

# QUALIFICATION FOR A HARDSHIP WAIVER FROM THE DISKETTE OR CD FILING REQUIREMENT FOR PASS-THROUGH ENTITIES

- Pass-through entities with **100 or less** members **automatically qualify** for a hardship waiver from filing nonresident membership information on a CD or diskette.

## **What to Do:**

Attach copies of all nonresident Oklahoma Form OW-15 Nonresident Member Withholding Exemption Affidavits to the OW-15-A and mail to the address stated below on or before the due date of the pass-through entity's income tax return, including extensions.

- Pass-through entities with **more than 100** members may request a hardship waiver by submitting in **writing** what hardship would result if it were required to file on CD or diskette. Such request should be mailed to:

Oklahoma Tax Commission  
Compliance Division - Compliance Project/Income Tax  
Post Office Box 269054  
Oklahoma City, OK 73126-9054

# NONRESIDENT MEMBER WITHHOLDING EXEMPTION AFFIDAVIT

## PART A: PASS-THROUGH ENTITY INFORMATION

Name of S-Corporation, Partnership, Limited Liability Company or Trust \_\_\_\_\_ Federal Identification Number \_\_\_\_\_

Address \_\_\_\_\_

Type of Pass-through Entity (check one)

S-Corporation

Partnership

Limited Liability Company

Trust

Other

## PART B: NONRESIDENT MEMBER INFORMATION

Name of Partner, Shareholder, Member or Beneficiary \_\_\_\_\_ Social Security or Federal Identification Number \_\_\_\_\_

Address \_\_\_\_\_

## PART C: WITHHOLDING TAX EXEMPTION

I, \_\_\_\_\_, as a nonresident member of the above named pass-through entity, request to be exempt from the Oklahoma income tax withholding requirement found in Title 68 O.S. Section 2385.30 for tax year \_\_\_\_\_, and all subsequent years, until I notify the Tax Commission of a change in this election.

By signing this affidavit I agree to be subject to the personal jurisdiction of the Tax Commission in the courts of this state for the purpose of determining and collecting any Oklahoma taxes, including estimated tax payments, together with any related interest and penalties.

I agree to timely file appropriate income tax returns, or be included in the pass-through entity's income tax return, and make payment of all Oklahoma taxes as required by law.

If I fail to abide by the terms of this affidavit I understand that the Tax Commission may revoke the withholding exemption granted under Title 68 O.S. Section 2385.30 at any time.

## PART D: WITHHOLDING TAX EXEMPTION REVOCATION

I, \_\_\_\_\_, as a nonresident member of the above named pass-through entity, hereby revoke my previous withholding election dated \_\_\_\_\_. At this time, I request to be subject to withholding on my share of distributed Oklahoma income of the above named pass-through entity for tax year \_\_\_\_\_, and all subsequent years, until I notify the Tax Commission of a change of this election.

## PART E: SIGNATURE

\_\_\_\_\_  
Signature of Nonresident Member

\_\_\_\_\_  
Date

Daytime Phone Number ( \_\_\_\_\_ ) \_\_\_\_\_

# INSTRUCTIONS FOR NONRESIDENT MEMBER WITHHOLDING EXEMPTION AFFIDAVIT

## **Requirement to Make Withholding Payments**

Title 68 O.S. Section 2385.30 requires a pass-through entity to withhold income tax at the rate of 5% on each nonresident member's share of distributed Oklahoma income. A pass-through entity is not required to withhold income tax for any nonresident member who submits a Nonresident Member Withholding Exemption Affidavit (Form OW-15).

## **Instructions for Nonresident Member**

Any nonresident member, receiving a distribution of Oklahoma income from a pass-through entity, may "opt-out" of the withholding requirement by providing this completed affidavit to the pass-through entity. To receive the exemption, complete Parts A, B, C and E and submit the completed affidavit to the pass-through entity.

Any nonresident member, who has previously received an exemption from the withholding requirement, may revoke such exemption. To revoke the exemption, complete Parts A, B, D and E and submit the completed affidavit to the pass-through entity.

If any of the information provided in Parts A or B changes, a new affidavit must be filed with the pass-through entity.

## **Instructions for Pass-through Entity**

The pass-through entity must retain all Nonresident Member Withholding Exemption Affidavits and provide them to the Oklahoma Tax Commission upon request.

All pass-through entities must provide the Tax Commission with the name, address, and identification number of all nonresident members for whom they have received a Nonresident Member Withholding Exemption Affidavit on an annual basis.

Pass-through entities are required to file the nonresident member affidavit information on a CD or diskette using a spreadsheet format (such as Lotus 1-2-3 or Excel), a database format (such as DBF or Access), or a Delimited Text File. Due to security reasons, the information cannot be sent electronically at this time. All of the information shown in Parts A and B must be provided using the predefined record layouts. The predefined record layouts may be accessed on our website at [www.tax.ok.gov/ow15layout.html](http://www.tax.ok.gov/ow15layout.html). To obtain a waiver from filing on a CD or diskette, the pass-through entity must mail a request to the Tax Commission at the address below and detail any hardship that would result if required to file on a CD or diskette. Please file the CD or diskette using transmittal Form OW-15-A by the due date of the pass-through entity's income tax return, including extensions, at the address below.

For those pass-through entities that are not filing the nonresident member affidavit information on a CD or diskette, copies of all Nonresident Member Withholding Exemption Affidavits shall be filed using transmittal Form OW-15-A by the due date of the pass-through entity's income tax return, including extensions.

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