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Schedule
IT-40NOL
State Form 46004
(R20 / 9-22)

Indiana Department of Revenue
Individual Income Tax
Net Operating Loss Computation

2022

Enclosure Sequence
No. **16**

Your Name

Your Social Security Number

XX

A 999 99 9999

IMPORTANT: Indiana net operating loss deductions claimed after Dec. 31, 2011 must be carried forward.

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Part 1 - Computation of Indiana Net Operating Loss Loss Year 9999

- Enter as a negative amount your federal net operating loss as calculated on the last line of the federal Form 1045, Schedule A (see instructions). **Note:** If the amount on the last line of Form 1045, Schedule A is positive or zero, or if you are a full-year or part-year nonresident, see instructions. 1 999999999999
- Enter certain add-backs from the loss year IT-40 or IT-40PNR (see instructions). 2 999999999999
- Enter as a positive amount the aggregate of any NOL from this loss year previously carried back (see instructions). 3 999999999999
- Add lines 1, 2 and 3. 4 999999999999
- Enter certain deductions from the loss year IT-40 or IT-40PNR (see instructions). 5 999999999999
- Subtract line 5 from line 4. If the amount is zero or greater, enter zero. 6 999999999999
- Enter (as a negative number) any disallowed excess business loss incurred in the taxable year. See instructions if you are a full- or part-year nonresident. 7 999999999999
- Add lines 6 and 7. This is your Indiana NOL available to carryforward. **Indiana NOL** 8 999999999999

Part 2 - Record of Indiana NOL Application

(1)	(2)	(3)	(4)	(5)
Enter the year to which you are carrying the loss.	Indiana AGI available to be offset (from the Carryforward Worksheet, line 5)	Indiana NOL available for deduction (from the Carryforward Worksheet, line 6; enter as positive amount)	Enter the amount from either line 7 or line 8 of the Carryforward Worksheet.	Indiana NOL deduction: Enter the amount from line 9 of the Carryforward Worksheet
1st Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
2nd Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
3rd Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
4th Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
5th Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
6th Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
7th Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999
8th Year: 9999	9999999999999999	9999999999999999	9999999999999999	9999999999999999

Attach additional sheets if necessary.



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Instructions for Schedule IT-40NOL and Carryforward Worksheet

A separate Schedule IT-40NOL must be used for each loss year.

Indiana Code 6-3-2-2.5 and 6-3-2-2.6 allow for a net operating loss (NOL) deduction from Indiana adjusted gross income. All loss years ending after January 1, 2004, and any existing NOL(s) carried over to a taxable year after this date must be recomputed by applying the amended provisions of this Act. Deductions for net operating losses that were incurred in taxable years ending before January 1, 2004, and carried back or forward and deducted in taxable years ending before January 1, 2004, are calculated under the law in effect for the year the NOL was incurred.

For tax years 2021 and later, itemized deductions are not permitted in determining Indiana net operating losses. In addition, if you have a net operating loss carryforward that was calculated in whole or in part using an itemized deduction, you must recalculate the net operating loss without the itemized deduction in order to determine the amount to be carried forward.

Important: In order to carry a pre-2004 Indiana NOL to tax year 2004 and beyond, you must:

- Step 1** – refigure the NOL using the new method on Form IT-40NOL revised R3/ 10-04, or after;
- Step 2** – reduce the refigured NOL by any amount previously used in any pre-2004 intervening year;*
- Step 3** – use any remaining NOL on line 17 of Carryforward Worksheet 2.

* The application of the NOL in the pre-2004 tax year(s) must conform with the rules that govern those years. Do not refigure the amount of deduction used in the pre-2004 tax years.

When to use an Indiana NOL

Carryback and carryforward years.

Public Law 172-2011 amends IC 6-3-2-2.5 and IC 6-3-2-2.6. It provides that no Indiana net operating loss carryback claim may be filed after Dec. 31, 2011.

Example. Paul has an Indiana NOL for the 2010 tax year. Paul did not file an Indiana NOL carryback claim before Jan. 1, 2012. Therefore, he will have to carry the loss forward.

Note. This rule will have no impact on carryback claims filed before Jan. 1, 2012.

Example. Ross has a \$200,000 Indiana NOL for the 2010 tax year. In October of 2011 he carried this loss back to his 2008 and 2009 Indiana returns. He used \$75,000 of the loss in 2008, and \$100,000

of the loss in 2009. He has a \$25,000 loss available to be carried to tax year 2011.

