



## What's new for 2003?

- Effective for tax years **ending after December 31, 2002**, insurance companies are no longer allowed to offset excess Life and Health Insurance Guarantee Association or Health Maintenance Organization Guarantee Association assessments against their income tax liabilities. This new law applies to all assessments, regardless of the year in which they were paid.
- Effective for tax years **ending on or after December 31, 2003**, the credit for replacement tax paid and the \$1,000 exemption allowance have been removed from Form IL-1120.
- Effective for tax years **ending on or after December 31, 2003**, the following income tax credits have been removed from Schedule 1299-D:

Research and Development Credit  
Training Expense Credit

In addition, if you qualify for certain enterprise zone or high impact business subtractions from Schedule 1299-B, or income tax credits from Schedule 1299-D, you are required to report those figures on the appropriate lines provided on Form IL-1120. See specific instructions for Part I, Line 5, and Part V, Lines 4a through 4c.

- **Short-year filers only:** Effective for tax years **beginning on or after January 1, 2004**, those businesses in the film industry may qualify for a Film Production Services Tax Credit. See Schedule 1299-D Instructions for more information.
- **Short-year filers only:** Effective for tax years **beginning on or after January 1, 2004**, businesses in the interstate trucking industry may qualify for a Transportation Employee Tax Credit. See Schedule 1299-D Instructions for more information.
- Effective for tax years **ending on or after December 31, 2003**, net loss deductions may no longer be used as a carryback to offset prior year income. The carryforward provision is now limited to 12 years. See specific instructions for Part IV, Line 2 and Schedule NLD for more information.
- Effective for tax years **ending on or after September 11, 2001**, Illinois has "decoupled" from the federal bonus depreciation legislation. Additions and subtractions reversing the effects of federal bonus depreciation are figured on Form IL-4562, Special Depreciation. See specific instructions for Part I, Lines 2c and 5f.
- Effective for tax years **beginning on or after January 1, 2003**, you may make an election to treat all of your income other than compensation as business income. A box has been added to Part III of this form for the purpose of making this election.

## General Information

### Who must file Form IL-1120?

You must file Form IL-1120 if you are a corporation that

- has net income or loss as defined under the IITA; or
- is qualified to do business in the state of Illinois and is required to file a federal income tax return (regardless of net income or loss).

It is your duty as a taxpayer to obtain forms. Failure to obtain them is not an excuse for failure to file returns as required by law.

**Unitary filers** — If you are a corporation that is a member of a unitary business group, see Illinois Schedule UB, Combined Apportionment for Unitary Business Group, and its instructions for information about filing requirements.

**Political organizations and homeowners' associations** — If you are a corporation that falls under the definition in Internal Revenue Code (IRC), Sections 527 and 528, and you report your federal taxable income on U.S. Form 1120-POL or U.S. Form 1120-H, you are subject to Illinois Income and Replacement Tax and must file Form IL-1120. If you are a **Cooperative**, write "cooperative" at the top of your Form IL-1120.

**Limited liability companies** — If you are a limited liability company and you file as a corporation for federal income tax purposes, you are treated as a corporation for Illinois purposes.

**Foreign corporations** — If you are a foreign corporation, you must observe the same filing requirements as U.S. domestic corporations. For Illinois purposes, you should report the taxable income you are reporting for federal purposes under IRC, Sections 881 through 885. You must use only the domestic factor information regarding sales information in the "everywhere" denominator when apportioning business income to Illinois. If you are a foreign corporation that is a member of a unitary business group, see Illinois Schedule UB and instructions for information about filing requirements.

**Domestic international sales corporations and foreign sales corporations** — If you are a Domestic International Sales Corporation (DISC) under IRC, Section 992, you are not subject to the taxes imposed by IRC, Subtitle A (except for the tax imposed on transfers to avoid income tax under IRC, Section 1491). Similarly, you are not required to file Form IL-1120.

For Illinois purposes, distributions from DISCs are treated in accordance with the federal rules pertaining to dividends, dividend exclusions, and dividend-received deductions.

If you are a Foreign Sales Corporation (FSC) for federal purposes and have federal taxable income apportionable or allocable to Illinois, you are subject to Illinois tax rules applicable

to all corporations. You are taxed by Illinois to the extent that your nonexempt foreign trade income, investment income, and carrying charges (taxable for federal purposes) are apportionable or allocable to Illinois.

**Note** → Corporate shareholders who derive income from Illinois should include actual and deemed distributions from a DISC or FSC in business income.

**Real estate mortgage investment conduits** — If you are a real estate mortgage investment conduit in accordance with IRC, Section 860A through G, you are not required to file Form IL-1120.

**Charitable organizations, etc.** — If you are an organization exempt from federal income tax by reason of IRC, Section 501(a), you are not required to file Form IL-1120. However, unrelated business taxable income, as determined under IRC, Section 512, is subject to tax (without any deduction for Illinois Income Tax) and must be reported on Form IL-990-T, Exempt Organization Income and Replacement Tax Return. For further information, see Form IL-990-T instructions.

**Small business corporations** — If you are an S corporation, as defined by IITA, Section 1501(a)(28), you are subject only to Illinois Replacement Tax and must file Form IL-1120-ST, Small Business Corporation Replacement Tax Return. The shareholders of these corporations are taxed by Illinois on their distributive shares of the corporation's income. For further information, see Form IL-1120-ST instructions.

### How do I register my business?

If you are required to file Form IL-1120, you should register by calling our Central Registration Division at **217 785-3707**, and they will either send you the correct form to complete or assist you by telephone.

Registering with the Illinois Department of Revenue (IDOR), **prior to filing your return** ensures that your tax returns are accurately processed and that you receive the appropriate forms.

Your identification numbers as an Illinois business taxpayer are your federal employer identification number (FEIN) and your Illinois business tax (IBT) number.

### When should I file?

Your Illinois filing period is the same as your federal filing period. In general, Form IL-1120 is due on or before the 15th day of the **3rd** month following the close of the tax year. If the **original** due date of your federal return is later than the 15th day of the 3rd month, your Illinois due date will be the same as your federal due date.

