribution from a traditional IRA, SEP IRA or SIMPLE IRA. Distributions from Roth IRAs will have either Code J or T included in Box 7 of the 1099-R. Distributions from qualified deferred compensation plans should be listed on Forms W-2 or W-2P.

**Column C. Payer name** – Enter the payer’s name.

**Column D. 1099-R code** – If the payment being reported is from a federal Form 1099-R, enter the distribution code(s) listed in Box 7 of the 1099-R.

**Column E. Total federal amount** – Enter the total amount of the payment from a federal Form 1099-MISC or from another document and/or any distribution from federal Form 1099-R Box 1. If the payment is from a federal Form 1099-MISC or from another document other than a 1099-R, enter the same amount in Column G.

**Column F. Adjusted plan basis** – If the distribution code in Column D is 1, 2, J, L, S or U from the 1099-R, enter the amount of the adjusted basis in the plan. The adjusted basis in the plan or IRA is generally equal to the sum of the contributions to the plan or IRA minus the sum of prior distributions which were previously treated as nontaxable as a recovery of such contributions.

**Column G. PA compensation** – If you entered a 1099-R Code 1, 2, 8, 9, J, L, S or U from a 1099-R in Column D, subtract the amount in Column F from Column E and enter the resulting amount (but not less than zero) here. If you entered any other 1099-R code in Column D, enter a zero in Column G (you have no PA-taxable compensation from these codes). If the distribution code in Column D is a 7, 7D or 4D and the payment type listed in Column B is K or L, these types of payments are not taxable as compensation, but are taxable as interest income to the extent there is income included in federal gross income. Although not taxable as compensation, they must be included to allow for reconciliation with amounts reported for federal income tax purposes. See the PA PIT Guide Chapter 7 for additional information regarding 1099-R codes and their taxability.

If you entered a payment from a 1099-MISC or from another document other than a 1099-R, enter the amount from Column E.

**CAUTION:** Although you may not have income taxable as compensation due to the code reported in Box 7 of the 1099-R, you may have taxable income from a distribution reported on 1099-R Form(s) bearing Code 6 if cash or boot is involved in the transaction. In cases where cash or boot is also received, report any gain on the transaction on PA Schedule D. See the PA PIT Guide Chapter 12 and the instructions for PA Schedule D beginning on Page 31 for additional information.

**Column H. PA tax withheld** – If the payer withheld PA state income tax from the distribution or payment to you, enter the amount withheld from that distribution or payment.



**IMPORTANT:** You must submit legible photocopies of the Form(s) 1099, Form(s) 1099-R and other statements showing the income that you listed in Part B. Do not submit copies of Form(s) 1099-MISC for income reported elsewhere on PA Schedule C.



### FILING TIPS:

1. A taxpayer with a distribution Code 2 on Form(s) 1099-R must determine if he/she received the distribution from an eligible employer-sponsored retirement or pension plan for PA tax purposes. Additionally, the taxpayer must have been eligible by meeting the age or service conditions of the plan. If these conditions are met, the taxpayer should input the same amount in Column F as was reported in Column E. Otherwise, the cost or adjusted basis of the plan must be included.
2. A taxpayer with distribution Code 1 or 2 on Form(s) 1099-R from a retirement plan from the State Employees’ Retirement System, the Pennsylvania School Employees’ Retirement System, the Pennsylvania Municipal Employees’ Retirement System or the U.S. Civil Service Commission Retirement Disability Plan should input the same amount in Column F as was reported in Column E.
3. A taxpayer with a conversion of a traditional IRA to a Roth IRA (or vice versa) with distribution Code 1 in Box 7 of the 1099-R




- may be eligible to report the amount as nontaxable income when a direct transfer from trustee to trustee occurs and/or the when the entire distribution from the original IRA account (including taxes withheld) is paid into the new IRA account within 60 days of the date of the distribution. In such cases, input the same amount in Column F as reported in Column E. If the distribution is not a direct transfer from trustee to trustee, or the entire distribution is not paid into the new IRA account as a result of the conversion of the original IRA account, the distribution must be reported as two separate distributions on PA Schedule W-2S. The distributions will be reported on separate lines of Column E with the net amount converted into the new IRA (gross distribution from Box 1 of the Form 1099-R less amounts not repaid into the new IRA account) being reported as the first distribution and amounts not repaid into the new IRA account reported as the second distribution. The amount reported in Column E for the first distribution will not be taxable (input the same amount in Column F as reported in Column E). The amount reported in Column E for the second distribution may be taxable since Column F will reflect the cost or adjusted basis of the IRA.
4. A taxpayer with distributions from an annuity purchased from a commercial insurance or mutual company, an endowment contract or a charitable gift annuity having a distribution Code 7 or 7D in Box 7 of the 1099-R must record the distributions on PA Schedule W-2S and also report the amount of income taxable for federal income tax purposes as PA-taxable interest income. When recording the distribution on PA Schedule W-2S, input the same amount in Column F as reported in Column E. Report the federal taxable amount of any annuities or endowments on Line 3 of PA Schedule A. Report the federal taxable amount of any charitable gift annuities on Line 4 of PA Schedule A.
  5. A taxpayer with a distribution from an employee stock ownership plan (ESOP) should enter the amount of the distribution in Column G if the stock in the ESOP has not been allocated to the participants. Use payment type M in Column B and the description "Non-Allocated ESOP Stock Dividend" in the space to describe the payment. If the distribution is a non-allocated ESOP stock dividend, the full amount of the distribution is taxable as compensation. If the stock has been allocated to the participants, input the same amount in Column F as reported in Column E and enter payment type M in Column B and the description "Allocated ESOP Stock Dividend" to describe the payment. Allocated ESOP stock dividends are taxable as dividend income for PA purposes. Enter the amount of the distribution on Line 8 of PA Schedule B with "Allocated ESOP Stock Dividend" as the description.
  6. A taxpayer with distributions of excess contributions and earnings on the excess contributions (distribution Codes 8 and/ or P in Box 7 of the 1099-R) must determine if the contributions being returned are from taxpayer contributions/deferrals or employer contributions. In cases where the excess contributions being returned are taxpayer contributions/deferrals, only the amount of excess contributions should be entered in Column F. Earnings on the excess contributions should not be included in the adjusted basis of previously taxed contributions. In cases where the excess contributions and earnings being returned are employer contributions, no entry should be made in Column F. In either case, a letter from the employer/plan administrator is required to provide whether or not the contributions being returned are taxpayer contributions/deferrals and a breakdown between the excess contributions and the earnings on the excess contributions when the excess contributions and earnings are from employee contributions/deferrals.
  7. A taxpayer with a distribution Code 4 on Form(s) 1099-R should also include the amount in Box 1 in eligibility income for Schedule SP, Special Tax Forgiveness purposes. The amount should be included in Part C, Eligibility Income, of Schedule SP on Line 4, Insurance proceeds and inheritances.
  8. A taxpayer who received retirement benefits as the beneficiary from a qualified joint survivor annuity reporting the distributions to the taxpayer using Code 7 instead of Code 4 in Box 7 of federal Form 1099-R should also include the amount in Box 1 as eligibility income for Schedule SP, Special Tax Forgiveness purposes. The amount should be included in Part C, Eligibility Income, of Schedule SP on Line 4, Insurance proceeds and inheritances.
  9. Taxpayers with military pay for active duty outside PA should complete PA Schedule W-2S and include the W-2 in Part A of PA Schedule W-2S. If any income is earned by a PA resident while on active duty status within PA, that income should be included in the "PA compensation from Box 16" column. Do not include compensation earned while on active duty outside PA or if a nonresident on active duty within PA. If any PA income tax is withheld from the military pay, include the amount of tax withheld in the "PA income tax withheld from Box 17" column. See the Military Pay – Members of the Armed Forces instructions on Page 38 for more information.
  10. A taxpayer with a distribution from an ESOP within a 401(k) (also known as a KSOP) should use payment type I in Column B and enter the total amount of the distribution in Column E. If the federal Form 1099-R includes a distribution Code 7 in Box 7, enter the total amount of the distribution in Column F. If the federal Form 1099-R includes a distribution Code 1 in Box 7, use the cost recovery method to determine the taxable amount of the distribution. The taxpayer's basis in any stock distributions from a KSOP with distribution Code 7 on federal Form 1099-R is the total distribution less any cash and/or tax paid included with the distribution. The taxpayer's basis in any stock distributions from a KSOP with distribution Code 1 on federal Form 1099-R is the ratio of the current value of the stock included in the distribution to the total distribution times the adjusted basis determined using the cost recovery method.
- Enter the total amounts from Part A and Part B for PA compensation and PA tax withheld on the PA-40 Lines 1a and 13, respectively.

**PA SCHEDULE UE (LINE 1b)**

Allowable employee business expenses for PA purposes are similar to, but not the same as, expenses for federal purposes. PA law only permits expenses required to perform the duties of a job or profession.

**Allowable Pennsylvania Employee Business Expenses Must Be:**

1. Ordinary, customary, and accepted in the industry or occupation in which you work;
2. Actually paid while performing the duties of your employment;
3. Reasonable in amount and not excessive;
4. Necessary to enable you to properly perform the duties of your employment; and
5. Directly related to performing the duties of your occupation or employment.

 **IMPORTANT:** You may deduct 100 percent of your PA-allowable unreimbursed employee business expenses.

PA law does not have federal expense and percentage accounting limitations and thresholds.

**CAUTION:** You may not deduct expenses based upon federal per-diem allowances. You may only deduct those expenses actually paid while performing the duties of your employment.

You did not incur an allowable business expense during the year if you:

- Received a fixed-mileage allowance or a per-diem allowance for the allowable business expense and your employer did not include the allowance in your compensation; or
- Accounted for your allowable expenses to your employer and your employer reimbursed you in the exact amount of your expenses.

Do not include such reimbursements in gross compensation. Do not claim such expenses on a PA Schedule UE.

**EXAMPLE:** James is regional manager for a chain of retail stores and is required by his employer to drive his personal vehicle and visit each retail location within his region at least one time per month. James' employer reimburses him at a rate of \$0.40 per mile and provides a lunch per diem of \$8.00 per travel day. James is not permitted to deduct a mileage expense on his PA Schedule UE for the difference between the federal allowance and his employer's reimbursement or an expense for meals while traveling to visit the retail locations within his region unless his employer includes the reimbursements in his PA compensation.

If your employer does not reimburse you, you may reduce your compensation by your allowable expenses. If your reimbursement is more than your allowable expenses, you must report the excess as taxable compensation on Line 1a.

**EXAMPLE:** Dave earned compensation of \$30,000. He incurred allowable vehicle and travel employee business expenses of \$3,000, and was reimbursed \$3,500. He must complete a PA Schedule UE. He includes the excess \$500 as compensation. His total net taxable compensation is \$30,500.

Sole proprietors, partners, shareholders, or other self-employed individuals should not use PA Schedule UE to claim expenses.

**CAUTION:** Nonresidents must use PA Schedule NRH to apportion expenses for PA personal income tax purposes. A copy of PA Schedule NRH may be obtained by using one of the Forms Ordering Services listed on Page 2. Part-year residents may only claim 100 percent of unreimbursed business expenses if the expenses were incurred only while providing services in Pennsylvania or while a PA resident. Include a statement indicating the method used to determine the expenses for the period of residency (PA Schedule NRH may also be used for this purpose).

#### **Pennsylvania Does Not Allow The Following Business Expenses, Even If Allowed for Federal Purposes:**

- Personal, living, or family expenses
- Dues to fraternal organizations, professional societies, Chambers of Commerce, or recreational club memberships
- Dues and subscriptions to publications, including trade and professional publications
- Political candidate or campaign contributions
- Charitable contributions
- Commuting expenses – driving to and from work
- Cost of meals while working late, unless while traveling away from home overnight on business

- Childcare or elderly care expenses
- Life, disability income and health insurance premiums
- Contributions to deferred compensation plans or other pension plans
- Legal fees (except to recover back wages), fines, penalties and bad debts
- Bribes, kickbacks, or other illegal payments
- Job hunting or other pursuit of employment expenses
- Malpractice insurance premiums, except when allowed in Part A
- Moving expenses, except when allowed in Part E
- Educational expenses, except as allowed in Part F
- Capital expenditures
- Expenses calculated at federal per-diem rates.



**FILING TIP:** You must file a separate PA Schedule UE for each employer. Spouses may not report joint expenses on a PA Schedule UE, even if filing jointly. An incomplete schedule may result in delays in the processing of your return and/or denial of the expenses.

#### **General Instructions**

Enter the name of the taxpayer claiming the expenses and the SSN shown first on the return. Enter all the employer information, and briefly describe the job or position for which you incurred the expenses you are claiming. Enter only the expenses incurred for the employer listed on this schedule.

#### **Keep Your Records**

The department has the legal authority to require evidence that the expenses you claim on a PA Schedule UE are allowable for PA purposes. Keep your necessary documents, receipts, vouchers and other records for at least four years.

#### **PA Schedule UE - Side 1**

Side 1 of this schedule is for the most common expenses claimed on PA income tax returns.

