

Compliance Policy and Procedures Manual

Chapter 5

Returns

Business Tax and Fee Division

*California Department of
Tax and Fee Administration*

This is an advisory publication providing direction to staff administering the Sales and Use Tax Law and Regulations. Although this material is revised periodically, the most current material may be contained in other resources including Operations Memoranda and Policy Memoranda. Please contact any California Department of Tax and Fee Administration office if there are concerns regarding any section of this publication.

GENERAL

Table of Contents

Returns	500.000
GENERAL STATEMENT ON RETURNS	505.000
Who Must File Returns	505.010
Returns Subject to Audit Verification	505.020
Return Filing	505.030
Online Return Filing Procedures	505.031
Accounts Ineligible for Electronic Filing	505.032
Exemption from Electronic Filing	505.035
Assistance Provided to Taxpayers	505.040
Preparation of Tax Returns by CDTFA Employees	505.045
Return Forms Furnished by Field offices	505.050
Prepayment Forms Furnished by Field offices	505.060
Return Forms Requiring Address Changes	505.070
What Constitutes a Return	505.090
Returns Without Payment	505.100
Fully Paid Returns	505.110
Payment Options	505.112
Payment by ACH Debit	505.113
Payment by Check or Money Order	505.114
Payment by Credit Card	505.115
Penalties	505.117
Amended Returns	505.120
Alterations of Returns by CDTFA Employees	505.130
Returns with Payments Directed to Another State or Non-State Agency in Error	505.140
Floor Stock Tax Returns	505.150
SALES AND USE TAX RETURNS AND PREPAYMENTS	510.000
Reporting Periods of Returns	510.010
Due Dates of Returns	510.015
Penalty and Interest for Filing Returns or Payments Late	510.020
Due Dates and Amounts Due for Prepayment Returns	510.025
Penalty for Filing Late Prepayments	510.030
Prepayments Reported on Quarterly Returns	510.032
Electronic Funds Transfer (EFT) Prepayments	510.035
Use Tax Return Does Not Constitute Sales Tax Return	510.045
Tax Accrued Prior to Date of Application for Permit	510.050
Pre-Collection of Retail Sales Tax on Fuel — “SG” Accounts	510.060
Consolidated Returns	510.070
CDTFA –401–EZ Sales and Use Tax Returns	510.075
Schedules Accompanying Returns of Certain Taxpayers	510.080
Consumer Use Tax Returns (Taxable Activity Types SA, SB, SP, SI):	
Vehicles/Mobilehomes, Vessels, Aircraft, Customs	510.090
Use Tax Information Returns	510.100

GENERAL

Mail Remittances	510.110
Postal Meter Dates	510.120
Remittances and Returns Received When Offices are Closed	510.130
Payments Mailed But Not Received	510.140
Cancellation of Penalty and Interest Assessed on a Late Mailing	510.150
Effects of Holidays on Due Dates	510.160
Effective Date of Payment for Returns —Decision Table	510.170
Effective Date of Accounts Receivable Payments — Decision Table	510.180
Statutory Date Filing on Saturday, Sunday, or Holidays	510.190
Split Returns in Bankruptcy Cases	510.200
FUEL TAX SWAP	515.000
General.....	515.010
Sales and Use Tax Return Forms.....	515.020
Motor Vehicle Fuel Tax Return Form	515.030
Diesel Fuel Tax Return and Claim for Refund Forms	515.040
MANDATORY ELECTRONIC FUNDS TRANSFER (EFT) PROGRAM	520.000
Criteria For EFT Payments.....	520.010
EFT Payment Due Dates.....	520.020
EFT Payment Methods	520.030
Penalties Applicable to EFT Accounts	520.040
Return of Duplicate/Erroneous EFT Payments or Overpayments, and Claims for Refund - General	520.050
Procedures for Claims for Refunds of \$100,000 or Less.....	520.060
Procedures for Claims for Refund in Excess of \$100,000.....	520.070
COLLECTION COST RECOVERY FEE (CRF)	525.000
Collection Cost Recovery Fee - General.....	525.010
CRF Notification	525.020
CRF Assessment.....	525.030
CRF Exclusion.....	525.035
CRF Rates.....	525.040
CRF Adjustments - Manual.....	525.045
REQUESTS FOR RELIEF FROM PENALTIES, FEES, INTEREST, AND REQUESTS FOR EXTENSIONS FOR FILING RETURNS.....	535.000
Relief Requests and Extensions in General.....	535.010
Online Requests and Extensions	535.012
System Processing of Online Requests	535.015
Processing Pending Online Requests	535.017
Public Record Cases - Amounts Exceeding \$50,000	535.019
Public Requests and Extension to File and Pay Due to Disaster	535.033
Processing Relief of Penalty Requests	535.057
Reconsideration of Denied Request for Relief From Penalty	535.060
Processing of Relief of Interest Requests for Unreasonable Error or Delay	535.075
Interest Relief Request Report	535.085
Reconsideration of Denied Requests for Relief of Interest for Unreasonable Error or Delay	535.090
Relief Requests from Collection Cost Recovery Fee (CRF).....	535.095
Electronic Payments - One Day Late	535.100
Claims for Refund or Credit.....	535.110

COMPLIANCE POLICY AND PROCEDURES MANUAL

PROCESSING OF RETURNS IN FIELD OFFICES 540.000

Current Returns 540.010

Returns Filed Outside of Statute of Limitations 540.015

Payments Received in Field Offices 540.020

Dating Returns Received in Field Offices 540.030

Location of Receipt Number on Return 540.040

Effective Date of Payment on Returns 540.050

Envelope Containing Returns —Disposition Of 540.060

Overpaid Returns 540.070

No Remittance Return 540.080

Partial Remittance Return 540.090

Unapplied Remittance 540.095

Final Return —Paid in Full from Security 540.110

Final Return — Partially Paid From Security 540.120

Final Return —Security Available —Close-Out Audit Pending 540.130

Correspondence Accepted as Return 540.140

Colored Pencil Entries on Returns 540.150

Space Reservations on Returns 540.160

Compliance Assessment Procedure 540.170

Adjustment and Cancellation of Compliance Assessments 540.175

Adjusting Billings Issued By The Return Analysis Unit 540.180

UNDERPAYMENTS OR OVERPAYMENTS OF \$10.00 OR LESS 545.000

Accounts Receivable Balances 545.010

Collection- Underpayment of \$10 or Less 545.020

Minimum Amount of Overpayment Refunds Made Without Claims 545.030

DELINQUENCY 550.000

Delinquency - General 550.010

LOCAL TAX ALLOCATION GUIDELINES EXHIBIT 1

RETURNS**500.000****GENERAL STATEMENT ON RETURNS****505.000****WHO MUST FILE RETURNS****505.010**

Various statutes in the Revenue and Taxation Code (RTC) require certain persons to file a return with the California Department of Tax and Fee Administration (CDTFA). Accordingly, each tax/feepayer that has an active account under any of the revenue laws administered by the CDTFA is required to file returns and pay amounts due at regular intervals as prescribed by law and required by the CDTFA. Unless returns are filed, the CDTFA remains uninformed as to the amount of tax/fee due. Generally, a return must be filed even though there may be no transactions to report or tax/fee to pay.

RETURNS SUBJECT TO AUDIT VERIFICATION**505.020**

All of the revenue laws administered by the CDTFA provide for the self assessment of taxes, fees, or assessments due. All of the returns on which the self assessments are made are subject to verification by audit.

RETURN FILING**505.030**

Filing a return is one of many online services available on the CDTFA website. Online filing is available for most tax and fee programs. Tax/feepayers who file electronically will not receive return forms in the mail. However, some tax/feepayers are ineligible to file electronically (CPPM section 505.032) and others are exempted (CPPM section 505.035). In addition, electronic filing is not available for some special taxes and fees programs. Although CDTFA may not provide paper returns to tax/feepayers who file online, paper returns received from tax/feepayers will continue to be accepted, with the following exceptions:

- Cannabis Taxes
- Lumber Products Assessment
- Prepaid Mobile Telephony Services Surcharge
- Lead-Acid Battery Fee

The law requires electronic filing for these programs. If staff receives a paper return from a tax/feepayer, staff must contact and inform the tax/feepayer that they must file the return online.

Information on Taxes, Assessments, and Fees that Must Be Reported Online

- **Cannabis Taxes** – Cannabis Distributors (CD accounts) electronically file their cannabis tax returns online, separate from returns filed for other CDTFA programs. The distributor reports the excise tax and cultivation tax on one return. The cultivation tax is imposed on cannabis that has “entered the commercial market,” which occurs when the cannabis and cannabis products have passed quality assurance review and testing. The distributor reports the cultivation tax on cannabis and cannabis products received for distribution during the reporting period. The excise tax is reported on an accrual basis when the sale or transfer from the distributor to the retailer occurs (generally, the invoice date of the transaction).
- **Lumber Products Assessment** – Generally, the lumber assessment is reported when taxpayers file their sales and use tax return and are prompted to complete the additional lumber schedule. However, taxpayers that are ineligible or exempt from electronically filing sales and use tax returns are still required to electronically file a “lumber only” return online, if applicable.

RETURN FILING

(CONT.) 505.030

- **Prepaid Mobile Telephony Services Surcharge** – Direct sellers and non-exempt indirect sellers of prepaid wireless services and products must electronically file returns for the prepaid mobile telephony services surcharge online separate from returns filed for other CDTFA programs. TU accounts that report on behalf of another service provider may elect to electronically file a single return on behalf of multiple service providers by filing a billing aggregator schedule (CDTFA-507-TE) that identifies the total charges reported and total surcharge due on behalf of each service provider and their corresponding account number.
- **Lead-Acid Battery Fees** – Returns for the lead-acid battery fees are electronically filed online, separate from other CDTFA returns. When retailers of lead-acid batteries (BR accounts) report the number of replacement lead-acid batteries sold, they should exclude any batteries not subject to the fee. Manufacturers of replacement lead-acid batteries (BC accounts) should exclude any lead-acid batteries not subject to the fee when filing the return. For those BR returns where reimbursement is allowed for costs incurred to implement the fee, the amount is automatically calculated when the feepayer files the return.

Assessments and Fees Paid Directly to CDTFA

- **Lumber Products Assessment** – Consumers who purchased lumber or engineered wood products for use in this state who did not pay the assessment to a registered California retailer must report and pay the assessment directly to the CDTFA. The online registration system allows purchasers to report and pay the assessment, while also paying any applicable use tax, on a one-time purchase of lumber or engineered wood products. Purchasers cannot report and pay the lumber products assessment on their California income tax return.
In addition, the Use Tax Administration Section (UTAS) creates accounts for new, one-time use tax liabilities established through their investigations. These accounts (SD) cannot be updated with the account characteristic code 39 (Lumber Product Assessments). When investigations disclose ex-tax purchases of lumber or engineered wood products subject to use tax, UTAS will instruct taxpayers to register and pay the lumber products assessment and the applicable use tax online.
- **Lead-Acid Battery Fee** - Consumers who purchased replacement lead-acid batteries for use in this state who did not pay the fee to a registered California retailer can pay the fee directly to the CDTFA by check. An arbitrary account is issued for the purchaser's payment of the battery fee. The online registration system does not allow purchasers to report and pay the California battery fee for the one-time purchase of a replacement lead-acid battery.

Tax/feepayers can file returns online using the CDTFA's website. The CDTFA does not charge a fee for online filing, and the online filing system is available daily except between the hours of 7:00 pm Sunday and 5:00 am Monday. Tax/feepayers can either log in as a registered user, or by using the Express Login feature. To create a User ID, the tax/feepayer will need the account number, express login code, and the tax/feepayer's full name as registered with the CDTFA. Tax/feepayers who log in using the Express Login feature will only need their account number and the eight-character express login code. The express login code is provided to tax/feepayers at the time of registration and can be found on many CDTFA correspondences and on the TAR AI screen in IRIS.

Tax/feepayers may also file a return electronically through a direct transmit service provider. Direct transmit service providers are third-party providers who have successfully completed CDTFA acceptance testing and have been authorized to receive return and payment information from tax/feepayers and forward to the CDTFA for processing. These third-party providers may not offer all of the same features as the CDTFA online filing system. A list of certified direct transmit service providers is provided on the CDTFA website. Tax/feepayers should be advised that CDTFA staff does not provide support or assistance with direct transmit providers' websites.

The Direct Transmit Program uses Simple Object Access Protocol and Extensible Markup Language (XML) to allow tax/fee return data to be electronically transmitted directly to CDTFA. Tax/feepayers transmitting returns on their own behalf (i.e. without using a registered provider) must submit a CDTFA-400-XML, *Application for Direct Transmission of Tax Returns*, and successfully complete all applicable system testing to be certified as a Direct Transmitter. Testing and certification is done by the eServices Team. Detailed information is available to tax/feepayers on the CDTFA website. Applications and inquiries may be submitted by email to eDirect@cdtfa.ca.gov.

Returns that are filed using the CDTFA online filing system can be viewed, printed, and reprinted at a later date by tax/feepayers who are registered users. This is done by selecting "View History/Status" after logging in. Tax/feepayers who filed returns using the Express Login feature will not be able to view or print previously filed returns until they have created a User ID and log in with their User ID and Password.

Tax/feepayers should also be made aware that failure to receive notification of a return due date from CDTFA does not relieve the tax/feepayer of the obligation to file a timely return. Tax/feepayers are responsible for filing within the time specified by law.

ACCOUNTS INELIGIBLE FOR ELECTRONIC FILING**505.032**

The following accounts are currently ineligible to file a return electronically:

- Accounts that require reporting on schedules other than Schedule A (district tax), B (local tax), C (local tax), E (local tax), G (prepaid fuel), and/or Schedule A and B (fuel purchases and prepaid fuel for SG accounts).
- Accounts filing amended or corrected returns (except Cigarette Manufacturers and Distributers).
- CDTFA-designated confidential accounts or “Safe at Home” program accounts (victims of domestic violence).
- Accounts claiming the aircraft adjustments for local tax and require a supplemental schedule.

EXEMPTION FROM ELECTRONIC FILING**505.035**

Taxpayers may request an exemption from electronic filing. If an exemption is granted, the taxpayer will continue to receive return forms in the mail from the CDTFA. Generally, requests received for exemption are granted for a one-year period. Permanent exemption requests may also be granted. To make the request, taxpayers submit a CDTFA-245-OYE, *Efiling Exemption Request*. The completed form, containing a written explanation of the circumstances and signature of an owner, partner, or corporate officer, is processed by the Return Analysis Unit.

For those taxpayers who do receive paper returns, the CDTFA provides standard return forms, which expedites the processing of returns after they are filed. The mailed form includes certain preprinted taxpayer information such as the account number, the tax area code, and a bar code to expedite processing.

Return forms are also available on the CDTFA website, however identifying information such as the taxpayer’s name, address, account number and the period covered by the return must be manually entered onto the form.

Failure to receive a return form from the CDTFA does not relieve the taxpayer of the obligation to file a timely return. Taxpayers are responsible for filing within the time specified by law. Taxpayers may obtain sales and use tax return forms from any CDTFA office, by calling the Customer Service Center at 1–800–400–7115, or by accessing the CDTFA website at www.cdtfa.ca.gov.

Taxpayers may also file a return without using a return form. See CPPM 505.090 for the information that must be provided if a CDTFA return form is not used.

ASSISTANCE PROVIDED TO TAXPAYERS

505.040

Taxpayers can receive assistance with filing their returns by calling the Customer Service Center (CSC) at 1-800-400-7115, or by calling their local field office. Additionally, help is available in person at all in-state field offices.

When assisting taxpayers with their returns, it is particularly important for staff to inform taxpayers about the proper method of completing schedules for reporting local and district taxes. The CDTFA has a legal obligation to collect, allocate and disburse taxes on behalf of counties, cities, and special tax districts. If taxpayers fail to correctly prepare the subsidiary schedules, the CDTFA will be unable to properly allocate local and district taxes.

Occasionally, taxpayers may contact the CDTFA when they realize an error has been made on a tax return filed online. A return filed online may be cancelled and a new return filed if CSC is contacted on the same day the return is filed. Otherwise, the return cannot be cancelled and the taxpayer must file an amended return. For information regarding amended returns, see CPPM section 505.120.

PREPARATION OF TAX RETURNS BY CDTFA EMPLOYEES

505.045

CDTFA staff should always assist taxpayers who are seeking guidance on how to file their returns. However, CDTFA staff may only help in physically preparing a taxpayer's return in exceptional cases where the taxpayer has difficulty in reading or writing English, or is physically incapacitated and unable to file without assistance. The taxpayer must provide the records necessary to prepare the return and request that the return be prepared by staff. In addition, if the physically incapacitated taxpayer is able to produce records but is unable to request help in person, return assistance may be provided over the phone without the taxpayer being present. Whenever staff provides this kind of assistance, comments which include the return period being filed must be entered in IRIS under the TAR AI screen.

In such cases, staff will use the Express Login method on the CDTFA website to file the return. In the "Preparer Name" field, the employee will enter his or her own name and enter "CDTFA Employee" in the "Preparer Title" field. Staff will not make the payment electronically for the taxpayer, but will select the "paper check" option for payment. Staff will print the confirmation page for the taxpayer and add the notation "PREPARED FROM UNVERIFIED DATA FURNISHED BY THE TAXPAYER," accompanied by the employee's signature. The confirmation page and payment voucher, if applicable, will be given to the taxpayer.

If the account is ineligible or exempt from online filing, staff will assist the taxpayer with the paper return and include the same notation as above, along with the employee's signature.

Under no circumstances should CDTFA staff log into a taxpayer's account on the CDTFA online system or their own CDTFA computer to file a tax return. To ensure staff is following this procedure, management will periodically monitor for returns filed from CDTFA staff computers. Similarly, in no case should a CDTFA employee sign a paper return for the taxpayer or prepare a return without the taxpayer being present.

RETURN FORMS FURNISHED BY FIELD OFFICES

505.050

Most taxpayers file online via the CDTFA website and do not need return forms. However, taxpayers who have received an exemption (see CPPM section 505.035) or are ineligible to file electronically (see CPPM section 505.032) may need a return form provided. In addition, if the online system is not available and taxpayers request the return form, it should be provided.

Staff should ensure the taxpayer's name, address, area code, account number and filing period are entered on the return provided to the taxpayer. This information will be entered automatically if the return is generated from the return print menu in IRIS (TAR RT). However, if a return form is downloaded from the CDTFA website, this information must be entered manually.

If a taxpayer registers for a permit, license or account near the due date of a return and is assisted by CDTFA staff, the taxpayer should be advised of the due date of the return and how to file. If the taxpayer is not eligible to file online, the return form(s) should be provided. Staff should also enter comments in IRIS regarding which returns were furnished. See the Calendar of Sales Tax Functions or Special Tax Calendars for applicable dates. Copies of the calendars are available on myCDTFA.

When paper returns are provided to taxpayers who are ineligible or have received an exemption from online filing, it is important that the proper form(s), supplemental schedules, and return instructions also be provided. When returns are printed in IRIS, the required schedules will generally be printed automatically.

Instructions are available on the CDTFA website. For Sales and Use Tax returns, the CDTFA-401-INST, *Instructions for Completing the CDTFA-401-A, State, Local, and District Sales and Use Tax Return*, should be provided. Instructions for subsidiary schedules and for some Property and Special Taxes returns can be found on the last page of the return or schedule. Subsidiary schedules may include:

- CDTFA-531-A2, *Schedule A — Computation Schedule for District Tax.*
- CDTFA-531, *Schedule B — Detailed Allocation by County of 1% Uniform Local Sales and Use Tax.*
- CDTFA-530, *Schedule C — Detailed Allocation by Suboutlet of Uniform Local Sales and Use Tax.*
- CDTFA-530-B, *Local Tax Allocation for Temporary Sales Locations and Certain Auctioneers.*
- CDTFA-531-F, *Schedule F — Detailed Allocation by City of 1% Uniform Local Sales and Use Tax.*

However, taxpayers who need return forms should generally be instructed to obtain them from the CDTFA website or if unable to obtain online, to file a return in letter form. (See CPPM 505.090.) The taxpayer is under an obligation to report and pay the amount of tax due before it becomes delinquent, but CDTFA is under no legal obligation to furnish returns. Late filing and payment of a return because of failure to receive a return form is not normally considered a cause for the abatement of penalty charges.

PREPAYMENT FORMS FURNISHED BY FIELD OFFICES

505.060

Prepayment forms should only be provided to taxpayers who are on a quarterly prepayment filing basis and who have received an exemption from online filing. If a taxpayer does not receive a prepayment form and requests one from a field office, staff should provide the form. For Sales and Use Tax accounts, second quarter prepayments are reported on a CDTFA-1150-B, but all other quarterly prepayments are reported on a CDTFA-1150. These forms are available on the prepayment print menu in IRIS (TAR PF). The forms generated from IRIS will automatically have the taxpayer's name, address, area code, account number, and the month for which the prepayment is being made.

