



Schedule IT-20NOL

State Form 439 (R5/8-06)

Indiana Department of Revenue Corporate Income Tax Indiana Net Operating Loss Deduction

Name of Corporation or Organization Federal Identification Number

PART 1 - Computation of Indiana Net Operating Loss (NOL) Complete Schedule IT-20NOL for each loss year. Taxable Income or Loss IRC Section 172(d) Modifications for Loss Year Adjusted Gross Income Modifications for Loss Year Indiana Business Income or Loss Previously Allocated and Apportioned Income or Loss Attributed to Indiana

If an Indiana net operating loss is computed and there is no attending federal NOL, check this box to relinquish the two, three, or five year NOL carry back provision for Indiana income tax purposes: bb [ ] Election to Waive Carry Back of the Indiana Net Operating Loss Deduction

PART 2 - Computation of Indiana Net Operating Loss Deduction and Carryover Make required entries, as specified to compute the amount of Indiana modified adjusted gross income used. Add all entries across columns (2), (3) & (4) for each tax year; enter result in column (5). If result is a loss, also enter loss in column (4) for the next carryover year.

Carryover: Update this schedule for each tax year. Claim the remaining NOL from column (4) as a deduction to your return. Note: The carry back application to the third through the fifth preceding tax year was eliminated, except for certain farm losses and losses incurred in 2001 and 2002 or for loss years beginning before August 16, 1997.

Table with 5 columns: (1) List Tax Period Ending, (2) Taxable Income as last Determined, (3) Add Back other Deductions from Indiana Adjusted Gross Income in the Taxable Year, (4) Indiana Net Operating Loss Deduction for the Taxable Year, (5) Indiana Adjusted Gross Income or Remaining Unused Net Operating (Loss). Rows include 5th Year, 4th year, 3rd year, 2nd year, 1st year, and 1st year through 10th year following.

Attach additional sheets to show carry forward application up to the 15th or 20th following tax year.

## Instructions for Schedule IT-20NOL

### Indiana Net Operating Loss Deduction

Public Law 81-2004 amends IC 6-3-2-2.6 to provide a net operating loss (NOL) deduction from Indiana adjusted gross income after adding back any other NOL deductions taken pursuant to IRC Section 172. If a separately recalculated net operating loss remains, following state modifications and federal carry back and carry forward guidelines, the Indiana NOL is deductible in full. The amount of the unused Indiana balance will be available for the following year.

All loss years ending after January 1, 2004 and pre-existing NOL(s) carried over to a taxable year after this date must be recomputed by applying the amended provisions of this Act. Deductions for net operating losses that were incurred in taxable years ending before January 1, 2004 and carried back or forward and deducted in taxable years ending before January 1, 2004 are calculated under the law in effect for the year the net operating loss was incurred.

### Who Should File Schedule IT-20NOL?

Corporate taxpayers and nonprofit organizations subject to the adjusted gross income tax and having a net operating loss must complete and attach this schedule to any Indiana corporation tax return, Forms IT-20, IT-20NP, or IT-20X, when claiming the loss deduction. Schedule IT-20NOL is not in itself a claim for refund, but an attachment to show how much of the Indiana net operating loss deduction is applied and available to carryover.

Corporations doing business as a financial institution may not use this schedule. Schedule FIT-20NOL should be completed.

### When to File?

A refund initiated by a net operating loss carry back must be claimed by the taxpayer within three (3) years from the original due date of the loss year's return (including extensions). An amended carry back claim, if not refunded within ninety (90) days from the date filed, the date the tax payment was due, or the date the tax was paid, whichever is latest, accrues interest from the initial due date of the return in which the loss was incurred. Net operating loss carry forward deductions fall within regular statutory requirements.

Attach completed Schedule IT-20NOL, Part 1, to loss year return. Check Part 1 box titled "**Election to Waive Carry Back of the Indiana Net Operating Loss Deduction**" if the loss is being carried forward for both federal and state tax purposes, or if no federal election is otherwise in effect.

Whenever a net operating loss deduction is claimed, attach a separately completed and recomputed NOL schedule of each loss year. Use revised Schedule IT-20NOL (8-04), update Part 2 as needed and attach copy to your return(s).