#### **Part A. Direct Employee Business Expenses**

You pay these expenses directly or through a withholding arrangement with your employer. These expenses are necessary to perform or maintain your job. Itemize the nature and amount of the expenses you are claiming in Part A.

1. **Union Dues.** Union dues, assessments, and initiation fees are allowable business expenses if:
  - Such payments are a condition of continued membership in the union, and membership is related directly to your present job; or
  - Such payments are a required wage deduction under an agency shop agreement.
2. **Work Clothes and Uniforms.** The costs of purchasing and maintaining uniforms and work clothing to protect you from bodily injury are allowable business expenses if the uniforms and clothing are both:
  - Of a type specifically required by the employer to be purchased as a condition of continued employment; and
  - Not adaptable to general usage.
3. **Small Tools and Supplies.** Expenditures for small tools and supplies that your employer does not provide, but you must have to perform the duties of your job, are allowable business expenses. Depreciation is the annual deduction you must take

to recover the cost of business property having a useful life beyond the taxable year. If any of these tools or supplies has a useful life of more than one year, you depreciate the cost in Part G. See the Depreciation – PA Limitations instructions on Page 9 for more information.

4. **Professional License Fees, Malpractice Insurance, and Fidelity Bond Premiums.** Trade, professional, or occupational licenses or fees required as a condition of employment are allowable business expenses. Include malpractice insurance and fidelity bond premiums where required by law or by your employer.
5. **Total Direct Employee Business Expenses.** Add Lines 1 through 4.

#### Part B. Business Travel Expenses

6. **Vehicle Expenses: Standard Mileage Rate.** Enter the amount from your federal Form 2106 or federal Form 2106-EZ. Otherwise, enter your total business miles and multiply by the federal mileage allowance to calculate your allowable business mileage expense.

**CAUTION:** You may not claim depreciation on any vehicle on which you are using the standard mileage rate method.

**Commuting Expenses.** You cannot deduct the costs of public transportation or driving a car between your home and your main place of work. These are personal commuting expenses. You cannot deduct commuting expenses no matter how far your home is from your regular place of work. Commuting costs between different jobs for different employers are also not allowable. For tradesmen, commuting costs also include mileage for any job 35 miles or fewer from the closer of the union hall or personal residence to the jobsite.


**Vehicle Expenses - Actual.** Pennsylvania does not follow the federal floor limitations on allowable expenses. You may always claim your allowable actual expenses for PA purposes. Start with your federal form and adjust for PA purposes.

7. Enter your actual expenses from your federal Form 2106.
8. Add back the "Inclusion Amount" since this rule does not apply for PA purposes.
9. **Depreciation.** You may use any generally accepted depreciation method except either of the bonus depreciation elections enacted for federal purposes in 2002 and 2003. See DIFFERENCES BETWEEN PA PIT AND IRS on Page 9. If using a different method for PA purposes, enter the method you used and the adjusted expense here.
10. **Actual Travel and Mileage Expenses.** Add Lines 7, 8, and 9.

#### Other Business Travel Expenses

Enter the actual amount of these expenses that you incurred.

11. **Parking fees, tolls, and transportation.** Enter the amount of parking fees, tolls and transportation expenses incurred while in an overnight or business travel status.
12. **Travel expenses while away from home overnight.** Enter the amount of hotel or motel accommodation expenses incurred while in an overnight travel status.
13. **Meals and entertainment expenses.** Enter only the actual expenses incurred for meals and entertainment expenses.

 **IMPORTANT:** Meals and entertainment expenses are 100 percent allowable. However, meals while not in overnight traveling status (e.g. meals while working late) and federal per-diem

rates for meals and incidental expenses are not allowable. See the PA PIT Guide for additional information.

14. **Total Business Travel Expenses.** Add Lines 6 or 10, and Lines 11, 12, and 13.


#### Part C. Miscellaneous Expenses

Include the PA-allowable expenses that you incurred in the space provided. If you have more than two miscellaneous expenses, you must include a separate statement that itemizes and describes in detail these expenses. Additional examples of expenses that you may claim include:

- Breakage fees or cash shortages you must pay to your employer;
- Fees or income included in your PA-taxable compensation on your Form W-2 that you are required to pay to your employer as a condition of employment;
- Costs incurred by blind employees to pay readers who assist them in performing their job duties;
- Business gifts must be ordinary, necessary, reasonable, and actually incurred for business purposes. Pennsylvania does not follow federal percentage limits on such expenses.

**CAUTION:** You may be a statutory employee for federal purposes. However, PA law does not have a similar provision. As a statutory employee, you may have to claim your income as compensation and your expenses on PA Schedule UE. For more information on statutory employees see Chapter 7 of the PA PIT Guide found on the department's website. As an employee, you must claim your expenses on PA Schedule UE. If you are self-employed, you must report your business activity on Line 4 of your PA-40 and enclose the necessary PA Schedule C.

15. **Total Miscellaneous Expenses.** Enter the total of the miscellaneous expenses you listed.

 **FILING TIP:** If you do not have expenses for your office or work area (Part D), moving (Part E), education (Part F), or depreciation (Part G), complete Side 1, and include your allowable unreimbursed employee business expenses on Line 1b of your PA-40.

#### Total Allowable PA Employee Business Expenses

**Lines A through G.** Enter the amounts of your allowable expenses from each part of PA Schedule UE that you completed.

- Line H. Total Expenses.** Add the expenses you are claiming from each Part of PA Schedule UE.

**CAUTION:** If you are a nonresident or part-year resident who earned income and incurred expenses within and outside Pennsylvania, you must complete PA Schedule NRH.

- Line I. Reimbursements.** If your employer included your reimbursement in PA-taxable compensation on your Form W-2, do not enter that reimbursement here. If your employer did not include your reimbursement on your Form W-2, enter the amount you received from your employer.

- Line J. Net Expense or Reimbursement.**

- If Line H is more than Line I, include your unreimbursed expenses on Line 1b of your PA-40.
- If Line I is more than Line H, include your excess reimbursements on Line 1a of your PA-40.

#### PA Schedule UE - Side 2

**CAUTION:** Certain utilities, which are not subject to sales and use tax when purchased exclusively for residential use, become subject

to sales and use tax when used for commercial purposes. If you are including electricity, natural gas, fuel oil, or kerosene in your calculation of home office expense, you should report use tax due on the prorated expense amount on Line 25 of the PA-40.

#### Part D. Office or Work Area Expenses

You may claim these expenses when your employer does not provide you with a suitable work area and you can answer YES to each of these questions:

- D1. Does your employer require you, as a condition of employment, to maintain a suitable work area away from the employer's premises?
- D2. Is this work area the principal place where you perform the duties of your employment?
- D3. Do you use this work area regularly to perform the duties of your employment?

If your employer provides a suitable work area, or you answer one or more of the above questions NO, you cannot claim any office or work area expenses.

**CAUTION:** The department does not permit the use of the federal safe harbor deduction for a home office or work area. Actual expenses must be used to determine the amount of the deduction.

#### Actual Office or Work Area Expenses.

- Lines a to h. Enter the actual expenses you incurred if you are claiming office or work area expenses on this schedule. Include statements detailing property maintenance and other apportionable expenses from Lines f and g.
- Line i. Add Lines a through h.
- Line j. Calculate the percentage of your property that you use for business.
- Line k. **Apportioned Expenses.** Multiply Line i by Line j.
- Line l. **Total Office Supplies.** Enter the actual cost of supplies that you use exclusively for business purposes.

16. **Total Office or Work Area Expenses.** Add Lines k and l.

#### Part E. Moving Expenses

You may deduct moving expenses incurred to retain employment. You may also deduct moving expenses to report to a new location after obtaining employment. However, you must meet the Distance Test described at the top of the next column.


You may deduct allowable expenses you incur in moving yourself, your immediate family, your household goods, and your personal belongings, including the cost of transportation to your new home, using your actual out-of-pocket costs or the federal mileage allowance. You may deduct expenses for storing household goods, for meals and lodging on the way, including such costs on the day you arrive, and parking fees and tolls.

You may not deduct expenses for:

- selling or purchasing a house;
- breaking a lease; house hunting;
- securing lodging prior to moving;
- seeking new employment;
- moving for your own convenience;
- relocating to a new job or workplace less than 35 miles farther than your old commute to work; or
- moving anywhere other than within or into Pennsylvania.

**Distance Test.** Your new workplace must be at least 35 miles farther from your old residence than your old workplace was.

**EXAMPLE:** If your old workplace was three miles from your old residence, your new workplace must be at least 38 miles from your old residence. Measure the distance using the shortest of the most commonly traveled routes. To determine if you meet this test, complete Lines E1, E2, and E3.

 **IMPORTANT:** If you are in the military, you do not have to meet the distance test if your move is a permanent change of duty station. If you, your spouse and dependents are moving to the new duty station from different locations, you may claim all the allowable expenses.

- 17. Enter your actual allowable transportation expenses as previously described.
- 18. Enter your actual qualifying expenses for travel, meals, and lodging, as previously described.
- 19. **Total Moving Expenses.** Add Lines 17 and 18.

#### Part F. Education Expenses

The federal and PA rules for educational expenses are similar, but not exactly the same. For PA purposes, costs for education expenses that you pay or incur are allowable only if:

- The education is specifically required by law or by your employer to retain an established employment status or rate of compensation; and
- The education is not part of a program that would qualify you for a new occupation, trade, or business, even if you do not intend to enter that new occupation, trade, or business.

Unlike federal rules, you may not deduct education expenses that you incur to maintain or improve your skills.

**EXAMPLE:** Anthony is a licensed professional in a position that, by law, requires a specific number of continuing education credits every other year. If Anthony fails to obtain these credits, he will lose his license. Anthony also takes courses in using a computer to improve his job performance. Anthony may claim the cost of his continuing education courses. He may not claim the computer courses.

You must answer question F1. If you answer YES, continue. If you answer NO, you may not claim any education expenses. You must answer questions F2 and F3. If you answer NO to both questions, continue. If you answer YES to either question, you may not claim any education expenses.

Enter the name of the college, university, or educational institution you attend, and your specific course of study. Your education must meet the requirements described above.

- 20. Enter the amount of tuition or fees you actually paid.
- 21. Enter the costs of your books and other materials required for your courses.
- 22. Enter the cost of travel. Pennsylvania follows the federal rules for travel expenses for education.

**CAUTION:** You may not deduct costs of travel as educational expenses by claiming that the travel itself constitutes a form of education.

23. **Total Education Expenses.** Add Lines 20, 21, and 22.


#### Part G. Depreciation Expenses

Depreciation is the amount you can claim over the useful life of property you use in performing the duties of your employment. A depreciation expense is allowable if the property:

- Has a useful life exceeding one year; and
- Is required to be regularly and predominantly used to perform the duties of employment; and
- Is required and not provided or supplied by your employer.

PA law allows generally accepted depreciation methods and current expensing. PA law does not allow federal bonus depreciation. PA law limits IRC Section 179 expensing. See DIFFERENCES BETWEEN PA PIT AND IRS on Page 9. The department accepts most generally accepted methods of calculating depreciation used for federal purposes.

Once you have elected a depreciation method, you must consistently use it and may not change it without permission from the PA Department of Revenue. For each asset, enter the depreciation method elected and the expense.

 **FILING TIP:** Do not use Part G to report all depreciation. Use Part B for vehicles, and Part D for office or work area depreciation. Fair market value of property is not an acceptable other basis.


24. **Total Depreciation Expenses.** Enter the total of columns E and F.

### PA SCHEDULE A (LINE 2)

If your total PA-taxable interest income (taxpayer, spouse and/or joint) is equal to the amount reported on your federal return and you have no amounts for Lines 2 through 15 (not including subtotal Lines 4 and 10) of PA Schedule A, you must report your income on Line 2 of the PA-40, but you do not have to submit PA Schedule A. If there are any amounts (taxpayer, spouse and/or joint) for any of the Lines 2 through 15 (not including subtotal Lines 4 and 10) of PA Schedule A, you must complete and submit PA Schedule A with your PA-40. A taxpayer and spouse must complete and submit separate schedules to report their income if any amounts are reported on Lines 2 through 15 (not including subtotal Lines 4 and 10). However, if all the income is earned on a joint basis, one schedule may be completed. Complete the oval to indicate whether the income included on the schedule is from the taxpayer, spouse or joint. When reporting the interest income on a separate PA Schedule A, a taxpayer and spouse must show their separate share of the interest income from jointly owned accounts on each PA Schedule A.

**PA-taxable income includes interest from:**

- Savings and loan associations;
- Credit unions, even if reported as dividends on your statement;
- Bank deposits;
- Bonds (except as exempted later on this page);
- Certificates of deposit;
- Interest-bearing personal checking accounts;
- State, federal, local and foreign tax refunds;
- Other deposits, investments, and obligations;
- GNMA and FNMA certificates and other obligations that are guaranteed by the U.S. government, but not direct obligations of the U.S. government;
- Obligations of other states or countries; and
- Mutual savings banks and cooperative banks, even if reported as dividends.