RETURN FORMS REQUIRING ADDRESS CHANGES

505.070

The United States Postal Service does not forward third class mail if the mailing address is incorrect. Consequently, forms that are mailed to taxpayers that are returned to the CDTFA as undeliverable are directed to the office of control for the account so that the condition causing their return may be corrected. Priority should be given to re-mailing the returns by first class mail when a forwarding address is known. First class envelopes are available from the Supply Unit in Headquarters (envelope #E 14-G). Any corrections to the registration record should be made in IRIS.

When returns are filed with Headquarters indicating a change of address, Headquarters will provide information and copies of the filed returns to the appropriate office of control. The Local Revenue and Allocation Unit and the Customer Service Center are authorized to make mailing address, DBA and minor business address (e.g., a suite number) changes. All other changes must be made by the office of control.

WHAT CONSTITUTES A RETURN

505.090

Electronic Returns

RTC section 6479.31, and the applicable special taxes and fees law sections, provide that any return filed electronically in a form as required by the CDTFA shall be deemed to be a valid original document.

Written Correspondence Accepted as a Return

Return forms are available on the CDTFA website and completed forms received in the mail will be accepted. Occasionally, however, a taxpayer will send a paper return that is not on a form provided by the CDTFA. In those cases, the return will be considered valid when the following information is included:

1. A request that the correspondence be accepted as a return or a statement, regardless of how brief, indicating that the taxpayer is attempting to file a return,
2. The reporting period for which the correspondence (return) is filed, and
3. The amount of tax due or that no tax is due.

Even though the correspondence may only report the net tax figure, it may be accepted as a return if the information listed above is provided. When the taxpayer has shown due diligence in making every effort to submit what he or she feels is a return, the correspondence submitted should be accepted as a return.

WHAT CONSTITUTES A RETURN

(CONT.) 505.090

If a taxpayer's check shows the reporting period and the measure of the tax being paid, it may be processed as a return. As a general rule, if tax due can be calculated from the information provided, the correspondence should be processed as a return. A transmittal letter, memorandum, or note accompanying a payment of tax generally does not qualify as a return if any of the items listed above are missing. For instance, a statement that a payment represents tax due for a particular reporting period is not sufficient because the taxpayer has not indicated that the correspondence represents a return. If the taxpayer is paying tax and intends to send the return separately, the tax payment is not accepted as a return. However, it is important to always consider the taxpayer's intent. Asking the question "Is the taxpayer attempting to file his or her tax return or just sending the tax payment for the period?" will help in determining how to process the correspondence and any payment.

Any tax return form received in Headquarters or the field without tax information but with a tax payment should be processed as a return. The Return Analysis Unit, or appropriate Special Taxes and Fees section, has responsibility to review these returns to determine if this is a recurring problem and if appropriate, bill a 10% penalty for not filing a timely return.

RETURNS WITHOUT PAYMENT

505.100

If a return in any form is received after the due date without the required remittance of the tax, the delinquency will be cleared, but these returns will be billed and become collection items.

FULLY PAID RETURNS

505.110

Returns will be considered fully paid even though the payment accompanying the return is underpaid, if the underpayment does not exceed \$10.00 including penalty and interest. If the shortage exceeds \$10.00, the taxpayer will be notified and, if necessary, billed (see CPPM 545.000).

PAYMENT OPTIONS

505.112

When customers file a prepayment or return online and owe taxes or fees, they are given several payment options. They can pay directly using their bank account (ACH debit), credit card, check or money order. Please see CPPM section 510.035 for payment requirements for mandatory Electronic Funds Transfer (EFT) participants. In addition, most customers with past due liabilities can make a payment online using their bank account or credit card. For more information regarding credit card payments, see CPPM section 505.115.

PAYMENT BY ACH DEBIT

505.113

To make an ACH debit payment from a bank account, customers must log in through Online Services using their username and password, or by selecting Make a Payment or Make a Prepayment. To make an online payment using a checking or savings account, customers will need the following information to complete the transaction:

- Bank account name,
- Bank account number,
- Bank routing number, and
- Account type (checking or savings).

The National Automated Clearinghouse Association (Nacha) requires WEB Debit Account Validation (account validation) of consumer (personal) bank account information upon its first use. Account validation is intended to help prevent fraudulent or otherwise incorrect or unauthorized payments and is only required on personal checking or savings accounts, not business accounts. When ACH debit payments are submitted using new personal checking or savings accounts, a prenote (zero-dollar test) is sent to the customer's financial institution prior to processing the payment. The prenote is used to validate the customer's bank account information.

GENERAL

PAYMENT BY ACH DEBIT

(CONT.) 505.113

While the validation process is occurring, the web request for payment will continue to show “processing.” The entire process takes five to six business days, depending on whether the payment is submitted before or after the 3:00 p.m. Pacific time cutoff. The payment retains its original submitted date as the effective date.

When customers enter incorrect bank information when paying by ACH debit, CDTFA is notified through the Notification of Change (NOC) report from the customer’s financial institution. CDTFA automatically corrects the banking information on the payment and sends the customer a CDTFA-1764, *Notification of Change*, letter informing them that the bank information must be corrected the next time they submit a payment. An NOC report will also correct incorrect banking information in response to a prenote. If an NOC is received on a prenote, a work item is created in the system which automatically corrects the banking information on the payment, sends the NOC letter, and closes the work item. Once the NOC is received, the corrected payment is sent to the bank for immediate processing.

PAYMENT BY CHECK OR MONEY ORDER

505.114

Customers who wish to pay by check or money order when they file prepayments or returns online must select the “Pay by Check” option. After the filing is submitted online, a voucher prints below the confirmation page. The voucher shows the amount due, including penalty and/or interest, if applicable. Mailing instructions are provided on the voucher.

PAYMENT BY CREDIT CARD

505.115

Customers can use a credit card to make prepayments, return payments, and payments towards an account balance on their accounts.

A list of authorized credit cards and the applicable service fee is available on CDTFA’s website on the “Make a Payment” page. The service fee will be paid directly to the credit card processing vendor by the customer, and is not seen in the system because it is not revenue to CDTFA.

Customers who are required to pay by EFT should not pay by credit card as they will be subject to penalties. The law specifically defines electronic funds transfer payments as those made by ACH credit, ACH debit, or Federal Reserve Wire Transfer.

Credit card payments can be made via CDTFA’s website, whether the customer logs in with their username and password or not, by selecting “Make a Payment” through Online Services, online through the credit card processor’s website, or by touch-tone phone. The telephone number and credit card processor’s website can be accessed from the “Make a Payment” page on CDTFA’s website.

If a customer files a paper return, the customer should also mark the box on the form indicating they paid by credit card. Even though a customer pays by credit card, the customer must still complete the return or prepayment filing timely.

For payments of \$100,000 or more, customers must call CDTFA’s credit card processing vendor for assistance. The name and telephone number of the credit card vendor is on CDTFA’s website. The customer may also need to contact their credit card issuer for preapproval.

If the customer sends a paper return in which the liability is \$15,000 or more, and the taxpayer does not check the box on the return to indicate payment is by credit card, the Tax Revenue Branch will process the return as non-remittance (NR) or partial remittance (PR) and will provide notification to the office of control for the account (via e-mail) indicating the customer did not pay the return liability. Team members in the office of control should review the system for the return’s credit card payment. If no payment is found and the customer claims they paid by credit card, the team member should contact the Return Analysis Unit to trace the payment.

PAYMENT BY CREDIT CARD**(CONT.) 505.115**

General questions regarding this program will be handled by CDTFA's Customer Service Center (CSC). Account specific inquiries regarding credit card payments will be referred to the Return Analysis Unit or appropriate special taxes and fees team member. General information and frequently asked questions can also be found on CDTFA's website.

PENALTIES**505.117**

Numerous sections of the Revenue and Taxation Code (RTC) impose penalties. Some penalties are mandatory and are imposed automatically. Other penalties are discretionary and may be assessed by auditors in the conduct of their audits. For detailed information on penalties, see AM sections 0501.22 and 0501.23.

AMENDED RETURNS**505.120**

Taxpayers should be instructed to file amended return(s) when error(s) are discovered on the originally filed return(s). Whenever possible, the taxpayer should file the amended return by logging into CDTFA's secure website using their username and password. The taxpayer will select the original return filed, and then under the I Want to section, select *File, Amend, or Print a Return*, then select Amend Return. The taxpayer should adjust the original figures with the corrected figures and follow the screen prompts to complete the submission process.

If the taxpayer is unable to amend electronically (for example, the *Amend Return* link is unavailable) a photocopy of the original return, including any applicable schedules, should be used. The taxpayer should check the *Amended Return* checkbox on the return. If there is no *Amended Return* checkbox, the taxpayer should write "AMENDED RETURN" on the top of the document. The taxpayer should complete the document with the correct information using a different color ink from the original information. The amended return should be mailed to CDTFA, and should include additional payment owed, if any. If a new return is filed without indication that it is an amended return, the return will suspend as a duplicate return in the system. The taxpayer should be contacted to determine if the return represents additional tax due, or if it was erroneously filed as a duplicate instead of an amended return. If the taxpayer filed an amended return but it was posted in the system as a duplicate in error, instructions to accept as an amended return are available in the system's Help Manager under "Amending a Return."

If a taxpayer is unable to obtain a copy of the original paper return, a return form obtained from the CDTFA website can be used. To prevent processing errors, the taxpayer must use the same version of the return form as the original. If the correct form is unavailable online, taxpayers should contact a field office or the Customer Service Center for assistance. Team members must provide the taxpayer with the correct return for the period the taxpayer is amending. Previous versions of sales and use tax returns are available on the Y: drive in the SUTD-TSD Share folder.

If the taxpayer is unable to amend the return using the online services system, and is required to file online, they should contact the Customer Service Center for further assistance.

Additional guidance and tutorials on how to amend a return can be located on CDTFA's website, from the How Do I pull-down menu, by selecting *File a Return* and following the link under [How to Amend a Return](#).

GENERAL

ALTERATIONS OF RETURNS BY CDTFA EMPLOYEES

505.130

Under no circumstances should a CDTFA employee alter a return or any other form or document after it has been signed and delivered to the CDTFA by the taxpayer.

RETURNS WITH PAYMENTS DIRECTED TO ANOTHER STATE OR NON-STATE AGENCY IN ERROR

505.140

Other state agencies sometimes receive remittances intended for the CDTFA and, conversely, CDTFA may receive remittances actually intended for other state agencies. In both circumstances, the agency to whom the payment is misdirected will try to send the payment to the correct agency. The CDTFA will redirect all types of payments to the correct agency, including EFT and credit card payments. The amounts for misdirected EFT and credit card payments will be remitted to the correct agency by check.

Remittances intended for the CDTFA and ultimately received from another state agency will be regarded as timely if postmarked, or received by the other state agency, on or before the due date of the tax. Under such circumstances, penalty and interest will not apply.

Payments received by non-state agencies (e.g. Internal Revenue Service) and private companies cannot reasonably be construed as payments made to the state. Therefore, even though the CDTFA may ultimately receive a misdirected payment from a non-state entity, a late payment is subject to penalty and interest even if it was received by the non-state entity prior to the due date of the payment. However, a person may be relieved of the penalties pursuant to RTC 6592, or the similar law section for special taxes and fees programs, if all requirements set forth in this statute are met.

FLOOR STOCK TAX RETURNS

505.150

Floor stock tax returns are issued when an excise tax rate has been increased and the increase must be collected for unsold inventory on which tax was paid at the prior rate. Taxes affected are generally fuel taxes, alcoholic beverage taxes, and cigarette and tobacco product taxes. Most of the excise taxes are collected at the manufacturer or distributor level, but a rate increase also applies to any inventory that has not been sold to the final consumer or intermediate retailer as of the operative date of the tax. For example, when the Cigarette and Tobacco Products Tax was increased operative January 1, 1999, cigarette and tobacco product distributors and sales tax retailers were responsible for reporting the increased amount of tax on inventory that was still unsold as of that date.

Generally, those taxpayers who are responsible for reporting the additional tax are identified by the respective headquarters units responsible for administering the tax. However, field offices will have the ability to identify and issue returns to retailers not identified by the headquarters units.

Because each floor stock tax may differ, staff should follow the guidelines or operations memo issued for a specific floor stock tax. See also CPPM 292.000.

SALES AND USE TAX RETURNS AND PREPAYMENTS 510.000

REPORTING PERIODS OF RETURNS 510.010

The Sales and Use Tax Law provides that returns are due and payable either:

- Quarterly. (RTC section 6452.)
- Quarterly with prepayment. Upon notification by the CDTFA, accounts with an average tax measure exceeding \$17,000 per month will be placed on a quarterly prepayment basis. These accounts are required to make two monthly prepayments per quarter in addition to the regular quarterly return. (RTC section 6471) See CPPM 510.025 for due dates.
- Other than quarterly periods. Taxpayers may be required upon notification to file returns monthly, annually or for other fiscal periods. (RTC section 6455.)

DUE DATES OF RETURNS 510.015

Accounts reporting quarterly must file and pay within one month following the close of the reporting period.

Accounts reporting monthly must file and pay within one month following the close of the reporting period.

Accounts reporting on a calendar or fiscal yearly basis must file and pay within one month following the close of the reporting period. Whenever a calendar or fiscal yearly reporting account closes out before the end of the reporting year, a closing return must be filed on or before the last day of the month following the close of the quarterly period in which the business was discontinued.

Returns for temporary accounts must be filed on or before the last day of the month following the month in which the last sale took place.

PENALTY AND INTEREST FOR FILING RETURNS OR PAYMENTS LATE 510.020

Persons who file late returns or payments under the Sales and Use Tax Law must pay a penalty of 10 percent of the tax. Interest also applies at the modified adjusted rate per month, or fraction thereof, established pursuant to RTC section 6591.5, from the date on which the tax or the amount of tax required to be collected became due and payable to the state until the date of payment. Although there are separate 10 percent penalties for late payment and for late filing, effective January 1, 1997, the maximum penalty that can be imposed on any one return is 10 percent. See the CDTFA website for rates and computation method.

DUE DATES AND AMOUNTS DUE FOR PREPAYMENT RETURNS 510.025

First, Third and Fourth Quarters

For the first, third and fourth calendar quarters, the first prepayment is due on or before the 24th day of the month following the first month of the quarter. The second prepayment is due on or before the 24th day of the month following the second month of the quarter.

The taxpayer must pay not less than 90 percent of the taxpayer's combined state and local sales and use tax liability for that month, or an amount equal to one-third the measure of tax liability reported on the sales and use tax return filed for the corresponding quarterly period of the previous year, multiplied by the state and local tax rate in effect during the month for which the prepayment is made, provided the taxpayer or the taxpayer's predecessor was in business during the entire quarter.

GENERAL

DUE DATES AND AMOUNTS DUE FOR PREPAYMENT RETURNS

510.025

Second Quarter

The first prepayment of the second quarter is due on or before the 24th day of the month following the first month of the quarter. The taxpayer must pay not less than 90 percent of the taxpayer's combined state and local sales and use tax liability for that month, or an amount equal to one third the measure of tax liability reported on the sales and use tax return filed for the corresponding quarterly period of the previous year, multiplied by the state and local tax rate in effect during the month for which the prepayment is made, provided the taxpayer or the taxpayer's predecessor was in business during the entire quarter.

The second prepayment of the second quarter will be for the period May 1 through June 15, and is due on or before June 24. The taxpayer is required to pay either:

- An amount equal to 90 percent of the combined state and local sales and use tax liability for May, plus 90 percent of the amount of state and local sales and use tax liability for the first 15 days of June,
OR
- One hundred thirty-five (135) percent of the tax liability for May,
OR
- Fifty (50) percent of the tax liability reported on the sales and use tax return filed for the corresponding quarterly period of the previous year, multiplied by the state and local tax rate in effect during the months for which the prepayment is made, providing the taxpayer or the taxpayer's predecessor was in business during the entire quarter.

PENALTY FOR FILING LATE PREPAYMENTS

510.030

Persons who make a prepayment after the due date but before the due date for the quarterly return must pay a penalty of 6 percent of the amount of the prepayment.

If the failure to make a prepayment is due to negligence or disregard of the law, a penalty of 10 percent of the deficiency is due as provided in RTC section 6478.

Except for cases of negligence or intentional disregard, persons who fail to make any prepayment prior to the normal due date of the quarterly return, but file a timely sales and use tax return and payment for the quarter, will be assessed a penalty of 6 percent of the required prepayment amount of the tax liability, as prescribed in RTC section 6477, for the period for which the prepayment was due. These penalties are not cumulative; only one penalty will apply.

If prepayment penalties are relieved, a taxpayer is still liable for interest from the date on which the prepayment would have been due until the date of payment. See RTC section 6592.5.

PREPAYMENTS REPORTED ON QUARTERLY RETURNS

510.032

When taxpayers file their quarterly returns online, previously paid prepayments (excluding any penalties) will be prefilled in the system. If a prepayment was filed showing zero (0), the prefilled amount will also be zero (0). If a prepayment was not filed, the prepayment field will be blank. These fields are modifiable by the taxpayer at the time they file their quarterly return. However, the following circumstances will not prefill prepayment amounts:

- Paper prepayment forms paid by credit card,
- Online prepayments paid by credit card or paper check where the payment loads to IRIS prior to the prepayment filing,
- Any payment that has been moved in IRIS to a prepayment period,
- Any payment applied to an existing prepayment difference (paper or filed online), or
- Any prepayment where the payment was dishonored.

ELECTRONIC FUNDS TRANSFER (EFT) PREPAYMENTS**510.035**

Persons who qualify for the mandatory EFT program must remit their prepayments electronically and are not required to file a prepayment form. Persons filing through EFT are not sent prepayment forms. Due dates for EFT sales and use tax prepayments are the same as set forth in CPPM section 510.025. For information on the Mandatory EFT program that applies to both sales and use tax and special taxes and fees, see CPPM section 520.000.

USE TAX RETURN DOES NOT CONSTITUTE SALES TAX RETURN**510.045**

A person who incurs sales tax liability, but who files only a Combined State and Local Consumer Use Tax Return, is not considered to have filed a sales tax return. For example, a person files a use tax return and pays the amount of use tax due, but also incurs a sales tax liability. The person does not report or pay the sales tax liability. Penalty and interest will be added to all amounts of sales tax due whether subsequently reported on returns or established by billing orders. See RTC section 6452, which provides that returns must be filed for sales tax and use tax.

TAX ACCRUED PRIOR TO DATE OF APPLICATION FOR PERMIT**510.050**

When an applicant has engaged in business prior to making application for a seller's permit, the designated reporting basis becomes effective on the actual starting date of the business. Staff should not use an alternate reporting basis for sales made prior to obtaining a permit unless there is evidence that the taxpayer would qualify for the alternate basis. For example, a quarterly taxpayer should not be placed on an annual basis for sales made prior to registration unless documentation indicates that the taxpayer qualified as an annual filer for the unregistered periods. All delinquent tax liability should be determined and collected at the time the application is taken.

If an account is placed on a monthly reporting basis, penalty and interest for prior delinquent periods are computed as if the account was on a quarterly reporting basis. For example, if an application for a seller's permit is made on July 15 of a given year with a starting date of January 15 of the same year, the permit holder is required to file monthly returns for January through May. Penalty and interest charges will apply as of May 1 for January, February and March return liability. No delinquency charges will apply to April and May returns provided payment is made on or before July 31 of the same year. The returns should be clearly identified with the notation "Tax accrued prior to date of application" to prevent the assessment of additional charges when the returns are processed in headquarters.

If compelling reasons make it impractical to acquire signed tax returns from the applicant, a Compliance Assessment may be used to clear the delinquent periods involved. The same rules as stated above will apply insofar as penalty and interest charges are concerned. See CPPM 540.170 for information about Compliance Assessments.

PRE-COLLECTION OF RETAIL SALES TAX ON FUEL — "SG" ACCOUNTS 510.060

Sellers of motor vehicle fuel, diesel fuel, and aircraft jet fuel who accept resale certificates for fuel sold must collect a prepayment of the retail sales tax on each gallon of fuel sold (see CPPM 285.000). These sellers must file a CDTFA-401-DB monthly, reporting the gallons removed, entered, or sold and pre-collected. The due date for "SG" returns is the last day of the month following the month in which the fuel was removed, entered, or sold.

CONSOLIDATED RETURNS**510.070**

A person who operates several places of business under the exact same ownership may be allowed to report sales for all locations on one return, rather than holding a separate permit for each location. Consolidated seller's permits are issued in these instances. (See CPPM 245.000.)