**Automatic seven-month extension** — We grant you an automatic seven-month extension of time to file your corporate tax return. You are not required to file Form IL-505-B, Automatic Extension Payment, in order to obtain this automatic

extension. However, if you expect tax to be due, you must use Form IL-505-B to pay any tentative tax due in order to avoid interest and penalty on tax not paid by the original due date of the return. An extension of time to file your Form IL-1120 is not an extension of time for payment of Illinois tax.

**Additional extensions beyond the automatic extension period** — We will grant an extension of more than seven months **only** if an extension of more than six months is granted by the Internal Revenue Service (IRS). You must attach a copy of the approved federal extension to your Form IL-1120.

## Where should I file?

Mail your Form IL-1120 to

ILLINOIS DEPARTMENT OF REVENUE  
PO BOX 19008  
SPRINGFIELD IL 62794-9008

## When should I pay?

**Payment of tax** — You must pay your Illinois Income and Replacement Tax in full on or before the original due date of the return. This payment date applies even though an automatic extension for filing your return has been granted.

**Estimated tax payments** — If you reasonably expect your Illinois Income and Replacement Tax liability to be more than \$400 for the tax year, you are required to make quarterly payments of estimated tax. For further information regarding 2004 estimated taxes, see the instructions for Form IL-1120-ES, Estimated Income and Replacement Tax Payments for Corporations.

## Who should sign the return?

Your Form IL-1120 must be signed by the president, vice president, treasurer, or any other officer duly authorized to sign the return. In the case of a bankruptcy, a receiver, trustee, or assignee must sign any return required to be filed on behalf of the corporation. If you are a unitary business group filing an Illinois combined return, an officer of the designated agent should sign the return. If you are a Limited Liability Company, an authorized manager or member should sign the return. The signature verifies by written declaration (and under penalties of perjury) that the signing officer has personally examined the return and the return is true, correct, and complete. An individual's name signed to a return is *prima facie* evidence that the individual is authorized to sign the return on behalf of the corporation.

Any person paid to prepare the return (other than a regular, full-time employee of the taxpayer, such as a clerk, secretary, or bookkeeper) must provide a handwritten signature, date the return, and write the preparer's taxpayer identification number. If the preparer is an employee or partner of a firm or corporation, the preparer must also provide the firm's name, address, and instead of the preparer's taxpayer identification number, the preparer must provide the firm's FEIN. Self-employed preparers must

check the "self-employed" box and provide their own name, address, and taxpayer identification number in the appropriate spaces.

**Note** — If your return is not signed, any overpayment of tax is considered forfeited if, after notice and demand for signature, you fail to provide a signature within three years from the date your return was filed.

## What are the penalties and interest?

**Penalties** — You will owe

- a **late-filing penalty** if you do not file a processable return by the extended due date;
- a **late-payment penalty** if you do not pay the tax you owe by the original due date of the return;
- a **bad check penalty** if your remittance is not honored by your financial institution;
- a **cost of collection fee** if you do not pay the amount you owe within 30 days of the date printed on your bill;
- an **underreporting penalty** if you do not report your entire liability by the extended due date of your original tax return.

**Interest** — Interest is calculated on tax from the day after the original due date of your return through the date you pay the tax.

We will bill you for penalties and interest. For more information about penalties and interest, see Publication 103, Uniform Penalties and Interest. To receive a copy of this publication, see "What if I need additional assistance or forms?" for our phone numbers and addresses.

## What if I am discontinuing my business?

**Liquidation, withdrawal from Illinois or loss of charter** — If you are a corporation that is liquidated, withdraws either voluntarily or involuntarily from Illinois, **or** in any manner surrenders or loses your charter during any tax year, you are still required to file tax returns. We will pursue the assessment and collection of taxes if you are liable for income and replacement tax for that or any previous tax period.

**Sales or transfers** — If, outside the usual course of business, you sell or transfer the major part of any one or more of

- the stock or goods which you are in the business of selling,
- the furniture or fixtures of your business,
- the machinery and equipment of your business, or
- the real property of your business,

you or the purchaser must complete and send us Form CBS-1, Notice of Sale or Purchase of Business Assets, no later than 10 days after the date the sale took place. Mail this form, along with copies of the sales contract and financing agreement, to Illinois Department of Revenue, Bulk Sales Section P.O. Box 19035, Springfield, Illinois 62794-9035.

**Request for prompt determination** — You may make a request for prompt determination of liability if you are a corporation that is

contemplating, or in the process of, dissolution or has already dissolved. A completed tax return must be on file with us before you can submit a request for prompt determination. Do not submit your return and request at the same time. Mail your initial return to the address indicated on the form. You should allow 12 weeks for processing. If your request is properly made, the expiration of the statute of limitations (absent fraud) will not extend beyond 18 months from the date of your request. Mail your request and a copy of your previously submitted return to Illinois Department of Revenue, P.O. Box 19044, Springfield, Illinois 62794-9044.

## What if I need to correct or change my return?

**Corrected** — If you need to correct or change your return after it has been filed, but before the automatic extension due date has passed, you must file Form IL-1120-X, Amended Corporation Income and Replacement Tax Return. Mark the form "CORRECTED" at the top and show the changes. Any correction made may cause a recalculation of penalties and interest.

**Amended** — If you need to correct or change your return after it has been filed, and the automatic extension due date has passed, you must file Form IL-1120-X showing the changes.

**State changes only** — If you discover an error on your Illinois return that does not relate to an error on your federal return but was caused by

- a mistake in transferring information from your federal return to your Illinois return,
- failing to report to Illinois an item that has no effect on your federal return, or
- a mistake in another state's tax return that affects the computation of your Illinois tax liability,

you must file Form IL-1120-X, promptly.

If you are filing Form IL-1120-X to claim an overpayment, it must be filed within three years after the extended due date, or the date the return was filed, or one year after the tax giving rise to the overpayment was paid, whichever is latest.

**Federal changes only** — If you have filed an amended federal return or if you have been notified by the IRS that they have made changes to your return, you must file Form IL-1120-X. This includes any change in your federal income tax liability; any tax credit; or the computation of your federal taxable income as reported for federal income tax purposes if the change affects any item entering into the computation of net income, net loss, or any credit for any year under the IITA. You must file Form IL-1120-X no later than 120 days after the changes have been agreed to or finally determined.

