



ADMINISTRATIVE RULES OF MONTANA



42.9.108 INACTIVE PASS-THROUGH ENTITIES

- (1) Except as provided in (3) and (4), foreign limited liability companies, foreign series limited liability companies, domestic limited liability companies, and domestic series limited liability companies qualified to do business in Montana and not required to file an information return under 15-30-3302, MCA, must submit an affidavit, on a form provided by the department, attesting that the limited liability company was not engaged in business in Montana during the reporting period.
- (2) Foreign limited partnerships, foreign limited liability partnerships, domestic limited partnerships, and domestic limited liability partnerships qualified to do business in Montana and not required to file an information return under 15-30-3302, MCA, must submit an affidavit, on a form provided by the department, attesting that the limited partnership or limited liability partnership was not engaged in business in Montana during the reporting period.
- (3) Any limited liability company organized solely to hold assets that does not claim a deduction under IRC section 212, for federal income tax purposes, is not required to submit an affidavit as set forth in (1) if, upon request from the department, the limited liability company provides a written statement describing the nature of its purpose.
- (4) This rule does not apply to a limited liability company, limited partnership, or limited liability partnership that is treated as an association for federal income tax purposes and subject to the provisions outlined in Title 15, chapter 31, MCA.

Authorizing statute(s): 15-1-201, 15-30-2620, 15-31-501, MCA

Implementing statute(s): 15-30-3302, 15-31-101, MCA

History: NEW, 2015 MAR p. 2152, Eff. 12/11/15.