MT Publication 1
Prepaying Income Tax
A Guide for Individuals, Trusts, Estates and Corporations

Contents

Introduction

The Montana income tax is a pay-as-you-go tax system, just like the federal tax system. You must pay the tax as you earn or receive income during the year. There are two ways to pay as you go, withholding and estimated tax. This publication explains when tax is withheld and when individuals, trusts, estates, C corporations or pass-through entities must pay estimated tax.

Tax Withholding

Tax Withholding is the first way to pay-as-you-go in this tax payment system. Generally, income tax is withheld on the payment of wages, mineral royalties and Montana source income derived from pass-through entities.

Salaries and Wages

If you are an employee, your employer is required to withhold income tax from your paycheck unless an exemption applies.

Wages include regular pay, bonuses, commissions, and vacation allowances, other supplemental wages earned in Montana, and ordinary income recognized when property, such as stock, is transferred in connection with performance of services.

The employer calculates wage withholding using the number of allowances and the additional withholding amount you claimed, and the withholding tax table published by the department. Employees may claim allowances, an additional withholding amount or an exemption on Form MW-4. Supplemental wages may be subject to a 6 percent withholding tax.

As a new employee, your employer must provide you with a paper or electronic copy of the Form MW-4. You should return a completed Form MW-4 to your employer before the end of the pay period, or withholding based on zero allowances will be applied. If your personal situation changes (birth of a child, divorce, or an exemption applies), you can give a new Form MW-4 to your employer. We recommend you keep a copy of all the MW-4 forms you completed for your records.

Allowances

You can claim allowances for you, your spouse and your dependents. You can claim an additional one if you expect large deductions against your Montana income.

It is advisable to keep a sufficient level of withholding, or estimated tax payments may be required, even if you only receive wages.

> ***Tip:*** If you are married and you have a working spouse, you are likely to file separately for Montana to lower your overall tax liability as a couple. If you file separately, do not increase your withholding to pay for your spouse. Wage withholding is calculated on an individual basis. To avoid possible interest or penalties, each spouse must claim allowances based on their own individual situation.

Additional Withholding Amount

Additional Income. If you have a large amount of income from sources not subject to withholding (such as interest, dividends, capital gains, or business income), you may be able to request to have an additional amount withheld from your pay on Form MW-4. You can use this additional withholding instead of making estimated tax payments. (See page 5 to determine the alternative estimated taxes you would need.)

Pensions and annuity payments. If you receive pension or annuity payments you may elect to have the remitter withhold a flat amount of taxes every distribution period. You can enter this flat amount on line H of Form MW-4.

The election can be changed or revoked at any time. All you need to do is send a new Form MW-4 to the payor of the pension or annuity, with a change of amount on line H.

The payor is not required to withhold if the amount of tax withholding is less than $10.

> ***TIP:*** In general, your additional withholding amount can be quickly estimated as follows:
>
> - Estimate your additional income or expected taxable pension and annuity distributions for the year,
> - Multiply the result by 6.9 percent to determine the overall amount of additional withholding for the rest of the year,
> - Divide the additional withholding by the number of paydays or payments left for the year.

If your estimated tax payment obligations are more than the amount you can or wish to withhold from your wages, pensions or annuities. You will have to make estimated tax payments to avoid interest on underpayment of estimated taxes. See the section on estimated tax.

Exemptions from Wage Withholding

Some wages earned in Montana are not subject to wage withholding. A couple of exemptions are determined by the employer. Others must be claimed by the employee.

Exemptions determined by the employer

Active Duty Members of the Armed Forces. Your active-duty military compensation received for services in the regular armed forces paid under a Title 10 order is not subject to withholding in Montana. This exemption applies whether you are a resident or a nonresident.

Nonresident Employees of Interstate Carriers. Nonresident interstate employees of railroad, trucking, air and water interstate carriers are exempt of Montana wage withholding. Employers are responsible for determining the state of residency of the employee and applying the corresponding withholding. Employers must withhold on the wages received by employees who are residents of Montana.

Exemptions Claimed by the Employee

There are two types of exemptions from wage withholding that you can claim as an employee: limited exemptions and unlimited exemptions.

You must complete a new Form MW-4 and give it to your employer each year to continue receiving any of these exemptions from withholding.

Limited Exemptions.
The exemptions for Enrolled Tribal Members and for Reservists and National Guards members under Title 10 orders are limited exemptions. Limited exemptions may not apply to the entire wages you receive from your employer. In other words, some of the wages you receive from your employer may be subject to wage withholding. When you claim one of these exemptions, you must also claim one or more allowances to reduce the amount of withholding applied to your non-exempt wages.

Non-exempt wages must be reported on Montana Form 2 (Montana Individual Income Tax Return), even if the employer omitted to withhold on them.

> ***TIP:*** When the employer applied the withholding, you may be entitled to a refund. You can obtain this refund by filing Montana Form 2.