Indiana NOLs may be carried forward for up to 20 years following the loss year (HEA 1316-2018(ss), Sec. 5). **Note.** If you potentially had a net operating loss for 2018 through 2021, please see the specific modifications for Line 2 related to those years and later.

Part 1 – Computation of Indiana NOL

Enter the loss year (this is the year in which the NOL occurred).

P.L. 81-2004, effective January 1, 2004, provides for an NOL deduction from Indiana adjusted gross income equal to the amount of a federal NOL, computed under IRC Section 172, for the taxable year, that is derived from sources from within Indiana, and adjusted for modifications under IC 6-3-1-3.5. The federal NOL for individuals, which reflects the IRC Section 172 application, is computed on federal Schedule A from Form 1045.

Note. The use of Indiana modifications may result in an Indiana net operating loss even if there is no federal NOL.

Line 1 – Full-year Indiana residents

You must complete Schedule A from federal Form 1045 before figuring your Indiana net operating loss (NOL). If the amount on the last line of Schedule A, computed without itemized deductions, is:

- negative (a loss), enter that amount here as a negative figure;
- zero*, enter zero here; or
- positive*, enter that amount here as a positive figure.

* Due to the application of Indiana modifications, it is possible to have an Indiana NOL without first having a federal NOL as computed under IRC Section 172. If you think you have an Indiana NOL after the application of Indiana modifications, then you must first complete Schedule A of the Form 1045 to arrive at the amount to be entered on this line.

Full-year and part-year Indiana nonresidents

Apply like kind modifications (as computed under IRC Section 172) derived from Indiana sources to the amount from line 1 of Form IT-40PNR, and enter the result here. If the modified amount from line 1 of Form IT-40PNR is:

- negative (a loss), enter that amount here as a negative figure;
- zero, enter zero here; or
- positive, enter that amount here as a positive figure.

Line 2 – Certain Indiana modifications as reported on the loss year IT-40/IT-40PNR

should be reflected here.

Important: Full-year and part-year Indiana nonresidents who file Form IT-40PNR for tax year 2008 or before should skip line 2 and continue to line 3.

Net the following Indiana add-backs as reported on the loss year's return.

For tax years 2003 and beyond (tax years 2009 and beyond for IT-40PNR filers), add:

- Tax add-back
- Net operating loss carryforward
- Lump sum distribution
- Section 179 expense
- Bonus depreciation

For tax years 2009 and beyond, add:

- Unemployment compensation (2009 only)
- Deferral of business indebtedness discharge and reacquisition
- Qualified disaster assistance property
- Qualified refinery property
- Qualified restaurant property
- Qualified film or television production
- Qualified preferred stock
- Qualified retail improvement property

For tax years 2010 – 2012, add:

- Educator expense
- Employer-provided educational expenses**
- IRA charitable distribution**
- Qualified transportation fringe expenses**
- Student loan interest**
- Tuition and fees**

For tax years 2010 and beyond, add

- Discharge of debt of a principal residence
- Motorsports entertainment complex**
- Qualified advance mining safety equipment**
- Qualified environmental remediation costs**
- Qualified leasehold improvement property**
- Start-up expenditures**

Do not include the following add-backs for tax years 2010 and beyond:

- Domestic production activities
- Oil and gas well depletion deduction
- Qualified electric utility amortization
- RIC dividends to nonresident aliens

**Apply these if 2010 is the loss year. While these add-backs were first required for the 2010 tax year, individuals were given a choice to report them on either their 2010 or their 2011 Indiana tax return.

Therefore, if 2010 is the loss year, include on line 2 only those add-backs that were reported on the 2010 tax return.

For tax year 2011 and beyond, add:

- Certain trade or business deductions based on employment of unauthorized alien

For tax year 2012 and beyond, add:

- OOS municipal obligation interest

Note. In 2013 the following add-backs were deemed to be no longer required, *retroactive* to 2012:

- IRA charitable distribution
- Motorsports entertainment complex
- Qualified advance mining safety equipment
- Qualified leasehold improvement property
- Qualified restaurant property
- Qualified retail improvement property
- Qualified transportation fringe expenses
- Tuition and fees

If you reported any of the above on your 2012 tax return, and you utilized Option 2 to report them as a negative add-back on your 2013 return (using a 300-series 3-digit code number in lieu of filing an amendment for 2012), do not include these amounts on line 2 when 2013 is the loss year.