If you are filing Form IL-1120-X to claim an overpayment, it must be filed within two years after the date such notification was due (regardless of whether such notice was given). For further information, see Form IL-1120-X instructions.

## What records must I keep?

You must maintain books and records to substantiate any information reported on your Form IL-1120. Your books and records must be available for inspection by our authorized agents and employees.

## Do the IDOR and the IRS exchange income tax information?

The IDOR and the IRS exchange income tax information for the purpose of verifying the accuracy of information reported on federal and Illinois tax returns. All amounts you report on Form IL-1120 are subject to verification and audit.

## Should I round?

To make it easier for you to figure your tax, you may round the dollar amounts on Form IL-1120 and accompanying schedules to whole-dollars. To do this, you should drop any amount less than 50 cents and increase any amount of 50 cents or more to the next higher dollar.

## What is base income/taxable income?

Your Illinois base income or loss is your federal taxable income or loss, plus any additions on Line 3, less any subtractions on Line 6. See specific instructions for Part I.

“Taxable income” as reported for federal income tax purposes is determined differently for certain corporations. If you are a

- **life insurance company** subject to the tax imposed by IRC, Section 801, your taxable income is the life insurance company taxable income, plus the amount of distributions from pre-1984 policyholder surplus accounts as calculated under IRC, Section 815(a).
- **nonlife mutual or nonlife stock insurance company** subject to the tax imposed by IRC, Section 831, your taxable income is the insurance company taxable income.
- **regulated investment company** subject to the tax imposed by IRC, Section 852, your taxable income is the investment company taxable income.
- **real estate investment trust** subject to the tax imposed by IRC, Section 857, your taxable income is the real estate investment trust taxable income.
- **corporation included in the filing of a consolidated income tax return** for the tax year for federal income tax purposes, your taxable income is determined as if you had filed a separate return for federal income tax purposes for the tax year and each preceding tax year you were a member of an affiliated group. Your separate taxable income must be determined as if the election provided by IRC, Section 243(b)(2) had been in effect for all years.
- **cooperative or association**, your taxable income is the taxable income determined in accordance with the provisions of IRC, Sections 1381 through 1388.

- **foreign corporation**, your taxable income is the amount of federal taxable income described in IRC, Sections 881 through 885.

## What if I have an Illinois net loss deduction (NLD)?

If you have an Illinois NLD from any loss year ending on or after December 31, 1986, it is subtracted from and limited to your base income allocable to Illinois.

To determine your “Illinois net loss” start with federal taxable income, without regard to any federal net operating loss deduction (NOLD), and apply all addition and subtraction modifications and all allocation and apportionment provisions.

Illinois net losses may only be carried forward for 12 years. If you are carrying an Illinois NLD, you must complete Illinois Schedule NLD, Illinois Net Loss Deduction, and claim the deduction on Part IV, Line 2. See specific instructions for Part IV, Line 2.

If you have an Illinois net loss for this tax year, you must file Form IL-1120 reporting the loss in order to carry the loss forward to another year.

If you need further information,

- visit our Web site at [www.ILtax.com](http://www.ILtax.com) and view the Illinois Income Tax Regulations, Sections 100.2050 and 100.2300 through 100.2330, or
- write to Illinois Department of Revenue, Legal Services Office, Senior Counsel - Income Tax, 5-500, 101 West Jefferson Street, Springfield, Illinois 62702, and request these sections of the Illinois Income Tax Regulations.

## What attachments do I need?

When filing your return there are certain types of income items and subtraction modifications that require the attachment of Illinois or federal forms and schedules. Instructions for these attachments appear throughout the specific instructions for completing your return. If you are filing as a member of a unitary group, see Illinois Schedule UB instructions for proper attachments, and see Exception no. 3.

**You must attach a copy of your U.S. Form 1120, Page 1 and Schedules L, M-1, and M-2, or U.S. Form 1120-A, Pages 1 and 2 to your Illinois return.**

- **Exception no. 1** — If you are a corporation whose taxable income is included in a consolidated federal tax return, you must provide a *pro forma* copy of U.S. Form 1120, Page 1, Schedules L, M-1, and M-2 as if you had filed a separate federal return.
- **Exception no. 2** — If you are a life insurance company, nonlife mutual, or nonlife stock insurance company, you must attach a copy of U.S. Form 1120L, Page 1, or U.S. Form 1120-PC, Page 1 (and Schedule A, if filed).
- **Exception no. 3** — If you are a member of a group filing as a unitary business, you **do not** need to attach U.S. Form 1120, Page 1, Schedules L, M-1, or M-2.

**Note** — When filing your Form IL-1120, include only forms and schedules required to support your return. Send correspondence separately to P.O. Box 19044, Springfield, Illinois 62794-9044.

## What are Illinois Schedules K-1-T and K-1-P?

**Illinois Schedule K-1-T**, Beneficiary's Share of Income and Deductions, is provided for trusts and estates to supply each beneficiary with tax information. If you are a beneficiary of a trust or an estate, you should receive a completed Illinois Schedule K-1-T and a copy of **Illinois Schedule K-1-T(2)**, Beneficiary's Instructions.

**Illinois Schedule K-1-P**, Partner's or Shareholder's Share of Income, Deductions, Credits, and Recapture, is for partnerships and S corporations to supply each partner or shareholder with tax information. If you are a partner in a partnership or a shareholder in an S corporation, you should receive a completed Illinois Schedule K-1-P and a copy of **Illinois Schedule K-1-P(2)**, Partner's or Shareholder's Instructions.

## What if I need additional assistance or forms?

*If you need additional assistance,*

- visit our Web site at [www.ILtax.com](http://www.ILtax.com);
- call our Taxpayer Assistance Division, Monday through Friday, 8 a.m. to 5 p.m. at **1 800 732-8866, 217 782-3336**, or our TDD (telecommunications device for the deaf) at **1 800 544-5304**; or
- write to us at P.O. Box 19044, Springfield, Illinois 62794-9044.

*If you need additional forms or schedules,*

- visit our Web site at [www.ILtax.com](http://www.ILtax.com);
- call our Illinois Tax Fax at **217 785-3400** or our 24-hour Forms Order Line at **1 800 356-6302**; or
- write to us at P.O. Box 19010, Springfield, Illinois 62794-9010.