Enrolled Tribal Members. As an Enrolled Tribal Member of the governing tribe of a reservation, your wages are exempt from Montana withholding tax if both of the following requirements are met:

- You reside on the reservation governed by the tribe of which you are a member; and
- You earn the income by working on that reservation.

Wages earned outside the reservation where you live are always subject to withholding tax.

Consequently, even if the wages you earned within the reservation are exempt, you should also claim allowances on the Form MW-4 you give to your employer each year. This number of allowances will be used by your employer to reduce the amount of withholding on wages earned outside the external boundaries of the reservation.

Example: You are an enrolled tribal member of the Crow Nation, and lived on the Crow Indian Reservation the entire year. That year you earn $35,000 of wages working on the Crow Indian Reservation. Your wages of $35,000 are exempt from Montana wage withholding. That same year, you also earned $10,000 working in Billings and $2,000 working on the Northern Cheyenne Indian Reservation. These $12,000 of wages earned in Billings and on the Northern Cheyenne Indian Reservation are subject to withholding by the employer. If you did not claim any allowances on the Form MW-4, the amount of withholding will be higher than if you did.

Reservists and National Guard Members. If you received a salary for active duty in the National Guard or the Reserve under USC Title 10, this compensation is exempt from withholding.

You may claim this exemption when you are presented with a Form MW-4 because you received USC Title 10 orders.

Your compensation received under a Title 32 order is still subject to withholding in Montana, unless your salary was paid for being part of a unit engaged in homeland defense activity or a contingency operation. You must determine the number of allowances to claim on the Form MW-4. This number of allowances will be used by your employer to reduce the amount of withholding on wages you receive under Title 32.

Unlimited Exemptions

The following exemptions are unlimited. When you claim one of them, the entire wages paid by the employer are exempt until the end of the year or the exemption is no longer valid.

Spouse of Military Service Person. Your wages earned in Montana are not subject to withholding if you moved to Montana solely because:

- You are the nonmilitary spouse of an active duty service member of the regular armed forces stationed in Montana in compliance with military orders (Title 10), and
- You and your spouse are both resident of the same state which is not Montana.

These wages are not Montana source income, and are taxable in your state of residence.

If your situation changes, either because you choose to become a Montana resident, your spouse is no longer serving in Montana, or you have divorced, you must provide a new Form MW-4. Withholding may apply from the date of the change if you cannot claim another exemption.

North Dakota Residents Working in Montana. If you are a North Dakota resident earning wages from work performed in Montana, these wages are exempt from Montana withholding. Note that the wages you earn for work in Montana are subject to income tax in North Dakota.

To benefit from this exemption, you must complete Form MW-4 with the North Dakota Exemption box marked, and give it to your employer as soon as possible after the hiring date to avoid withholding, or after becoming a North Dakota resident.

If, the next year, you receive a Form W-2 showing Montana withholding, verify with your employer that the amount of withholding is correct. You may claim the refund of excess withholding filing Montana Form 2. A simplified procedure exists for employees who were residents of North Dakota the whole year and who do not have Montana source income from another source.

Pass-Through Entity Withholding

If you receive a Montana Schedule K-1 from a pass-through entity, some amount of withholding tax paid on your behalf may be reported on Part 5 of that schedule. A pass-through entity is a partnership, an S corporation or a disregarded entity.

Pass-through entity withholding tax is required on distributive share of Montana source income attributable to nonresident owners, to foreign C corporations or to second-tier pass-through entities, unless there is a waiver of this requirement in place. A pass-through entity that owns interest in another pass-through entity is called a second-tier pass-through entity.

Waivers can be claimed by nonresident individuals, nonresident trusts or estates and domestic second-tier entities. Domestic second-tier entities are owned entirely, directly or indirectly by resident individuals, resident trusts or estates, or domestic corporations. A domestic corporation is a corporation registered to do business in Montana. See *Form PT-AGR* for more information on how to apply for the waiver.

Treatment by Individuals, Trusts and Estates, and C Corporations

If you are an individual, a trust, an estate, or a C corporation, report the pass-through withholding from your Montana Schedule K-1 on your income tax return, Form 2, Form FID-3 or Form CIT, as indicated in the instructions.

This amount is fully creditable against your income tax liability. The excess payment is refundable.

Note that if you are an indirect owner in a pass-through entity, this entity may be required to withhold on the Montana source income attributable to a second-tier pass-through entity before the income flows to you. As a result, you will receive a Montana Schedule K-1 with some pass-through withholding tax paid on your behalf even if you are a resident individual, trust or estate or a domestic C corporation.

Treatment by Pass-Through Entities

A second-tier pass-through entity must allocate the pass-through withholding they receive to each of its owners according to their distributive share of Montana source income.

If the pass-through entity also derives Montana source income from its own trade or business activities, the pass-through withholding must be calculated based on the total Montana source income attributable to each owner. When this is the case, the owner's distributable share of pass-through withholding from the lower-tier can be claimed as a refundable credit by the pass-through entity.

Mineral Royalty Withholding

Mineral royalty interest is treated as real property and any royalty paid for the extraction of mineral located in Montana is Montana source income.