### Indiana Treatment of Net Operating Loss Deduction for Adjusted Gross Income Tax Purposes

PL 81-2004, effective January 1, 2004, provides for an NOL deduction from total Indiana Adjusted Gross Income equal to the amount of a federal NOL, computed under IRC Section 172, for the taxable year, that is derived from sources within Indiana and adjusted for modifications required under IC 6-3-1-3.5. Modifications include the add back of property taxes (for tax periods 1998 and before), income taxes, charitable contributions, deduction of interest on U.S. Government obligations, and a deduction for foreign gross up. Other state deductions (i.e., foreign source dividends) from adjusted gross income may not be used to compute available net operating loss.

Use combined amounts if filing a consolidated return. Affiliated groups or corporations involved in mergers must follow the same guidelines as provided by the Internal Revenue Code and rulings issued by the Internal Revenue Service with respect

to their treatment of net operating loss deductions. More than one Schedule IT-20NOL may be required to comply with these requirements.

### Carry Back and Carry Forward Years

To claim the Indiana net operating loss deduction, you must apply the same carry back / carryover treatment as used for federal purposes under IRC Section 172(b).

**For loss years beginning before August 6, 1997** - the net operating loss deduction remaining after a three (3) year carry back (if not timely waived) may be carried forward to the fifteen (15) tax years following the loss year. (See Part II instructions.) Certain losses may be carried up to twenty (20) years, following federal provisions.

**Effective for tax years beginning after August 5, 1997** - (excluding tax years ending in 2001 or 2002), federal legislation generally decreased the NOL carry back period from three (3) to two (2) tax years, while the carry forward period increased from fifteen (15) to twenty (20) years. For tax years ending in 2001 and 2002, the carry back period is extended to five (5) years unless an election to carry back was waived.

**Farm Losses** - Effective for tax years beginning after December 31, 1997, any part of an NOL attributed to a loss from farming operations may be treated as a separate NOL and may be carried back five (5) years, following federal provisions.

**Specified Liability Losses** - A ten (10) year carry back for product liability losses (or portion thereof) may be recognized to the extent allowed following IRC Section 172 rules.

### PART 1 - Computation of Indiana Net Operating Loss

Enter the tax year ending date of the loss year.

**Line 1.** Enter amount of federal taxable income (loss), excluding any net operating loss deduction as defined in Internal Revenue Code (IRC) Sections 63, 511, 801, or 832. This is comparable to the amount, as last determined, that is reportable on line 3 of 2003-2004 Form IT-20; or line 1 of Form IT-20NP (without specific deduction).

*Line references from prior years - use line 23 of Form IT-20; line 3 of Form IT-20SC; and, line 55 of Form IT-20NP.*

If amount was previously adjusted because of an audit or amended return, an explanation should be attached explaining how the income figure was calculated.

**Note:** A domestic insurance company may compute and carryover a net operating loss incurred from a loss year in which it was not subject to Indiana adjusted gross income tax.

**Line 2.** You must apply any applicable modifications for a net operating loss as calculated under provisions of IRC Section 172(d) that effect adjusted gross income. Some of these federal adjustments related to a net operating loss include but are not limited to:

1. A corporation cannot increase its current year NOL by carry backs or carryovers from other years. Capital losses are limited to net capital gains.
2. The dividends-received deductions for dividends received from domestic and foreign corporations and for dividend received on certain preferred stock of a public utility are computed without regard to the aggregate limits (based on federal taxable income) that normally apply under IRC Section 246(b).
3. The deduction for dividends paid on certain preferred stock of public utilities may be figured without limiting it to the federal taxable income for the year under IRC Section 247(a)(1)(B).

**State Modifications and Adjustments** Enter figures from

loss year's return. Enter only the items enumerated on lines 3 through 9.

**Line 3.** Enter all state income taxes deductible on federal return.

**Line 4.** Enter charitable contributions to the extent deducted on the federal return.

**Line 5.** Enter qualified domestic production activities deduction claimed under IRC Section 199 on the federal return. Also include add back amount from IT-20 Schedule PIC, Part 3(b), for intangible expenses and directly related intangible interest expenses used to reduce IRC Section 63 taxable income (effective July 1, 2006).

**Line 6.** Add back or subtract an amount equal to net bonus depreciation allowed under IRC Section 168(k) as reported for the taxable year. Also, add back on this line, an amount equal to the IRC Section 179 deduction taken for qualified property that exceeds the \$25,000 cap amount recognized for state purposes.

**Line 7.** Deduct net interest that is exempt from state taxation that is included in federal taxable income.

**Line 8.** Deduct foreign gross up allowable under IRC Section 78 to the extent not eliminated on line 2.

**Line 9.** Deduct all income or loss classified as non-business plus previously apportioned or allocable partnership income that is included as part of federal adjusted gross income. The portion attributed to Indiana will be added back on line 13 to arrive at Indiana modified adjusted gross income or net operating loss.

