

810-2-8-.05 Election to File as a Family Limited Liability Entity.

(1) Any entity qualifying to elect status as an Electing Family Limited Liability Entity as defined by § 40-14A-1(h), Code of Alabama 1975, must file with the Department of Revenue an annual election to be taxed as a family limited liability entity for the taxable year represented by the Business Privilege Tax return.

(2) The election must be attached to the Business Privilege Tax return and filed on or before the due date of the return (including extensions).

(3) The election must be made on forms prescribed by the Department, and must contain the following:

(a) Name and FEIN of the taxpayer;

(b) A statement that the profits and capital interests of the entity were calculated using the constructive ownership rules of 26 U.S.C. §318, without regard to the 50% limitation contained in 26 U.S.C. §318(a)(2)(C) and 26 U.S.C. §318(a)(3)(C);

(c) Indication whether the entity meets the gross receipts test, the assets test, or both, by completing the Electing Family Limited Liability Election Form in its entirety; and

(d) Signature of the taxpayer or authorized representative.

(4) Electing Family Limited Liability Entity status will be disallowed if the election is not filed in a timely manner, does not contain the required information, or is not properly signed by the taxpayer or authorized representative.

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Authority: §§40-2A-7(a)(5) and 40-14A-1(h) Code of Alabama 1975  
History: New Rule: Filed December 15, 2004, effective January 19, 2005.

APPENDIX A – CHAPTER 810-2-8

Attachment – 810-2-8-.05

Authority: Sections 40-2A-7(a)(5) and 40-14A-1(h), Code of Alabama 1975  
History: Form BPT-E (10/04) Family Limited Liability Entity Election Form  
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