The holder of a consolidated permit, must also complete and attach to the return a CDTFA-530, a "Schedule C — Detailed Allocation by Suboutlet of Uniform Local Sales and Use Tax," showing the amount of local tax allocated to each separate location according to local taxing jurisdictions identified by area code. However, if all of the locations are situated in one local taxing jurisdiction, the supplemental schedule is not required.

Consolidated permit holders who have operations away from their permanent place of business, such as contractors and vending machine operators, are required to allocate the local tax for these operations on Schedule B or CDTFA-531, in addition to filing a CDTFA-530. Holders of permanent permits that sell at temporary locations may report the local tax on a CDTFA-530-B. For more information on local tax allocations, see Exhibit 1.

CDTFA -401-EZ SALES AND USE TAX RETURNS**510.075**

The CDTFA-401-EZ, Sales and Use Tax Short Form was developed to provide simplified reporting for sales tax accounts that make all their sales in a single taxing jurisdiction (i.e., all taxable sales and use are subject to the total tax rate in effect at the taxpayer's business location). Taxpayers who meet certain requirements may file the CDTFA-401-EZ.

The CDTFA-401-EZ is printed and addressed on the CDTFA's printer and mailed with a "worksheet" duplicate copy. Instructions are on the back of the worksheet. Total tax is computed by determining taxable measure and multiplying the measure by the combined tax rate in effect at the business location. The combined tax rate is printed on the return.

CDTFA-401-EZ Filing Requirements:

- All of the taxpayer's taxable sales and use of tangible personal property must be subject to the total tax in effect at their business location.
- Only single outlet accounts and accounts with multiple outlets in the same taxing jurisdiction qualify for "EZ" reporting.
- "EZ" filers cannot sell fuel. Fuel sellers must file a CDTFA-401-GS, which includes a Schedule G for claiming sales tax prepayments on fuel purchases. (See CPPM 510.060.)
- "EZ" filers cannot sell automobiles, boats or aircraft. (Automobile, boat or aircraft sellers must collect transactions (sales) and use tax based on the address where the automobile, boat or aircraft is registered. These sellers require a return that includes a Schedule A for reporting district taxes.)
- "EZ" filers cannot make partially exempt sales to aircraft common carriers (Regulation 1805) or engage in fixed-priced contracts and leases. Such transactions require local tax adjustments that cannot be made on the CDTFA-401-EZ return.
- "EZ" filers cannot be on a prepayment reporting basis and cannot claim sales tax paid to other states. The CDTFA-401-EZ does not provide a means for claiming these credits.
- "EZ" filers may only claim sales for resale, nontaxable sales of food products, sales to the United States Government, nontaxable labor, and sales in interstate or foreign commerce as exempt transactions. Any other exempt transactions cannot be claimed on the CDTFA-401-EZ.

CDTFA –401–EZ SALES AND USE TAX RETURNS

(CONT.) 510.075

Assigning and deleting the “EZ” Return code from an Account

- Taxpayers that qualify and request to file on the CDTFA–401–EZ should be assigned the Return Type code “2.” Taxpayers do not need to sign any request form.
- Taxpayers who are coded for CDTFA–401–EZ filing but no longer qualify must have the Return Type code “2.” deleted from their registration record using the on-line account maintenance function.
- Taxpayers coded for “EZ” filing must use the regular sales and use tax return, CDTFA–401–A, for any reporting period for which they need to report tax at different rates or claim exemptions not allowed on the CDTFA–401–EZ.

SCHEDULES ACCOMPANYING RETURNS OF CERTAIN TAXPAYERS

510.080

To enable the CDTFA to make proper allocation of local sales and use tax to cities and counties under the Bradley Burns Uniform Local Sales and Use Tax Law, some taxpayers must submit a supplemental Schedule B or CDTFA–531, *Detailed Allocation by County of 1% Uniform Local Sales and Use Tax*, with their returns. Schedule B provides for a breakdown of the tax to those counties that are entitled to receive it.

Supplemental Schedule B is required of the following types of taxpayers:

- Auctioneers.
- Retailers under RTC section 6015.
- Vending Machine Operators.
- Construction Contractors.
- Accounts making sales shipped from out-of-state locations with title passing out of state.
- Sellers who are making purchases ex-tax for use at locations for which a seller’s permit is not required.
- Lessors of motor vehicles. These lessors must enter on Schedule B the total local tax reported on Schedule F, Detailed Allocation of 1% Uniform Sales and Use Tax-Leased Vehicles.

See Exhibit 1 for information about which local tax allocation schedules should be filed by specific types of taxpayers.

**CONSUMER USE TAX RETURNS (TAXABLE ACTIVITY TYPES SA, SB, SP, SI):
VEHICLES/MOBILEHOMES, VESSELS, AIRCRAFT, CUSTOMS**

510.090

The Consumer Use Tax Section (CUTS) administers the Sales and Use Tax Law as it applies to three major categories of transactions:

- The purchases of vehicles and mobilehomes made from persons not licensed or certificated pursuant to the Vehicle Code or Health and Safety Code.
- The purchases of vessels and aircraft from a person not required to hold a seller’s permit by reason of the number, scope, and character of the person’s sales of the same.
- Purchases made in foreign countries and hand carried through U.S. Customs by California residents.

GENERAL

CONSUMER USE TAX RETURNS (TAXABLE ACTIVITY TYPES SA, SB, SP, SI): VEHICLES/ MOBILEHOMES, VESSELS, AIRCRAFT, CUSTOMS (CONT.) 510.090

Consumer Use Tax returns used specifically for CUTS' programs are:

- CDTFA-401-CSA for Vehicles/Mobilehomes.
- CDTFA-401-CSB for Vessels.
- CDTFA-401-CSP for Aircraft.
- CDTFA-401-CSI for Customs Declarations.
- CDTFA-1169-B for Vessels (cover letter/return/current due date).
- CDTFA-1169-P for Aircraft (cover letter/return/current due date).
- CDTFA-1381-B for Vessels (cover letter/return).
- CDTFA-1381-P for Aircraft (cover letter/return).
- CDTFA-1166 for Customs Declarations (cover letter/return).

In addition to the above forms, consumers may report use tax due on vessels and aircraft by using the tear-out portions of Publications 79 and 79A.

These returns are not to be confused with the Consumer Use Tax return CDTFA-401-E sent to purchasers who *regularly* incur use tax liabilities and have an SU account with the CDTFA.

Procedures for the administration of liabilities by CUTS are detailed in CPPM Chapter 8, Use Tax.

USE TAX INFORMATION RETURNS 510.100

Persons Required to File

Per RTC section 7055, in the administration of the use tax the CDTFA may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to sales of tangible personal property the storage, use, or other consumption of which is subject to the tax.

Due Date and Content

The returns must be filed quarterly on or before the last day of the month following the close of each calendar quarter. The returns must show:

1. The name and address of each purchaser.
2. Description and sales price of property.
3. Date the order is taken.
4. Approximate date the property will be delivered to the purchaser.

The persons soliciting the orders do not incur any tax liability and, therefore, no tax is paid with these returns. Their purpose is to supply the CDTFA with information relative to persons who incur use tax liability. The filing of information returns is required by RTC section 7055 and Regulation 1687, *Information Returns*.

MAIL REMITTANCES 510.110

The effective date of payment is the postmark date. If the check, money order or other negotiable instrument was dated prior to the postmark date, the effective date will be the postmark date. However, if there is correspondence or other dated information not under the control of the taxpayer, such as a registered mail receipt, then that date will be considered the effective date of payment.

Payments delivered by recognized delivery services, such as Federal Express, will be treated in the same manner as payments received through the U.S. Postal Service.

POSTAL METER DATES

510.120

Since postal meters can be controlled by the taxpayer, postal meter dates do not have the same significance as post office postmark dates. When a postal meter date and a post office postmark date both appear on an envelope, the post office postmark date is the determining date. If only a postal meter date is present, that date will become the effective date.

REMITTANCES AND RETURNS RECEIVED WHEN OFFICES ARE CLOSED 510.130

Remittances and returns which are slipped under the door or through the mail slot of any CDTFA office after closing time and found upon opening the office on the next business day, will have an effective date of the last business day preceding the day on which the office is opened and the documents found.

PAYMENTS MAILED BUT NOT RECEIVED

510.140

If a remittance is placed in the mail but is not received by the CDTFA, a replacement remittance mailed after the due date may be considered as having been received as of the date of mailing the original remittance, provided that person who mailed the remittance furnishes satisfactory proof that the original remittance was mailed timely. Satisfactory proof must be provided through a declaration of timely mailing as described in CPPM 510.150.

CANCELLATION OF PENALTY AND INTEREST ASSESSED ON A LATE MAILING

510.150

For staff to consider a cancellation of penalty and interest charges assessed because of apparent late mailing of a return and/or payment, the person who deposited the return and/or payment in the mail must file a declaration of timely mailing (DTM) under penalty of perjury. The DTM must state that the original return and/or payment for the period in question was:

- Properly addressed, and
- Delivered timely to a United States Postal Service facility or other mail delivery service vendor (for example, Federal Express, Mail Boxes, etc.), and
- Mailed with sufficient postage.

The CDTFA-135, Declaration of Timely Mailing, is available for these requests. A declaration may also be filed in letter form as long as it contains all the required elements and includes the statement that the declaration is being filed under penalty of perjury.

If received in a field office, the document should be transmitted to headquarters Return Analysis Unit with the recommendation of a compliance supervisor. If staff believes that the facts in the declaration are incorrect, the recommendation should provide a statement of why the facts are thought to be incorrect.

EFFECTS OF HOLIDAYS ON DUE DATES

510.160

Legal holidays include any day so appointed by the President of the United States or by the Governor of this state.

If a legal holiday falls on a Sunday, the following Monday is then a legal holiday and the tax can be paid on Tuesday without penalty or interest if the tax due date was on Saturday, Sunday or Monday. For a list of legal holidays, see the CDTFA website.

GENERAL

EFFECTIVE DATE OF PAYMENT FOR RETURNS —DECISION TABLE

510.170

CONDITION						
Due Date of Payment Falls on Weekend or Legal Holiday			Y	Y		
Payment Received in Postmarked Envelope	Y					
Payment Received Through Mail Slot (Not Mailed) Prior to 8 A.M. First Business Day After Due Date		Y				
Payment Received in Any Manner (Except U.S. Mail or Other Commercial Delivery Service) On or Before Due Date			Y		Y	
Payment Received For in Field or Office First Business Day After Due Date				Y		Y
Payment Received After Due date in Postal Metered Envelope						Y

ACTION - EFFECTIVE DATE IS:						
Postmark Date	X					
First Prior Business Day		X		X		
Date Payment Received in Office or Field			X		X	X
Postmark Date Takes Precedence, if Available						X

EFFECTIVE DATE OF ACCOUNTS RECEIVABLE PAYMENTS — DECISION TABLE

510.180

CONDITION — CHECK OR MONEY ORDER IS:						
Dated Prior to Postmark Date	Y					
Dated Same Day as Postmark Date		Y				
Check Received Through Mail Slot (Not Mailed) Prior to 8 A.M.			Y			
Received in Field Office (Not Mailed) After 8 A.M.				Y		
Result of Enforced Collection Action by Levy or Warrant						Y

ACTION — EFFECTIVE DATE OF PAYMENT IS:						
Postmark Date	X	X				
First Prior Business Day			X			
Date Payment Received in Field Office				X		
Date Funds Became CDTFA Property						X

Note: For payments received by entities on behalf of the CDTFA, such as by law enforcement agencies under warrants or by courts under restitution agreements, the effective payment date is the day on which the entity receives the payment. For example, if a law enforcement agency collects a sales and use tax or special tax liability pursuant to a warrant, the effective date of payment is the day on which the law enforcement agency collects the funds. See CPPM 742.020.

STATUTORY DATE FILING ON SATURDAY, SUNDAY, OR HOLIDAYS

510.190

Certain actions by taxpayers and the CDTFA are limited by statutory periods. This section is concerned with what constitutes timely action when the last day for action falls on a Saturday, Sunday or holiday with respect to:

- Issuing determinations, RTC section 6487.
- Waiving the statute of limitations, RTC section 6488.
- Filing petitions for redetermination, RTC section 6561.
- Filing claims for refund, RTC section 6902.
- Filing suits for refund, RTC sections 6933 and 6934.

Government Code section 6707 states:

When the last day for filing any instrument or other document with a State agency falls upon a Saturday, Sunday or holiday, such act may be performed upon the next business day with the same effects as if it had been performed upon the day appointed.

SPLIT RETURNS IN BANKRUPTCY CASES

510.200

A return for a period that includes liabilities incurred during both a bankruptcy period and a post-bankruptcy period must be split to accurately record those amounts that are collectible. The date on which the petition is filed is included in the post-bankruptcy period. For general information on bankruptcy filings and appropriate collection actions, see CPPM 754.000. Information on splitting returns is in CPPM 754.055.

GENERAL

FUEL TAX SWAP

515.000

GENERAL

515.010

Assembly Bill x8 6 and Senate Bill 70 (Chapters 11 and 9, Statutes 2010) provided for both an excise tax rate increase and a corresponding sales and use tax rate decrease on sales of motor vehicle fuel (MVF), excluding aviation gasoline. This Fuel Tax Swap became effective July 1, 2010.

Beginning July 1, 2011, the sales and use tax rate on sales of diesel fuel increased, while the state excise tax on diesel fuel simultaneously decreased. Users who are exempt from the excise tax on diesel fuel are also exempt from the sales and use tax rate increase if an exemption certificate is furnished to the seller at the time of the purchase.

The CDTFA is required to annually raise or lower the excise tax rates on gasoline and diesel fuel so the same amount of revenue (by estimation) generated is equal to what would have been generated had the sales and use tax and excise tax rates on gasoline and diesel fuel remained unchanged. The gasoline and diesel fuel excise tax collection points did not change. Suppliers continue to be responsible for collecting the tax at the new rates upon removal from the terminal rack or entry into California.

SALES AND USE TAX RETURN FORMS

515.020

Taxpayers generally file their returns online and the system calculates the amounts due. Those unable to file online or who have requested and received an exemption from online filing, will use the CDTFA-401-GS, *State, Local, and District, Sales and Use Tax Return*, the CDTFA-401-DB, *Prepayment of Sales Tax on Fuel Sales*, and the CDTFA-531-G, *Schedule G – Fuel Sellers Supplements to Sales and Use Tax Return* available only through IRIS.

MOTOR VEHICLE FUEL TAX RETURN FORM

515.030

The CDTFA 501-PS, *Supplier of Motor Vehicle Fuel Tax Return* is available on the CDTFA website for reporting the multiple rates that apply to motor vehicle fuel products in this state. To claim a credit for MVF sold or used in an exempt manner at a prior rate, schedules supporting the inventory at the prior rate are required. For more detailed information on reporting requirements, see CDTFA 810-FTE, *Instructions for Preparing Motor Fuels Schedules*.

DIESEL FUEL TAX RETURN AND CLAIM FOR REFUND FORMS

515.040

The CDTFA 501-DD, *Supplier of Diesel Fuel Tax Return*, is used to report the multiple rates that apply to diesel fuel in this state. In addition, the CDTFA 770-DU, *Diesel Fuel Claim for Refund on Nontaxable Uses*, the CDTFA 770-DV, *Diesel Fuel Ultimate Vendor Report/Claim for Refund*, and the CDTFA 770-DZ, *Claim for Refund on Nontaxable Sales and Exports of Diesel Fuel* are used for claims for refund at multiple rates. To claim a refund or credit for diesel fuel sold or used in an exempt manner at a prior rate, schedules supporting the inventory at the prior rate are required. For more detailed information on reporting requirements, see CDTFA-810-FTE, *Instructions for Preparing Motor Fuels Schedules*.

**MANDATORY ELECTRONIC FUNDS TRANSFER
(EFT) PROGRAM**

520.000

CRITERIA FOR EFT PAYMENTS

520.010

Any person whose estimated monthly liability averages \$10,000 or more in sales and use tax, or \$20,000 or more in Prepaid Mobile Telephony Services (MTS) Surcharges¹ or special taxes and fees, as determined by the California Department of Tax and Fee Administration (CDTFA), is required to remit amounts due by EFT. However, persons who collect use tax on a voluntary basis are not required to remit amounts due by EFT.

Any person not required to pay by EFT, may voluntarily do so through online payment methods offered by the CDTFA. They may also elect to register to pay by Automated Clearing House (ACH) Debit through a third-party payment processor or by ACH Credit by completing an *Authorization Agreement for Electronic Funds Transfer* (CDTFA-555-EFT or CDTFA-555-ST).

Note: Even though EFT payers transfer funds electronically, they must file their sales and use tax or special taxes/fees returns in the prescribed manner (see CPPM section 505.030).

For sales and use tax and MTS accounts, the EFT Team in the Return Analysis Unit (RAU) handles EFT registration, removal from the EFT program, tax/feepayer questions, correspondence, and any special processing for EFT accounts. Inquiries that cannot be handled by staff in the Field Operations Division offices should be referred to the EFT Team.

For special taxes and fees accounts, the Return Processing Branch (RPB) handles EFT registration, removal from the EFT program, tax/feepayer questions, correspondence, and any special processing.

Lumber products assessments are generally paid when a taxpayer files and pays their sales and use tax return. If the seller remits payment by EFT, the lumber product assessment may be included. However, the CDTFA's third-party payment processor is unable to distinguish lumber remittances from sales and use tax remittances. Therefore, staff should encourage taxpayers to make their EFT payments that include the lumber products assessment using online payment options, and **not** through the third-party payment processor. Staff should further advise taxpayers that if they use the third-party payment processor to pay their lumber products assessment with their sales and use tax liability, they may need to contact CDTFA to properly allocate their payment.

¹ The EFT requirement for indirect sellers of prepaid MTS (Taxable Activity Type "SM") is determined based on the related seller's permit at the time of online registration. If the sales and use tax account is registered as mandatory EFT, then the SM account will be registered as voluntary EFT. If the average monthly surcharge payments equal or exceed \$20,000, then the SM account may be placed on mandatory EFT if captured through the EFT annual review. Direct sellers of prepaid MTS (Taxable Activity Type "TU") with an average monthly surcharge payment of \$20,000 or more are required to use EFT to make their payment.

EFT PAYMENT DUE DATES

520.020

Due dates for EFT payments on sales and use tax returns are the same as set forth in CPPM 510.010 and 510.015. Questions regarding EFT payments for sales and use tax and MTS should be referred to the EFT Team in the RAU. Questions regarding EFT payments for special taxes and fees should be referred to the RPB.

Tax/feepayers who are placed on mandatory EFT must make EFT payments on any returns due subsequent to the effective date of the EFT requirement. For example, if a tax/feepayer is informed that EFT payments for sales and use tax must be made starting January 1, the tax/feepayer must use EFT to pay the liability for the return due on January 31, even though the liability was incurred prior to the effective date.

For an electronic payment to be timely, the transferred funds must settle (be deposited) into the CDTFA's bank account by the first banking day following the tax/fee due date.

EFT PAYMENT METHODS

520.030

There are two methods for making EFT payments: ACH Debit and ACH Credit.

Under the ACH Debit payment method, tax/feepayers can initiate a payment online through the CDTFA, through the third-party vendor's online option, or by telephone. These methods authorize the CDTFA to debit the tax/feepayer's bank accounts and credit CDTFA's bank account.

Under the ACH Credit payment method, tax/feepayers instruct their financial institutions to transfer funds to CDTFA's bank account. Some financial institutions are not able to process ACH Credit transactions.

To initiate ACH Debit payments through CDTFA's third-party vendor or to initiate ACH Credit payments, tax/feepayers must complete the Authorization Agreement for Electronic Funds Transfer (CDTFA-555-EFT or CDTFA-555-ST) to designate their payment method and to provide authorization for funds transfers. If tax/feepayers do not register by completing the CDTFA-555-EFT or CDTFA-555-ST for ACH Debit, they will not be able to initiate the payments through the third-party vendor payment option. However, tax/feepayers can enter their bank information when they pay online through the CDTFA's website.

When tax/feepayers register for ACH Debit and file their returns and prepayments using the CDTFA's online filing system, the bank account information contained in IRIS will be prefilled on the "Preparer and Payment Information" page. The payment information fields can be modified; however, any new banking information will not be reflected in IRIS and will only apply to the current payment. The payment effective date defaults to the current date, but can be changed to a future date as long as it corresponds with a valid banking day (ACH Debit only). This allows tax/feepayers to schedule their payment in advance and have the amount debited from the bank account on any banking day up to the tax due date. Payments must be completed by 3:00 p.m. Pacific time on the tax/fee due date in order for the funds to settle into the CDTFA's bank account timely.