## Specific Instructions

**Name, address, and FEIN** — Type or print the required information clearly in the spaces provided. Be sure that your name, address, FEIN, and the tax year ending are correctly reported at the top of your Form IL-1120. If your name or address has changed since you filed your last return, check the appropriate box. If you have an IBT number, write it clearly in the space provided.

**Combined unitary** — If you are filing an Illinois combined unitary return, check the box and attach a completed Illinois Schedule UB. For further information, see Illinois Schedule UB instructions.

**Foreign insurer** — If you are a foreign insurer, check the box and, if you are entitled to a tax reduction, attach a completed Illinois Schedule INS, Computation of Tax for a Foreign Insurer. If you are a foreign insurer and you are filing as a member of a combined unitary group, check the box and, if your unitary group is entitled to a tax reduction, attach a completed Illinois Schedule UB/INS, Computation of Tax for a

Unitary Business Group with Foreign Insurer Members. For further information, see Illinois Schedule INS or Illinois Schedule UB/INS.

If this is your first or final return, check the appropriate box and, if final, answer the questions at the end of your return.

**Federal consolidated** — If you are a member of a federal consolidated group, check the “yes” box and write the FEIN of the federal parent. See General Information, “What is base income/taxable income?” and “What attachments do I need?”

**Note** → You must complete Form IL-1120 **itself**. Do not send a computer printout with line numbers and dollar amounts attached to a blank copy of the return.

You must use the same accounting method (e.g., cash or accrual) and tax year that you used for federal income tax purposes.

A double deduction is prohibited by IITA, Section 203(g). You cannot deduct the same item more than once.

## Part I — Computation of base income or loss

Specific instruction for most of the lines are provided on the following pages. Lines that are not discussed in the instructions are self-explanatory.

**Line 1** — To determine the amount to write on Line 1 of Form IL-1120, complete the worksheet. This worksheet reports federal taxable income or loss without regard to any federal net operating loss deduction (FNOLD). To report an Illinois net loss deduction (NLD), see Part IV - specific instructions for Line 2.

In accordance with IITA, Section 203(e)(2)(E), if you are filing as part of a federal consolidated group, you must compute federal taxable income as though you had filed a separate federal return.

If you are filing as a combined unitary taxpayer, see Illinois Schedule UB, Specific Instructions for Completing Form IL-1120.

### Line 1 Worksheet

- 1 Taxable income before NOL deduction and special deductions from U.S. Form 1120, Line 28, or U.S. Form 1120-A, Line 24. \_\_\_\_\_
- 2 Special deductions from U.S. Form 1120, Line 29b, or U.S. Form 1120-A, Line 25b. \_\_\_\_\_
- 3 Taxable income or loss before NOL deduction. Subtract Line 2 from Line 1. Write on Line 1 of Form IL-1120. \_\_\_\_\_

## Additions

**Note** → Do not write **negative** amounts on Lines 2a through 2c. If you are claiming over-accrued taxes, identify and include them on Line 5f.

**Line 2a** — Write the following amounts excluded from federal taxable income that were paid or accrued to you during the tax year.

- Tax exempt interest from U.S. Form 1120, Schedule M-1, Line 7 (or equivalent)  
**Note:** If you are **life insurance company**, the gross investment income earned from federally tax-exempt sources must be added back.
- All tax-exempt interest distributions received from regulated investment companies.

**Line 2c** — Identify each of the following items in the space provided, and write the total amount of income from the following sources:

- If you are a regulated investment company, include the excess of the net long-term capital gain for the tax year, over the amount of capital gain dividends designated as such in accordance with IRC, Section 852(b)(3)(C) and any amount designated under IRC, Section 852(b)(3)(D), attributable to the tax year.
- If you are a partner in a partnership, or a beneficiary of a trust or an estate, include your distributive share of additions received from the partnership, trust or estate.  
**Note** → The partnership is required to send you an Illinois Schedule K-1-P and the trust or estate is required to send you an Illinois Schedule K-1-T, specifically identifying your share of income.
- The addition amount calculated on Form IL-4562, Special Depreciation. See Form IL-4562 and instructions. Identify this amount as “special depreciation” on the line provided. **Attach Illinois Form IL-4562 to your Form IL-1120.**

## Subtractions

**Line 5a** — Write the total interest received or accrued from U.S. Treasury bonds, notes, bills, federal agency obligations, and savings bonds that is included in the federal taxable income. You may **not** subtract anything that is not identified in Illinois Publication 101, Income Exempt from Tax. This amount is net of any bond premium amortization deducted federally.

**Line 5b** — Write the Enterprise Zone Dividend Subtraction from Illinois Schedule 1299-B, Enterprise Zone or Foreign Trade Zone (or sub-zone) Subtractions, Step 2, Line 28. **Attach Illinois Schedule 1299-B to your Form IL-1120.**

**Line 5c** — Write the High Impact Business Dividend Subtraction from Illinois Schedule 1299-B, Step 2, Line 29. **Attach Illinois Schedule 1299-B to your Form IL-1120.**

**Line 5d** — For financial organizations only — Write the High Impact Business within a Foreign Trade Zone (or sub-zone) Interest Subtraction from Illinois Schedule 1299-B, Step 2, Line 30. **Attach Illinois Schedule 1299-B to your Form IL-1120.**

**Line 5e** — Write the amount of any contribution made to a job training project established under the “Tax Increment Allocation Redevelopment Act,” as amended. For further

information, see Illinois Compiled Statutes, Chapter 65, paragraph 5/11—74.4—1 *et seq.*

**Line 5f** — Identify each of the following subtractions in the space provided on the form. You may **not** subtract anything that is not identified below or in Illinois Publication 101. Write the total of

- the refund of Illinois income and replacement tax for a prior year, to the extent included in your federal taxable income.
- any other income included on Part I, Line 4, exempt from taxation by Illinois by reason of its Constitution or statutes or by the Constitution, treaties, or statutes of the United States. This amount is net of any bond premium amortization deducted federally. For further information, see Illinois Publication 101.
- your distributive share of subtractions passed through to you by a partnership, trust, or estate that you were either a partner or a beneficiary. Do not include any amounts passed through that are reflected on Schedule 1299-B.