 **IMPORTANT:** Also report on PA Schedule A:

- Income on life insurance contracts, annuities, or endowments if reported for federal income tax purposes;
- Income from charitable gift annuities included in federal gross taxable income as ordinary or capital gain income;
- Any amount paid out of an Archer Medical Savings Account or Health Savings Account that is includable in the gross income of an account beneficiary for federal income tax purposes. Included in this category are distributions used for any purpose other than to pay qualified medical expenses, any amount considered to be excess contribution distributions not previously included in income, or any amount of the account's income attributable to excess contributions; and
- Taxable amounts distributed from IRC Section 529 Qualified Tuition Programs for non-educational purposes. Please check our website at [www.revenue.pa.gov](http://www.revenue.pa.gov) for more information on how to determine the taxable portion of any distributions for non-educational purposes.

**PA-taxable income does not include interest from:**

- Direct obligations of the U.S. government (U.S. Treasury Bonds, Notes, Bills, Certificates, and Savings Bonds)
- Direct obligations of the Commonwealth of Pennsylvania
- Direct obligations of political subdivisions of Pennsylvania
- Pennsylvania 529 College Savings accounts when earned or used to pay for Qualified Higher Education Expenses as defined in IRC Section 529 (e)(3)(A).

For a list of exempt obligations, request Tax Exempt Obligations for Pennsylvania Personal Income Tax Purposes (Form REV-1643).

**NOTE:** You must include PA tax-exempt interest in Eligibility Income for Tax Forgiveness purposes.


**Form Instructions**

Complete each line as necessary:

1. Enter the amount of interest income you reported on Line 8a of your federal Form 1040, or Form 1040A, or Line 2 of your federal Form 1040EZ.
2. Enter the total amount of tax-exempt interest income included in Line 8b of your federal Form 1040, or Form 1040A.

**CAUTION:** Do not include exempt-interest dividends in this amount.

3. Enter any other adjustments for items that increase PA-taxable interest income and provide a description of the amounts. Examples of deductions from federal interest income that must be added back include, but are not limited to: self-charged interest; amortization of bond premium; nominee interest; or expenses incurred to realize interest income.

 **IMPORTANT:** If you are not required to file a federal return, enter on this line the amount of any interest income reported to you in Box 1 of all federal Forms 1099-INT, Interest Income, as well as all other federally taxable interest income received, including, but not limited to, U.S. government interest or interest from federal Schedule K-1s.

5. Enter the total amount of interest income included in the amounts reported in Line 1 of federal Schedule B from federal Schedule(s) K-1.
6. Enter the amount of your tax-exempt interest from direct obligations of the Commonwealth of Pennsylvania and/or direct obligations of political subdivisions of Pennsylvania. Include on this line any interest income from obligations issued by the commonwealth, a public authority, commission, board or other agency created by the commonwealth or political subdivision of the commonwealth.

7. Enter the amount of any interest income from direct obligations of the U.S. Government (U.S. Treasury Bonds, Notes, Bills, Certificates and Savings Bonds). Do not include amounts from US obligations reported on federal Schedule K-1(s) or on Line 3 of federal Schedule B in this amount.
8. Enter any other adjustments that decrease PA interest income and provide a description of the amounts. Examples include but are not limited to: interest income earned while a nonresident; interest on installment obligations that are included as gain on the sale of property for PA purposes; forfeited interest penalty; interest income from an irrevocable federal grantor trust that is required to file a PA-41 Fiduciary Income Tax Return; and amortization of bond premium. An example of the description for interest income earned while a nonresident would be "Non-Residency Period Interest". Do not include expenses incurred to realize interest income. Include a statement providing the descriptions and amounts if more than one type of adjustment is included in the amount reported for this line.
11. Enter amounts reported on Form 1099-R with Box 7 Codes 1, 2, 3 or 7 that also include Code D.
12. Enter the amount of charitable gift annuity income taxable for federal income tax purposes.
13. Enter the amount of any distributions from IRC Section 529 plans that are for non-educational purposes. The cost recovery method must be used to determine the taxable amount for contributions made in tax years 2005 and earlier. The total amount of distributions claimed as deductions for tax years 2006 and later is taxable.
14. Enter the amount of any distributions from Health/Medical Savings accounts included as Other income on Line 21 of your federal Form 1040.
15. Enter the amount of interest income from PA S corporations and partnerships. Include the amounts reported from all PA Schedule(s) RK-1, or federal Schedule(s) K-1 if an RK-1 is not provided. Include any U.S. government interest from federal Schedule(s) K-1, where PA Schedule(s) RK-1 is/are not provided, on Line 8 of PA Schedule A.

**NOTE:** If a separate PA Schedule A is prepared for a taxpayer and spouse, include only the taxpayer or spouse share of the income for each line.

### PA SCHEDULE B (LINE 3)

If your total PA-taxable dividend and capital gains distributions income (taxpayer, spouse and/or joint) does not include any amounts for Lines 2 through 9 of PA Schedule B, you must report your income on Line 3 of the PA-40, but you do not have to submit PA Schedule B. If there are any amounts (taxpayer, spouse and/or joint) for any of the Lines 2 through 9 of PA Schedule B, you must complete and submit PA Schedule B with your PA-40. A taxpayer and spouse must complete and submit separate schedules to report their income if any amounts are reported on Lines 2 through 9. However, if all the income is earned on a joint basis, one schedule may be completed. Complete the oval to indicate whether the income included on the schedule is from the taxpayer, spouse or joint. When reporting the dividend income on a separate PA Schedule B, a taxpayer and spouse must show their separate share of dividend income from any jointly owned stock on each PA Schedule B.

#### Capital Gains Distributions

Capital gains distributions are taxable as dividend income on Line 3. Do not report capital gains distributions on PA Schedule D.

#### Stock Dividend Reinvestment Plans

Under a stock dividend reinvestment plan, you elect dividends in the form of stock, rather than cash or other property. You must include the stock's fair market value as dividend income as of the date paid.

PA-taxable dividend income does not include:

- Dividends distributed by a corporation to its stockholders as stock, if the distribution is not personal income for federal purposes.
- Distributions designated as return of capital by utility companies and other corporations that reduce the basis of your stock in the corporation. **NOTE:** Once such distributions reduce your basis to zero, further distributions are Taxable Distributions from C corporations on PA Schedule D. See Page 32.
- Dividends from deposits or withdrawals from accounts paid by savings and loan associations, mutual savings banks, cooperative banks, and credit unions. Report these payments as PA-taxable interest income on Line 2 of your PA-40.
- Ordinary dividends paid by a mutual fund or a registered investment company that the fund/company statement designates as being exempt-interest dividends. Use the percentage of the total dividend income that is from exempt PA and exempt federal obligations to determine the tax-exempt portion of the dividend income.
- Dividends from PA tax-exempt obligations. Request Tax Exempt Obligations for Pennsylvania Personal Income Tax Purposes (Form REV-1643) for a list of exempt obligations.
- Dividends distributed under a charitable gift annuity are not taxable dividend income for PA personal income tax purposes. However, distributions are taxable to the extent they are taxable for federal income taxes purposes as interest income on PA Schedule A, Line 4.

**NOTE:** You must include PA tax-exempt dividend income in Eligibility Income for Tax Forgiveness purposes.

#### Form Instructions

Complete each line as necessary:

1. Enter the amount of dividend income you reported on Line 9a of your federal Form 1040, or Form 1040A.
2. Enter the total amount of dividend income included on Line 5 of federal Schedule B from federal Schedule(s) K-1.
3. Enter the total amount of any tax-exempt dividends from direct obligations of the Commonwealth of Pennsylvania, direct obligations of political subdivisions of Pennsylvania and/or direct obligations of the U.S. Government (U.S. Treasury Bonds, Notes, Bills, Certificates and Savings Bonds) included in any tax-exempt fund or money market fund dividends.
4. Enter any other adjustments that decrease PA dividend income and provide a description of the amounts. Examples include, but are not limited to: dividend income for a part-year resident taxpayer during the period the taxpayer was a nonresident; nominee capital gains distributions; and dividend income from an irrevocable federal grantor trust that is required to file a PA-41 Fiduciary Income Tax Return. Do not include expenses incurred to realize dividend income.
7. Enter the total amount of any exempt-interest dividends reported in Box 10 of federal Form 1099-DIV, Dividends and Distributions, or the amount of exempt-interest dividends included in Line 8b of your federal return.
8. Enter any other adjustments that increase PA dividend income and provide a description of the amounts. Examples include,

but are not limited to: excessive salary paid to a shareholder; nominee capital gains distributions; distributions from non-PA S corporations; and expenses incurred to realize dividend income.

**!** **IMPORTANT:** If you are not required to file a federal return, enter on this line the amount of dividend income reported to you in Box 1 of all federal Forms 1099-DIV, Dividends and Distributions, as well as any other federally taxable dividend income received by you from all sources including, but not limited to, dividends from federal Schedule K-1s.

9. Enter the amount of capital gains distributions included as capital gains on federal Schedule D.
10. Enter the amount of dividend income from PA S corporations and partnerships. Include the amounts reported from all PA Schedule(s) RK-1, or federal Schedule(s) K-1 if an RK-1 is not provided.

**NOTE:** If a separate PA Schedule B is prepared for a taxpayer and spouse, include only the taxpayer or spouse share of the income for each line.

### PA SCHEDULE D (LINE 5)

Do not submit a federal Schedule D. A taxpayer and spouse must complete separate schedules to report their gains or losses or if any amounts are reported on Lines 3 through 10. However, if all the gains and losses were realized on a joint basis, one schedule may be completed. Complete the oval to indicate whether the gains and losses included on the schedule are from the taxpayer, spouse or joint.

**!** **IMPORTANT:** One spouse may not use a loss to reduce the other spouse's gains. In the case where separate Schedule Ds are required and spouses must also report the sale of jointly owned property, each spouse must show his/her share of the sale on their separate PA Schedule D.

Report all sales, exchanges, and dispositions of property using PA income tax rules, and your PA income tax basis, in the year in which the transaction occurred. If a federal election allows a deferral to a different tax year or a deemed sale, you may not use that election for PA purposes.

Summaries or groups of transactions as reported on brokerage statements or summaries of the sales of stocks, bonds and other financial instruments sold on the major financial exchanges on separately prepared statements may be used in lieu of entering each sale, exchange or disposition of property on PA Schedule D. All other transactions must be entered separately on PA Schedule D.

If a brokerage or summary statement is used, a copy of the statement must be provided with the return. Electronically filed returns will no longer permit entry of an unlimited number of transactions. Brokerage or summary statements of transactions will be required to be included as a PDF attachment with the return or faxed to the department unless copies of the brokerage statements are already included with the federal e-filed return.

Unless the specific instructions require a different Pennsylvania schedule or as previously noted above, report each sale, exchange, or disposition of property on PA Schedule D.

1. Columns (a) through (f)
  - (a) List and describe the property sold or otherwise disposed of for cash or for other property.

- (b) Enter the month, day, and year acquired. If you acquired properties over time or if you are entering a summary line for multiple transactions, you may enter VARIOUS.
- (c) Enter the month, day, and year sold. If you are entering a summary line for multiple transactions, you may enter VARIOUS.
- (d) Enter the gross sales price or fair market value of cash and property received less the applicable expenses of sale.
- (e) Enter the cost or adjusted basis of the property sold.
- (f) Determine whether your property was either I or II, and follow the appropriate instructions:

I. If your property was income-producing property, such as stock, bonds, an ownership interest in a business, a rental property, a patent or copyright, or you held your property in connection with a business, profession, or occupation (but not inventory or an operational asset), then:

- Subtract Column (e) from Column (d). Enter either the gain or the loss or zero in Column (f).

II. If your property was other than income-producing property (a personal automobile or furniture), then:

- If the adjusted basis is less than or equal to Column (d), enter the gain or zero in Column (f).
- If the adjusted basis is greater than Column (d), enter zero in Column (f). You cannot report a loss on the sale of personal property.

**!** **IMPORTANT:** You may only deduct losses from transactions you entered into for profit. Indicate a loss by filling in the oval.

**CAUTION:** For taxpayers reporting the sales of exempt obligations: **DO:** Include the issue or DTD date of the exempt obligation in the description of the items sold.

**DO NOT:** Include the sales of any exempt obligations issued prior to Feb. 1, 1994. See Page 16 of the instructions for additional information regarding exempt obligations.

### Oil and Gas Pipeline or Well Access Easements and Right of Ways

Payments received for permanent right of ways and easements as well as express easements (15 years or longer in length) are considered a sale of a portion of the landowner's property. The percentage of square footage of the land included in the permanent easement or right of way to the total square footage of the entire property (pro-rata method) multiplied by the total adjusted basis of the land (or any other reasonable method for determining basis of the property) should be used in determining the gain or loss on the property. If any method other than the pro-rata method is used, approval for use of the alternative method must be obtained from the Department of Revenue's Office of Chief Counsel prior to filing the return.

2. **Net Gain (Loss).** Total Column (f) and enter the net amount. You may offset gains (losses) for Line 2.
3. **Gain from Installment Sales.** Enter your taxable gain from each PA Schedule D-1, Form REV-1689, Computation of Installment Sale Income.

**CAUTION:** You may not elect the installment sales method for:

- Reporting gains from the sale of intangible personal property, such as stocks, bonds, partnership or other ownership interests; or
- Reporting transactions where the object is the lending of money or the rendering of services.