Do not include the following add-backs for tax years 2016 and beyond:

- Certain trade or business deductions based on employment of unauthorized aliens
- Lump sum distribution
- Discharge of debt of a principal residence

For tax years 2017 and beyond, add:

- Deduction under IRC 965(c) allowable for untaxed foreign earnings and profits (repatriated dividends)

For tax years 2018 and beyond, add:

- Excess federal interest (under IRC Section 163(j))
- Excess business losses permitted for federal purposes but not Indiana purposes (2018-2020 only)

For tax years 2020 and beyond, add:

- Charitable contributions deductions claimed by individuals in determining federal AGI (2020 only)
- Student loan payments made by an employer and excluded from federal gross income, net of interest that would have been permitted for federal purposes absent the federal exclusions

- Unemployment excluded from federal gross income (2020 only)

For tax years 2021 and later, add:

- Student loan debt discharged under IRC section 108(f)(5) except “those excluded as a result of death, total and permanent disability, or bankruptcy.
- 50% of certain meals deducted in determining AGI

For tax years 2022 and later, subtract:

- Indiana education scholarship account deduction
- Indiana enrichment scholarship account deduction

Line 3 – If any amount of loss from this loss year has been carried to a preceding year, enter as a positive amount the amount of loss used in that preceding year(s).

Example. Ross has a \$200,000 Indiana NOL for the 2010 tax year. He previously carried this loss back to his 2008 and 2009 Indiana returns. He used \$75,000 of the loss in 2008, and \$100,000 of the loss in 2009. He must enter the \$175,000 (\$75,000 plus \$100,000) net loss previously carried back.

Note. Do not include on this line any loss amount previously carried forward.

Example. Olivia has a \$100,000 Indiana NOL for the 2009 tax year. She previously carried \$10,000 of this loss back to her 2007 return, \$11,000 to her 2008 return, and used \$19,000 of the loss on her 2010 return. She must enter the \$21,000 (\$10,000 plus \$11,000) net loss previously carried back.

Line 5 – Enter the net of the following Indiana deductions as claimed on the loss year’s return:

- Non-Indiana locality earnings deduction
- State tax refund and/or other recovered itemized deductions
- Interest from U.S. government obligations
- Social Security and/or benefits issued by the U.S. Railroad Retirement Board
- Qualified patent income exemption
- National Guard and reserve component member’s deduction
- Nonresident military spouse earned income deduction
- Government or civic group capital contribution deduction
- COVID-related ERC expense deduction
- Indiana education scholarship account grant deduction
- Indiana enrichment scholarship account deduction
- Student loan interest deduction for interest paid from student loan payments required to be added back

Line 6 – Subtract line 5 from line 4. If the amount is zero or greater, enter zero.

Line 7 – For taxable years beginning in 2021 and later, enter as a negative amount the amount of excess business losses for the taxable year disallowed for federal purposes under IRC section 461 (any negative amount shown on federal Form 461, Line 16, for the loss year) but permitted to be carried forward as a net operating loss in future taxable years.

For taxable years 2018 through 2020, enter the amount of excess business losses disallowed for Indiana adjusted gross income tax purposes. If you are a part- or full-year nonresident, enter the portion of such losses attributable to Indiana sources. Any Indiana excess business loss should be reported in a manner consistent with how your adjusted gross income from Indiana sources was reported.

However, in no case should the Indiana loss be greater than the federal excess business loss reported for federal purposes. Further, in no case should the Indiana loss reported in adjusted gross income plus the disallowed portion permitted as an Indiana NOL carryforward exceed the Indiana loss determined without regard to the loss disallowance.

Line 8 – Add lines 6 and 7. If the amount is zero or greater, STOP. You do not have an Indiana NOL. If the amount is a loss, enter (as a positive entry) this amount on line 6, Column A, of the Schedule IT-40NOL Carryforward Worksheet.

Part 2 – Record of Indiana NOL Application

Column 1 – List the year(s) to which you are carrying the loss.

Column 2 – Enter the amount of Indiana AGI available to be offset from line 5 of the completed Carryforward Worksheet.

Column 3 – Enter as a positive amount the Indiana NOL available for deduction from line 6 of the completed Carryforward Worksheet.

Column 4 – Enter the amount from either line 7 or line 8 of the Carryforward Worksheet (only one of those lines will have an entry).