If tax/feepayers file online and choose to pay by ACH Debit at the time of filing, they do not need to make a separate EFT payment. However, they do have the option to file online and make their EFT payment separately through the CDTFA's online payment option, by ACH Debit using a third-party vendor, by ACH Credit, by telephone, or by Federal Reserve Wire Transfer (Fedwire). Fedwires are not approved for ongoing transactions due to the significant risk of error and extra processing fees. Fedwires must be preapproved by the EFT Team for sales and use tax and MTS accounts, and by the RPB for special taxes and fees accounts. Credit card payments are not an acceptable method of electronic payment for mandatory EFT accounts.

PENALTIES APPLICABLE TO EFT ACCOUNTS

520.040

Any person required to pay by EFT who fails to file a return or pay the amount of taxes/fees due on or before the due date shall pay a penalty of 10 percent of the amount of the taxes/ fees due, exclusive of prepayments.

Any person required to pay their taxes/fees by EFT whose payments are not made by EFT shall pay a penalty of 10 percent of the taxes/fees incorrectly paid.

Any person who does not make a timely payment of prepayment amounts due by EFT, and/or does not pay the prepayment amount by EFT, is subject to a penalty limited to a maximum of 6 percent of the prepayment amount due. However, if the amount remains unpaid after the return due date, the penalty is adjusted to 10 percent.

Except for determinations made by the CDTFB, if more than one penalty applies to a reporting period, the combined penalties cannot exceed 10 percent of the taxes/fees due and payable on any one return.

For more detailed information on EFT payments and interest and penalty provisions, refer to publication 75, *Interest, Penalties and Fees*.

RETURN OF DUPLICATE/ERRONEOUS EFT PAYMENTS OR OVERPAYMENTS, AND CLAIMS FOR REFUND - GENERAL

520.050

When a tax/feepayer makes a duplicate/erroneous EFT payment, or an overpayment, the tax/feepayer must contact the CDTFB to either request the funds be returned or reversed, or to file a claim for refund. Staff should direct tax/feepayers to request their financial institution return any duplicate/erroneous payments, if possible. If the duplicate/erroneous payment is an unapplied remittance in IRIS, the tax/feepayer is not required to file a claim for refund and staff should expedite the return of the funds upon the tax/feepayer's request. Other requests may require the tax/feepayer to file a claim for refund. Supervisory approval thresholds are the same for the return of unapplied remittances and claims for refund.

Refund payments may take the form of an ACH reversal or, if a reversal is not possible, a check will be issued. Credit interest will be considered in accordance with Regulation 1703(b)(6).

Questions about EFT refunds for sales and use tax and MTS should be directed to the EFT Team in the RAU, or to the ADRS. For special taxes and fees, questions should be directed to the RPB or the ADAB.

For information on processing refund claims for non-EFT payments, see Audit Manual section 0108.00.

PROCEDURES FOR CLAIMS FOR REFUNDS OF \$100,000 OR LESS

520.060

Full and partial refunds of amounts \$100,000 and under are processed by the RAU in the Return Analysis and Allocation Section for sales and use tax and MTS accounts, or the RPB for special taxes and fees accounts. Approval for refunds is made by the appropriate section supervisor or branch administrator.

Approval or denial of claims for refund are generally delegated to the appropriate section supervisor or branch administrator, however, refunds in excess of \$50,000 require approval or denial by the Deputy Director (or designee).

In addition, if CDTFB determines that a claim for refund of an erroneous EFT payment in excess of \$50,000 should be granted, the decision must be made available as a public record for at least ten days before it becomes effective.

Full Remittance in Excess of \$100,000

Claims for refund of a full remittance in excess of \$100,000 that was made by EFT are to be directed to the Administrator of the EFT Team in the RAU for sales and use tax and MTS, or the Administrator of the RPB for special taxes and fees. The tax/feepayer's written request will be reviewed along with all supporting documentation. Once verified, a memo addressed to the Business Tax and Fee Division (BTFD) Deputy Director requesting approval to expedite the refund will be prepared by the section supervisor or branch administrator (or designee). This memo will include a brief description of the reason for the erroneous payment and a summary schedule of the amounts involved. The Deputy Director's reply will be returned to the supervisor or administrator making the request.

If approved by the Deputy Director, the RAU or the RPB will initiate the refund and the tax/feepayer's accounts receivable payment history must be corrected to reflect the refund. Whenever possible, the ACH reversal process will be used to return the remittance. This procedure may be used for an ACH Credit transaction or an ACH Debit transaction that is beyond the five-banking-day window allowed for the tax/feepayer to initiate a return through their financial institution. In cases where the ACH reversal process is not available, appropriate section/branch will inform the Cashier Unit of the erroneous payment. The Cashier Unit will then request the Accounting Branch to issue a refund check from the appropriate account.

To minimize any inconvenience to the tax/feepayer, all reasonable steps will be taken to expedite the processing of the refund. All written correspondence between staff regarding such matters will be hand-delivered when possible and preceded with an email explaining the situation and required action. All parties involved in the processing of the refund should be notified immediately upon approval. All efforts will be made to ensure that refunds of erroneous EFT payments are processed within five (5) business days of receipt of the refund request.

In addition, if CDTFA determines that a claim for refund of an erroneous EFT payment in excess of \$100,000 should be granted, the decision must be made available as a public record for at least ten days before it becomes effective.

Portion of a Remittance in Excess of \$100,000

Claims for refund for a portion of a remittance in excess of \$100,000 that was made by EFT are to be directed to the ADRS for sales and use tax and MTS, and the ADAB for special taxes and fees. The ADRS or the ADAB will review all supporting documentation and verify the erroneous overpayment. Once verified, a memo addressed to the BTFD Deputy Director requesting approval to expedite the refund will be prepared by the section supervisor or branch administrator (or designee). This memo will include a brief description of the reason for the erroneous remittance and a summary schedule of the amounts involved.

If approved by the Deputy Director, the ADRS or the ADAB will initiate the refund in the most expeditious manner. All documentation and notification of approvals for the refund will be maintained in the same manner as set forth for refunds processed by the EFT Team in RAU or the RPB.

In addition, if CDTFA determines that a claim for refund of an EFT payment in excess of 100,000 should be granted, the decision must be made available as a public record for at least ten days before it becomes effective.

COLLECTION COST RECOVERY FEE (CRF) 525.000

COLLECTION COST RECOVERY FEE - GENERAL 525.010

A Collection Cost Recovery Fee (CRF) is imposed on each final billing greater than \$250 that remains unpaid more than 90 days after the demand notice is issued (SB 858, Chapter 721, Statutes 2010). The statutes enacted by SB 858 for each tax program are identified in the following table

Sales and Use Tax Law (6833)	Hazardous Substances Tax Law (43449)
Use Fuel Tax Law (9035)	Integrated Waste Management Fee Law (45610)
Private Railroad Car Tax Law (11534)	Oil Spill Response, Prevention, and Administration Fees Law (46466)
Cigarette and Tobacco Products Tax Law (30354.7)	Underground Storage Tank Maintenance Fee Law (50138.8)
Alcoholic Beverage Tax Law (32390)	Fee Collections Procedures Law ¹ (55211)
Timber Yield Tax Law (38577)	Diesel Fuel Tax Law (60495)
Emergency Telephone Users Surcharge Law (41127.8)	Energy Resources Surcharge Law (40168)

These statutes require that the CRFs assessed be equal to the actual collection costs incurred by the CDTFA. The statutes also authorize the CDTFA to collect the CRF in the same manner as it collects a tax or fee liability (e.g., levies, wage garnishments, liens). The CRF should also be included when escrow or tax clearance requests are received. The statutes also authorize the CDTFA to waive the CRF upon a tax/feepayer’s written request in cases where a tax/feepayer fails to pay a liability due to reasonable cause and circumstances beyond their control.

CRF NOTIFICATION 525.020

The CRF statutes require the CDTFA to inform tax/feepayers by demand notice that a failure to pay a liability may result in collection action, including the assessment of a CRF. To meet this requirement, a bill note (#958 or #963) is printed on all demand notices.

CRF ASSESSMENT 525.030

The CRF applies to each final liability (difference) greater than \$250 that remains unpaid for more than 90 days following the issuance of a demand notice². The liability does not need to include tax, fees or assessments for the CRF to be assessed; the CRF will apply even if only interest and/or penalty amounts remain due. The CRF does not accrue interest or incur penalties. Generally, only one CRF is assessed per liability. Separate liabilities for sales and use tax (PER) and lumber products assessment (LUM) that are not linked together will each be assessed a separate CRF if the liability meets the CRF assessment criteria. Furthermore, a CRF is not a deficiency determination and cannot be petitioned.

¹ The taxes and fees collected pursuant to the Fee Collection Procedures Law include the following programs: California Tire Fee, Covered Electronic Waste Recycling Fee, Marine Invasive Species Fee, Natural Gas Surcharge, Water Rights Fee, Lumber Products Assessment, Fire Prevention Fee, and Lead-Acid Battery Fee.

² The CRF does not apply to Cigarette/Tobacco internet (UI) accounts. This is because the taxpayer is issued two accounts (CI and UI) and receives a bill on each account for the same internet purchase. A CI account is issued for billing the Cigarette/Tobacco Products Tax and the UI account is set up for billing the Use Tax.

When a CRF is assessed, a separate liability (difference) is created in IRIS and a Notice of Collection Fee (CRF Notice) is automatically produced and mailed to the tax/feepayer. Liabilities encompassing multiple reporting periods (e.g., audits, multiple period compliance assessments) will only be subject to one CRF. Conversely, if multiple liabilities (differences) exist for a specific reporting period, a separate CRF will be assessed for each. It is important to remember that, when clearing more than one delinquent tax/fee return on an account using a compliance assessment (CAS), all periods must be included in a single CAS.

CRF differences are identified in IRIS with the FO Type “CLB,” Difference Type “COC” and Difference Reason “CRF.” A CRF difference has the same period dates as the associated, fee-originating difference and will generally appear below the fee-originating liability on the DIF DA screen in IRIS.

Once a CRF is assessed, IRIS will automatically keep the CRF differences in sync with the fee-originating difference. Transactions impacting a fee-originating difference (e.g., payments, revenue adjustments) may result in the amount of a CRF difference increasing or decreasing. For example, a payment is moved to a fee-originating liability after a CRF is assessed. If the payment has an effective date prior to the CRF assessment date and results in the fee-originating liability being less than \$250, the CRF difference will automatically adjust to zero.

There is a slight delay from the time a transaction occurs on a fee-originating difference until the CRF is adjusted. This delay occurs because the syncing process only occurs when specific “jobs” are run in IRIS. These jobs run frequently throughout the day.

The IRIS screen DIF CF provides basic information regarding both the fee-originating and CRF differences, including the current balance of each difference. This screen can be viewed by typing “c” on the “Action” line of either the fee originating or the CRF difference from the DIF DA screen. Additionally, the DIF CF contains the following three fields:

- **Expected Qualifying Notice Date or Qualifying Notice Date** – The date on which a demand notice was issued and contained the fee-originating liability. In certain circumstances, a fee-originating difference may have more than one qualifying demand date. For example, when a bankruptcy case is closed, a new demand notice will automatically be generated. The date of the post-bankruptcy demand notice will become the qualifying demand date for those differences that are not assessed the CRF prior to the tax/feepayer entering bankruptcy. Once the CRF has been assessed, the field label will change to “Qualifying Notice Date.”
- **Expected Assessment Date or Assessment Date** – The date on which the CRF is expected to be assessed. The expected date may not be the actual assessment date since the assessment of a CRF can be delayed for various reasons such as the existence of a payment plan or an active bankruptcy case. Once the CRF has been assessed, the field label will change to “Assessment Date” and the date displayed in this field will not change.
- **First Billed Date** – The date on which the CRF was first billed.

CRF EXCLUSION

525.035

Cost of collection amounts (e.g., warrant costs, liquor license renewal fees paid by the CDTFA), reinstatement fees, liabilities on federal government accounts (Ownership Type code “F”), and liabilities on UI accounts are not subject to the CRF.

Tax/feepayers may avoid the CRF by either paying their liability in full or by entering into a payment plan prior to the CRF being assessed. IRIS will compare the date information in the payment plan “Effective Date” field in the Automated Compliance Management System (ACMS) to the CRF assessment date(s) that exist on an account. In instances where the Effective Date entered is prior to the CRF assessment date, the CRF is automatically backed out by IRIS.

In instances where a payment plan is terminated or cancelled, IRIS will automatically apply the CRF to each liability for which more than \$250 remains due and which is more than 90 days past due.

A CRF will not be assessed on liabilities where a sundry withhold, stop demand, or active legal bankruptcy status exists in IRIS. The sundry withhold and stop demand statuses will only prevent a CRF from being assessed but will not result in cancellation of a CRF previously assessed. With regard to accounts with active legal bankruptcy status, CRFs assessed on or after the bankruptcy effective date (petition date) will automatically be adjusted to zero. IRIS will automatically generate a new demand notice when a sundry withhold or stop demand status is removed or when a legal bankruptcy case is closed. A CRF will only be assessed if, 91 days following the “new” demand notice date, the unpaid liability is greater than \$250 and is not included in a payment plan.

Lastly, the CRF will not be assessed on liabilities that were discharged from bankruptcy, in pending write-off status, or written-off prior to CRF being assessed. A written-off liability will only be subject to the CRF if it is removed from write-off status, a demand notice was issued, and the liability meets all CRF assessment criteria (i.e., greater than \$250, more than 90 days past due, not in a payment plan).

CRF RATES

525.040

The CRF amount varies based on the amount of the unpaid liability on the date the CRF is assessed. Additionally, a CRF will be assessed on each unpaid liability that exists on an account. CRF rates are posted on the CDTFA website.

The CRF rates will be recalculated and adjusted biennially to ensure the total CRFs assessed are equal to the total collection costs incurred by the CDTFA. Revised CRF rates will only apply to liabilities not previously assessed a CRF. Staff in the Tax Policy Bureau (TPB) is responsible for calculating the CRF rates. TPB staff is responsible for ensuring approved CRF rates are updated in IRIS. Any proposed revisions to the CRF rates will become effective on January 1 of the following calendar year.

The CRF is automatically assessed in IRIS when a fee-originating liability has met all CRF assessment criteria. As a result, instances may arise where the CRF is assessed inappropriately. The following procedures should be followed when manual adjustment of a CRF is required.

The responsible collector must review the account and confirm the CRF was assessed in error. If the CRF was assessed inappropriately, the responsible collector will create an email with the subject line containing "CRF" and the tax/feepayer's account number. The email must include the Difference ID and Period Dates for each CRF difference that requires adjustment, and the reason(s) why an adjustment of the CRF is needed. This same information must also be entered into a comment on the account in IRIS and ACMS.

The responsible collector will send the email to a supervisor for approval. If approved, the supervisor must add comments in IRIS and ACMS stating the CRF adjustment request is approved. For Sales and Use Tax accounts, the supervisor will forward the email to the Return Analysis Unit (RAU) email group "BTFD-RAU Electronic Maintenance Requests." For special taxes and fees accounts, the Collection Section supervisor will email the appropriate Return Processing Branch supervisor, and the Motor Carrier Collection supervisor will email the appropriate supervisor.

Staff receiving the approved request will process it by performing a legal adjustment (LAJ) in IRIS on the identified CRF differences. Incomplete requests will not be processed and will be returned to the requester for completion.

There may be an occasion where a cancelled CRF must be reassessed. For example, if a payment plan is terminated or cancelled (PRM status removed in IRIS), reversal of the CRF adjustment will be necessary if the fee-originating liability still meets all CRF assessment criteria. In this situation, staff must identify the dollar amount of each CRF that must be reestablished, based on the dollar amount remaining due of the fee-originating liability as of the date the payment plan was terminated or cancelled. The CRF rates in effect on the date the payment plan is terminated or cancelled must be used when determining the amount of the CRF to be reestablished. For example, if a payment plan is terminated or cancelled in 2016, the 2016 CRF rates should be used.

The procedure to reestablish the CRF is the same as the procedure to request the adjustment of the CRF as explained above.

**REQUESTS FOR RELIEF FROM PENALTIES, FEES, INTEREST, AND
REQUESTS FOR EXTENSIONS FOR FILING RETURNS 535.000**

RELIEF REQUESTS AND EXTENSIONS IN GENERAL 535.010

Under certain statutes in the Revenue and Taxation Code (RTC), CDTFA may grant relief from penalties, interest, and/or collection cost recovery fees, grant extensions for filing returns or payments due under the revenue laws that it administers, or grant interest adjustments for electronic payments made one day late.

Requests for relief are generally submitted online at the CDTFA website. If a taxpayer does not have Internet access, they should be encouraged to visit a field office or another location with Internet access to complete the request. However, if these options are not possible, the following forms available on CDTFA's intranet site can be printed and mailed to the taxpayer:

- CDTFA-735 and CDTFA-735-S, *Request for Relief from Penalty, Collection Cost Recovery Fee, and/or Interest*
- CDTFA-135-A, *Declaration of Timely Mailing*
- CDTFA-468, *Request for Extension of Time to File a Tax Return*
- CDTFA-734, *Request for Interest Adjustment on Electronic Payments – One Day Late*

In cases where a paper request is received in a field office, it should be attached to the Account springboard (CRM tab, Attachments subtab) and sent in an email to the appropriate headquarters office. A note should be entered detailing the document(s) received and to which headquarters office the request was forwarded for processing.

For sales and use tax accounts, requests relating to self-assessed liabilities are processed by the Return Analysis Unit (RAU), and requests relating to CDTFA-assessed liabilities are generally processed by the Petitions Section. For consumer use tax accounts, requests relating to self-assessed and CDTFA-assessed liabilities are processed by the Consumer Use Tax Section (CUTS). For special taxes and fees accounts, requests relating to self-assessed liabilities are processed by the Return Processing Branch (RPB), and requests relating to CDTFA-assessed liabilities are generally processed by the Appeals and Data Analysis Branch (ADAB). Self-assessed and CDTFA-assessed liabilities for IFTA, Diesel Fuel Tax (Government Entity and Exempt Bus Operator), Interstate User Diesel Fuel Tax, and Use Fuel Tax accounts are processed by the Motor Carrier Office (MCO). Field office team members will make appropriate recommendations when requested by headquarters sections or units processing the requests.

ONLINE REQUESTS AND EXTENSIONS**535.012**

To submit a request online, taxpayers must first log in with their username and password. Taxpayers are then able to view the initial status (automatic grant, automatic deny, or pending) of their request online. In addition, any person who is not an owner of the business (for example, CPA, bookkeeper, authorized representative) must obtain third-party access to submit an online request for their client. The third-party delegate must create a username and password and request third-party access to link their client's account.

The following types of requests may be made online:

- Declaration of Timely Mailing (DTM),
- Extensions of Time to File a Tax/Fee Return (Extension),
- Relief from Penalty (ROP),
- Relief from Interest Due to an Unreasonable Error or Delay by CDTFB or another state agency that collects the tax on behalf of CDTFB (ROI),
- Relief from Penalty and Interest due to a Disaster (DIS),
- Relief from the Collection Cost Recovery Fee (CRF), and
- Request for Interest Adjustment on Electronic Payments – One Day Late (ODL).

Certain conditions may be required for an online relief request to be submitted. For example, if the taxpayer requests relief from penalty but the tax has not been paid in full, the request cannot be considered. A message is displayed stating the condition that prevented processing the request. Once the taxpayer has corrected the condition, they may then submit the request.

Once the online request is submitted, a submission confirmation page is displayed. In addition, a web notification is sent to the taxpayer in their Online Services account letting them know the initial submission of their relief request was granted, denied, or is pending review.

SYSTEM PROCESSING OF ONLINE REQUESTS**535.015**

Upon submission of the online request, the system will review the taxpayer's account and take one of the following immediate actions:

- Automatically grant the request,
- Automatically deny the request, or
- Automatically place the request in pending status and create a relief request case in the system.

Automatic Grant – The types of requests that can be automatically granted are ROP and Extensions. When one of these requests meets certain criteria, as outlined in RTC section 6592 or 6459, or similar statutes for special taxes and fees accounts, and the amount subject to relief is under \$5,000, the system will automatically grant the request. Except for prepayment relief requests, automatically granted requests do not create a task. The taxpayer will receive a web notification of the automatic grant in their Online Services account.

Automatic Deny – Only extensions may be automatically denied. When a request for an extension does not meet the requirements under the applicable RTC sections, the system will automatically deny the request. Automatically denied requests do not create a task in the system. The taxpayer will receive a web notification in their Online Services account that their request was denied.

Pending – When a request does not meet the criteria for either of the above actions, the system places the request in pending status. The taxpayer will receive a web notification that their request is pending in their Online Services account. A relief request case is automatically created in the system for all pending requests and routed to the appropriate work queue depending on the unit or section. All requests for DTM, ROI, DIS, CRF, and ODL are placed in pending status due to the complexity of these requests.