## PA SCHEDULE E (LINE 6)

Unless otherwise noted, PA rules generally do not follow the federal rules for determining the net income (loss) realized from the rental of property.

**⚠ IMPORTANT:** If you were in the real estate sales business, do not use PA Schedule E. You must report net income (loss) from rentals of real estate held for sale to customers in the ordinary course of your real estate sales, and/or from your business of renting other personal property on PA Schedule C. See Reporting Rental Income (Loss) as Business Activity on Line 4 or as Rents on Line 6 on Page 15 for additional information.

**Part A. Property Description.** For rental real estate, enter the street address, city or town, and state. Indicate whether the property is for-profit property or not. PA law generally follows the IRC Section 280A when you rent or lease property, such as a vacation home, and do not intend to realize a profit. You may only deduct your rental expenses up to your rental income, and you may not use a loss to reduce other rental income. If you rent or lease your property to realize a profit, but do not operate the rental property as a business activity, you may offset losses against other rental or royalty income. For oil and gas royalties, enter the name of the oil and gas producer paying the royalties for each 1099-MISC received. For all other patent, copyright, or similar property or any other tangible personal rental property, enter the type of property and source of the income.

**⚠ IMPORTANT:** If the property is located in another state or country, you must include the complete address of the property in the address field.

**Part B.** Enter amounts under the corresponding initial of the property from Part A. Indicate the ownership of the property: (T) = Primary taxpayer shown first on the PA-40; (S) = Spouse; or (J) = Joint ownership.

### Income

1. **Rent received.** Enter the gross rent from the rental of real estate or other tangible personal property (including personal property leased with real estate) you held for investment or speculation. Include income received for renting a room or other space. If you received services or property as rent, report the fair market value of such services or property as rental income.

2. **Royalties received.** Enter the gross royalties from oil, gas, mineral properties, and other property. Oil and gas royalty payments received from mineral rights located under a farm are not considered farm income and should be reported on PA Schedule E.

**CAUTIONS:** Property damage reimbursement resulting from the construction of temporary structures such as staging areas is taxable as rental income on Schedule E. Most contracts require the lessor to mitigate damage and restore the property to its original condition, thus no "damage" actually occurs. Payments received for the granting of a permanent right of way or an express easement of 15 years or more should be reported on Schedule D as a gain of the sale or disposition of property. Otherwise, payments received for temporary access to another property for a temporary easement or right of way are included as rental income. Report the amount of royalty income from oil and gas leases separately from any rental income for the same property. When reporting royalty income, use the gross amount reported to you on federal Form 1099-MISC.

### Expenses

Enter your rental and royalty expenses for each property. You can deduct all ordinary and necessary expenses. Do not deduct the

4. **Taxable Distributions from C Corporations.** As a shareholder in a C corporation, you must report as taxable gain the excess of the fair market value of a distribution (other than a dividend) in excess of current or accumulated earnings and profits over your adjusted basis of your stock. You must decrease the basis of your stock or shares, but not below zero, by any distribution that is not taxable as a dividend on Line 3 of your PA-40. **EXAMPLE:** B Corp distributes from its capital account \$100,000 to Karen, the only stockholder. Her adjusted basis in her stock is \$75,000. The distribution is not from the C corporation's earnings and profits, so it is not a taxable dividend. Karen must reduce her basis from \$75,000 to zero. She reports \$100,000 on the *Enter total distribution* line, and \$75,000 on the *Minus adjusted basis* line. She reports the remaining \$25,000 as a gain on Line 4 of her PA Schedule D.
5. **Net Gain (Loss) from the Sale of Property acquired before June 1, 1971.** Determine your gain (loss) on the sale of June 1, 1971 property on Form REV-1742, PA Schedule D-71.
6. **Net Partnership and PA S Corporation Gain (Loss).** Report the taxable gain or loss from your PA Schedules RK-1 or NRK-1. If PA Schedules RK-1 or NRK-1 are not provided, enter the amount from the federal Schedule K-1. Include a statement providing the entity name and FEIN along with the gain (loss) by entity if gain (loss) from any pass-through entity is reported on this line.
7. **Taxable Gain from the Sale of Your Principal Residence.** PA law excludes the qualifying gain from the sale of your principal residence. Generally, if you owned and used property as your principal residence for at least two of the five years preceding the sale, your gain is exempt. However, you must report a gain if you do not meet the requirements. For more information request the Sale of Your Principal Residence brochure (REV-625). If you do not qualify to exclude the gain from the sale of your principal residence, report your taxable gain, if any, on this line. If you realized a loss from the sale of your principal residence, enter a zero. If you used any portion of your principal residence for business or rental purposes, you must complete and submit PA Schedule 19 with your return. Report the gain or loss on the business or rental portion of the sale of your principal residence on Line 1 of PA Schedule D.
8. **Taxable Distributions from Partnerships.** Report any gain you realize from other partnership distributions that exceed your ownership basis in the partnership. You must obtain, complete and submit REV-999, Partner PA Outside Tax Basis in a Partnership Worksheet.
9. **Taxable Distributions from PA S Corporations.** Report any gain you realize from other PA S corporation distributions that exceed your ownership basis in the PA S corporation. You must obtain, complete and submit REV-998, Shareholder Tax Basis in PA S Corporation Stock Worksheet.
10. **Taxable Gain from Exchange of Insurance Contracts.** If you have a sale, exchange, or disposition of an insurance contract that does not qualify as tax-exempt under IRC Section 1035, report the taxable exchange of any insurance contracts you reported for federal income tax purposes. If you have more than one taxable exchange of contracts, report the total gain you realized. See the instructions on Page 16 for a description of the tax-exempt exchanges covered under IRC Section 1035.
11. **Total PA-Taxable Gain (Loss).** Add Lines 2 through 10.




value of your own labor or amounts paid for capital investments or capital improvements other than through depreciation.

### Oil and Gas Royalty Expenses

Royalty income is derived from subsurface mineral or oil and gas rights. As a result, the expenses that relate to surface rights, such as real estate taxes and insurance are not allowable against royalty income. Mortgage interest is only allowable if the interest relates directly to the financing of the separately enumerated mineral or oil and gas rights. Expenses that relate directly to the production of royalty income, such as production costs payments and costs related to the negotiation or verification of the lease, are allowable. Direct reductions to payments from the lessor, such as production costs, transmission costs or gathering fees, are allowable and should be itemized under Line 17, Other Expenses.

Expenses incurred by a landowner to restore a property damaged by staging areas, rights of way or structures are allowable expenses. However, expenses incurred by a landowner to improve the property or increase its value are not allowable.

**CAUTION:** Depletion, specifically percentage depletion, is not an allowable expense for PA personal income tax purposes. Although cost depletion may be allowable, it requires that the landowner has clearly identifiable costs incurred with the acquisition of the mineral or oil and gas rights. These specific costs are not included within the general acquisition costs of the surface and must be separately enumerated in a purchase agreement in order to clearly identify the depletable amount of oil and gas rights from the property.

 **IMPORTANT: Renting Part of Your Home.** If you rent out only part of your home or other property, deduct only those expenses (or percentages of expenses) that apply to the rented part.

3. **Advertising**
4. **Automobile and travel.** Deduct ordinary and necessary auto and travel expenses related to your rental activities, including 100 percent of meal expenses incurred while traveling away from home. Pennsylvania differs from federal treatment on the meals and entertainment expense. You generally can either deduct your actual expenses or take the standard federal mileage rate.
5. **Cleaning and maintenance**
6. **Commissions**
7. **Insurance**
8. **Legal and professional fees**
9. **Management fees**
10. **Mortgage interest.** If you have a mortgage on your rental property, enter the amount of interest you paid for the current year to banks or other financial institutions.
11. **Other interest.** Generally, to determine the interest expense allocable to your rental activities, you must have records to show how the proceeds of each debt were used. Pennsylvania does not follow federal rules regarding prepaid interest.
12. **Repairs.** Deduct the cost of repairs made to keep your property in good working condition. Repairs (fixing a broken lock or painting a room) generally do not add significant value to the property or extend its life. Improvements that increase the value of the property or extend its life (such as replacing a roof or renovating a kitchen) must be capitalized. You cannot expense such costs in full in the year paid or incurred.

### 13. Supplies

14. **Taxes.** Deduct taxes directly related to the rental activity. Deduct the proportionate share of real estate taxes. You may not deduct taxes based on income. You may deduct gross receipts and business privilege taxes.

15. **Utilities.** Deduct the cost of ordinary and necessary telephone calls related to your rental activities or royalty income. However, the base rate (including taxes and other charges) for telephone service for the first telephone line into your residence is a personal expense and is not deductible.

**CAUTION:** Certain utilities, which are not subject to sales and use tax when purchased exclusively for residential use, become subject to sales and use tax when used for commercial purposes. Commercial purposes includes rental property owned by an individual and held out for rent by another individual or business. Exceptions include properties with separate metering for rental units and common areas where the common area utilities are included as used for commercial purposes and the rental unit property is residential rental property when the utilities are paid for by the tenants. If you are including electricity, natural gas, fuel oil, or kerosene in your calculation of utilities expense and the property is not listed as commercial property with the utility company or as a commercial entity with the fuel oil or kerosene supplier, you should report use tax due on the related expense amounts for these utility expenses on Line 25 of the PA-40.

16. **Depreciation expense.** See DIFFERENCES BETWEEN PA PIT AND IRS on Page 9. You may use any other generally accepted depreciation method, but you must use it consistently.

17. **Other expenses.** Include any production costs, transmission costs or gathering fees taken as a direct deduction by the lessor from royalty payments. Please itemize.

18. **Total Expenses.** Add Lines 3 through 17.

19. **Income.** Subtract Line 18 from Line 1 or 2.

20. **Loss.** Subtract Line 1 or 2 from Line 18, and fill in the oval. **NOTE:** PA law does not permit losses from property rented where there is no intent to realize a profit.

21. **Net Income (Loss).** Add the net income (loss) amounts from Lines 19 and 20 for each property. If a net loss, please fill in the oval. **NOTE:** Pennsylvania does not follow federal At-Risk Rules or Passive Activity Loss Rules.

22. **Rent or Royalty Income (Loss) from PA S Corporations and Partnerships.** For Line 22, enter the rent and royalty income (loss) amounts from your PA Schedule(s) RK-1 or NRK-1. If PA Schedules RK-1 or NRK-1 are not provided, enter the amount from the federal Schedule K-1. Include a statement providing the entity name and FEIN along with the income (loss) by entity if rent or royalty income (loss) from any pass-through entity is reported on this line.

23. **Net Rent and Royalty Income (Loss).** Add Lines 21 and 22. Include the total on Line 6 of your PA-40.


### PA SCHEDULE J (LINE 7)

As a beneficiary of an estate or trust, you should receive a PA Schedule RK-1 and/or NRK-1. Report the total income that you received or that the estate or trust credited to you. For PA income tax purposes, an estate or trust cannot distribute a loss.

Enter the name, identification number, and amount of PA-taxable income from each PA Schedule RK-1 or NRK-1. Check the box on the schedule to indicate if the estate or trust income you are

reporting is received from a PA resident estate or trust as reported on a PA Schedule RK-1 or NRK-1. Do not check this box if you use a federal Schedule K-1 to report the income. If you only receive a federal Schedule K-1, enter the total amount of positive income reported, whether the income is your income, your spouse's income, or your joint income. Include a photocopy of the federal Schedule K-1 with your return for all nonresident estates or trusts and/or each estate or trust for which you fail to receive a PA Schedule RK-1 or NRK-1.

**CAUTION:** The federal amount may not be correct for PA purposes. You should contact the fiduciary of the estate or trust to verify the correct PA income.

 **IMPORTANT:** Grantor or irrevocable trusts do not distribute losses as trust income. Therefore, all amounts for PA Schedule J should be positive.

### PA SCHEDULE T (LINE 8)

The instructions for PA Schedule T are on the schedule. Also, please see Page 17 LINE 8, GAMBLING AND LOTTERY WINNINGS for more information.

### PA SCHEDULE O (LINE 10)

Taxpayers claiming deductions for IRC Section 529 Qualified Tuition Program contributions, Medical Savings Account contributions or Health Savings Account contributions must complete PA Schedule O.

#### PART I - IRC Section 529 Qualified Tuition Program Contributions

- Line 1. Enter the name and Social Security number for each beneficiary for whom a contribution was made to an IRC Section 529 plan during tax year 2015. Enter the amount of the contribution made for each beneficiary. A taxpayer and spouse each may take a deduction for contributions up to a limit of \$14,000 per beneficiary. If you have more than 10 beneficiaries for which you are claiming a deduction, please include a statement showing each beneficiary's name, Social Security number, and the amount of deduction claimed for each of the beneficiaries by the taxpayer and/or spouse.
- Line 2. Add the amount of contributions made by the taxpayer and/or spouse and include the total in the appropriate columns.