Please note that other state adjustments from Indiana income, such as the foreign source dividends deduction (IC 6-3-2-12) cannot be used to create, increase or decrease an Indiana net operating loss deduction.

**Line 11.** If apportionment of income applies in the loss year, enter the Indiana apportionment percentage from line 15d of 2003-2004 Form IT-20 or the appropriate line from the Indiana apportionment schedule used.

**Line 12.** Enter amount from completed IT-20 Schedule F, line 11D, Indiana non-business income or loss and Indiana non-unitary partnership income or loss.

**Line 14.** If result is a loss figure, this is the initial amount available as the Indiana net operating loss. Carry this amount to Part 2, Column (4) for the first period your are eligible to claim a net operating loss deduction.

If result is a positive amount, STOP. You do not have an Indiana net operating loss.

#### **Election to Waive the Carry back of a Net Operating Loss Deduction**

Pursuant to the Internal Revenue Code, a taxpayer may irrevocably elect, by the loss year's due date (including extensions), to waive the entire carry back period. If this election is made for the loss year on the federal return, the net operating loss deduction may only be carried forward for federal and state tax purposes.

In the absence of net operating loss on the federal return, the taxpayer may make an election to waive the carry back of its Indiana net operating loss. This election is reflected on Indiana Schedule IT-20NOL by checking the box titled "Election to Waive Carry Back of the Indiana Net Operating Loss Deduction."

By making this election, you must timely file the Indiana loss year return and attach schedule. Attach an updated schedule to the return filed for taxable years listed in Part 2 (Forms IT-20X, IT-20 or IT-20NP).

#### **PART 2 - Computation of Indiana Net Operating Loss Deduction and Carryover**

Schedule IT-20NOL must be completed for each year a loss occurs. Copies of the schedule should be attached to returns for all years a NOL deduction is claimed. If more than one NOL from different loss years is available, a separate Schedule IT-20NOL must be completed for each NOL deduction applied.

**Note:** Any net operating loss carried forward and deducted in a taxable year beginning after December 31, 2003, shall be reduced by the amount of the net operating loss previously deducted in an earlier year.

**Column (1)** - Fill-in the range of tax years to which the NOL is to be applied according to the tax period ending date(s). If, in one or more of these years, a loss was incurred or the adjusted gross income was previously reduced to zero by another loss carry forward, the year should still be included.

**Column (2)** - Enter the Indiana adjusted gross income, from the taxable year of the Indiana return as last determined. Use net taxable income amount as previously adjusted because of an amendment, or as reduced by an NOLD carried over from another loss year and before applying the unused NOLD from Part 1. However, if this taxable year is also a loss, enter zero (0). If the adjusted gross income was previously reduced by another net operating loss deduction, a copy of the Schedule IT-20NOL for the prior loss year should be attached. If previously adjusted from an audit or amended return, an explanation should be attached to the IT-20NOL schedule explaining how the adjusted gross income figure was calculated.

**Column (3)** - Add back Indiana portion of any other deductions taken from computed adjusted gross income for the taxable year that is not a loss year. Currently, other deductions appear as line 11 on the 2003-2005 Form IT-20.

You must further calculate the actual amount deducted if income was subject to apportionment. Multiply the other deduction amount by the percent used on line 15d (or comparable line) of your return in the taxable year.

Since this amount is a subtraction from adjusted gross income, enter figure as a positive amount.

**Column (4)** - If this is the first year to which the NOLD is applied, enter the deductible amount of NOL from Part 1, line 13. Otherwise, enter the remaining unused amount carried over from column (5) for the taxable year.

**Net Operating Loss Deduction** - For reporting purposes of the taxable year return, claim this full amount as a **positive deduction** on line 19 of 2005 Form IT-20; line 10 of 2005 Form IT-20NP; or on line 2B of Indiana Amended Form IT-20X.

**Column (5)** - Add amounts entered on row under column (2), (3) and (4) for the taxable year. If any Indiana adjusted gross income remains (the NOL is used in full), continue by completing the rest of your income tax return.

**Net Operating Loss Carryover** - If result is a loss, enter (the remaining unused net operating loss) in column (4) for the next carryover year. This amount will be available to offset modified income reported in Columns (2) and (3) of the following taxable year.

If you have any questions concerning Indiana's treatment of a net operating loss deduction, contact:

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Corporate Income Tax Section  
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