PROCESSING PENDING ONLINE REQUESTS**535.017**

Team members in the following units/sections will receive the relief request cases to process:

- Return Analysis Unit (RAU)
- Petitions Section
- Appeals and Data Analysis Branch (ADAB)
- Return Processing Branch (RPB)
- Motor Carrier Office (MCO)
- Consumer Use Tax Section (CUTS)

In some cases, requests may require supervisory approval to be finalized. If approval is required, a relief request approval work item is created for the designated approver to review. All online relief request work items may be accessed by team members from the Account springboard under the Task tab and either Tasks or Cases subtab.

Team members responsible for processing relief requests must update the relief request case with their recommendation and must follow internal procedures to ensure proper correspondence is sent to taxpayers (statements, letters, etc.). If an online request is a duplicate, does not meet system or administrative conditions to process, etc., team members will reject the relief case to complete the assignment.

PUBLIC RECORD CASES - AMOUNTS EXCEEDING \$50,000**535.019**

Beginning January 1, 2023¹, when CDTFA determines an amount exceeding \$50,000 is to be refunded, credited, or cancelled, a public record must be made available at least 10 days after the effective date of the refund, credit, or cancellation.

The processing area for relief requests will include the public record requirement when finalizing the relief case. The processing area will create a public record case and cross-reference it to the related relief case. An explanation for the public record will be added to the public record case. Public record cases require approval of a supervisor, section supervisor/branch administrator, Bureau Chief, and the BTFD Deputy Director. The public record case closes automatically after the 10-day period lapses.

**RELIEF REQUESTS AND EXTENSION TO FILE AND PAY
DUE TO DISASTER****535.033**

In the case of a disaster, pursuant to RTC section 6459 and similar statutes for special taxes and fees, a taxpayer can request an extension of up to three months to file a return and pay the taxes/fees due without incurring penalties or delinquency related action by CDTFA. When an extension is granted, interest will accrue on the unpaid tax/fee starting from the date the tax/fee would have been due (original due date) without the extension, until the date the tax/fee is paid in full.

Taxpayers request an extension online through CDTFA's website under the Online Services section. If the request for an extension is granted, they will receive an additional three months to file and pay their return or prepayment. For accounts required to make prepayments, a request for an extension of a single prepayment will be considered as a request for an extension of all prepayments and payments due for that period, each receiving a new extension date. This will ensure that the prepayment(s) for a given period will not have a due date past the due date for its corresponding return. However, Hazardous Waste accounts that have three months between prepayment(s) and return due dates will need to make a separate request for each prepayment or return.

The following chart provides an example of the new due date when a taxpayer makes a request for an extension of any prepayment/payment within the fourth quarter.

¹ Prior to January 1, 2023, if CDTFA determined an amount that exceeded \$50,000 was to be cancelled, refunded, or credited, or certified an illegally determined amount to be cancelled under the Integrated Waste Management Fee Law that exceeded \$15,000, such amount was required to be available as a public record for at least 10 days prior to its effective date.

GENERAL

RELIEF REQUESTS AND EXTENSION TO FILE AND PAY DUE TO DISASTER

(CONT.) 535.033

Period	Original Due Date*	Extended Due Date**
Prepayment 1 (October)	11/28/22	02/24/23
Prepayment 2 (November)	12/27/22	03/24/23
4th Quarter 2022	01/31/23	05/01/23

* If the due date or the extended due date falls on a weekend or a state holiday, the due date is extended to the next business day.

** The extended due date remains due three months from the original due date not including additional day(s) to account for a weekend or state holiday.

Once the taxpayer makes a request for an extension due to a disaster, the online system will create a relief case for RAU or RPB. RAU or RPB will process the requests, ensuring that all periods (if applicable) within the quarter receive a three-month extension.

State of Emergency Proclamation by Governor

Under RTC section 6459.5, and similar statutes for special taxes and fees, if the Governor issues a state of emergency proclamation, CDTFA may extend the time, for a period not to exceed three months, for a taxpayer in an area identified in the state of emergency proclamation to file and pay their return. Any person in an area identified in a state of emergency proclamation shall not be required to file a request for the extension. The extension may only be made during the first 12 months following the issuance of the state of emergency proclamation or the duration of the state of emergency, whichever is less.

In addition, under RTC sections 6592, 6593, and similar statutes for special taxes and fees, CDTFA may grant relief of penalty and interest for any person identified in a state of emergency proclamation by the Governor for the period the state of emergency proclamation is effective, regardless of whether the taxpayer has filed a statement under penalty of perjury setting forth the facts upon which the claim is based. CDTFA may grant relief only during the first 12 months following the issuance of the state of emergency proclamation or the duration of the state of emergency, whichever is less.

PROCESSING RELIEF OF PENALTY REQUESTS

535.057

For relief of penalty requests of less than \$5,000, team members may evaluate and grant without supervisor review and approval. Supervisor approval is required for relief of penalty requests of \$5,000 or greater, and for all denials.

For sales and use tax accounts, the following sections process relief of penalty requests:

- Self-assessed liabilities (such as late file or late remittance) are processed by RAU.
- CDTFA-assessed liabilities (such as audit billings and estimated returns) are processed by Petitions Section.
- Self-assessed and CDTFA-assessed liabilities for consumer use tax accounts are processed by CUTS.

For special taxes and fees accounts, the following sections process relief of penalty requests:

- Self-assessed liabilities are processed by RPB.
- CDTFA-assessed liabilities are processed by ADAB.
- Self-assessed and CDTFA-assessed liabilities for IFTA, Diesel Fuel Tax (Government Entity and Exempt Bus Operator), Interstate User Diesel Fuel Tax, and Use Fuel Tax accounts are processed by MCO.

RECONSIDERATION OF DENIED REQUEST FOR RELIEF FROM PENALTY 535.060

When BTFD denies a request for relief of penalty, the taxpayer may request reconsideration by mailing a request for reconsideration (RFR) to the assigned section within 30 days from the date of the denial letter. If the taxpayer does not submit a timely written RFR, the assigned section's finding, as stated in the letter, becomes final.

The denial letter includes a statement explaining the decision for denying relief and instructions for requesting reconsideration. Taxpayers may include new information, if any, with their RFR. However, as long as the RFR is received timely, taxpayers may provide additional information at a later time and it may still be considered and evaluated by team members. The letter will also explain that if the request for relief is still denied by the assigned section, the request for relief will then be forwarded for review by the BTFD Deputy Director.

If the BTFD Deputy Director agrees with the recommendation to deny the request for relief of penalty, the Deputy Director will send the taxpayer a letter explaining they agree with the recommendation to deny relief.

If the taxpayer disagrees with the Deputy Director's decision to deny relief, they may appeal it by requesting an appeals conference within 30 days of the date of the Deputy Director's letter. The Deputy Director's letter also explains that a request for an appeals conference may be granted or denied. If the taxpayer does not appeal the decision within 30 days of the date of the Deputy Director's letter, the decision is final.

If the request for an appeals conference is granted, it will be forwarded to the Appeals Bureau for scheduling. If the request for an appeals conference is denied, the decision is final.

If an amount exceeding \$50,000 is to be granted, the proposed determination to refund, credit, or cancel such amount must be available as a public record for at least 10 days after the effective date of the determination (see CPPM section 535.019).

PROCESSING OF RELIEF OF INTEREST REQUESTS FOR UNREASONABLE ERROR OR DELAY 535.075

Online requests for relief of interest for unreasonable error or delay (ROI) are placed in a pending status and a relief request case is automatically created using set criteria after the online submission is processed during the nightly job(s). Case assignment depends on the type of billing for which relief is being requested. All cases for CDTFA-assessed liabilities are automatically routed to the Petitions Section for sales and use tax accounts or the Appeals and Data Analysis Branch (ADAB) for special tax and fee accounts. Cases for self-assessed liabilities are automatically routed to the Return Analysis and Allocation Section (RAAS), Return Processing Branch (RPB), or Motor Carrier Office (MCO). Self-assessed cases for MCO should then be routed to ADAB for processing. Cases for consumer use tax accounts are automatically routed to the Consumer Use Tax Section (CUTS). Once the case is initially reviewed by the processing area, and it is determined to have merit, it may need to be reassigned to the unit, section, branch, or office responsible for the error or delay (responsible area) for review and recommendation. When there are multiple responsible areas involved with the ROI request, the Audit Information Section (AIS) generally functions as the responsible area for compiling all information.

A comprehensive analysis of each case is required and the evidence to support relief from interest must be convincing. Copies of documentary evidence should be provided whenever possible. A recommendation to grant or deny relief should be made within 30 days from receipt of the request. Recommendations for relief are prepared by the responsible area and a relief request case is assigned to them for recommendation. The relief request case should remain in the "Pending-Review Required" stage for the processing area to stage the case according to the recommendation.

GENERAL

PROCESSING OF RELIEF OF INTEREST REQUESTS FOR UNREASONABLE ERROR OR DELAY

(CONT.1) 535.075

For sales and use tax accounts, if a relief request case is not automatically created by the system, a manual one is created by the processing area. When it is determined that the case should be referred to a responsible area, a referral memo or letter will be attached to the ROI relief case and the relief case will be reassigned to the administrator or supervisor for the responsible area.

For special taxes and fees accounts, online pending ROI requests automatically create an assignment in the system. Once the case is initially reviewed by team members in RPB, ADAB, or MCO, it may need to be re-assigned to the unit, section, branch or office responsible for the error or delay for review and recommendation.

Guidelines for Evaluating Relief of Interest Requests

Although each request for ROI should be evaluated on its own merits, the following guidelines may assist in determining if an unreasonable error or delay has occurred. Circumstances that may be considered unreasonable and therefore qualify for consideration of ROI include, but are not limited to:

- The auditor was on sick leave for an extended period, or left CDTFA, and the audit was not timely reassigned, resulting in an unreasonable delay.
- A CDTFA employee erroneously deleted audit work papers or case files, causing CDTFA to reconstruct data or require the taxpayer to provide information a second time.
- Mail was sent to an incorrect address when CDTFA had prior knowledge of the correct address and failed to update the records timely.
- CDTFA caused an unusual delay in registering the taxpayer.
- A taxpayer failed to file a timely return or make a payment timely due to their reliance on erroneous documented verbal advice from CDTFA. Documentation of verbal advice might include notations in the system. (Note: Incorrect written advice may qualify for cancellation of liability, and therefore interest charges, under other law sections.)
- CDTFA computer problems caused a processing delay that resulted in interest assessed against a taxpayer.
- An account was closed in error by CDTFA which caused the taxpayer to be unable to pay the taxes/fees when due. (This does not include accounts closed due to apparent inactivity caused by the failure of the taxpayer to notify CDTFA of an address change.)
- CDTFA mailed a billing for the collection of a fee based on incorrect information provided by another agency, causing a delay in issuing a correct billing.
- An error or delay occurred that is the direct result of a state agency that collects the tax on behalf of CDTFA.

Circumstances that would not be considered unreasonable and therefore not qualify for consideration of ROI include, but are not limited to:

- Action was delayed due to a regulatory or policy change being considered by CDTFA.
- Audits and appeals that involved complex issues or required extensive examination of records which resulted in additional time needed for completion.
- Timely seeking written clarification of statute or policy from CDTFA management or other sections where such clarification is provided in a reasonable time.
- The taxpayer failed to timely notify CDTFA of a change in address.
- The taxpayer failed to register with CDTFA in a timely manner or failed to provide required information and/or documentation in a timely manner.

**PROCESSING OF RELIEF OF INTEREST REQUESTS FOR UNREASONABLE
ERROR OR DELAY**

(CONT.2) 535.075

- Another state or federal agency failed to inform the taxpayer of the need to register with CDTFA or provide that information to CDTFA, which resulted in a delay in assessment of taxes/fees.
- The taxpayer received a billing for unpaid, self-assessed taxes/fees within the statute of limitations.
- During normal processing (for example, return processing), CDTFA found items that required further review and/or investigation. (For example, DMV calculated the use tax because the taxpayer failed to present a bill of sale, which resulted in an understatement of the actual sales price and an assessment of the difference.)

Processing Interest Relief Requests over \$15,000

After a request is reviewed by the processing area, they may forward the request via a relief request case to the responsible area where the error or delay occurred. The responsible area will review the request and make a recommendation for approval or denial in a memo addressed to the BTFD Deputy Director which includes the following information:

- Taxpayer's name and account number,
- Summary of the reason for requesting relief,
- The tax/fee period involved and the measure on which relief is based,
- The interest from/to dates, and the dollar amount of relief being requested,
- Summary of the circumstances involved, including the facts as determined by review leading to the recommendation to grant or deny the request, and if appropriate, a statement explaining it was not possible to prove or disprove the taxpayer's position,
- Copies of available documentation to support the recommendation; or if no documentation is available, a statement to that effect,
- Recommendation to grant or deny the request,
- If the recommendation is to grant the request, information regarding corrective steps taken to prevent the unreasonable error or delay from recurring, and
- Name and signature of the supervisor making the recommendation.

The memo recommending approval or denial of an interest relief request and supporting documents (for example, CRM notes, emails, CDTFA-735) must be added as an attachment to the relief request case. Letters to the taxpayer generated outside of the system should also be attached to the relief request case.

The memo shall be addressed to the BTFD Deputy Director and sent via email to "BTFD-TPB 6593.5 ROI Requests" mailbox for sales and use tax accounts and to "BTFD-TPB-STF ROI Requests" mailbox for special tax and fee accounts.

AIS reviews recommendations for all ROI requests. An Executive Summary for Action is prepared by AIS and submitted to the BTFD Deputy Director. The BTFD Deputy Director reviews each recommendation to ensure consistent application of the law and to determine if further corrective action is required to prevent recurrence of the unreasonable error or delay.

AIS will either prepare a memo to the responsible area that submitted the relief recommendation with a copy to the processing area, advising of the Deputy Director's (or their designee's) decision, or will respond directly to the taxpayer in writing with a copy of the letter to the responsible area and processing area.

GENERAL

PROCESSING OF RELIEF OF INTEREST REQUESTS FOR UNREASONABLE ERROR OR DELAY

(CONT.3) 535.075

The memo/letter and the Executive Summary for Action will be added to the ROI relief case by AIS with a case note regarding the decision. If a memo was prepared, the responsible area will be required to notify the taxpayer of the Deputy Director's decision. Upon receipt of the memo or letter, the processing area will update the system by processing any requisite adjustments and finalizing the relief case.

Recommendations to grant relief requests over \$50,000 must be made available as a public record for at least 10 days after the effective date of the determination (see CPPM section 535.019).

Processing Interest Relief Requests of \$15,000 or Less

The BTFD Deputy Director delegated authority to grant or deny requests of \$15,000 or less to the following designees:

- Administrator, Return Processing Branch,
- Administrator, Compliance Branch
- Administrator, Audit Examination Branch
- Administrator, Motor Carrier Office,
- Supervisor, Audit and Information Section,
- Administrator, Return Analysis and Allocation Section,
- Administrator, Use Tax Collections Bureau,
- Administrator, Consumer Use Tax Section, or
- Administrators, Field Operations Division

After receiving the relief request case, the designees identified above will review the ROI request, make the decision to grant or deny relief in their area of responsibility, notify the taxpayer by letter, and attach a copy of the letter to the relief request case. The designee will notify each processing area to complete any required adjustments and finalize the case. For those cases where the area responsible for the error or delay is not supervised by the above designees, AIS will make the decision to grant or deny relief and notify the taxpayer by letter. AIS will attach a copy of the letter to the relief request case and notify the processing area to process any required adjustments, if any, and finalize the case.

Requests for Relief of Interest – Unbilled Audit Liabilities

Open relief request cases will prevent bill staging for an unbilled audit liability. If a relief case exists prior to the audit being billed, field team members must notify the processing area and request that processing of the relief case be expedited or the relief case to be temporarily rejected to allow the audit to be billed and a Notice of Determination (NOD) to be issued.

When a field office receives a paper relief request for an unbilled audit, the office must wait until the NOD is issued before emailing the relief request and its recommendation to the appropriate processing unit.

INTEREST RELIEF REQUEST REPORT

535.085

On a calendar year basis, the Tax Policy Bureau Chief is provided a summary of relief requests considered under Relief of Interest Due to Unreasonable Error or Delay. The report is compiled on an annual basis, due by April 1, by the following designees:

- Administrator, Return Processing Branch,
- Administrator, Compliance Branch
- Administrator, Audit Examination Branch
- Administrator, Motor Carrier Office,
- Supervisor, Audit and Information Section,
- Administrator, Return Analysis and Allocation Section,
- Administrator, Use Tax Collections Bureau,
- Administrator, Consumer Use Tax Section, or
- Administrators, Field Operations Division

The report is sent via email to “BTFD-TPB 6593.5 ROI Requests” mailbox for sales and use tax accounts and to “BTFD-TPB-STF ROI Requests” mailbox for special tax and fee accounts.

Information included in the report summary is the number of cases and dollar amount for approved, denied, and pending categories, and the total of all cases. The information is broken down in ranges of \$0 to \$1,000; \$1,001 to \$5,000; \$5,001 to \$25,000; \$25,001 to \$50,000; \$50,001 to \$200,000; \$200,001 to \$500,000; and over \$500,000. The table below is a sample that may be used.

Interest Relief Requests
Business Tax and Fee Division
January 1, 20XX through December 31, 20XX

Range	Cases Approved		Cases Denied		Cases Pending		Total Cases	
	Count	Dollars	Count	Dollars	Count	Dollars	Count	Dollars
\$0 to \$1,000	3	1602.42	2	678.12			5	\$ 2,280.54
\$1,001 to \$5,000	4	8400.02	2	3522.73			6	\$ 11,922.75
\$5,001 to \$25,000	5	36400.6	1	19520.22			6	\$ 55,920.82
\$25,001 to \$50,000			1	34108.66	1	48555.82	2	\$ 82,664.48
\$50,001 to \$200,000								
\$200,001 to \$500,000					1	259114.53	1	\$ 259,114.53
over \$500,000								
Total	12	\$ 46,403.04	6	\$ 57,829.73	2	\$ 307,670.35	20	\$ 411,903.12

RECONSIDERATION OF DENIED REQUESTS FOR RELIEF OF INTEREST FOR UNREASONABLE ERROR OR DELAY **535.090**

The letter notifying the taxpayer their interest relief request was denied includes a statement explaining the decision and that the decision may be reconsidered if the taxpayer mails a Request for Reconsideration (RFR) within 30 days from the date of the letter. Taxpayers may include new information, if any, with their RFR. If the request for relief is recommended for denial by the assigned section, the request will then be reviewed by the BTFD Deputy Director.

If the Deputy Director agrees with the recommendation to deny any part of the RFR, the Deputy Director will send a letter to the taxpayer that they agree with the recommendation to deny relief. If the Deputy Director’s decision is to deny the requested relief, in whole or in part, the Deputy Director’s letter will state that the taxpayer may appeal the decision by mailing a request for an appeals conference to the assigned section within 30 days of the date of the Deputy Director’s letter. The letter will also explain that a request for an appeals conference may be granted or denied. If the taxpayer does not submit a timely written request for an appeals conference, the Deputy Director’s decision becomes final.

GENERAL

RECONSIDERATION OF DENIED REQUESTS FOR RELIEF OF INTEREST FOR UNREASONABLE ERROR OR DELAY

(CONT.) 535.090

If the taxpayer disagrees with a denial after their RFR and requests an appeals conference within 30 days of the date of the Deputy Director's letter, the processing area will determine and notify the taxpayer whether an appeals conference is granted or denied. When the request for an appeals conference is granted, the request for relief will be forwarded to the Appeals Bureau to schedule an appeals conference. If the request for an appeals conference is denied, the Deputy Director's decision becomes final.

If the BTFD Deputy Director determines that an amount exceeding \$50,000 is to be granted, the proposed determination must be available as a public record for at least 10 days after the effective date of the determination (see CPPM section 535.019).

RELIEF REQUESTS FROM COLLECTION COST RECOVERY FEE (CRF) 535.095

Online relief requests from CRFs are placed in a pending status and a relief request case is automatically created and routed to the appropriate processing area using set criteria. The taxpayer's request will generally only be considered if the tax/fee, interest, and penalty of the fee-originating liability is paid in full. CRF relief cases are assigned based upon the fee-originating liability.

Sales and Use Tax

Relief request assignments will be processed by RAU, Petitions, or CUTS based upon the fee-originating liability on which the CRF was assessed.

While the Petitions Section processes the majority of CDTFA-assessed relief requests, they do not process requests to remove the penalty for negligence in reporting prepayments, or relief of the associated CRF liability. These requests are handled by RAU.

Special Taxes and Fees

Relief request assignments will be processed by RPB, ADAB, or MCO based upon the account type and fee-originating liability on which the CRF was assessed.