#### PART II – Other Deductions and Limitations

- Line 3. Enter the amount of Medical Savings Account contributions allowed for federal income tax purposes included on Line 36 of your federal Form 1040. If you claim this deduction, you must include a copy of the first page of your federal Form 1040 with your PA-40 return.
- Line 4. Enter the amount of Health Savings Account contributions allowed for federal income tax purposes included on Line 25 of your federal Form 1040. If you claim this deduction, you must include a copy of the first page of your federal Form 1040 with your PA-40 return.
- Line 5. Add the amounts from Lines 2, 3, and 4 together for the taxpayer and/or spouse columns.
- Line 6. Enter the total income included in Line 9 of your PA-40, calculated for the taxpayer and spouse separately.

**NOTE:** When added together, the amounts reported separately for the taxpayer and/or spouse for Line 6 of PA Schedule O should equal Line 9 of the PA-40.

- Line 7. Compare the amounts on Lines 5 and 6 for the taxpayer and spouse. Enter the lesser of the amounts for each column.
- Line 8. Add the amounts from Line 7 for the taxpayer and spouse together. Enter the Total Other Deductions amount here and on Line 10 of your PA-40 return.

### PA SCHEDULE SP (LINE 21)

#### What is Tax Forgiveness?

Tax Forgiveness is a credit that allows eligible taxpayers to reduce all or part of their PA tax liability. Tax Forgiveness:

- Gives a state tax refund to some taxpayers; and
- Forgives some taxpayers of their liabilities even if they have not paid their PA personal income tax.

#### Who is Eligible for Tax Forgiveness?

You, and your spouse if applicable, are eligible if:


1. You are subject to PA personal income tax. You and/or your spouse are liable for PA tax on your income (or would be liable if you earned, received, or realized PA-taxable income);
2. You are not a dependent on another person's federal tax return; and
3. You meet the eligibility requirements.

**NOTE:** A dependent child may be eligible if he or she is a dependent on the PA Schedule SP of his or her parents, grandparents, or foster parents. See Page 35.

#### How Do I Claim Tax Forgiveness?

To claim Tax Forgiveness, complete and submit a PA Schedule SP, and:

1. Determine your Eligibility Income. If married, whether filing jointly or separately, you must determine your total (your Eligibility Income plus your spouse's Eligibility Income) joint Eligibility Income in Part C.
2. Determine your Filing Status in Part A.
3. Calculate your Tax Forgiveness Credit, using the applicable Eligibility Income Table, in Part D.

 **IMPORTANT:** There is no advantage to filing separately because married claimants must report their Joint Eligibility Income on PA Schedule SP. You must include your spouse's SSN if filing separate.

#### Claiming Dependents on Separate PA Schedules SP

It is possible that you and your spouse file jointly for federal purposes, but must file separately for PA purposes. If you qualify for Tax Forgiveness, you must each complete PA Schedule SP as if filing jointly. You each must report the same information including dependents and your joint eligibility income. You must fill in the Married and Filing Separate oval in Part A of each PA Schedule SP. You must each submit a copy of the PA Schedule SP with your PA tax return.

#### Part A. Filing Status

Fill in the oval that describes your status as of Dec. 31, 2015.

**Unmarried** means single, widowed and could not or did not elect to file a joint return in the year of death of the taxpayer and/or spouse, or divorced on Dec. 31, 2015.

**Separated** means:

- Separated and living apart at all times during the last six months of 2015; or
- Separated pursuant to a written separation agreement.

**Married** means:

- Married and lived together; or
- Separated and lived apart, but for less than the last six months of 2015; or
- Separated, but not by a written separation agreement; or
- Elected to file a joint return in the year of death with a deceased taxpayer and/or spouse.

Also, fill in the correct oval for your specific filing condition.

When claiming Tax Forgiveness together, one of you must meet the eligibility requirements, but you must use your Joint Eligibility Income and Eligibility Income Table 2.

When filing separately, the taxpayer and spouse must combine their eligibility incomes to determine if they meet the eligibility requirements. A married taxpayer cannot claim Tax Forgiveness independently of his or her spouse. Married claimants are not dependents of one another for Tax Forgiveness purposes, even when one spouse does not have any Eligibility Income. You each must use your Joint Eligibility Income and Eligibility Income Table 2, and fill in the oval and certify that you are using the same information for PA Schedule SP.

When one spouse is claimed as a dependent on another person's federal income tax return, otherwise qualifying married taxpayers must file separately. **EXAMPLE:** Scott is a dependent on his parents' federal income tax return and is not eligible for Tax Forgiveness. His wife, Paula, is not a dependent, and may complete PA Schedule SP. Paula may not claim Scott as a dependent, but must include his Eligibility Income when calculating her Total Eligibility Income. Additionally, if Scott's parents qualify for Tax Forgiveness, Scott may also qualify if he included Paula's income in his Total Eligibility Income.


**Deceased** means you are filing for a person who died during 2015 and/or the deceased person's surviving spouse or deceased spouse could not or did not elect to file a joint return with the deceased taxpayer. Annualization of a deceased taxpayer and/or spouse's income may be required in order to determine total eligibility income for Tax Forgiveness purposes.

#### **Annualization of Income**

In order to annualize a taxpayer's income, you may use the income realized by the decedent, divided by the number of days or months the taxpayer lived and multiplied by 365 days or 12 months. Subtract from that product the amount of realized income and include the remainder in the amount reported on Line 2 of Part C for PA Schedule SP. One time transactions, such as those from the sale of stock or real property, need not be included when determining the amount of the daily or monthly income for a decedent.

When determining the amount of annualized income, you may also base the total eligibility income on the prior year's return if the individual was eligible for Tax Forgiveness, received approximately the same income during this taxable year and did not have any transactions that were different from the previous tax year. The department will accept a reasonable calculation of the decedent's annual Eligibility Income.

**EXAMPLES:** Jerry and Pat have been married for 50 years and Jerry dies on October 1 of the most recent tax year. Pat elects to file a joint return with her deceased spouse. Jerry worked as a custodian for a local school to supplement their social security income and died while still employed. Jerry and Pat also had joint interest and dividend income during the tax year. Jerry's compensation income must be annualized and the amount Jerry might have earned for the remaining three months of the tax year must be included on Line 2 in Part C of PA Schedule SP. Because Pat is electing to file a joint return, the interest and dividend income from the joint ownership of the assets is not required to be annualized. If the surviving spouse (Pat) or Jerry's estate elects to file a separate return, Jerry's return would need to include annualized income from the interest and dividend classes of income in addition to the annualized compensation income.

 **IMPORTANT:** Surviving spouses should not include any income in respect of a decedent, income that should be included on the estate tax return, or any income of the deceased taxpayer (including the decedent's half of any joint income received prior to the decedent's date of death) in the taxable income or in the calculation of the eligibility income of the surviving spouse when a separate return is filed by the surviving spouse.

#### **Students**

A full-time student who is a dependent on his/her parents' federal income tax return cannot claim this credit, regardless of his/her income, unless his/her parents are eligible for Tax Forgiveness. In this case, the student claimant must file his/her own tax return and PA Schedule SP.

#### **Nonresidents and Part-Year Residents**

Taxpayers who are nonresidents and part-year residents of Pennsylvania may claim Tax Forgiveness if meeting all the eligibility requirements. Such taxpayers must include in their eligibility income all income as described whether earned within or outside Pennsylvania. Nonresident and part-year resident taxpayers who file paper copies of the PA-40 must also include a copy of page one of their federal income tax return along with their completed PA Schedule SP.

**CAUTION:** If you are a resident of a reciprocal state and have PA-taxable income in classes other than compensation (see also Resident of a Reciprocal State Filing for a Refund on Page 10), you must include all your nontaxable income (including the compensation not taxable to Pennsylvania as a resident of a reciprocal state) earned outside Pennsylvania on Line 6 of PA Schedule SP.

#### **Part B. Dependent Children**

A dependent is a minor or adult child claimed as a dependent on a 2015 federal income tax return.

The Department of Revenue has a two-step test for a dependent child:

##### **1. Is the individual a child of the claimant?**

For PA income tax purposes, child includes the natural child, adopted child, or step-child of a parent. Child also includes a grandchild of a grandparent and a foster child of a foster parent. Therefore, you can claim a son or daughter, a grandchild, or a foster child as a dependent for PA Schedule SP if you can claim the child as a dependent on your federal income tax return.

However, an aunt, uncle, or unrelated person cannot claim a child as a dependent, as defined above, even if claiming the child as a dependent on a federal income tax return.

**2. Can the claimant claim the child as a dependent for federal tax purposes?**

The age, status as a full-time student, and gross income of a daughter, son, granddaughter, grandson, or foster child are factors only in determining whether the claimant can claim the child as a dependent for federal purposes. For example, parents that can claim a qualifying 30-year-old child for federal purposes can claim that child as a dependent for PA Schedule SP purposes.

You cannot claim a dependent child on PA Schedule SP if:

- The dependent is not your child, as defined in questions 1 and 2;
- You cannot claim the child on your federal tax return;
- You are unmarried for Tax Forgiveness purposes, and your former spouse by agreement or court decree can claim your child as a dependent for federal and PA Schedule SP purposes; or
- Your child's other parent, by agreement or court decree, can claim your child as a dependent for federal tax and PA Tax Forgiveness purposes.

You cannot claim any other adult as a dependent, even if doing so on a federal tax return.

A dependent child with taxable income in excess of \$33 must file a PA tax return. If that child's parents qualify for Tax Forgiveness, that child is also eligible for this credit. The child must file a tax return and a PA Schedule SP. The child must also include any child support paid to his/her parent on his/her behalf in his/her Eligibility Income.

Complete Lines 1 and 2.

1. Provide all the requested information for each child.
2. Enter the number of dependent children you are claiming.



**FILING TIP:** If you do not have any dependents, go to Part C.

**CAUTION:** If claiming an adult child, an adopted child, a foster child or a child with a different last name than yours, you must include a copy of page one of your 2015 federal income tax return.

**Part C. Eligibility Income**

Use Column A if unmarried or married filing jointly. Use the columns under Column B and C if married filing separately.

1. **PA Taxable Income.** Enter your total PA Taxable Income amount from Line 9 of your PA-40 form.

**Nontaxable Income.** On Lines 2 through 10, you must include income that you do not report as taxable on your PA return, but PA law requires you to report for Tax Forgiveness purposes. If you do not have an amount to report on Lines 2 through 10, enter zero. Annualized income from each of the sources for Lines 2 through 10 should also be reported for decedents on the respective lines.

2. **Nontaxable interest, dividends, and gains and/or annualized income.** Include tax-exempt interest from Lines 6 and 7 of PA Schedule A and any exempt-interest dividends included in Line 3 of PA Schedule B as well as any exempt gains from investments in direct obligations of the federal government, Pennsylvania, and political subdivisions of Pennsylvania. Include the nontaxable portion of gain from the sale of any property. Include nontaxable income received as a beneficiary of an estate or trust. For decedents only: in addition to any annualized income for nontaxable interest, dividends, and gains, include the difference between the total annualized taxable income and the PA-taxable income from Line 1 above.
3. **Alimony.** Enter the amount of federally taxable alimony that you receive.

4. **Insurance proceeds and inheritances.** This amount includes the total proceeds received from life or other insurance policies. Also, include inherited cash or the value of property received as well as the amount received as reported on federal Form 1099-R with distribution Code 4 reported in Box 7 of the form. Also include any survivor annuity benefits reported on federal Form 1099-R with distribution Code 7 reported in Box 7.
5. **Gifts, awards, and prizes.** Include the total amount of nontaxable cash or property received as gifts from others. Also, include awards received in recognition of civic and social achievements and prizes from all games of the Pennsylvania Lottery.
6. **Nonresident income.** Part-year residents and nonresidents must complete this line. Enter the total of all income, not already reported on this schedule, that you (and your spouse, if applicable) earned, received, and realized while residing outside Pennsylvania. Include any amount exempted from taxation under the Military Spouses Residency Relief Act (see Page 38 for additional information). If you are a part-year resident or nonresident and you file a paper copy of your PA-40 return, you must also include a copy of page one of your federal income tax return.
7. **Nontaxable military income.** This amount represents the difference between the total military income you earned and the amount you report on your PA tax return. Do not include combat zone pay and hazardous duty pay.
8. **Gain excluded from the sale of a residence.** Enter your nontaxable gain.
9. **Nontaxable educational assistance.** Include the total value of all nontaxable scholarships, fellowships, and stipends as well as the amount of any federal and state educational grants received. Do not include student loans. Also, include the value of tuition reductions offered as part of your employer's benefit plan.
10. **Cash received for personal use from outside your home.** Include on Line 10 the following kinds of nontaxable income when determining your Eligibility Income:
  - Support you receive from a spouse or former spouse who does not live in your household. Do not include payments you receive for child support here – see the instructions for Part B.
  - Any payments received from other persons outside your household, including nontaxable cash or property received for personal use, such as cash received from a parent to buy clothing, or gifts from grown children. Do not include monies paid pursuant to a cost-sharing arrangement.
  - Nontaxable payments to your employer's cafeteria plan for hospitalization, sickness, disability, or death, supplemental unemployment, or strike benefits.
  - Payments received as a foster parent for providing in-home care for foster children.