**Note** → The partnership is required to send you an Illinois Schedule K-1-P and the trust or the estate is required to send you an Illinois Schedule K-1-T, specifically identifying your share of subtractions.

- the “foreign dividend gross-up (IRC, Section 78)” included in your taxable income if you are electing a foreign tax credit under the provisions of IRC, Section 901. **Attach U.S. Form 1120, Schedule C (or equivalent) to your Form IL-1120.**

**Note** → If you are completing an Illinois Schedule J, Foreign Dividends, include this subtraction in Part I of that form instead of listing separately on Line 5f.

- any amount shown on Illinois Schedule J, Step 1, Line 17, for foreign dividends received. **Attach Illinois Schedule J and U.S. Form 1120, Schedule C (or equivalent) to your Form IL-1120.**
- any “exempt-interest” dividends, as defined in IRC, Section 852(b)(5), paid to shareholders for the tax year, by you, as a regulated investment company.
- the amounts disallowed as federal deductions or interest expenses under IRC, Section 171(a)(2), 265, 280C, 291(a)(3) and 832(b)(5)(B)(i).
- the amount equal to the deduction used to compute the federal tax credit for restoration of amounts held under claim of right under IRC, Section 1341.
- the excess, if any, of the income you received from an interinsurer or a reciprocal insurer, over the deductions allocable to that income. This applies only if you are an attorney-in-fact for the interinsurer or reciprocal insurer, and the insurer has made an IRC, Section 835, election with respect to you.
- the subtraction allowance from Form IL-4562.

Complete Form IL-4562 to figure this subtraction. Identify this amount as “depreciation subtraction” on the line provided. **Attach Form IL-4562 to your Form IL-1120.**

## Part II — Computation of total tax

Complete Parts III, IV, and V before completing Part II.

**Note** If you are a foreign insurer, complete Illinois Schedule INS before completing Part II. If you are a foreign insurer and you are filing as a member of a combined unitary group, complete Illinois Schedule UB/INS before completing Part II.

**Line 1** — Follow the instructions on the form. If you are a foreign insurer and you are entitled to a tax reduction, write the amount of reduced replacement tax from Illinois Schedule INS or Illinois Schedule UB/INS.

**Line 2** — Follow the instructions on the form. If you are a foreign insurer and you are entitled to a tax reduction, write the amount of reduced income tax from Illinois Schedule INS or Illinois Schedule UB/INS.

**Line 4b** — Write the amount of Illinois Income and Replacement Tax paid with Form IL-505-B.

**Lines 5 through 6a** — Follow the instructions on the form. Your refund will not be issued if you do not file a processable return.

**Note** Your refund or credit carryforward may be reduced by us to satisfy any unpaid tax, penalty, and interest due for this year or any preceding year. If we reduce your credit carryforward, it may result in a penalty in the succeeding year for underpaid estimated tax.

**Line 7** — Follow the instructions on the form. This is your amount of tax due that must be paid in full if \$1 or more. Make your check or money order payable to “**Illinois Department of Revenue.**” We will compute any penalty or interest due and notify you (see General Information, “What are the penalties and interest?”). If you prefer to calculate and pay any penalties and interest when you file, write “penalty” and the amount to the left of Line 7. Include this penalty amount and any interest in your payment.

If you completed Form IL-2220, Computation of Penalties for Businesses, check the box below Line 7 and attach Form IL-2220 to your Form IL-1120.

## Part III — General Instructions

### Who must complete Part III?

You **must** complete Part III if any portion of Part I, Line 7, base income or loss is derived outside Illinois. If you do not complete **all** of Part III, we may issue a notice and demand proposing 100 percent of business income being apportioned to Illinois.

In order to properly allocate your base income or loss, you need to determine what portion of the total base income is business income or loss that is to be apportioned among all the states in which you do business, and what portion is nonbusiness income or loss that is to be allocated to a particular state.

## Definitions

All references to “income” include losses. The following definitions may be helpful in completing Part III of Form IL-1120.

**Business income** means income arising from transactions and activities in the regular course of your trade or business, after any related deductions. It includes income from tangible and intangible property if the acquisition, management, and disposition of the property are integral parts of your regular trade or business operations.

Most income of a corporation is regarded as business income. Consequently, in the case of a corporation, other than a personal holding company, the consistent treatment of income from intangibles as business income in filing Illinois tax returns will be presumed to be correct.

**Commercial domicile** is the principal place where your trade or business is directed or managed.

**Nonbusiness income** means all income other than business income or compensation. For more information about the different types of nonbusiness income, see instructions for Illinois Schedule NB, Nonbusiness Income.

**Taxability (taxable) in other states** means you are subject to and pay “tax” in another state. “Tax” includes net income tax, franchise tax measured by net income, franchise tax for the privilege of doing business, and corporate stock tax. You are considered taxable in another state if that state has jurisdiction to subject you to a net income tax, even though that state does not impose such a tax. This definition is for purposes of allocating nonbusiness income and apportioning business income inside or outside Illinois.

### Part III — Base income or loss allocable to Illinois

**Note** If you fail to provide complete apportionment and allocation information, we will consider 100 percent of business income attributable to Illinois for tax purposes.

**Line 2a** — Write the amount of all nonbusiness income or loss included in base income, net of any related deductions, from Illinois Schedule NB, Column A. **Attach Illinois Schedule NB to your Form IL-1120.**

For tax years **beginning on or after January 1, 2003**, you may make an election to treat all of your income other than compensation as business income. To make this election you must check the box next to Line 2a and write zero on Line 2a and Part III, Line 7. **This election must be made by the extended due date of this return. Once made, the election is irrevocable.**

**Line 2b** — Write the amount of all business income or loss included in base income received from any non-unitary partnership, estate, or trust of which you are a partner or a beneficiary.

**Note** The partnership is required to send you an Illinois Schedule K-1-P and the trust or the estate is required to send you an

Illinois Schedule K-1-T, specifically identifying your share of income.

**Special Note** If your activities and the activities of a partnership of which you are a partner constitute a unitary business relationship, any shares of partnership business income or loss and your factor as a partner must be included in your business income and your factor. This income cannot be subtracted on Line 2b of Part III. For further information, see the Illinois Income tax Regulations, Section 100.3380(d).