Reconsideration Requests

As with denied requests for relief of statutory penalties, denied requests for relief of the CRF can also be reconsidered. Requests must be submitted in writing within 30 days following the date the denial letter was sent to the taxpayer and should include documentary evidence to support their request.

The team member who worked the original request for relief will work the reconsideration request. Reconsideration requests that are recommended for denial must be forwarded to the BTFD Deputy Director. If the Deputy Director or designee agrees with the team member's recommendation to deny the request, the Deputy Director or designee will send a letter to the taxpayer with their decision.

ELECTRONIC PAYMENTS - ONE DAY LATE**535.100**

Under certain conditions, interest due may be computed on a daily basis in cases where an electronic tax or fee payment was made one business day late.

Interest on electronic tax or fee payments or prepayments may be computed on a daily basis if it is found, taking into account all facts and circumstances, to be inequitable to compute interest on a monthly basis. Interest will be computed on a daily basis, provided all of the following apply:

- Payment was made by electronic means (for example, payments made by Electronic Funds Transfer (EFT), credit card, ACH credit, or ACH debit through our online services) and was made no more than one business day after the due date,
- The taxpayer was granted relief from all penalties that applied to the payment of the tax, fee or prepayment, and
- The taxpayer filed a request for an adjustment to the interest computation with CDTFA.

Definition of “One Business Day Late”

For EFT accounts, an EFT payment is deemed complete on the date the electronic funds transfer is initiated, if settlement to the state’s demand account occurs on or before the banking day following the date the transfer is initiated. If settlement to the state’s demand account does not occur on or before the banking day following the date the transfer is initiated, payment is deemed to occur on the date settlement occurs. Generally, an ACH debit payment (through CDTFA’s online services) must be completed by 3:00 p.m. Pacific time for the payment to settle on the next banking day. For ACH debit, ACH credit, and Fedwire payments to be considered “one business day late,” the payment must settle in the state’s demand account on the second banking day following the due date.

For non-EFT accounts online payment (ACH debit) and credit card payments, a payment must be made before 12:00 midnight Pacific time on the due date for the payment to be considered timely. To be considered “one business day late,” the payment must be made before midnight of the day following the due date.

The following table lists the relevant RTC sections for the different tax and fee programs administered by CDTFA.

Tax or Fee Program	Revenue and Taxation Code
Sales and Use Tax	6591.6
Motor Vehicle Fuel Tax	7655.5
Use Fuel Tax	8876.5
Diesel Fuel Tax	60207.5
Cigarette and Tobacco Products Tax	30281.5
Alcoholic Beverage Tax	32252.5
Timber Yield Tax ¹	38451.5
Energy Resources Surcharge	40101.5
Emergency Telephone Users Surcharge	41095.5
Hazardous Substances Tax	43155.5
Oil Spill Response, Prevention, and Administration Fees	46154.5
Underground Storage Tank Maintenance Fee	50112.1
Fee Collection Procedures Law ²	55042.5

How to Request Alternative Interest Calculation

Taxpayers may submit a Request for Interest Adjustment on Electronic Payments – One Day Late using CDTFAs Online Services by logging in with their username and password and selecting the account and reporting period for which the interest adjustment is being requested. Alternatively, taxpayers may submit a CDTFAs-734, *Request for Interest Adjustment Electronic Payments - One Day Late* to request that daily interest be computed instead of an entire month's interest. If the taxpayer (or representative) elects to use the CDTFAs-734, the address to send the request to is based on the tax or fee program and is printed on the form.

Publication 159-EFT, *Guide to Online Filing for Sales and Use Tax EFT Accounts*, and publication 89-ST, *EFT Quick Reference Guide for Special Taxes and Fees*, also contain information explaining how to request an alternative interest calculation.

Team Member Responsibility

A summary will be prepared and will include the following:

- Confirmation that penalties have been relieved,
- Type of electronic payment,
- Due date of payment,
- Actual payment date and time or settlement date,
- Amount of monthly interest due,
- Amount of daily interest due, and
- Amount of interest that will be adjusted.

¹ Provisions added to the Timber Yield Tax program effective January 1, 2022.

² The fees and taxes collected pursuant to the Fee Collection Procedures Law include the following programs: California Tire Fee, Cannabis Taxes, California Electronic Cigarette Excise Tax, Covered Electronic Waste Recycling Fee, Lead-Acid Battery Fees, Marine Invasive Species Fee, Natural Gas Surcharge, Local Charges required to be collected by sellers other than direct sellers pursuant to the Local Prepaid Mobile Telephony Services Collection Act, Water Rights Fee, and Lumber Products Assessment.

ELECTRONIC PAYMENTS - ONE DAY LATE

(CONT.2) 535.100

Requests may be approved by a lead or supervisor in either RAU for sales and use tax accounts and prepaid mobile telephony service accounts, or MCO for IFTA, Diesel Fuel Tax (Government Entity and Exempt Bus Operator), Interstate User Diesel Fuel Tax, and Use Fuel Tax, or RPB for the remaining special taxes and fees accounts. When approved, the amount of interest will be adjusted in the system by RAU, MCO or RPB. When an Interest Adjustment on Electronic Payments – One Day Late request is not eligible for interest adjustment, the team member must notify the taxpayer.

Electronic Payments – One Day Late Included in Public Record Case

Penalties and one-day interest adjustments can be combined and staged as one public record case in the system with the case clearly stating the amounts for each adjustment. If the total adjustment amount to be granted exceeds \$50,000, the proposed determination must be available as a public record for at least 10 days after the effective date of the determination (see CPPM section 535.019). In cases where an extension was granted (and therefore no penalty has been applied), the one-day interest relief public record case will follow normal staging procedures.

CLAIMS FOR REFUND OR CREDIT

535.110

Generally, taxpayers will submit a claim for refund through the online services portal. If they do not have online access, they can mail a CDTFA-101, *Claim for Refund or Credit*, to request a refund or credit of taxes or fees overpaid. Taxpayers can find information on CDTFA's website and in publication 117, *Filing a Claim for Refund*. For detailed information on processing claims for refund or credit, see Audit Manual section 0108.00.

GENERAL

PROCESSING OF RETURNS IN FIELD OFFICES **540.000**

CURRENT RETURNS **540.010**

Under the provisions of RTC section 6452, a taxpayer may file a return with any office of the CDTFA. For administrative efficiency, the filing of current returns (other than final returns) in the field offices should be kept to a minimum. Taxpayers should be encouraged to send returns directly to Sacramento in the envelope furnished with the return.

RETURNS FILED OUTSIDE OF STATUTE OF LIMITATIONS **540.015**

Staff should not request or direct taxpayers to file original or amended returns outside of the applicable statute of limitations to bill the taxpayer for the unpaid liability. If a taxpayer did not previously file a return for the reporting period, staff generally should not request or direct the taxpayer to file an original return more than eight years after the due date by which an original return should have been filed. If the taxpayer previously filed a return, staff generally should not request or direct a taxpayer to file an amended return more than three years after either: the due date if the original return was timely filed; or the date it was actually filed if filed after the due date. However, if original or amended returns are received and the statute of limitations to bill the taxpayer for the unpaid liability reported on the return has expired, the following action(s) should be taken:

- **Return(s) filed without remittance** – The return(s) must be stamped and marked “Unbilled – Statute of Limitations Expired” and sent to the taxpayer’s central file using the Documentum procedures on myCDTFA. A comment indicating the receipt of the return(s) should be entered into IRIS and ACMS (if applicable).
- **Return(s) filed with full or partial remittance** – Sales and Use Tax return(s) should be forwarded to the Return Analysis Unit (RAU) and Special Taxes and Fees return(s) should be forwarded to the Return Processing Branch (RPB) for further processing. If the return is received with payment in full, RAU/RPB will post the return and payment. If there is only a partial payment received, RAU/RPB will post the return(s) and create an adjustment in IRIS so that the total amount due equals the total amount of the payment received. This will ensure that a billing will not be issued to the taxpayer for any unpaid and uncollectible balance reported on the return. A comment should be entered in IRIS explaining the adjustment(s) made.

PAYMENTS RECEIVED IN FIELD OFFICES **540.020**

Any payment received with a return will be verified against the amount due on the return. All remittances (i.e. cash, checks, money orders) received in the field offices either in person or by mail will be processed online by the cashier and deposited in the bank locally. Opened and unprocessed mail remittances held in the office overnight, or checks received in the field must be manually endorsed “For Deposit Only, CDTFA” within the top half-inch of the endorsement area.

DATING RETURNS RECEIVED IN FIELD OFFICES **540.030**

Any return received over the counter or in the field must show the date of receipt in the space marked “RE” on the return.

LOCATION OF RECEIPT NUMBER ON RETURN **540.040**

When it is necessary to issue a receipt, the receipt number must be shown along the left edge of the return, in the “REC. NO.” space in red.

EFFECTIVE DATE OF PAYMENT ON RETURNS**540.050**

The CDTFA's return processing program can identify late sales and use tax return payments, calculate correct penalty and interest due, and compare the calculated amounts to any delinquency charges paid. The Return Analysis Unit can then flag differences for review. This timesaving computer process is possible only if effective dates of payment are keyed into the system during the initial entry process. The following payments do not need effective dates:

- Returns with only timely payments, whether full or partial.
- Prepayments of sales tax on motor vehicle fuel forms.

All sales and use tax returns provided by the CDTFA have a preprinted box reserved for the effective date. When late sales and use tax returns are received in headquarters or field offices, Cashier Unit staff or field office staff will determine the effective date of each late return payment and enter that date in the preprinted box on the form. Staff should also include the effective date when a return is received timely, but the taxpayer has included penalty and interest. The following procedures will be followed:

- On computer addressed sales and use tax returns, CDTFA-401-A, CDTFA-401-DB, CDTFA-401-GS, CDTFA-401-E, and CDTFA-401-EZ, use the empty box at the bottom of the "CDTFA Use Only" routing section for the effective date. The routing section is located in the upper right corner of each form.
- On CDTFA-1150 and CDTFA-1150-B, Sales and Use Tax Prepayment Forms, use the empty box at the bottom of the "CDTFA Use Only" routing section for the effective date. The box is located in the upper right corner of each form.

If a return or form does not have a box, the effective date should be written or stamped in red ink.

- Returns with both timely and late payments (i.e., a delinquent final return with timely security and a late payment collected from the taxpayer) should show the effective date of the late payment with the date of close-out noted at the bottom of the return.
- If security is applied and transmitted with a return that is delinquent on the date of closeout, the effective date of payment (date of closeout) should be entered.
- For handwritten effective dates, a number should be used for the month (9-11-01). For date-stamped effective dates, the month may be in alpha characters, for example, SEPT. 11, 2001.

ENVELOPE CONTAINING RETURNS —DISPOSITION OF**540.060**

If the return is delinquent, the envelope will not be attached to the return. Instead, the postmark date or the postal meter impression date will be handwritten on the return and the envelope discarded.

In those cases where a postmark date and a postal meter impression date are on the envelope, both dates will be handwritten on the return and the envelope discarded.

In the event the postmark date and/or the postal meter impression is difficult or impossible to read, staff will use the best available date, for example, the date of the check or the date on the return.

The dates must be written in the box on the bottom left side of the return that is marked "PM."

Delinquent returns are subject to interest and a late filing penalty. Procedures that a taxpayer can use to request cancellation of the interest and late penalty are covered in CPPM 510.150.

OVERPAID RETURNS

540.070

A return which has definitely been found to include an overpayment will be identified with the total amount of remittance, a check mark and the letters “OP” entered just below the space provided for “Total Amount Due and Payable.”

Taxpayers generally should not claim a deduction on a current return to adjust for an overpayment reported on a prior return. The correct procedure is to file a claim for refund for the overpayment. For more information on allowable return adjustments for prior overpayments, see Audit Manual section 0401.05

Only in the very limited circumstances where a taxpayer makes an unintentional overpayment of prepayments on their tax return may the resulting credit be applied to a subsequent return. Only Return Analysis Unit (RAU) and the Appeals and Data Analysis Branch (ADAB) are authorized to approve this procedure.

NO REMITTANCE RETURN

540.080

Any “no remittance” return will be identified with the letters “NR” printed just below the space provided for “Total Amount Due and Payable.”

PARTIAL REMITTANCE RETURN

540.090

A partially paid return will be identified with the amount of remittance, a check mark and the letters “PR” entered just below the space provided for “Total Amount Due and Payable.”

UNAPPLIED REMITTANCE

540.095

An “unapplied remittance” is an amount that cannot be matched to a taxpayer’s liability. Receipt of funds by the CDTFA due to accident or mistake creates an involuntary constructive trust, and the CDTFA, as constructive trustee, is obligated to restore the funds to the rightful owner.

Therefore, when the CDTFA is in possession of an unapplied remittance, two possibilities exist:

1. The taxpayer or feepayer intended the remittance to be a payment for a liability owed to the CDTFA.
2. The taxpayer or feepayer sent the remittance to the CDTFA by accident or mistake.

Staff can properly conclude that such a remittance, made payable to the CDTFA, represents funds that are rightfully due to the CDTFA and were not remitted to the CDTFA by accident or mistake, if the taxpayer or feepayer is both:

1. Notified of a possible overpayment.
2. Given the opportunity to clarify its intent with respect to the remittance and fails to do so.

If the taxpayer or feepayer directs the CDTFA to apply the remittance to a liability or does not respond to the inquiry letter and the remittance is applied, the taxpayer or feepayer will have six months from the date the remittance is applied in which to file a claim for refund. A notice of determination will not be created under either of these scenarios. However, the Return Analysis Unit will notify the taxpayer or feepayer of the application of the remittance when it is made.

The remittance does not become a “payment” until the remittance is applied to a tax liability. The application converts the remittance to a tax payment. Therefore, credit interest cannot be allowed for the period prior to the application of the remittance because an overpayment of tax does not yet exist. Once the remittance is applied and the taxpayer or feepayer subsequently files a claim for refund that the CDTFA grants, under RTC section 6907 (sales and use tax) and various special taxes program statutes, credit interest may be allowed for the period after the application of the remittance because an overpayment of tax has occurred.

Final Return 540.100

Any final return processed through a field office will be clearly marked “FINAL,” preferably with a rubber stamp entered just below the space provided for “Total Amount Due and Payable.”

FINAL RETURN —PAID IN FULL FROM SECURITY 540.110

Whenever possible, a return paid in full from security will be sent to headquarters as a fully paid return. The return is the transmittal document of the security payment. When security is to be applied to the closing return or returns, they will be clearly marked, preferably with a rubber stamp “SECURITY TO BE APPLIED — DATE OF CLOSEOUT.” The closeout date should be included. This is entered just below the space provided for “Total Amount Due and Payable” to indicate that the security has been applied.

FINAL RETURN — PARTIALLY PAID FROM SECURITY 540.120

Any return paid partially from security with the balance collected from the taxpayer will, if possible, be used to transmit both payments. If the security cannot be processed immediately, the return is to be clearly marked , preferably with a rubber stamp “SECURITY TO BE APPLIED — DATE OF CLOSEOUT.” The closeout date should be included. This is entered just below the space provided for “Total Amount Due and Payable” to indicate that the security has been applied. The return will be used to transmit only the partial payment from the taxpayer. When the security is ultimately applied, the security payment will be processed by the cashier in the office of control for the account. The transmittal document will contain the same rubber stamp as used on the return.

If a return is partially paid from security and the balance is not collected, the return will be used as the transmittal document of the partial payment identified as “PAID FROM SECURITY.” This is entered just below the space provided for “Total Amount Due and Payable” to indicate that the security has been applied. A check mark and the letters “PR” will also be shown just below the space provided for “Total Amount Due and Payable” on any partial payment.

FINAL RETURN —SECURITY AVAILABLE —CLOSE-OUT AUDIT PENDING 540.130

If security is available, but cannot be applied to a final return because of a closeout audit and the final return is less than the amount of the security, the return will be sent as a “NR” return to Headquarters clearly marked as “SECURITY TO BE APPLIED — DATE OF CLOSEOUT.” The closeout date should be included.

When the security is ultimately applied, the payment will be transmitted on a copy of the appropriate transmittal document.

CORRESPONDENCE ACCEPTED AS RETURN 540.140

When the return form portion of the CDTFA-431-C2, Notice of Delinquency, or CDTFA- 431-S2, Final Notice (the second page of each form) is received from the taxpayer and the “Return” portion is sufficiently complete, it will be accepted as a return.

Current instructions should be followed concerning the notations to be made on “PR” and “NR” returns.

When correspondence for other than Consumer Use Tax Section or prepayment accounts contains information that can be accepted as a return for an identified period, the correspondence will be processed by the field office and forwarded to the headquarters Cashier Unit. See CPPM 505.090 for what constitutes a return. The applicable stamp impression will be placed in the lower right corner of the face of the correspondence.

GENERAL

CORRESPONDENCE ACCEPTED AS RETURN

(CONT.) 540.140

Correspondence regarding prepayments or the Consumer Use Tax Section will be processed as a return by the headquarters Cashiers Unit. The applicable stamp impression will be placed in the lower right corner of the face of the correspondence. The correspondence will then be batched and processed the same as utility documents.

COLORED PENCIL ENTRIES ON RETURNS

540.150

Colored pencils will not be used by field offices to make entries on returns. Their use is reserved exclusively for headquarters' units. Some examples of this use are headquarters Cashier — Red; Account Analysis Section — Green; Return Analysis Unit — Purple.

Lead pencil and any color ballpoint or fiber tipped pen, may be used by the field offices. Entries made by field offices should be restricted to those required for processing.

SPACE RESERVATIONS ON RETURNS

540.160

In the headquarters return processing function, various areas of the returns are reserved for posting perforations and stamps. The location of spaces reserved for Headquarters' use are in the shaded areas of the return forms. No entries should be made by the field office in these areas unless otherwise instructed (see CPPM 540.050). The field office may place its entries in any areas on the return not reserved for Headquarters' use.

COMPLIANCE ASSESSMENT PROCEDURE

540.170

General Policy

All permit holders are required to file and pay timely tax returns. Staff should make every effort to obtain the tax return on a voluntary basis. If the tax return is not filed within a reasonable amount of time, the office responsible for the account should consider whether it is appropriate to issue a deficiency determination by use of the Compliance Assessment (CAS) procedure. The CAS procedure is also used to issue a determination on certain sales of fixtures and equipment when an account is closed out.

General Procedure

In IRIS, the CAS procedure satisfies a Financial Obligation (FO) by filling it with Revenue. The FO types used in this procedure are Periodic (PER), which is generally set up when a return is mailed to a registered taxpayer, or One-Time (OTM), which is set up for obligations falling outside a regular reporting period. When a CAS is prepared for a periodic FO, IRIS automatically clears the delinquency for that FO.

A CAS may be prepared for a single period or for multiple periods. The Derive Estimated Revenue screen is used when a return is not filed. The Derive Estimated Revenue — F&E Assessment screen is used when fixtures & equipment are not reported on a filed return and payment in full has been received.

Authority

The authority for preparing a CAS for a deficiency determination is RTC section 6481 — Deficiency Determination. The time in which to prepare a deficiency determination is generally covered in RTC section 6487 — Limitations; Deficiency Determinations. The authority for issuing a deficiency determination on an unfiled return is RTC section 6511.

Process for Unfiled Returns

The CAS process calculates estimated revenue for unfiled returns from one or more periods by averaging prior returns filed for the account. The average tax measure used to estimate revenue can be increased or decreased by a specified percentage. This process provides the ability to override the average tax measure amount calculated and input of a specific tax measure on which the estimated revenue will be based. In addition, staff can input the amount of any sales of fixtures & equipment to be included in the tax measure.

The CAS process is also used to derive schedules for a single period or for multiple periods for a Taxable Activity based on selected periods. The schedules that can be derived are schedules A, B, C, E and F. This process may be used for creating local tax allocations and for compliance assessments. Deriving schedules is for headquarters use only.

The CAS function is not available for Consumer Use Tax accounts or SG accounts.

Process for Use Tax Liabilities

Requests for investigations on out-of-state purchases with delivery in California are researched by staff to determine whether the taxpayer has voluntarily reported and paid the use tax. While investigating the requests, staff may encounter situations where the taxpayer states they have not reported or paid the use tax but intend to report and pay the tax on their income tax return with the Franchise Tax Board (FTB).

Persons purchasing tangible personal property from out-of-state vendors may report and pay use tax directly to the CDTFA using online registration. Certain taxpayers also have the option of reporting purchases subject to use tax on the income tax return filed with the FTB. However, if they are required to hold a California seller's permit or otherwise required to be registered with the CDTFA, the use tax must be reported and paid on the sales and use tax return in the applicable period. More information about how to file a return is provided on the California Use Tax Information page on the CDTFA's website.