**FILING TIP:** If claiming a foster child in Part B, you must include the payments you received as a foster parent. However, if the foster care program did not place the child in your home, or you did not receive any payments for providing foster care, submit a written explanation that you do not have any income to report as a foster parent. Include an explanation of the child's relationship to you.

- The value of the personal use of employer-owned or leased property (if included in federal taxable income).
- The value of government education grants.

- In case of a Chapter 7 or 11 bankruptcy filed under Section 1398 of the Internal Revenue Code, the total amount of income reported on Line 7 of PA-41 Fiduciary Income Tax Return for a resident bankruptcy estate prepared on behalf of the debtor taxpayer; or the total of the positive income reported on Lines 1, 2a and 3 through 8 of federal Form 1041 for a nonresident bankruptcy.

Do not include the following types of nontaxable income in Line 10 when calculating eligibility income:

- Social Security and Railroad Retirement Benefits;
- Retirement benefits from Pennsylvania eligible retirement plans after becoming eligible to retire and retiring;
- United Mineworkers pensions;
- Child support (unless a dependent child of a taxpayer also eligible for Tax Forgiveness);
- Military pension benefits;
- Civil Service annuity payments;
- Payments received under workers' compensation acts, occupational disease acts or similar legislation including Heart and Lung Pensions;
- Payment for injuries received while working and damages received, whether by suit or otherwise, for personal injuries;
- Sick pay and disability benefits, including payments by third party insurers for sickness and disability;
- Damage awards and settlements from physical injury or sickness – pain and suffering, emotional distress;

- Personal use of an employer's owned or leased property and/or services, at no cost or at a reduced cost (if not included in federal taxable income); or
- Income from contracts of insurance for long-term care that do not have accumulated refundable reserves payable upon lapse or surrender.

11. **Total Eligibility Income.** Add Lines 1 through 10, and enter the total. If using Columns B and C, add each column, and enter the total on Line 11. Eligibility Income is the total amount of your PA-taxable and nontaxable income that you use to determine your percentage of Tax Forgiveness.

#### Part D. Calculating Your Tax Forgiveness

12. **PA Tax Liability.** Enter the amount of your tax due from your PA-40, Line 12. If filing an amended return, you must use the amount from Line 12 of the amended PA-40.
13. **Less Resident Credit.** Enter your credit from your PA-40, Line 22.
14. **Net PA Tax Liability.** Subtract Line 13 from Line 12.
15. **Percentage of Tax Forgiveness.** Find your percentage using your dependents from Part B, Line 2, and your Eligibility Income from Part C, Line 11, and the appropriate Eligibility Income Table. Enter the percentage as a decimal on Line 15.
16. **Tax Forgiveness Credit.** Multiply Line 14 by the decimal on Line 15, and enter on your PA-40, Line 21.

### ELIGIBILITY INCOME TABLE 1. Unmarried, Separated and Deceased Claimants

If your Eligibility Income from PA Schedule SP, Line 11, does not exceed:

YOU →	\$6,500	\$6,750	\$7,000	\$7,250	\$7,500	\$7,750	\$8,000	\$8,250	\$8,500	\$8,750
▼ DEPENDENT CHILDREN										
1	\$16,000	\$16,250	\$16,500	\$16,750	\$17,000	\$17,250	\$17,500	\$17,750	\$18,000	\$18,250
2	\$25,500	\$25,750	\$26,000	\$26,250	\$26,500	\$26,750	\$27,000	\$27,250	\$27,500	\$27,750
3	\$35,000	\$35,250	\$35,500	\$35,750	\$36,000	\$36,250	\$36,500	\$36,750	\$37,000	\$37,250
4	\$44,500	\$44,750	\$45,000	\$45,250	\$45,500	\$45,750	\$46,000	\$46,250	\$46,500	\$46,750
5	\$54,000	\$54,250	\$54,500	\$54,750	\$55,000	\$55,250	\$55,500	\$55,750	\$56,000	\$56,250
6	\$63,500	\$63,750	\$64,000	\$64,250	\$64,500	\$64,750	\$65,000	\$65,250	\$65,500	\$65,750
7	\$73,000	\$73,250	\$73,500	\$73,750	\$74,000	\$74,250	\$74,500	\$74,750	\$75,000	\$75,250
8	\$82,500	\$82,750	\$83,000	\$83,250	\$83,500	\$83,750	\$84,000	\$84,250	\$84,500	\$84,750
9	\$92,000	\$92,250	\$92,500	\$92,750	\$93,000	\$93,250	\$93,500	\$93,750	\$94,000	\$94,250
Then your Percentage of Tax Forgiveness and the Decimal Equivalent is:										
	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%
	1.0	.90	.80	.70	.60	.50	.40	.30	.20	.10

NOTE: If claiming more than nine (9) dependent children, go to the PA PIT Guide on the department's website.

### ELIGIBILITY INCOME TABLE 2. Married Claimants, even if filing separately

If your Eligibility Income from PA Schedule SP, Line 11, does not exceed:

YOU & SPOUSE →	\$13,000	\$13,250	\$13,500	\$13,750	\$14,000	\$14,250	\$14,500	\$14,750	\$15,000	\$15,250
▼ DEPENDENT CHILDREN										
1	\$22,500	\$22,750	\$23,000	\$23,250	\$23,500	\$23,750	\$24,000	\$24,250	\$24,500	\$24,750
2	\$32,000	\$32,250	\$32,500	\$32,750	\$33,000	\$33,250	\$33,500	\$33,750	\$34,000	\$34,250
3	\$41,500	\$41,750	\$42,000	\$42,250	\$42,500	\$42,750	\$43,000	\$43,250	\$43,500	\$43,750
4	\$51,000	\$51,250	\$51,500	\$51,750	\$52,000	\$52,250	\$52,500	\$52,750	\$53,000	\$53,250
5	\$60,500	\$60,750	\$61,000	\$61,250	\$61,500	\$61,750	\$62,000	\$62,250	\$62,500	\$62,750
6	\$70,000	\$70,250	\$70,500	\$70,750	\$71,000	\$71,250	\$71,500	\$71,750	\$72,000	\$72,250
7	\$79,500	\$79,750	\$80,000	\$80,250	\$80,500	\$80,750	\$81,000	\$81,250	\$81,500	\$81,750
8	\$89,000	\$89,250	\$89,500	\$89,750	\$90,000	\$90,250	\$90,500	\$90,750	\$91,000	\$91,250
9	\$98,500	\$98,750	\$99,000	\$99,250	\$99,500	\$99,750	\$100,000	\$100,250	\$100,500	\$100,750
Then your Percentage of Tax Forgiveness and the Decimal Equivalent is:										
	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%
	1.0	.90	.80	.70	.60	.50	.40	.30	.20	.10

**2016 PA Estimated Payment Requirements**

If you expect to earn, receive, or realize \$8,000 of PA-taxable income (\$246 of PA tax) that is not subject to withholding by a Pennsylvania employer in 2016, you must make 2016 estimated tax payments.

**⚠ IMPORTANT:** If you are a PA resident working in a reciprocal-agreement state and your employer is not withholding PA tax, you must make PA estimated tax payments.

If you made 2015 estimated payments using department preprinted forms, the department will send you 2016 forms. If you do not receive your forms by April 15, 2016, contact the department. If you made your estimated payments using software produced forms or via the Revenue e-Services Center, the department will not send you 2016 forms.

To obtain the Form PA-40ESR, with the Form REV-413(I) (instructions) and Form REV-414(I) (worksheet) contact the district office nearest you, the department's website at [www.revenue.pa.gov](http://www.revenue.pa.gov) or one of the Forms Ordering Services on Page 2.

**Military Pay - Members of the Armed Forces**

PA residents report military pay earned while in Pennsylvania or earned when not on active duty status as taxable compensation on Line 1a. Active duty military pay is not taxable for Pennsylvania purposes if earned by a PA resident serving on full-time active duty (or federal active duty for training) outside the state. In addition, Act 182 of 2006 expanded the definition of active duty military income to include income from the U.S. government or the Commonwealth of Pennsylvania for active state duty for emergency within or outside the commonwealth. This addition includes duty ordered pursuant to 35 PA.C.S. Ch. 76 (relating to the Emergency Management Assistance Compact). However, other income is still taxable. Please see the information for Combat Zone and Hazardous Duty Service on this page.

Do not include qualifying active duty military pay earned outside of PA in taxable compensation reported on Line 1a of the PA-40. However, you must submit legible copies of all your Form(s) W-2, and your military orders assigning you to federal active duty outside Pennsylvania. While your Form W-2 may state active duty, it does not show where you performed your military service. Military personnel stationed abroad should use their APO or FPO addresses.

For more information, request the brochure Military Pay for Pennsylvania Personal Income Tax Purposes (REV-612).

**CAUTION:** PA residents serving in the Merchant Marines, U.S. Public Health Service, the National Oceanic and Atmospheric Administration, the U.S. Foreign Service or contractors working in foreign countries, are subject to tax on compensation whether earned within or outside Pennsylvania. However, compensation earned by PA residents serving in the Merchant Marines or U.S. Public Health Service called to active duty in a Combat Zone or hazardous duty zone is not subject to tax in Pennsylvania. Copies of executive orders that make the active duty in the Merchant Marines military active duty are required to be included with the return.

**Military Spouses Residency Relief Act**

The Military Spouses Residency Relief Act (MSRRA) affects the treatment of residency and income for spouses of military personnel for state tax purposes for tax years 2009 and after. If a Pennsylvania resident service member is serving outside Pennsylvania and their nonmilitary spouse earns income in that other state – and the spouse claims relief under the MSRRA – the spouse's income is only taxable to Pennsylvania. If a Pennsylvania nonresident service

member is serving in Pennsylvania and their nonmilitary spouse earns income in Pennsylvania, the spouse's income is not taxable to Pennsylvania under MSRRA, when the service member and spouse are both residents or domiciliaries of the same other state, and if the spouse is in Pennsylvania solely to be with the service member. PA-source income, from a business, profession, farm, rental or royalty property, related to a business or property located in Pennsylvania remains taxable to PA nonresident military personnel and their spouses and is not covered by the MSRRA. For detailed information on how MSRRA impacts state taxation of income earned by a service member's nonmilitary spouse, please review Tax Bulletin 2010-01 on the department's website, [www.revenue.pa.gov](http://www.revenue.pa.gov).

**Combat Zone and Hazardous Duty Service**

Pennsylvanians serving in combat zones or qualified hazardous duty areas designated by the President of the U.S. are given the same additional time to file and pay their PA income tax returns and make payments as allowed for federal income tax purposes. The deadline is automatically extended to 180 days from the last day of service or the last day of continuous hospitalization for injury incurred in one of these areas. Print COMBAT ZONE at the top of your return. Mail your return and military orders to:

**Regarding: COMBAT ZONE**  
**PA DEPARTMENT OF REVENUE**  
**BUREAU OF INDIVIDUAL TAXES**  
**PO BOX 280600**  
**HARRISBURG PA 17128-0600**

If you are filing your return electronically, you must still fax or mail copies of your orders. Print COMBAT ZONE at the top of your orders. Fax your orders to 717-772-4193 or mail your orders to:

**Regarding: COMBAT ZONE**  
**PA DEPARTMENT OF REVENUE**  
**ELECTRONIC FILING SECTION**  
**PO BOX 280507**  
**HARRISBURG PA 17128-0507**

**Extension of Time to File**

The department will grant up to a six-month extension of time for filing a PA income tax return. Unless you are outside the U.S., the department will not grant an extension for more than six months.

**CAUTION:** An extension of time for filing will not extend the time for paying the tax.

Follow these procedures when applying for an extension of time to file:

1. If you owe income tax on your PA tax return, you must:
  - Pay by check with a timely Application for Extension of Time to File (PA Form REV-276); or
  - Pay by electronic funds transfer (EFT) to have your extension payment deducted from your bank account. Go to the Revenue e-Services Center at [www.revenue.pa.gov](http://www.revenue.pa.gov) to arrange an EFT payment. You do not need to mail a PA Form REV-276; or
  - Pay by credit/debit card over the Internet at [www.officialpayments.com](http://www.officialpayments.com). You may also pay with a credit card by calling 1-800-2PAYTAX (1-800-272-9829). You do not need to mail a PA Form REV-276. This option is not available if you never filed a Pennsylvania personal income tax return or made an estimated payment prior to making the request for the extension and payment via this method.

2. If you have an approved extension for filing your federal income tax return, and you do not owe PA income tax on your 2015 tax return, the department will grant you the same extension for filing your PA tax return. You do not have to submit a PA Form REV-276 or federal Form 4868 before the due date.
3. If you do not have an extension for filing your federal income tax return, request an extension on PA Form REV-276.

**CAUTION:** An extension of time to file cannot be filed electronically if no payment is due with the extension. A federal extension or a PA Form REV-276 is required to be filed.

Mail your Form REV-276, with or without a payment, to:

**PA DEPARTMENT OF REVENUE  
BUREAU OF INDIVIDUAL TAXES  
PO BOX 280504  
HARRISBURG PA 17128-0504**

#### When filing your PA tax return:

- Fill in the extension request oval at the top of your PA-40.
- If you did not file a PA Form REV-276, submit a copy of the federal Form 4868 with your PA tax return.
- If you electronically filed your federal extension, submit a statement with an explanation and the confirmation number you received.
- If you submitted PA Form REV-276, electronically submitted your PA extension payment via EFT or made your extension payment by credit/debit card, you do not have to submit the extension paperwork with your PA tax return.