Column 5 – Enter the amount from line 9 of the completed Carryforward Worksheet. This is your Indiana NOL deduction. Enter on IT-40 Schedule 1 (Schedule 2 for the 2009 tax year and beyond), under line 11, or IT-40PNR Schedule B (Schedule C for the 2009 tax year and beyond), under line 11. If carrying the loss forward to a tax year which has already been filed, enter the amount on Form IT-40X, line 1, Column B.

Schedule IT-40NOL Carryforward Worksheet Instructions

A Carryforward Worksheet must be completed for each loss year.

If you are carrying your loss forward for more than five years, modify the top of the column to show the year to which it is being carried.

Example. Modify Column A, '1st' following year, to read '6th' following year.

Before you begin

You must have a completed state tax return (not including the Indiana NOL deduction) for the intervening year(s) in which you are applying the loss.

Columns A – E. Enter in Column A information from the first year following the loss year. Enter in Column B information from the second year following the loss year. Complete the remaining columns accordingly.

Example. The loss year is 2009. Column A should reflect information from tax year 2010; Column B should reflect information from tax year 2011, and so on.

Intervening year. Year to which a loss is being carried.

Complete lines 1 through 5 of the Carryover Worksheet to figure the intervening year's Indiana AGI.

Line 1 – Enter the amount from line 1 of the intervening year's IT-40 or IT-40PNR.

Note. If reporting from the IT-40PNR for tax year 2008 or before, skip line 2 and enter this amount on line 3.

Line 2 – Net the following Indiana addbacks as reported on the intervening year's return.

For tax years 2003 and beyond (tax years 2009 and beyond for IT-40PNR filers), add the modifications applicable for the taxable year. See the instructions for Line 2 of the IT-40NOL for a list of modifications.

If you reported any of the above on your 2012 tax return, and you utilized Option 2 to report them as a negative add-back on your 2013 return (using a 300-series 3-digit code number in lieu of filing an amendment for 2012), do not include these amounts on line 2 when 2013 is the intervening year.

Line 3 – Add lines 1 and 2 and enter the result here.

Line 4 – Enter the net of certain deductions as claimed on the intervening year's return. See the instructions for Line 5 of the IT-40NOL for a list of the deductions.

- Non-Indiana locality earnings deduction
- Homeowner's residential property tax deduction
- State tax refund and/or other recovered itemized deductions
- Interest from U.S. government obligations
- Social Security and/or benefits issued by the U.S. Railroad Retirement Board
- Indiana partnership long-term care policy premiums deduction
- Human services deduction
- Qualified patent income exemption
- National Guard and reserve component member's deduction
- Nonresident military spouse earned income deduction
- Total exemptions claimed (after proration, if applicable)
- Government or civic group capital contribution deduction

Line 5 – Intervening year's Indiana AGI. Subtract line 4 from line 3 (if less than zero, enter zero).

Line 6 – NOL available for carryforward. Enter here the amount from Schedule IT-40NOL, Part 1, line 8 (enter as a positive amount).

- If this is the first time the NOL from Schedule IT-40NOL, Part 1, line 8, is being used, then enter the full amount here.
- If you have already used the NOL from Schedule IT-40NOL, Part 1, line 8, to offset income, then enter the remaining available loss here (from line 8 of the Carryforward Worksheet). See line 8 instructions.

Complete line 7 OR line 8 based on the following:

- If line 5 is greater than line 6, complete line 7.
- If line 6 is greater than line 5, complete line 8.

Line 7 – If the line 5 intervening year's Indiana AGI is greater than or equal to the line 6 NOL available for carryforward, then you will use all of the available NOL as a deduction. Subtract line 6 from line 5 and enter the difference here. Skip line 8 and complete line 9.

Line 8 – If the line 6 NOL available for carryforward is greater than the line 5 intervening year's Indiana AGI, then you will be able to offset the entire intervening year's Indiana AGI and have a reduced NOL available to carry to other years. Subtract line 5 from line 6 and enter the difference here and on line 6 in the next column.

Line 9 – Enter the smaller of the amount on line 5 or line 6. This is your Indiana NOL deduction. Enter on IT-40 Schedule 1 (Schedule 2 for the 2009 tax year and beyond), under line 11, or IT-40PNR Schedule B (Schedule C for the 2009 tax year and beyond), under line 11. If carrying the loss forward to a tax year which has already been filed, enter the amount on Form IT-40X, line 4, Column B.