If the taxpayer is not required to hold a California seller's permit or otherwise register with the CDTFA and intends to pay the use tax on their income tax return, compliance staff will retain the request for investigation documents (e.g., bill of lading, invoice, place of delivery) and verify that the use tax was reported to either the CDTFA or to the FTB after the income tax return has been filed and processed by the FTB. The Use Tax Due Dates shown on the following table identify the due date for use tax in various circumstances. Please be aware that FTB provides an automatic six month filing extension for individuals and an automatic seven month filing extension for corporations and exempt organizations.

GENERAL

COMPLIANCE ASSESSMENT PROCEDURE

(CONT.2) 540.170

	Tax Reported On	Total Amount of Purchases	Due Date	Notes
Persons NOT Required to Hold Seller's Permits, Certificate of Registration-Use Tax, or Register for Consumer Use Tax Accounts	FTB Tax Return	Any amount	Due on or before the same date as the person's FTB return (RTC § 6452.1).	Use tax must be reported on the FTB tax return corresponding to the year in which the use tax liability was incurred.
	Individual Use Tax Return (IUTR) (CDTFA-401-DS)	Any amount	Prior to January 1, 2009, an IUTR was accepted as timely for the period in which it was filed and paid. However, beginning with returns filed for 2009 and any IUTR for a prior period received on or after January 1, 2009, IUTRs are on a calendar year basis and due on January 31st of the year following the year in which a taxable purchase is made.	The IUTR was modified in March 2009 to require that taxpayers report taxable purchases on a calendar yearly basis and that returns are due January 31st of the year following the year in which taxable purchases are made.
Qualified Purchaser	File a Return with CDTF Online	Any amount	The return is due on a calendar yearly basis and is due on April 15th of the year following the year in which a taxable purchase is made.	Purchases subject to use tax must be reported on the return for the reporting period in which the taxable purchase is made.
Persons Required to Hold Seller's Permits, Certificate of Registration-Use Tax, or Register for Consumer Use Tax Accounts	Sales and Use Tax or Consumer Use Tax Return	Any amount	Due on or before the due date of the return.	Purchases subject to use tax must be reported on the return for the reporting period in which the taxable purchase is made.

COMPLIANCE ASSESSMENT PROCEDURE

(CONT.3) 540.170

Verification of use tax reported and paid on FTB income tax returns may be obtained by submitting a request for FTB information using the External Access Tracking program. The information must be accessed only by authorized resource person(s) within the requestor's office/section/area of responsibility. IRIS must also be checked to determine if additional information regarding a person's use tax payment exists under an existing arbitrary account.

A CAS should be created for cases that remain unresolved due to the taxpayer not reporting the use tax to the CDTFA online or on their FTB income tax return.

The procedures for creating a CAS for use tax assessments are as follows:

1. Tax Liability of \$5,000 or less
A compliance assessment should be created when the use tax liability is \$5,000 or less.
2. Tax Liability of more than \$5,000
If the tax liability is more than \$5,000, refer the case to the audit staff with copies of all supporting documents for further investigation and the preparation of a field billing order (FBO). Comments regarding the transfer of the case to audit will be entered in the TAR subsystem in IRIS.
3. Approval
The supervisor approving the CAS is responsible for ensuring that the thresholds outlined above are followed, the proper documentation retained and the appropriate comments have been entered in the TAR subsystem.
4. Appeals
Compliance assessments that are petitioned will be referred to the Compliance Principal. Petitioned FBOs will be referred to the Audit Principal for coordination and handling within timeframes and guidelines from the Petitions Section.
5. Record Retention
The office responsible for the account must send supporting documentation to the Taxpayer Records Unit using Documentum procedures on myCDTFA. Documents should be retained for three years.

Accounts in Legal Status

When an account is in legal status because of bankruptcy, assignments, receivership, or probate, the "Legal Status" field on the Difference screens must be filled in. This will alert headquarters that the account should be given special attention. If the account should be in legal status but it is not displayed, the legal information must be input using the Legal Claim Case screen.

If split returns are required, the Periodic FO must first be split and then filled with Revenue, that is, a return, CAS or audit. If a CAS is required for an FO that needs to be split, go to the Split Financial Obligation screen and split the FO before preparing the CAS. See CPPM sections 510.200 and 740.070 for information about splitting an FO.

Penalty and Interest

A failure to file penalty is automatically added to a CAS.

Billings for penalties under RTC section 6073 (swap meet operators), section 6074 (catering trucks), and section 6077 (florists) will be issued by the Audit Determination and Refund Section (ADRS). The office responsible for the account will provide the information required to substantiate these penalties directly to ADRS. Interest is automatically calculated by IRIS based on the amount of tax and due dates.

Notice

The billing statement (Notice) will be generated only after the CAS is approved by ADRS. Field offices will not be able to create a Notice.

Consolidated Accounts

The CAS process is also used for consolidated accounts. IRIS will generally compute the district tax based on the selected prior returns. Staff must verify the allocation of district tax on all assessments, since in certain situations the district tax may not have been properly allocated or created by IRIS. Situations that would prevent IRIS from creating correct district tax include:

- Single location accounts that report sales in more than one district.
- Multiple location accounts that operate in more than one district, but the assessment is not based on prior returns.
- Multiple location accounts that operate in more than one district, the assessment is based on prior returns, but the sub-locations have changed during the assessment period.

Allocations of district tax can be reviewed using the system's Maintain/Inquire menu.

Security, Payments and Credits

When security, payments or credits are applied to a CAS, staff should enter a note in the justification field or in the Revenue comments field. Information that should be entered includes the payment amount, effective date and any other applicable comment. These payments/credits will not necessarily be automatically applied. However, IRIS will automatically adjust any penalties and recalculate interest when the payments/credits are applied.

Fixtures and Equipment

Normally, an assessment for sales of fixtures and equipment that have not been reported by a taxpayer on a regular return will be included in a CAS when staff creates a Revenue entry on the Derive Estimated Revenue screen. However, when payment has been received that will fully satisfy the liability for the asset sale, staff should use the Derive Estimated Revenue F&E Assessment screen to create the CAS. The Derive Estimated Revenue — Fixtures and Equipment screen is used to derive Revenue for a single period based upon a specified Fixture & Equipment (F&E) amount. This process will accept the F & E amount and derive the return by “backing into” the taxable measure using the F & E amount. A One-Time (OTM) Financial Obligation without Revenue must exist. Do not use a Periodic FO for this process. Note that this process is only used to create a Revenue entry for fixtures and equipment when no penalty is to be assessed and full payment has been received. Upon completion of a CAS for F&E, IRIS's Assignment Control automatically routes the CAS to the CAS reviewer in the office of control. The reviewer is responsible for reviewing and approving the CAS.

ADJUSTMENT AND CANCELLATION OF COMPLIANCE ASSESSMENTS 540.175

After a compliance assessment (CAS) is created, staff may determine that it needs to be adjusted or cancelled. However, a CAS for failure to file a return may not be adjusted based on a new estimate. The goal of any CAS adjustment is to reflect the correct amount of tax due. If a return is filed after the CAS is issued, staff must determine whether an adjustment is necessary depending on the facts and circumstances of the taxpayer's operations and information available to the CDTFA. In the absence of an acceptable return filing, the CAS may only be adjusted based on an audit, Field Billing Order or comparable review of the taxpayer's records.

There is no statute of limitations for accepting taxpayer returns or documentation to support a Compliance Assessment Adjustment (CAS ADJ). However, refunds of any overpayments must be requested within the applicable statute of limitations specified by Revenue and Taxation Code (RTC) section 6902 and similar Special Taxes and Fees statutes.

Since the issuance of a CAS will create a financial obligation for the period of liability and will clear the delinquency in IRIS, the taxpayer cannot file the return for that period online. The procedures in this section outline staff responsibilities when a paper return is filed to adjust the CAS.

Field Operations Collection Staff (Sales and Use Tax Accounts)

When a tax return is received for a period where a CAS has been billed, the collector is responsible for determining if the CAS should be adjusted to the amount reported on the return. The determination to adjust the CAS will be based on the type of business, supporting documentation, prior returns, or any other evidence available to the CDTFA. Supervisors must approve any adjustments and enter comments in IRIS on the REV RE screen for each Financial Obligation (FO). The return should be forwarded to the Cashier Section with "CAS ADJ" written on the top of the front page of the return. Subsequent returns filed for the same period to correct any discrepancies will also be marked as CAS ADJ returns and not amended returns. A copy of the return should **not** be forwarded to RAU or Petitions, and all issues concerning evident tax shortages or computation errors should be addressed before forwarding the returns to the Cashier Section for processing.

If the evidence available suggests that the CAS should not be adjusted to the amounts shown on the return, the return should still be forwarded to the Cashier Section for processing. Comments should be entered in IRIS explaining why the CAS should not be adjusted. The taxpayer should be contacted and given the opportunity to revise the return or provide substantiation for the figures submitted.

Once a CAS adjustment is initiated, an assignment is created for the approver in the IRIS Assignment Control (ASC) subsystem. The authority to approve CAS adjustments generally resides at the Business Taxes Administrator I level or higher. If the Administrator or Compliance Principal temporarily authorizes a Business Taxes Compliance Specialist or Business Taxes Specialist I to approve CAS adjustment assignments, an advanced written notification of the delegation and its expected duration must be submitted to the Petitions Section. The Petitions Section will ensure the CAS has been approved by a valid approver before processing the assignment.

Changing the start or close-out date of an account will not cause a billed CAS to automatically adjust. After the start or close-out date is updated in IRIS and staff determines an adjustment is warranted, an assignment should be created in the IRIS Assignment Control, approved by the supervisor, and routed to the Petitions Section for processing. Assignment task notes should be updated if there is a change to the start or close-out date. Notes regarding the basis for the change and the applicable period and method used to establish the measure of tax should be entered on the REV RE screen and in the assignment task notes.

GENERAL

ADJUSTMENT AND CANCELLATION OF COMPLIANCE ASSESSMENTS

(CONT.1) 540.175

CAS adjustments exceeding \$50,000 require Deputy Director approval, and must be available as a public record for at least 10 days prior to its effective date. A report should be sent to the Petitions Section listing the steps taken to confirm the accuracy of returns filed or other basis for adjustment. A claim for refund should accompany the report if an overpayment results from an adjustment. A timely claim for refund is required for all overpayments.

Return Analysis Unit (RAU) Staff

When RAU receives a tax return for a period that was included in a billed CAS for failure to file a return, the following procedures should be followed:

- When the return is received with an effective file date (e.g., postmark) prior to the CAS
 - a. The return takes precedence. When the return is loaded into IRIS, the CAS will automatically be cancelled and the return will replace the CAS in the primary FO in IRIS. The edit on the return will be “CAS Canc” and RAU handles the return.
 - b. If the CAS does not cancel automatically, RAU handles the adjustment. The CAS may not auto cancel when there has been an accepted Declaration of Timely Mailing (CDTFA-135-A), the return posted incorrectly to the wrong period or account, or when the return was originally received with no account number or period and was posted as unidentified.
- When the return received has an effective file date after the CAS
 - a. A return sent directly to RAU in reply to the CAS determination which has not been processed in IRIS as a Pending Taxpayers Original (PTO) should be forwarded to the Cashier Section for processing. “CAS ADJ” should be written on the top of the return to ensure the Cashier Section processes the return as a PTO and not an amended return.
- When the return received is for more tax than the CAS
 - a. After the return is processed by the Cashier Section, it is worked by RAU. Approval from the office/section that initiated the CAS is not needed.
 - b. The return will have either the CAS + ADJ or CAS + PTO edit on it. The CAS + ADJ edit is triggered when the return loads onto IRIS and the system automatically adjusts the CAS in the primary FO. The adjustment will appear on the REV SV screen. The CAS + PTO will appear on the REV FW screen.
 - c. If the taxpayer filed a timely petition for redetermination of the CAS determination, RAU will create an assignment for the Petitions Section to adjust the CAS to the level of the return. The increase to the petitioned determination must be made in accordance with RTC section 6563.
 - d. If the CAS determination is final, the resulting increase will be billed by RAU.
 - e. If the return contains computational errors, RAU will send a letter to the taxpayer and issue a determination if appropriate.

Petitions Section Staff

Other than assignments received by RAU for processing of returns filed by the taxpayer, the Petitions Section will only accept CAS adjustment assignments that have been reassigned in the IRIS Assignment Control by an authorized approver for the following conditions:

- A tax return is not required to be filed due to the business closing out prior to the CAS period, and a cancellation of the CAS is needed,
- A change in the start date which requires the cancellation of a CAS,
- A change in the start or end date requires an adjustment to the CAS based on the updated number of days included in the CAS period, or
- The CAS is for fixtures and equipment (F&E) only and staff's investigation has revealed cancellation or an adjustment to the CAS is warranted.

Petitions Section staff review CAS adjustment assignments for the following:

- Creation of an assignment by RAU, any return edit notes, and comments entered when returns are filed,
- Responsible office recommendation,
- Ongoing audits,
- Statute of Limitation,
- Existing appeals or claims for refund,
- Adjustments requiring Deputy Director approval and Public Record posting,
- Penalty relief requests,
- The impact on and adjustments to successors and dual determinations, and
- Duplicate return filings for different amounts.

Audit Determination and Refund Section (ADRS) Staff

ADRS staff is responsible for processing adjustments to all paid-in-full, final determinations except for relief of penalty requests which are processed by the Petitions Section. CAS adjustment assignments are reviewed in the same manner as those processed by the Petitions Section.

Staff Responsible for Special Taxes and Fees (STF) Accounts

The procedures for STF accounts are the same as for Sales and Use Tax accounts except as noted below.

It is the function of STF compliance staff to determine whether the amounts reported on returns filed after a CAS are acceptable. Each situation should be evaluated on a case-by-case basis. Depending on the nature of the tax or fee program, the information should be based on other returns filed on the account, industry averages, information from other state agencies, and information available from related Sales and Use Tax accounts, if applicable. It is the responsibility of the Business Taxes Administrator I (or their designee) to approve CAS adjustments.

There is equivalent internal staff for STF accounts that perform the tasks that field compliance, RAU, and Petitions staff perform for sales and use tax accounts. The functions dedicated to the RAU and Petitions Section apply to the equivalent staff for STF accounts. As with sales and use tax accounts, adjustments exceeding \$50,000 must be posted to the Public Record. The Compliance Principal should forward a written report to the Audit Section staff responsible for handling petitions for STF accounts. The report should list the steps taken to confirm the accuracy of the returns filed or the basis for the adjustment.

ADJUSTING BILLINGS ISSUED BY THE RETURN ANALYSIS UNIT**540.180**

As a result of its review of sales and use tax returns filed by taxpayers, the Return Analysis Unit (RAU) may issue a nonfinal, final, or determination billing to a taxpayer. Reasons for nonfinal and final billings include:

- Dishonored Checks (DC).
- No remittance (NR) or partial remittance (PR) returns.
- Underpaid prepayments.
- Late payments.
- EFT payments made by check or filed late.
- Late returns.

Reasons for determinations include:

- Tax shortages.
- Improper deductions.
- Excess tax reimbursement.
- Incomplete schedules A, B, or G.
- Vendor/wholesaler bad debts.

In response to a billing or determination issued by RAU, a taxpayer may provide information documenting that the billing or determination is incorrect and in need of adjustment. Field offices cannot adjust RAU billings or determinations. Field offices must instead provide a request for adjustment to RAU using a CDTFA-103, Adjustment Request Memorandum. Field offices may not use another form for this purpose.

Field offices must fill out the form completely and provide a reason for the requested adjustment. Supporting information or documentation must be attached to the form. The originator keeps a file copy and the RAU will place a copy of the request in the taxpayer's headquarters file.

UNDERPAYMENTS OR OVERPAYMENTS OF \$10.00 OR LESS 545.000

ACCOUNTS RECEIVABLE BALANCES 545.010

Debit and credit balances of \$10.00 or less appearing as a Difference are periodically written off. These balances will be disregarded in the preparation of any subsequent billings that are processed after the balances are written off. A refund or credit for the amount written off may be re-established upon receipt of a claim from the taxpayer within the three-year limitation period.

COLLECTION- UNDERPAYMENT OF \$10 OR LESS 545.020

Routine billing and collection procedures will not apply to underpayments of \$10.00 or less. However, in any case where the taxpayer voluntarily pays such an item, payment will be accepted. Similarly, if the office responsible for the account must contact the taxpayer for some other reason, it is advisable to collect small items of \$10.00 or less at the same time. Likewise, where an account is closed out and cash deposit is available, amounts due of \$10.00 or less will be deducted before refund is made.

MINIMUM AMOUNT OF OVERPAYMENT REFUNDS MADE WITHOUT CLAIMS 545.030

Overpayments of \$10.00 or less with tax returns or accounts receivable items will not be refunded unless the taxpayer files a claim for refund within the three-year limitation period (six months with respect to determinations).

DELINQUENCY

550.000

DELINQUENCY - GENERAL

550.010

The system automatically identifies accounts where the taxpayer has failed to file one or more returns and automatically sends delinquency notices to the taxpayer. Accounts that are considered delinquent for other reasons, for example, failure to pay a balance due, are initiated by team members as “cause delinquencies.” Under certain conditions, the taxpayer’s permit may be revoked for failing to remedy their delinquency. See CPPM section 708.000 for more information on the delinquency cycle.

To prevent accounts from becoming erroneously delinquent, team members must promptly process closeouts, withholds, payments, returns and other documents that clear delinquencies. These documents, including “No Sales” tax returns, must be processed no later than the day following their receipt.

Under certain circumstances, an estimated return may be created to resolve a delinquent period. See CPPM section 540.170 for information on estimated returns.

LOCAL TAX ALLOCATION GUIDELINES

EXHIBIT 1

Local sales and use tax for taxpayers operating at a single, registered place of business are allocated in full to the jurisdiction in which the registered place of business is physically located. No allocation schedules are needed since all of the local tax is distributed to the jurisdiction of registration. For taxpayers that remit local tax for multiple places of business, supplemental schedules are needed in order to identify each jurisdiction’s portion. Currently, five schedules are used: (1) Schedule B “Detailed Allocation by County,” (2) Schedule C “Detailed Allocation by Suboutlet,” (3) CDTFA–530–B “Local Tax Allocation For Temporary Sales Locations,” (4) Schedule E “Detailed Allocation by County,” and (5) Schedule F “Detailed Allocation by City.” These schedules are systematically assigned to the taxpayer by tax program in the following manner:

Permit Code	Permit Type	Allocation Form Needed
SR	Sales Tax	None or Form CDTFA–530–B
SR X	Sales Tax	None
SR Y	Sales Tax	Schedule C
SR S	Sales Tax	Schedule B, Schedule F
SC	Use Tax	Schedule B, Schedule F
SR Z	Sales Tax	Schedules B, C and F
SU	Use Tax	None
SU S	Use Tax	Schedule E

SR Permits

The “SR” tax program is assigned to taxpayers who generally negotiate all sales transactions from a single business location and therefore remit local tax to one jurisdiction. Included in this tax program are sellers who have one in-state sales location in California (sales tax transactions), out-of-state retailers that do not have an in-state sales location but maintain a stock of goods from where all shipments to California customers are made, and “traveling” sellers who do not have a permanent place of business but make their sales substantially in one county. In the two instances, the retailer has a permanent place of business or registered warehouse and the specific jurisdiction can be identified. All local sales tax remitted by the retailer is allocated directly to the specific jurisdiction. In the second instance, the traveling seller is making sales throughout his/her home county which may include sales in several jurisdictions. As agreed in the contract between the CDTFA and the various cities and counties, all local tax remitted by the traveling seller is allocated to the jurisdictions indirectly by means of the countywide pool. The appropriate Tax Area Code (specific jurisdiction code in the first instance or the countywide pool designation in the second) appears on the face of the return, and the local tax is allocated to the corresponding jurisdiction or countywide pool. For information on the allocation of use tax, see the section below titled “Allocation of Use Tax Under a Sales Tax Permit.”

SR X Permits

“SR X” accounts are similar to SR accounts in that the local sales tax is remitted for a single jurisdiction. This tax program is assigned to retailers who have multiple business locations all within a single taxing jurisdiction. Sub permits are issued for each business location or “sublocation” as they are frequently called. However, no additional information is needed with regard to the local tax as all of the tax can be programmatically allocated to the jurisdiction identified on the face of the return. For information on the allocation of use tax, see the section below titled “Allocation of Use Tax Under a Sales Tax Permit.”

SR Y Permits

“SR Y” accounts remit local sales tax for multiple jurisdictions and complete Schedule C, “Detailed Allocation by Suboutlet.” This tax program is used by California retailers who have multiple sales locations or stocks of goods in multiple jurisdictions and all of whose sales occur in California (sales tax transactions). Sub permits are issued for each sales location within California or, if no sales locations exist, each stock of goods location (warehouse). Each address and jurisdiction code appears on Schedule C. As provided in Regulation 1802, the local tax should be allocated on Schedule C to the location where the sale was negotiated or in the case of out-of-state retailers with no permanent business locations other than a stock of goods, to the location from which the delivery was made. For information on the allocation of use tax, see the section below titled “Allocation of Use Tax Under a Sales Tax Permit.”

