



ADMINISTRATIVE RULES OF MONTANA



42.9.101 DEFINITIONS

The following definitions apply to this chapter:

- (1) "Eligible participant" means a partner of a partnership or a shareholder of an S corporation that is a nonresident individual, estate, or trust, a foreign C corporation, or a pass-through entity whose only Montana source income for the tax year is from partnerships or S corporations electing to file composite returns and pay composite taxes on their behalf.
- (2) "Foreign C corporation" means a corporation that is not engaged in or doing business in the state. "Engaged in business" and "doing business" are defined in 15-31-101, MCA, and ARM 42.23.102.
- (3) "Other nonresident entity" means an entity, organization, or account whose principal place of business or administration is located outside the state of Montana that has not elected, for tax purposes, to be treated as a disregarded entity, partnership, or corporation, and is not an estate or trust.
- (4) "Share of a partnership's or S corporation's income" means the aggregate of a participant's share of the pass-through entity's income, gain, loss, or deduction, or item of income, gain, loss, or deduction.

Authorizing statute(s): 15-30-2620, 15-30-3312, MCA

Implementing statute(s): 15-30-3311, 15-30-3312, 15-30-3313, MCA

History: NEW, 1996 MAR p. 2985, Eff. 10/4/96; TRANS, from ARM 42.15.701 and AMD, 2002 MAR p. 3708, Eff. 12/27/02; AMD, 2004 MAR p. 2751, Eff. 11/5/04; AMD, 2013 MAR p. 428, Eff. 3/29/13; AMD, 2015 MAR p. 2152, Eff. 12/11/15.