

810-3-39-.01 Corporation Returns.

(1) (a) Each corporation, joint stock company, or association, except as provided in (b), subject to Alabama income tax shall file a separate return for each tax year, including organizations subject to taxation on unrelated business taxable income as provided in § 40-18-32, Code of Alabama 1975. The return (Form 20C for corporations—and organizations with unrelated business taxable income, and Form 20S for an Alabama S corporation) shall be filled out completely and in accordance with the instructions. The return must be signed by one of the following officers: the president, vice-president, treasurer, assistant treasurer, secretary, assistant secretary, chief accounting or financial officer. The individual preparing the return, if not an officer or employee of the corporation or organization making the return, must also sign the return, and his address should be shown.

(b) An Alabama affiliated group may elect to file an Alabama consolidated return, in lieu of separate returns for the taxable year. The election is made on Form 20C-CRE (Consolidated Return Election) which shall be filed by the common parent on or before the due date, including extensions, of the Alabama consolidated return for the first taxable year for which the election is made. The Alabama consolidated return must be signed by one of the officers of the common parent listed in (1)(a) on behalf of the Alabama affiliated group. All pertinent and necessary data needed to compute the tax must be attached to the return. Form 20C-AS (Alabama Affiliations Schedule) should be attached to the Alabama consolidated return for each year the election is in effect.

(2) If the property or business of a corporation is operated by a receiver, trustee, or assignee, such person shall make a return for the corporation in the same manner as the corporation would otherwise make the return. Any tax due on the basis of such return shall be collected in the same manner as if collected from the corporation.

(3) All corporation returns shall be made on or before the fifteenth day of the third month following the close of the tax year of the corporation. The return of a corporation, or an Alabama affiliated group reporting for a calendar year is due the fifteenth day of March of the following year.

(4) Nexus. If an Alabama affiliated group elects to file an Alabama consolidated return, each and every member of the Alabama affiliated group has voluntarily agreed to nexus with the State of Alabama for income tax purposes. The election, once made, is conclusively binding on each and every member of the Alabama affiliated group as to nexus with the State of Alabama for income tax purposes - as long as the election is in effect.

(5) Extension of time for filing the return of a corporation may be granted under authority of § 40-18-39. See Rule 810-3-39-.02.

(6) Consolidated corporate returns were not permitted by the laws of Alabama for tax years beginning prior to January 1, 1999.

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