SR S Permits

The “SR S” tax program provides the taxpayer with a Schedule B, “Detailed Allocation by County.” While Schedule B’s title indicates that the local tax is allocated indirectly through the countywide pools, Schedule B is designed to allow for one direct jurisdiction allocation (see Line B2) in addition to the countywide allocations. The SR S tax program is assigned to sellers who may have one permanent place of business in California and also have transactions subject to indirect allocation through the countywide pools. Effective July 1, 1996, some SR S tax program taxpayers may complete Schedule F instead of, or in addition to, Schedule B. Schedule F is used to directly allocate local use tax on certain leases of motor vehicles and sales or purchases of \$500,000 or more. For information on the allocation of use tax, see the section below titled “Allocation of Use Tax Under a Sales Tax Permit.”

SC Certificate of Registration

The “SC” Certificate of Registration — Use Tax program is assigned to out-of-state retailers who do not maintain a stock of goods in California. SC retailers who are engaged in business in this State as defined by RTC section 6203, are required to identify the county of the purchaser on Schedule B for indirect distribution of local use tax through the countywide pool. SC retailers who are not engaged in business in this State but who have voluntarily registered to collect the use tax from their purchasers are requested to complete Schedule

B. In those instances where the county is not identified, the local use tax is distributed by indirect allocation through the statewide pool. As with some SR S taxpayers, effective July 1, 1996, some SC taxpayers complete Schedule F instead of, or in addition to, Schedule

B. Schedule F is used to directly allocate local use tax on certain leases of motor vehicles and sales or purchases of \$500,000 or more.

SR Z Permits

The “SR Z” tax program is assigned to retailers who have multiple business locations requiring a Schedule C and also have transactions for which the specific place of sale cannot be identified or who remit local use tax subject to indirect allocation through the countywide pools on Schedule B. Such retailers are provided with both schedules for the allocation of their local tax. As with some SR S and SC taxpayers, effective July 1, 1996, some SZ taxpayers may complete Schedule F instead of, or in addition to, Schedule B. Schedule F is used to directly allocate local use tax on certain leases of motor vehicles and sales or purchases of

\$500,000 or more. For information on the allocation of use tax, see the section below titled “Allocation of Use Tax Under a Sales Tax Permit.”

SU Permits

The “SU” tax program is assigned to taxpayers who consume rather than sell tangible personal property at a single California location. Generally, if the consumer purchases the goods from a California retailer, the tax is paid to the retailer, and no further tax is due. However, if the goods are purchased from an out-of-state retailer who is not authorized to collect the tax, the purchaser must file a Consumer Use Tax return and self-report the use tax. As with SR accounts, the specific jurisdiction code corresponding to the place of use appears on the face of the SU return, and the local use tax is directly distributed to the jurisdiction. Currently, Schedule E is included with the mailing of preprinted tax returns to SU taxpayers. While this schedule is not required under this tax program, completed Schedule E forms that show consumption of tangible personal property in multiple counties should be reviewed and accepted if appropriate. The account should also be reviewed for a possible change to the SU S tax program (see next paragraph).

SU S Permits

The “SU S” tax program is assigned to consumers who consume tangible personal property at multiple locations in California. SU S accounts are similar to SR S accounts in that the schedule provided (Schedule E) allows for one direct jurisdiction allocation on Line E2 (to the jurisdiction of the address of record) in addition to the various countywide designations. Effective July 1, 1996, purchases of \$500,000 or more must be identified by the specific jurisdiction in which the first functional use of the property is made using Schedule F. Consumers who consume purchases at multiple established locations may obtain a separate Consumer Use Tax permit (SU classification) for each location as an alternative to filing Schedule E.

Allocation of Use Tax Under a Sales Tax Permit

Taxpayers classified as SR, SR X, SR Y, SR S or SR Z (sellers) may have a use tax liability on purchases self-consumed in addition to the tax due on their sales. Sellers self-report their use tax liability on the same return along with the tax on their sales. For distribution purposes, the use tax “follows” the sales tax. This means that if a business location requires a sub permit to provide for the specific identification of the place of sale, the specific place of use can be readily identified as the same jurisdiction for purchases consumed. Accordingly, sellers are instructed to include the use tax on purchases consumed at registered locations along with the tax on sales.

Allocation of Use Tax for Unregistered Consumers

Effective July 1, 1996, use tax incurred on purchases of \$500,000 or more at unregistered locations is directly allocated to the jurisdiction of first functional use on Schedule F. Local use tax on all purchases consumed at unregistered locations prior to July 1, 1996, or purchases of less than \$500,000 consumed after July 1, 1996, is distributed indirectly through the countywide pool (Schedule B).

ALLOCATION PROCEDURES

Small Operators

Generally, small operators (defined as reporting local tax of \$600 a year or less) confine their activities to one county; therefore, they are assigned tax program SR with the countywide code for that county. This produces the same allocation result as requiring a Schedule B with a single countywide allocation. Small operator accounts are monitored and in the event the local tax goes above the \$600 threshold, Schedule B is assigned.

Construction Contractors

Regulation 1806 provides that the jobsite is the place of business of a construction contractor. Generally, construction contractors are required to report the local use tax on materials consumed and the local sales tax on fixtures furnished and installed opposite the county of the jobsite on Schedule B resulting in the indirect distribution of the tax through the countywide pools. Construction contractors who sell materials or fixtures on an uninstalled basis and/or make over-the-counter retail sales are required to segregate such sales from their construction contracts and provide a detailed allocation by place of sale for direct distribution to the local jurisdiction. Construction contractors may be classified as SR (all transactions are construction contracts performed in a single county), SR S (construction sites in multiple counties with some or no over-the-counter sales), SR Z (construction sites in multiple counties with over-the-counter sales at multiple locations), SU (liability for materials only furnished and installed in a single county), or SU S (liability for materials only furnished and installed in multiple counties). See the above section regarding Small Operators.

In December of 1994, a resolution was adopted which allows for the direct distribution of the local tax on materials and fixtures furnished and installed to the local jurisdiction of the construction site for qualifying contracts. The resolution became effective January 1, 1995, and applies to installing contractors with contracts carrying a new or remaining value of

\$5,000,000 (labor, materials and / or fixtures — excludes equipment) or more. Under the resolution, a construction contractor may elect to register a jobsite of a qualifying contract resulting in direct allocation of tax to the jurisdiction in which the jobsite is located rather than an indirect allocation through the countywide pool. Conditions for obtaining the sub- permit are covered in CPPM 260.020.

Vending Machine Operators

Regulation 1802 provides that the place where the vending machine is located is the place of sale for operators of vending machines. Vending machine operators who conduct their business in substantially one county are assigned an SR tax program and the countywide code for indirect allocation of their local sales tax. Vending machine operators who operate in multiple counties are classified as SR S and are instructed to allocate the local sales tax on Schedule B opposite the county in which the vending machine is located.

Auctioneers

Regulation 1802 provides that the place of sale by an auctioneer is the place at which the auction is held. Auctioneers who conduct all of their auctions at a single place of business are classified SR for direct distribution of local tax to the corresponding local jurisdiction.

Auctioneers who also conduct auctions away from their permanent place of business are assigned the SR S or SR Z tax program. Prior to July 1, 1996, all local tax on auction sales held at a location other than the auctioneer's regular place of business was reported on Schedule B to the countywide pool in which the auction was held. Effective July 1, 1996, auctioneers conducting auction events totaling \$500,000 or more in taxable sales must use Form CDTFA-530-B to report the local tax attributable to such events to the specific jurisdiction in which the auction occurred. For details see CPPM 265.030.

Temporary Sales Locations

Form CDTFA-530-B, "Local Tax Allocation For Temporary Sales Locations," is used by taxpayers to properly report the local tax attributable to sales made at temporary locations, such as swap meets, flea markets, fairs and other special events. Because retailers are not required to obtain sub permits for temporary locations, this form allows taxpayers who frequently make sales at temporary locations to report such sales without interrupting the normal processing of their returns if such sales do not occur. Taxpayers are instructed to list the complete street address and taxable transactions for each temporary sales location. Recurring locations (sales occur at least once a year) are issued sub permits.

6015 Retailers

Regulation 1802 defines "place of sale" for local tax purposes with respect to retailers who use salespersons, representatives, peddlers, or canvassers as their agents for the sale of tangible personal property (section 6015 retailers). The "place of sale" for 6015 retailers is the business location of the retailer regardless of where the door-to-door solicitations occur. Depending on the nature of the section 6015 retailer's activities, the place of sale may be the California business location of the retailer, the California business location from which the merchandise is shipped, or the California business location that receives the order for the merchandise and/or directs the activities of the sales representative who made the sale. If the retailer has neither a business office nor a location from which merchandise is shipped in California, local tax is allocated through the countywide pool of the county in which the sales representative operates. See Regulation 1802 (b)(3).

Traveling Sales Personnel

Many businesses have sales personnel in the field in addition to or instead of permanent business locations. Regulation 1802 provides that the activities of field representatives are attributed to the sales location from which they work, and local sales tax should be allocated to the registered business location. The activities of field representatives who work out of their homes and report to a sales location out of state are attributable to the out-of-state location. Local tax should be allocated based on the shipping point. Sales of goods shipped from out of state (with title passing out of state) are subject to use tax which should be reported on Schedule B to the county of delivery. If goods are shipped from an instate location, the transaction is subject to sales tax, and local tax should be reported to the jurisdiction where the warehouse (shipping point) is located. The activities of field representatives who report to instate sales locations are attributable to the instate locations.

Local Sales and Use Tax Allocation for Transactions Over \$500,000

Effective July 1, 1996, the local use tax procedures were changed concerning individual sales or purchases of goods that are shipped from out-of-state inventories when the sale or purchase is \$500,000 or more. When this occurs, the local use tax must be allocated to the city or unincorporated county area where the first functional use occurs. Functional use means the use for which the property was designed or intended. Allocations for such sales or purchases must be made on Schedule F.

For individual sales or purchases of less than \$500,000, the allocation of the local use tax continues to be through the countywide pool into which the goods are delivered.

Indian (Native American) Sellers

See Regulation 1616 (d) regarding sales to and by American Indians. Indian sellers should be issued an SR seller's permit thereby enabling the use tax to be allocated directly to the place of sale.

Retailers Engaged in Interstate Sales

In general terms, an interstate sale is a sale in which the goods are delivered from out-of-state inventory directly to the California consumer by common carrier with title passing out of state or a sale that is negotiated in-state with shipment of goods to an out-of-state location with title passing out of state. In either case, the sale is not subject to sales tax since the sale occurs outside California. However, interstate sales made by out-of-state retailers to California consumers are subject to use tax. The local use tax on such interstate sales into California is reported on Schedule B to the countywide pool of the county to which the goods are shipped. Because of the complexities involved regarding passage of title, it is sometimes necessary to review the contract of sale to determine the details of the transaction. Generally, if the retailer ships by means of common carrier, title is presumed to pass upon delivery of the goods to the common carrier unless there is an explicit agreement that title is to pass at some other time. If the retailer uses his/her own facilities to deliver the property, title passes when the property is delivered to the purchaser unless there is an explicit agreement executed prior to delivery that title is to pass at some other time.

Out-of-state retailers who are engaged in business in this state and collect use tax on interstate sales of \$500,000 or more, must identify on Schedule F the specific jurisdiction in which the first functional use of the property occurs. This generally is deemed to be the jurisdiction to which the goods are shipped.

Retailers Engaged in Intrastate and Interstate Sales

Retailers who have sales that occur within California (intrastate sales subject to sales tax) as well as sales that occur outside California (interstate sales subject to use tax) are provided with Schedules B and/or C and instructed to segregate the local tax on intrastate sales from interstate sales. The local sales tax on intrastate sales should be allocated to the sales location where the sale is negotiated (Schedule C or Line B2 of Schedule B), or, if the out-of-state retailer maintains no permanent place of business in California other than a stock of goods, to the warehouse/distribution center from which delivery is made. It should be noted that warehouse/distribution center locations are the direct recipients of local tax only if the out-of-state retailer has no in-state sales office. The local use tax on interstate sales should be allocated as described in the above section, "Retailers Engaged in Interstate Sales."

Use Tax Direct Payment Permit

Effective January 1, 1998, section 7051.3 was added to the Revenue and Taxation Code. Section 7051.3 allows certain taxpayers to pay use tax directly to the CDTFA that would otherwise be collected by the retailer making the sale. The intent of this legislation is to provide for the direct allocation of use tax to the jurisdiction of first use by the purchaser rather than allocation through the countywide pool as determined by the retailer. Section 7051.3 applies only to use tax.

Section 7051.3 provides that a Use Tax Direct Payment Permit shall be issued to any applicant who agrees to self-assess and pay use tax directly to the CDTFA, and certifies to the CDTFA either of the following:

- The applicant is the purchaser for its own use or is the lessee of tangible personal property (except motor vehicles) at a cost of \$500,000 or more in the aggregate, during the prior calendar year,
- OR
- The applicant is a county, city, city and county, or redevelopment agency.

Leases Other than Leases of Certain Motor Vehicles

Regulation 1660 states that in the case of a lease, the applicable tax is generally a use tax upon the use in this state of the property by the lessee. Options and requirements applying to lessors affect this general application however, and in turn affect the place of use.

Tax-Paid Property — Place of Use

In cases where the lessor either elects or is required to report use tax measured by the purchase price of the leased property, the lessor is the consumer. In such cases, the use tax is either paid in full by the lessor to the retailer or is self-reported on the lessor's return. In either case, no tax is due on the lease receipts. If the lessor self-reports, the place of use of the leased property is the California location at which the property is first used by the lessor. If the place of use is a registered place of business, the local tax is distributed directly to the jurisdiction in which the use occurs (Schedule C or Line B2). If a permit is not required for the address of the place of use, the local tax is distributed indirectly through the countywide pool (Schedule B) except for periods after July 1, 1996 when the purchase price is \$500,000 or more. Lessors should report the use tax on these purchases on Schedule F.

Tax Paid on Lease Stream

In cases where the lessor is required to report and pay the use tax measured by rental receipts or where the lessor elects to pay the tax measured by the fair rental value, the place of use is determined by the type of property leased and the lease term.

Generally, leased property falls within one of two categories: "mobile transportation equipment" (MTE) and "non-mobile transportation equipment" (non-MTE). The term "mobile transportation equipment" applies to equipment for use in transporting persons or property for substantial distances. The term "non-mobile transportation equipment" applies to all other property and includes passenger vehicles as defined in section 465 of the California Vehicle Code and one-way rental trucks.

The lease term for local tax allocation purposes is defined as either short term (30 days or less) or long term (more than 30 days). An exception to these definitions occurs with respect to leases of motor vehicles. See the following sub-section for a detailed explanation.

Where the lease is a long term lease of non-MTE and the location of the leased property is readily identifiable in the lessor's records, the place of use is the county-wide area in which the property is located during the term of the lease. The local tax on such leases is distributed indirectly to the jurisdictions by means of the countywide pools. As with other use tax transactions of \$500,000 or more, the local use tax on long-term leases of non-MTE of \$500,000 or more is directly allocated to the jurisdiction of use on Schedule F.

Where the lease is either a short term lease, a lease of MTE, or where the actual place of use cannot be determined from the lessor's records, the lessor's California place of business at which the principal negotiations for the lease occurs is considered the place of use. The local tax remitted on such leases is distributed directly to the jurisdiction in which the lease is negotiated (Schedule C). If none of the lessor's California locations participates in the negotiations, the local tax is distributed through the countywide pools to the county corresponding to the lessee's address.

Leases of Motor Vehicles

Prior to January 1, 1996, use tax was reported by the lessor on Schedule B to the countywide pool of the assumed place of use of the vehicle by the lessee. Generally, if the lease was short term (30 days or less), the place of use was deemed to be the business location of the lessor. If the lease was long term (over 30 days), the place of use was deemed to be the jurisdiction where the lessee resides, and local tax was allocated indirectly through the countywide pool on Schedule B. Effective January 1, 1996, RTC section 7205.1 shifted the place of use for long-term leases (defined as longer than four months) from the location of the lessee to the location of the new motor vehicle dealer from whom the lessor acquires the vehicle.

Effective January 1, 1999, RTC section 7205.1 was amended to specify the proper allocation of local use tax collected by “leasing companies.” For the purposes of the allocation of the 1% local tax, a “leasing company” is a motor vehicle dealer (as defined in Vehicle Code section 285) that meets all of the following criteria:

- They originate long-term lease contracts and elect to remit tax based on lease receipts.
- They do not sell or assign the long-term contracts that they originate.
- They have annual motor vehicle lease receipts of fifteen million dollars (\$15,000,000) or more per location. Where the lessor operates from multiple locations, the lessor qualifies as a leasing company on a location-by-location basis. Annual lease receipts, which do not include capitalized cost reduction payments or amounts paid by a lessee to exercise an option, are calculated based on the previous calendar year.

For purposes of administering the local tax, a “leasing company” must be a motor vehicle dealer. In addition, the term “dealer” does not include a person who is solely engaged in the business of leasing.

When a lessor is a California new motor vehicle dealer or a “leasing company” as previously defined, the place of use for reporting the local use tax is the city in which the lessor’s place of business is located.

When the lessor is not a California new motor vehicle dealer or a “leasing company,” there are two possible allocations of the 1% local use tax. When the lessor purchases the vehicle from a California new motor vehicle dealer or a “qualified leasing company,” the place of use for reporting the local use tax is the city in which the dealer from whom the lessor purchased the vehicle is located and the tax should be reported on Schedule F. When the lessor purchases the vehicle from another source, the local use tax shall be reported and distributed through the countywide pool of the county in which the lessee resides. In this case, the local use tax should be reported on Schedule B.

LOCAL TAX ALLOCATION GUIDELINES

(CONT.8) EXHIBIT 1

Guidelines for Allocating the Local Use Tax Due on Leases of Motor Vehicles Effective January 1, 1999

If the lessor is a California new motor vehicle dealer or a California qualifying “leasing company” (as defined in Audit Manual 0618.05), for the lease of new or used motor vehicles, the local tax is allocated to the lessor’s sales location.

If the California lessor is not a motor vehicle dealer or qualifying leasing company, and the lease is for 4 months or less, the local tax is allocated to the lessor’s sales location. If the lease exceeds 4 months, the following applies:

- Lease of a motor vehicle purchased from a California new motor vehicle dealer or qualifying leasing company – local tax is allocated to the California new motor vehicle dealer or leasing company’s sales location (Schedule F)
- Lease of motor vehicle purchased from other than a California new motor vehicle dealer or qualifying leasing company – local tax is allocated to the lessee’s place of residence (Schedule B)
- Lease of MTE, other than a light duty pickup truck, purchased from a California new motor vehicle dealer or qualifying leasing company – local tax is allocated to the lessor’s sales location.

If the lessor is located outside California, and the lease is for 4 months or less, the local tax is allocated to the lessee’s place of residence (Schedule B). If the lease exceeds 4 months, the following applies:

- Lease of motor vehicle purchased from California new motor vehicle dealer or qualifying leasing company – local tax is allocated to the California new motor vehicle dealer or leasing company’s sales location (Schedule F)
- Lease of motor vehicle and MTE, purchased from other than California new motor vehicle dealer or qualifying leasing company – local tax is allocated to the lessee’s place of residence (Schedule B)

Note that “motor vehicle” means traditional passenger vehicle (designed to carry, including the driver, no more than 10 passengers), but not including any mobile transportation equipment (MTE) except light duty pickup trucks rated less than one ton.

For leases allocated to a California dealer’s sales/business location, the place of use for local use tax purposes remains the same for the duration of the contract, even though the lessor may sell the vehicle and assign the lease contract to a third party.

ACTUAL VS. ESTIMATED ALLOCATIONS

The CDTFA takes an active role in ensuring that local tax allocations provided by taxpayers are actual and strictly conform to the above guidelines. Unfortunately, not all taxpayers have accounting systems sufficient to the task. While local tax allocations are required on an actual basis, the CDTFA recognizes that in some cases, actual allocations are not available. Accordingly, staff will review requests for deviations from established procedures and may grant an exception if the circumstances warrant. Auditors may accept allocations for a single reporting period based on reasonable estimates.

Questions About Local Tax Allocation Procedures

Questions regarding local tax allocation guidelines are generally handled by field office staff, or the Local Revenue Allocation Section. Questions regarding the interpretation of statutory and regulatory provisions should be directed to the CDTFA's Legal Division.