**Line 5a through 5c** — You must complete Lines 5a through 5c only if business income or loss is derived inside and outside Illinois. Follow specific instructions below for Lines 5a through 5c.

**Note** If you are an insurance company, financial organization, or transportation company, check the appropriate box at the end of Line 5 (I = insurance company, F = financial organization, or T = transportation company) and see “Special Apportionment Formulas” in these instructions.

**Line 5a** — Write your total sales everywhere.

**Line 5b** — Write your total sales within Illinois.

Include gross receipts from the license, sale or other disposition of patents, copyrights, trademarks, and similar items of intangible personal property in the numerator and denominator of your sales factor only if these gross receipts are more than 50 percent of the total gross receipts included in gross income for this tax year and each of the two immediately preceding tax years.

Do not include the following items of income in the numerator or denominator of your sales factor:

- dividends;
- amounts included under IRC, Section 78;
- subpart F income as defined in IRC, Section 952; and
- any item of income excluded or deducted from base income.

For more information on what should be included in the numerator or denominator of your sales factor, see Illinois Income Tax Regulations 100.3370 and 100.3380.

Sales of tangible personal property are in Illinois if

- the property is delivered or shipped from anywhere to a purchaser in Illinois, other than the United States government, regardless of the f.o.b. point or other conditions of the sale;
- the property is shipped from Illinois to any place and the purchaser is the United States government;
- the property is shipped from Illinois to another state and you are not taxable in the state of the purchaser or you did not file a tax return in the state of the purchaser; or
- your salesperson operates out of an office in Illinois, and the property sold by the salesperson is shipped from a state in which you are not taxable, to a state in which you are not taxable.

If the “sales everywhere” amount includes gross receipts from the licensing, sale, or other disposition of patents, copyrights, trademarks, and other similar items of intangible personal property, then these receipts should be attributed to Illinois to the extent the item is used in Illinois during the year the gross receipts are included in gross income. An item is used in Illinois if

- a patent is employed in production, fabrication, manufacturing, or other processing in Illinois or if the patented product is produced in Illinois.
- copyrighted material is printed or other publications originated in Illinois.
- the commercial domicile of the licensee or purchaser of a trademark or other item of intangible personal property is in Illinois.

**Note** If you cannot determine from your books and records in which state an item is used, do not include the gross receipts from that item in the numerator or the denominator of the sales factor.

Sales, other than sales of tangible personal property, or gross receipts from the licensing, sale, or other disposition of patents, copyrights, trademarks and similar items of intangible personal property, are in Illinois if

- the income-producing activity is performed in Illinois; or
- the income-producing activity is performed both inside and outside Illinois, and a greater proportion of the income-producing activity is performed inside Illinois rather than outside Illinois, based on performance costs.

If you use a special apportionment formula, see “Special Apportionment Formulas” in these instructions.

**Line 5c** — Divide Line 5b by Line 5a and write the result, carried to six decimal places.

**Line 6** — Follow the instructions on the form. If Lines 5a through 5c are blank, write the amount from Line 4.

**Line 7** — Write the amount of net nonbusiness income or loss allocable to Illinois from Illinois Schedule NB, Column B. Include any nonbusiness income from Illinois Schedules K-1-P or K-1-T.

If you checked the box next to Part III, Line 2a, making the election to treat all of your income other than compensation as business income, then write zero on Line 7.

**Line 8** — Write the amount of business income or loss apportionable to Illinois as reported by any non-unitary partnership, trust, or estate on Illinois Schedules K-1-P or K-1-T (see Part III, Line 2b).

## Part IV — Computation of net income or loss and replacement tax

**Line 1** — Follow the instructions on the form. If this amount is a loss, you may carry it forward to other years as an Illinois net loss deduction (NLD). (See General Information, “What if I have an Illinois net loss deduction (NLD)?”)

**Line 2** — Write your Illinois NLD carryforward from any Illinois loss year ending on or after December 31, 1986, from Illinois Schedule NLD, Line 5. **Attach Illinois Schedule NLD or unitary Illinois Schedule UB/NLD to your Form IL-1120.**

**Line 4b** — Write your recapture of investment credits from Illinois Schedule 4255, Recapture of Investment Tax Credits, Step 4, Column C, Line 18.

If you claimed any Illinois investment tax credits in a prior year on Form IL-477, Replacement Tax Investment Credits, and any of the property was disqualified within 48 months of being placed in service, you must use Illinois Schedule 4255 to compute the amount of recapture. Credit must be recaptured in the year the property became disqualified.

**Line 6** — Write the amount from Form IL-477, Step 1, Line 11. **Attach Form IL-477 to your Form IL-1120.**

You may claim a replacement tax investment credit of .5 percent (.005) of the basis of qualified property placed in service in Illinois during the tax year.

An additional credit of up to .5 percent (.005) of the basis of qualified property is available if your Illinois base employment increased over the preceding year of if your business is new to Illinois. Excess credit may be carried forward for five years following the excess credit year. For further information, see Form IL-477 instructions.

## Part V — Computation of income tax

**Line 2b** — Write your recapture of investment credits from Illinois Schedule 4255, Step 4, Columns A and B, Line 18.

If you claimed an Enterprise Zone Credit or High Impact Business Investment Credit in a prior year on Illinois Schedule 1299-D, Income Tax Credits, and any of the property becomes disqualified, you must use Illinois Schedule 4255 to compute the amount of recapture. Credit must be recaptured in the year in which the property became disqualified. See Illinois Schedule 4255 for more information.

**Line 4** — Write the amount from Illinois Schedule 1299-D, Step 4, Line 63. The total of all credits is limited to the total income tax shown on Part V, Line 3. **Attach Illinois Schedule 1299-D to your Form IL-1120.** For further information, see Illinois Schedule 1299-D instructions.

The Tax Credit for Affordable Housing Donations, is available for tax years ending on or after December 31, 2001.

The TECH-PREP Youth Vocational Programs Credit and the Dependent Care Assistance Program Tax Credit, are available to taxpayers primarily engaged in manufacturing. Any excess credit may be carried forward for two years following the excess credit year.