The department will impose:

- An underpayment penalty if you do not pay at least 90 percent of your 2015 tax due by April 18, 2016; and the remaining balance with your PA return by the extended due date; and
- Interest on the amount you do not pay by April 18, 2016.

#### Amended Returns

If you realize you made a mistake on your 2015 PA tax return, you must correct your return by filing a separate 2015 PA-40 return, marking the Amended Return oval on the return and completing and submitting Schedule PA-40X for the tax year being amended with your amended return. If you made a mistake on a 2007 or earlier tax year return, you must obtain a PA-40 PA Personal Income Tax Return booklet for the year you want to amend and use the Amended Returns instructions included therein.

If you use software that supports the amended PA return, you can amend your 2010 or later year return using the Modernized e-File (MeF) platform for Fed/State e-file. If not using the MeF platform for filing Fed/State e-file returns, obtain a PA-40 PA Personal Income Tax Return booklet for the year you want to amend, and follow the Amended Returns instructions included therein.

For filing an amended return on a 2015 PA-40, complete the following steps:

1. Fill in the Amended Return oval, and write AMENDED RETURN at the top of the PA tax return.
2. Complete the Schedule PA-40X. Enter the amended amounts from Schedule PA-40X per the PA-40X instructions.
3. Calculate your Line 11 amended total PA-taxable income.
4. Calculate your Line 12 amended PA tax liability.
5. Enter your Line 24 amended total payments and credits.
6. Complete Line 27 to report any adjusted penalty and interest to be included on the return.

7. DO NOT complete Lines 28 and 29. The department will properly calculate your amended total payment due or overpayment.
8. Complete Lines 30 through 36 to notify the department how to disperse your overpayment.

The department will take your original refund or payment into account when reviewing the amended PA-40. Be sure to sign your amended return and mail it with all explanations and attachments using the Mailing Instructions for each type of return found on Page 23.

#### Refunds from Amended Returns

You can file an amended PA return and request a refund if you over-reported income or did not claim allowable credits or deductions. You must file your amended PA return within three years from the original due date or extended due date.

Under PA law, a taxpayer must file a refund petition within three years following the date of payment. For a refund of tax shown on a timely filed PA tax return, the Board of Appeals may not accept a petition for refund unless the taxpayer files the petition within three years of the original due date or payment of tax.



**Filing Tip:** An amended return should not be filed requesting a refund in the nine month period prior to the close of the statute of limitations for a tax period (three years from the original or extended due date of the return). A Petition for Refund (Form REV-65) should be filed for amendments requesting refunds during that time period to protect appeal rights in the event the request for refund is denied. A Petition for Refund may not be acted upon by the Board of Appeals if an amended return refund is denied and the Petition for Refund is filed after the three-year period has ended.

**CAUTION:** You may not file an amended PA return after the department issued an assessment if your amendment relates to the same taxable year and item of income, gain, deduction, or loss that the department assessed. You must either file a timely petition for reassessment or pay the assessment and file a timely refund petition. Under PA law, you must submit a Petition Form (Form REV-65) no later than six months after the date shown on the assessment.

#### Underreported Income for Amended Returns

If you discover that you did not report taxable income or erroneously claimed credits or deductions, you must correct the error within 30 days. File an amended PA return and pay the additional tax, plus penalty and interest. Amended returns to pay additional tax can be filed at any time. There is no statute of limitations for filing a return when an error is discovered that results in additional tax due.

#### Copies of Previously Filed Returns

To receive copies of previously filed tax returns, you should complete and sign Form REV-467, Authorization for Release of Tax Records, and send it to:

**PA DEPARTMENT OF REVENUE  
BUREAU OF ADMINISTRATIVE SERVICES  
12TH FLOOR STRAWBERRY SQUARE  
HARRISBURG PA 17128-1200**

You may also fax your request to 717-783-4355. If someone other than the taxpayer is making the request, Form REV-677, Power of Attorney and Declaration of Representative, must be submitted with the request for the release of the tax records. If a taxpayer is deceased, sufficient evidence to establish that you are authorized to act for the taxpayer's estate must be provided to the department.

Please allow four to six weeks for a request to be processed.

#### Penalty and Interest

- **Penalties for Not Filing or for Filing a Late Return**

PA law imposes a penalty if you do not file your return on or before the due date, or the approved extended due date. The

penalty is 5 percent of the unpaid tax due for each month or fraction of a month. PA law imposes this penalty unless you show reasonable cause for late filing. The maximum penalty is 25 percent. The minimum penalty is \$5. The department may prosecute any person who attempts to evade or defeat his or her PA tax responsibility.

- **Penalties for Underpayment or for Late Payment**

If you do not pay the full amount of your tax due with your extension or your timely filed return, PA law imposes a 5 percent underpayment penalty.

If you do not report taxable income that is more than 25 percent of the taxable income shown on your return, PA law imposes an additional penalty. This penalty is 25 percent of the tax due on your unreported income.

You are liable for these penalties if your underpayment of tax is due to negligence or intentional disregard of rules and regulations, but without intent to defraud. The department may assess both late filing and underpayment penalties if you file your return after the due date, or extended due date, and do not pay your tax liability with your return.

**CAUTION:** If you filed late or did not pay your Pennsylvania income tax on time, the department will calculate your penalty and interest and issue a notice. If any part of any underpayment of the tax is due to fraud, PA law imposes a penalty of 50 percent of the underpayment.

- **Penalty for Uncollectible Funds**

PA tax law imposes an additional penalty on funds submitted via check and not paid on presentment or an electronic funds transfer (EFT) payment and not credited on transmission. The penalty is 10 percent of the face amount of the check or EFT payment. The penalty imposed cannot exceed \$1,000 nor be less than \$25.

- **Other Penalties**

PA law imposes a \$500 penalty on a taxpayer that files a frivolous return. A frivolous return is one that:

- Does not contain sufficient information for the department to determine the correct liability;
- Contains information indicating the liability is significantly incorrect; or
- Indicates that the taxpayer is filing in a manner to delay or impede the administration of the PA tax law.

PA law imposes a penalty on any person required to furnish an information return that does not file a required information return or files a false or fraudulent information return. The penalty is \$250 for each information return.

- **Interest for Nonpayment or Late Payment**

If you do not pay the tax due on or before the due date, PA law imposes interest from April 18, 2016, to the date of payment at the annual interest rate that the U.S. Secretary of the Treasury establishes as of January 1 of each calendar year.

### **Abatement of Penalties**

Penalties may be abated only if the taxpayer can show reasonable cause for abatement in his/her petition for reassessment of the penalty. To be timely, the petition must be filed with the department's Board of Appeals within 90 days of the mailing date of the penalty assessment.

## **INSTRUCTIONS FOR NONRESIDENTS AND PART-YEAR RESIDENTS**

### **Reporting Income from PA Schedules RK-1 and NRK-1 and Federal Schedule K-1**

See REPORTING NET INCOME, GAINS, AND LOSSES ON LINE 4, 5 AND 6 ONLY beginning on Page 13 for additional information.

**Nonresident of Pennsylvania** - You must report all taxable income you earned, received, and realized from PA sources.

**Part-Year Resident of Pennsylvania** - You must report all taxable income you earned, received, and realized from all sources for the time you were a PA resident, and report the PA-taxable income you earned, received, and realized from sources within Pennsylvania for the time you were not a PA resident. Read the following instructions for each PA income class and on Pages 9 through 18.

### **Apportioning Income and Loss on PA Schedule NRH**


As a nonresident, you may apportion income that you earn both within and outside Pennsylvania. You apportion your PA-taxable compensation when your employer does not separately report your PA wages on your Form W-2. You must apportion income (loss) from operating a business within and outside Pennsylvania, unless you maintain separate books and records that clearly substantiate your PA source receipts, expenses, liabilities, etc.

### **Allocating Income and Loss**

As a nonresident, you may allocate income (loss) from a business when you maintain separate PA books and records. You must allocate income (loss) from real or tangible property located within Pennsylvania. You must allocate gain (loss) from the sale, exchange, or disposition of real or tangible property located within Pennsylvania. You allocate income (loss) from rental property, royalties, patents, and copyrights located within Pennsylvania. You allocate winnings from gambling and lotteries from Pennsylvania sources.

### **Compensation**

As a nonresident, you pay PA income tax on compensation for services you perform in Pennsylvania. Your PA employer should report and withhold PA tax from the exact amount of your PA-taxable compensation. If your employer does not report, or incorrectly reports, your PA-taxable compensation, you must use PA Schedule NRH to apportion your compensation and any allowable employee business expenses.

 **IMPORTANT:** If you are a nonresident, part-year resident, or former resident of Pennsylvania, payments you receive from an Early Retirement Incentive Plan, Deferred Compensation Plan, or exercising of stock options may be taxable in whole or in part to Pennsylvania if you earned any of these amounts while working in Pennsylvania. You may be required to substantiate the number of days worked in Pennsylvania or amount of time spent in Pennsylvania to determine the taxable portion in Pennsylvania.

**CAUTION:** Special rules apply for residents of reciprocal agreement states working within the commonwealth. Special rules also apply for Ohio resident shareholder-employees with a 20 percent or greater interest in a PA S corporation who worked or performed services in Pennsylvania in 2015. See Page 10 of the instructions and the PA PIT Guide for more information.

### **Interest Income, Dividend Income, and Gain from the Sale of Intangible Property**

As a nonresident, you do not pay PA income tax on ordinary interest, ordinary dividends, and any gain you realize on the sale, exchange, or disposition of intangible personal property, such as stocks and bonds. You cannot use the loss from such sales against other taxable gains.



### Net Income or Loss from the Operation of a Business, Profession, or Farm

As a nonresident, you must report your net profit (and pay the PA income tax due) or loss on your net profits from business or farm operations. See Page 15 of the instructions for more information.

### Net Gain or Loss from the Sale, Exchange, or Disposition of Property

As a nonresident, you must report net income (and pay the PA income tax due) or loss from the sale of real or tangible property located within Pennsylvania. See Pages 14 and 15 of the instructions for more information.

### Net Income or Loss from Rents, Royalties, Patents, and Copyrights

As a nonresident, you must report your net income (and pay the PA income tax due) or loss from rental property located in Pennsylvania,

and income from royalties, patents, and copyrights for the use of your property in Pennsylvania. See Page 16 of the instructions for more information.

### Income from Estates or Trusts

As a nonresident, you must report the net income (and pay the PA income tax due) you receive as a beneficiary of an estate or trust as reported to you on PA Schedule NRK-1. See Page 17 of the instructions for more information.

### Gambling and Lottery Winnings

As a nonresident, you must report your winnings from gambling and lotteries in Pennsylvania, but not prizes awarded by the Pennsylvania Lottery. See Page 17 of the instructions for more information.

## DONATIONS

### PA BREAST CANCER COALITION'S BREAST AND CERVICAL CANCER RESEARCH FUND

You have the opportunity to contribute to the PA Breast Cancer Coalition's Refunds for Breast and Cervical Cancer Research fund by making a donation of all or a part of your tax refund. Every penny of your donation goes directly to fund breast and cervical cancer research conducted by Pennsylvania researchers.



You can also send a direct, tax-deductible contribution to: PBCC's Refunds for Research fund, c/o PA Breast Cancer Coalition, 2397 Quentin Road, Suite B, Lebanon, PA 17042. For more information, visit [www.PABreastCancer.org](http://www.PABreastCancer.org) or call 1-800-377-8828.

### WILD RESOURCE CONSERVATION FUND

You have the chance to "Do Something Wild" and help protect Pennsylvania's non-game wildlife and native wild plants by making a contribution to the Wild Resource Conservation Fund. This special nonprofit fund helps Pennsylvania's resource agencies protect and restore these unique state treasures.



You can also send a direct, tax-deductible contribution to: Wild Resource Conservation Fund, PO Box 8552, Harrisburg, PA 17105-8552. For more information, visit: [www.dcnr.state.pa.us/conservationscience/wrcp/index.htm](http://www.dcnr.state.pa.us/conservationscience/wrcp/index.htm)

### MILITARY FAMILY RELIEF ASSISTANCE PROGRAM

Help those who serve our Nation and Commonwealth by making a gift to the Military Family Relief Assistance Program. Your gift will help Pennsylvania service members and their families by providing financial assistance to those with a direct and immediate financial need as a result of military service. You can also send a direct, tax-deductible, gift to the Military Family Relief Assistance Program, c/o Department of Military and Veterans Affairs, Bldg. 0-47, Fort Indiantown Gap, Annville, PA 17003-5002. For more information visit: [www.dmvpa.gov](http://www.dmvpa.gov) or call, toll-free, 1-866-292-7201.



### GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND

In Pennsylvania alone, there are more than 8,500 men, women and children waiting to receive life-saving organ transplants. Twenty-one people die each day waiting for a life-saving organ transplant. Donating an organ is truly giving the gift of life. Each year, many Pennsylvanians are fortunate to receive transplanted organs that save their lives. Just one donor can save or enhance the lives of up to 50 people. You can help this vital effort by contributing all or a portion of your Pennsylvania tax refund to support programs that encourage people to become organ and tissue donors.