- **TECH-PREP Youth Vocational Programs Credit** — The programs must be certified as qualifying TECH-PREP programs by the State Board of Education. The credit is for an amount equal to 20 percent (.20) of

your direct payroll expenditures for cooperative secondary school youth vocational programs in Illinois. The payroll expenditures must not have been claimed for the Training Expense Credit. You also may claim an additional credit of 20 percent (.20) for personal services rendered by a TECH-PREP student or instructor that would be subject to withholding if they were employed by you and no other credit is claimed by the actual employer.

- **Dependent Care Assistance Program Credit** — A credit of 5 percent (.05) of the amount of expenditures reported, pursuant to IRC, Section 129(d)(7), to provide an on-site facility dependent care assistance program as defined in IRC, Section 129.

The following credits are also available and may be carried forward five years following the excess credit year:

- **Coal Research and Coal Utilization Investment Credits** — A credit of 20 percent (.20) of the amount donated during your tax year to the Illinois Center for Research on Sulfur in Coal, and a credit of 5 percent (.05) of the amount spent on qualifying coal combustion and pollution control equipment placed in service during your tax year. The “amount spent” is defined as the basis of the equipment for federal depreciation deduction purposes.
- **High Impact Business Investment Credit** — A credit of .5 percent (.005) of the basis of qualified property placed in service in Illinois by you during your tax year as a “High Impact Business,” certified as such by the Illinois Department of Commerce and Economic Opportunity (DCEO). This credit is available only after you have met the minimum investment required by the Illinois Enterprise Zone Act.
- **Jobs Tax Credit** — A credit of \$500 per eligible employee hired to work in an Illinois enterprise zone or foreign trade zone (or sub-zone) during the tax year.
- **Enterprise Zone Investment Credit** — A credit of .5 percent (.005) of the basis of qualified property placed in service in an Illinois enterprise zone during the tax year.
- **Economic Development for a Growing Economy (EDGE) Tax Credit** — A credit is available to taxpayers who have entered into an agreement with DCEO under the Economic Development for a Growing Economy Tax Credit Act. The credit is available to businesses located within Illinois or businesses planning to locate within Illinois, who are participating in an economic development project.
- **Employee Child Care Tax Credit** — A two-part credit is available to corporations who provide a child care facility, located in Illinois, for the children of its employees. The first portion allows a credit of 30 percent (.30) of the “start-up costs” spent by you to provide a child care facility for the children of your employees. The second portion allows a credit of 5

percent (.05) of the annual amount paid by you to provide the child care facility for your employees' children. The 5 percent (.05) credit cannot be claimed if the Dependent Care Assistance Program Tax Credit is claimed.

- **Tax Credit for Affordable Housing Donations** — A credit of 50 percent (.50) of the amount of the donation a taxpayer makes under Section 7.28 of the Illinois Housing Development Act for the development of affordable housing in Illinois.
- **Environmental Remediation Credit (carryforward only)** — The Environmental Remediation Tax Credit allowed a credit for tax years **ending on or after January 1, 1998**, through tax years **ending on or before December 31, 2001**, for certain amounts paid for unreimbursed eligible remediation costs.

For tax years ending **on or after January 1, 2002**, you may take this credit only if you are using a credit carryforward that was earned during the original timeframe allowed for earning the credit. For more information see FY Bulletin 2003-09, Claims for Environmental Remediation Tax Credit.

- **Film Services Tax Credit (short-year filers only)** — For tax years **beginning on or after January 1, 2004**, businesses within the film industry may qualify for a Film Services Tax Credit. Contact the Department of Commerce and Economic Opportunity for additional information.
- **Transportation Employee Tax Credit (short-year filers only)** — For tax years **beginning on or after January 1, 2004**, a credit in the amount of \$50 per eligible employee may be taken for businesses in the interstate commerce industry.

**Lines 4a, 4b, and 4c** — Follow the instructions on the form and write the appropriate amounts from Schedule 1299-D, if applicable.

**Note** Recent legislation requires the Illinois Department of Revenue to collect data for certain credits. The amounts on 4a, 4b, and 4c are already included in the amount on Line 4, total income tax credits from Schedule 1299-D.

## Special Apportionment Formulas

Certain businesses that derive their income from inside and outside Illinois require a special apportionment formula. The following definitions will help in completing Part III.

- A Direct writing company** — an insurance company whose direct insurance premiums are 50 percent or more of its total insurance premiums.
- B Reinsurer** — an insurance company whose reinsurance premiums assumed are 50 percent or more of its total insurance premiums.
- C Total insurance premiums** — the sum of both direct insurance premiums and reinsurance premiums assumed without any reduction for reinsurance ceded.

**D Annual statement** — the annual statement required to be filed with the director of insurance of the state of Illinois.

**E Life insurance company** — an insurance company taxable under IRC, Section 801, for the tax year.

**F Nonlife mutual and nonlife stock insurance companies** — an insurance company taxable under IRC, Section 831, for the tax year.

**G Business income** — See Part III - General Instructions, "Business income" under Definitions.

**H Financial organization** — any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company.

**I Business income from sources within Illinois** — Business income of a financial organization from sources within Illinois is the sum of

- fees, commissions, or other compensation for financial services rendered within Illinois;
- gross profits from trading in stocks, bonds, or other securities managed within Illinois;
- dividends received within Illinois;
- interest from Illinois customers received within Illinois;
- interest charged to customers at places of business maintained inside Illinois for carrying debit balances on margin accounts, without deduction of any costs incurred in carrying such accounts; and
- any other gross income resulting from the operation as a financial organization inside Illinois.

In computing these amounts, any amount received by a member of an affiliated group (determined under IRC, Section 1504(a), but without reference to whether any such corporation is an "includible corporation" under IRC, Section 1504(b)) from another member of the group must be included only to the extent the amount exceeds the original recipient's expenses directly allocable to such income.

**J Revenue miles** — A revenue mile is the transportation of one passenger, or one net ton of freight, the distance of one mile. In the case of transportation by pipeline, a revenue mile is the transportation of one barrel of oil, 1,000 cubic feet of gas, or any specified quantity of any other substance, the distance of one mile.

## What if I am an insurance company?

If you checked the box in Part III, Line 5, marked "I," indicating that you are an insurance company taxable under IRC, Section 801 or 831, and your income is

derived from inside and outside Illinois, you must apportion your business income as follows:

**Direct writing companies — Life insurance companies, nonlife mutual, and nonlife stock insurance companies** - On Lines 5a and 5b, line out the word "sales" and write "Insurance premiums." On Line 5a, write the amount of total direct premiums (gross direct premiums less return premiums) from the annual statement (relating to life insurance premiums, annuity considerations, and accident and health insurance premiums, including policy, membership, and other fees).