You can also send a direct, tax-deductible contribution by making your check or money order payable to the Governor Robert P. Casey Memorial Trust Fund and mailing it to: Department of Health, Bureau of Administrative and Financial Services, Division of Budget, 625 Forster St., Health and Welfare Building, Room 832, Harrisburg, PA 17120. For more information or to register as a donor, visit: [www.donatelifepa.org](http://www.donatelifepa.org).

### JUVENILE (TYPE 1) DIABETES CURE RESEARCH FUND

Each year, Type 1 diabetes accounts for \$14.9 billion in healthcare costs, and more than 15,000 children and 15,000 adults — approximately 80 people per day — are diagnosed with Type 1 diabetes in the U.S. Type 1 diabetes is a condition where the body does not produce insulin, the hormone needed to convert sugar (glucose), starches and other food into energy needed for living. Although the disease can be diagnosed at any age, it is most often diagnosed in children, adolescents and young adults. The causes of Type 1 diabetes are unknown, and there is currently no way to prevent or cure it. Persons with Type 1 diabetes are dependent on injected or pumped insulin for life. You have the opportunity to help find a cure for this disease by contributing all or a portion of your Pennsylvania tax refund to the Juvenile (Type 1) Diabetes Cure Research Fund.



You can also send a direct, tax-deductible contribution by making your check or money order payable to the Juvenile (Type 1) Diabetes Cure Research Fund and mailing it to: Department of Health, Bureau of Administrative and Financial Services, Division of Budget, 625 Forster St., Health and Welfare Building, Room 832, Harrisburg, PA 17120.

### PA CHILDREN'S TRUST FUND

The Pennsylvania Children's Trust Fund (CTF) is dedicated to funding effective and innovative child abuse and neglect prevention programs. Prevention is the best solution for reducing child abuse and neglect and improving the lives of children and families. While preventable, more than 25,000 reports of suspected child abuse are reported within the commonwealth annually, and an average of 30 children die as a result of child abuse and neglect each year. The impact of maltreatment is profound with lifelong consequences. Every citizen has a role to play in keeping Pennsylvania's children safe, and we encourage you to do your part. You can contribute all or a portion of your Pennsylvania tax refund to make it possible for CTF to fund more child abuse and neglect prevention programs.

You can also send a direct, tax-deductible contribution by making your check or money order payable to: Friends of the Pennsylvania Children's Trust Fund and mailing it to: Office of Child Development and Early Learning, Bureau of Early Learning Services, 333 Market Street, 6th Floor, Harrisburg, PA 17126.

### AMERICAN RED CROSS

The American Red Cross shelters, feeds and provides emotional support to victims of disasters; supplies about 40 percent of the nation's blood; teaches skills that save lives; provides international humanitarian aid; and supports military members and their families. The Red Cross is a not-for-profit organization that depends on volunteers and the generosity of the American public to perform its mission. For more information or to donate, please visit [redcross.org](http://redcross.org). You can also follow us on Twitter at @RedCross.

# PA SCHOOL DISTRICTS & CODES BY COUNTY

SCHOOL DISTRICT	CODE	SCHOOL DISTRICT	CODE	SCHOOL DISTRICT	CODE	SCHOOL DISTRICT	CODE
<b>ADAMS</b>		<b>BERKS</b>		<b>CENTRE</b>		<b>DELAWARE</b>	
Bermudian Springs	.01110	Antietam	.06050	Palmerton Area	.13650	Middletown Area	.22600
Conewago Valley	.01160	Boyertown Area	.06075	Panther Valley	.13660	Millersburg Area	.22610
Fairfield Area	.01305	Brandywine Heights Area	.06085	Weatherly Area	.13900	Steeltown Highspire	.22800
Gettysburg Area	.01375	Conrad Weiser Area	.06110			Susquehanna Township	.22830
Littlestown Area	.01520	Daniel Boone Area	.06150	<b>CHESTER</b>		Susquenita	.50600
Upper Adams	.01852	Exeter Township	.06200	Bald Eagle Area	.14100	Upper Dauphin Area	.22900
<b>ALLEGHENY</b>		Fleetwood Area	.06250	Bellefonte Area	.14110	Williams Valley	.54880
Allegheny Valley	.02060	Governor Mifflin	.06300	Keystone Central	.18360		
Avonworth	.02075	Hamburg Area	.06350	Penns Valley Area	.14700	<b>DELAWARE</b>	
Baldwin Whitehall	.02110	Kutztown Area	.06400	Philipsburg-Osceola Area	.17700	Chester Upland	.23123
Bethel Park	.02125	Muhlenberg Township	.06550	State College Area	.14800	Chichester	.23130
Brentwood Borough	.02145	Oley Valley	.06650	Tyrone Area	.07800	Garnet Valley	.23410
Carlynton	.02160	Reading	.06700			Haverford Township	.23450
Chartiers Valley	.02175	Schuylkill Valley	.06750	<b>CHESTER</b>		Interboro	.23510
Clairton City	.02190	Tulpehocken Area	.06800	Avon Grove	.15050	Marple Newtown	.23550
Cornell	.02210	Twin Valley	.06810	Coatesville Area	.15190	Penn-Delco	.23690
Deer Lakes	.02225	Upper Perkiomen	.06860	Downingtown Area	.15200	Radnor Township	.23760
Duquesne City	.02250	Wilson	.06910	Great Valley	.15350	Ridley	.23770
East Allegheny	.02280	Wyomissing	.06935	Kennett Consolidated	.15400	Rose Tree Media	.23790
Elizabeth Forward	.02315			Octorara Area	.15650	Southeast Delco	.23840
Fort Cherry	.63240	<b>BLAIR</b>		Owen J. Roberts	.15660	Springfield	.23850
Fox Chapel Area	.02391	Altoona Area	.07050	Oxford Area	.15670	Unionville-Chadds Ford	.15850
Gateway	.02410	Bellwood Antis	.07100	Phoenixville Area	.15720	Upper Darby	.23945
Hampton Township	.02460	Claysburg-Kimmel	.07150	Spring-Ford Area	.46730	Wallingford Swarthmore	.23960
Highlands	.02475	Holidaysburg Area	.07350	Tredyffrin Easttown	.15780	West Chester Area	.15900
Keystone Oaks	.02500	Spring Cove	.07750	Twin Valley	.06810	William Penn	.23965
McKeesport Area	.02600	Tyrone Area	.07800	Unionville-Chadds Ford	.15850		
Montour	.02630	Williamsburg Community	.07900	West Chester Area	.15900		
Moon Area	.02634					<b>ELK</b>	
Mount Lebanon	.02640	<b>BRADFORD</b>		<b>CLARION</b>		Brockway Area	.33070
North Allegheny	.02685	Athens Area	.08050	Allegheny Clarion Valley	.16030	Forest Area	.27200
Northgate	.02687	Canton Area	.08100	Armstrong	.03085	Johnsonburg Area	.24350
North Hills	.02690	Northeast Bradford County	.08300	Clarion Area	.16120	Kane Area	.42230
Penn Hills	.02735	Sayre Area	.08600	Clarion-Limestone Area	.16170	Ridgway Area	.24600
Penn-Trafford	.65710	Towanda Area	.08650	Keystone	.16650	Saint Marys Area	.24800
Pine-Richland	.02100	Troy Area	.08665	North Clarion County	.16750		
Pittsburgh	.02745	Wyalusing Area	.08900	Redbank Valley	.16800	<b>ERIE</b>	
Plum Borough	.02750			Union	.16900	Corry Area	.25145
Quaker Valley	.02775	<b>BUCKS</b>				Erie City	.25260
Riverview	.02820	Bensalem Township	.09100	<b>CLEARFIELD</b>		Fairview	.25330
Shaler Area	.02830	Bristol Borough	.09130	Clearfield Area	.17100	Fort Leboeuf	.25355
South Allegheny	.02865	Bristol Township	.09135	Curwensville Area	.17180	General McLane	.25390
South Fayette Township	.02870	Centennial	.09200	Dubois Area	.17200	Girard	.25405
South Park	.02875	Central Bucks	.09210	Glendale	.17300	Harbor Creek	.25435
Steel Valley	.02883	Council Rock	.09235	Harmony Area	.17350	Iroquois	.25655
Sto-Rox	.02885	Easton Area	.48330	Moshannon Valley	.17500	Millcreek Township	.25760
Upper Saint Clair Township	.02920	Morrisville Borough	.09720	Philipsburg-Osceola Area	.17700	North East	.25830
West Allegheny	.02940	Neshaminy	.09750	Purchase Line	.32730	Northwestern	.25850
West Jefferson Hills	.02955	New Hope Solebury	.09760	West Branch Area	.17900	Union City Area	.25910
West Mifflin Area	.02960	North Penn	.46570			Wattsburg Area	.25970
Wilkesburg Borough	.02980	Palisades	.09800	<b>CLINTON</b>			
Woodland Hills	.02990	Pennridge	.09810	Jersey Shore Area	.41400	<b>FAYETTE</b>	
		Pennsbury	.09820	Keystone Central	.18360	Albert Gallatin Area	.26030
		Quakertown Community	.09840	West Branch Area	.17900	Belle Vernon Area	.65060
		Souderton Area	.46710			Brownsville Area	.26080
				<b>COLUMBIA</b>		Connellsville Area	.26130
<b>ARMSTRONG</b>		<b>BUTLER</b>		Benton Area	.19100	Frazier	.26290
Allegheny Clarion Valley	.16030	Allegheny Clarion Valley	.16030	Berwick Area	.19110	Laurel Highlands	.26400
Apollo-Ridge	.03060	Butler Area	.10125	Bloomsburg Area	.19120	Southmoreland	.65750
Armstrong	.03085	Freepoint Area	.03305	Central Columbia	.19150	Uniontown Area	.26800
Freeport Area	.03305	Karns City Area	.10360	Millville Area	.19500		
Karns City Area	.10360	Mars Area	.10500	Mount Carmel Area	.49510	<b>FOREST</b>	
Kiski Area	.65440	Moniteau	.10535	North Schuylkill	.54500	Forest Area	.27200
Leechburg Area	.03450	Seneca Valley	.10790	Southern Columbia Area	.19750		
Redbank Valley	.16800	Slippery Rock Area	.10750			<b>FRANKLIN</b>	
		South Butler County	.10780	<b>CRAWFORD</b>		Chambersburg Area	.28130
				Conneaut	.20103	Fannett-Metal	.28200
<b>BEAVER</b>		<b>CAMBRIA</b>		Corry Area	.25145	Greencastle-Antrim	.28300
Aliquippa Borough	.04050	Blacklick Valley	.11060	Crawford Central	.20135	Shippensburg Area	.21800
Ambridge Area	.04070	Cambria Heights	.11120	Jamestown Area	.43360	Tuscarora	.28600
Beaver Area	.04120	Central Cambria	.11130	Penncrest	.20470	Waynesboro Area	.28900
Big Beaver Falls Area	.04150	Conemaugh Valley	.11140	Titusville Area	.61720		
Blackhawk	.04160	Ferndale Area	.11200	Union City Area	.25910	<b>FULTON</b>	
Central Valley	.04200	Forest Hills	.11220			Central Fulton	.29130
Ellwood City Area	.37200	Glendale	.17300	<b>CUMBERLAND</b>		Forbes Road	.29230
Freedom Area	.04285	Greater Johnstown	.11250	Big Spring	.21050	Southern Fulton	.29750
Hopewell Area	.04410	Northern Cambria	.11450	Camp Hill	.21100		
Midland Borough	.04530	Penn Cambria	.11600	Carlisle Area	.21110	<b>GREENE</b>	
New Brighton Area	.04565	Portage Area	.11630	Cumberland Valley	.21160	Carmichaels Area	.30130
Riverside Beaver County	.04585	Richland	.11650	East Pennsboro Area	.21250	Central Greene	.30140
Rochester Area	.04690	Westmont Hilltop	.11850	Mechanicsburg Area	.21650	Jefferson-Morgan	.30350
South Side Area	.04740	Windber Area	.56910	Shippensburg Area	.21800	Southeastern Greene	.30650
Western Beaver County	.04930			South Middleton	.21830	West Greene	.30850
		<b>CAMERON</b>		West Shore	.21900		
<b>BEDFORD</b>		Cameron County	.12270			<b>HUNTINGDON</b>	
Bedford Area	.05100			<b>DAUPHIN</b>		Huntingdon Area	.31250
Chestnut Ridge	.05150	<b>CARBON</b>		Central Dauphin	.22140	Juniata Valley	.31280
Claysburg-Kimmel	.07150	Hazleton Area	.40330	Derry Township	.22175	Mount Union Area	.31600
Everett Area	.05300	Jim Thorpe Area	.13500	Halifax Area	.22250	Southern Huntingdon County	.31750
Northern Bedford County	.05600	Lehigh Area	.13550	Harrisburg City	.22275	Tussey Mountain	.05800
Tussey Mountain	.05800			Lower Dauphin	.22400	Tyrone Area	.07800



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