On Line 5b, write the amount of direct premiums on property or risk located in Illinois from the annual statement.

Divide Line 5b by Line 5a and write the result, carried to six decimal places, on Line 5c. See Specific Instructions, Part III - Base income or loss allocable to Illinois, for completing Lines 6 through 9.

**Reinsurers — Life insurance companies, nonlife mutual, and nonlife stock insurance companies** - On Lines 5a and 5b, line out the word "sales" and write "Insurance premiums." On Line 5a, write from the annual statement (relating to life insurance premiums, annuity considerations, and accident and health insurance premiums, including policy, membership, and other fees) the sum of the total direct premiums (gross direct premiums less return premiums) **and** the total reinsurance premiums assumed.

On Line 5b, write from the annual statement, the sum of the direct premiums on property or risk located in Illinois **and** the reinsurance premiums assumed inside Illinois, determined under any one of the following methods:

**Method A** — Determine the reinsurance premiums assumed, relating to property or risk located in Illinois.

**Method B** — For each company from which reinsurance is accepted, determine the ceding insurance company's ratio of direct premiums on property or risk located in Illinois, to its total direct premiums. Apply this ratio to the reinsurance premiums assumed from that company. For example, reinsurer R assumes premiums of \$40,000 and \$50,000 from ceding companies A and B respectively. Company A's ratio of direct premiums on property or risk located in Illinois, to its total direct premiums, is 10 percent and Company B's ratio is 20 percent. Reinsurer R has \$14,000 of reinsurance premiums assumed on property or risk located in Illinois, consisting of \$4,000 from ceding Company A (10 percent of \$40,000) and \$10,000 from ceding Company B (20 percent of \$50,000).

**Method C** — Determine the amount of reinsurance premiums assumed from insurance companies commercially domiciled in Illinois. Include in reinsurance premiums assumed in Illinois, all premiums for reinsurance accepted from insurance companies commercially domiciled in Illinois.

Divide Line 5b by Line 5a and write the result, carried to six decimal places, on

Line 5c. See Specific Instructions, Part III - Base income or loss allocable to Illinois, for completing Lines 6 through 9.

## What if I am a financial organization?

If you checked the box in Part III, Line 5, marked "F," indicating that you are a financial organization and your income is derived from inside and outside Illinois, you must apportion your business income as follows:

**Financial organizations** — On Lines 5a and 5b, line out the word "sales" and write "Financial organization." On Line 5a, write the amount of business income from all sources. On Line 5b, write the amount of business income from sources within Illinois. Divide Line 5b by 5a and write the result, carried to six decimal places, on Line 5c. See Specific Instructions, Part III - Base income or loss allocable to Illinois, for completing Lines 6 through 9.

**International banking facilities** — If you are a financial organization that has established an international banking facility in Illinois, see IITA, Section 304(c)(2), to determine apportionable income. If you have questions about these provisions, write to Illinois Department of Revenue, Legal Services Office, Senior Counsel - Income Tax, 5-500, 101 West Jefferson Street, Springfield, Illinois 62702.

## What if I am a transportation service?

If you checked the box in Part III, Line 5, marked "T," indicating that you are a company that furnishes transportation service both inside and outside Illinois, you must apportion business income as follows:

**A Transportation other than pipeline** — On Lines 5a and 5b, line out the word "sales" and write "Revenue miles." On Line 5a, write the amount of revenue miles everywhere. On Line 5b, write the amount of revenue miles in Illinois. Divide Line 5b by Line 5a and write the result, carried to six decimal places, on Line 5c. See Specific Instructions, Part III - Base income or loss allocable to Illinois, for completing Lines 6 through 9.

**Note** If you are a corporation engaged in the transportation of both passengers and freight, Line 5c is determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect your

- relative railway operating income from total passenger and total freight service, as reported to the Surface Transportation Board in the case of transportation by railroad; and
- relative gross receipts from passenger and freight transportation in the case of transportation other than by railroad.

**B Transportation by pipeline** — On Lines 5a and 5b, line out the word "sales" and write "Pipeline." On Line 5a, write the amount of revenue miles everywhere. On Line 5b, write the amount of revenue

miles in Illinois. Divide Line 5b by Line 5a and write the result, carried to six decimal places, on Line 5c. See Specific Instructions, Part III - Base income or loss allocable to Illinois, for completing Lines 6 through 9.

## What if I have two or more discrete businesses?

If you are a corporation engaged in the conduct of two or more discrete businesses, you are entitled to compute your Illinois tax liability by determining the income attributable to each of those businesses, and apportioning that income by application of a separate apportionment formula determined for each. You must attach the separate computations to Form IL-1120. However, you must report the aggregate as if the business were one taxable entity. For further information, see Illinois Income Tax Regulations, Section 100.3010(b).

## What if I am a unitary business group member?

The term "unitary business group" means a group of persons related through common ownership, whose business activities are integrated with, dependent on, and contribute to each other. In the case of a corporation, common ownership is defined as the direct or indirect ownership or control of more than 50 percent of the outstanding voting stock of a corporation.

If you determine that you are member of a unitary business group, see Illinois Schedule UB for further information regarding your Illinois filing requirements and the computation of your Illinois tax liability.

## What if I want to use an alternative apportionment formula?

If the apportionment methods prescribed by IITA, Sections 304(a) through (e), and (h) do not fairly and accurately reflect your business activity in Illinois, or lead to a grossly distorted result, you may want to use a more accurate alternative method. If you want to use an alternative apportionment method, you **must** receive permission from the IDOR **prior** to filing your return. Send your request to Illinois Department of Revenue, Legal Services Office, Senior Counsel - Income Tax, 5-500, 101 West Jefferson Street, Springfield, Illinois 62702.

**Note** Your request for an alternative apportionment formula must follow the requirements of the Illinois Income Tax Regulations, Section 100.3390. See the regulations or contact the department for further information.

If you receive permission to use an alternative formula, you must attach to your Form IL-1120 a copy of the letter granting permission.