The remitter of Montana mineral royalty must withhold a 6 percent tax from each net payable amount of royalty due to a Montana mineral royalty owner. Some exceptions apply. If mineral royalty tax was withheld, this amount can be taken as a refundable credit against Montana income tax.

This withholding should not be confused with the production taxes that are also subtracted from the royalty payments.

There are two ways you can receive the information that mineral royalty withholding tax was withheld on the amount of royalties you received, on a Form 1099-MISC or on a Montana Schedule K-1.

Form 1099-MISC. If you received a Form 1099-MISC relating to the receipt of Montana mineral royalty income, the withholding is reported on Box 16.

> ***TIP:*** Make sure that Box 16 shows only Montana withholding before claiming the credit. If box 16 shows the sum of withholding amounts from mineral royalty interests located in several states, you must obtain a breakdown of Box 16 from the remitter.

Montana Schedule K-1. If you received a Montana Schedule K-1 from a pass-through entity or a trust or an estate, Mineral Royalty Withholding tax associated with your share of royalties may be reported on Part 5.

Treatment by Individuals, Trusts and Estates, or C Corporations

If you are an individual, an estate, a trust or a C corporation, report the mineral royalty withholding from Form 1099-MISC or Montana Schedule K-1 on your income tax return as indicated in the instructions.

This amount is fully creditable against your income tax liability. The excess payment is refundable.

> ***Tip:*** In some circumstances, when a tax was required to be withheld from a distributive share of Montana source income from a pass-through entity, the mineral royalty withholding may have already been applied against the pass-through withholding tax. When this is the case, mineral royalty may be reported on your Montana Schedule K-1, but no mineral royalty withholding is reported on Part 5.

Treatment by Pass-Through Entities

When a pass-through entity receives a Form 1099-MISC or a Montana Schedule K-1, it must allocate any mineral royalty withholding tax to its owners according to their distributive share of Montana source income. Special allocation in partnerships may apply.

Generally, if the owner is an individual, trust or estate resident of Montana, or a domestic C corporation, or has a waiver of pass-through withholding in place, the mineral royalty withholding is distributed to the owner on its Montana Schedule K-1.

If the owner is subject to pass-through withholding or elects to pay composite tax, the mineral royalty withholding is applied against that pass-through withholding or composite tax. Any mineral royalty withholding in excess of composite tax or pass-through withholding may be refunded to the entity.

When the mineral royalty withholding tax paid is used as a credit by a pass-through entity, it will not be reported on the Montana Schedule K-1 issued to the owner.

Note that, if the pass-through withholding calculated for an owner is zero, the owner's entire share of mineral royalty withholding must be distributed and reported on the owner's Montana Schedule K-1.

Estimated Tax Payments

Quarterly estimated tax payments constitute the second part of the pay-as-you-go system. The quarterly payments are based on either an estimation of the taxes owed for the current tax year, or 100 percent of the tax liability reported on the return of the previous tax year.

When there is an underpayment of quarterly estimated tax payment, interest must be assessed using the rate of the calendar year in which the income tax return for the tax year is due. For example, interest on underpayment of estimated taxes for Tax Year 2019 will be calculated using the interest rate effective for 2020, because the 2019 income tax return is due in 2020.

Due by C Corporations

Estimated tax payments must be made when the amount of annual estimated taxes owed by a C corporation is more than $5,000.

In general, each quarterly payment must equal 25 percent of either:

- 80 percent of the annual estimation of taxes, or
- the amount of tax liability shown on the return of the previous tax year, provided the taxpayer filed a return covering a period of 12 months.

The dates of the quarterly payments are based on the tax year of the taxpayer.

Payments are due on the 15th day of the 4th month, 6th month, 9th month and last month following the beginning of the tax year. For corporations with a tax year beginning on January 1, estimated tax payments are therefore due on April 15, June 15, September 15, and December 15.

C corporations must refer to the Administrative Rules of Montana Title 42, Chapter 23, Subchapter 6 for the calculation of estimated taxes and interest on underpayment of estimated taxes. *ARM 42.23.606*

Due by Individuals, Estates, Trusts and Pass-Through Entities.

Estimated tax payments must be made when the amount of annual estimated taxes owed by a taxpayer, after any withholding taxes and nonrefundable credits, is more than $500. This is generally the case if you receive income not subject to withholding, such as dividends, interest, capital gains, rental income, certain royalties, or business income from self-employment.

The same rules apply for all individuals, whether they are residents, nonresidents or part-year residents.

Estates and trusts must pay estimated taxes based on their own Montana tax obligations. When the estate or trust distributes all their income, no estimated tax is due.

Pass-through entities must pay estimated taxes on behalf of their owners who elected to pay composite tax on their Montana source income in the previous tax year, if the entity filed a return with a period of 12 months. They are not required to make estimated tax payments based on pass-through withholding tax.

You are not required to make estimated tax payments, even if you owe more than $500, if you meet one of the following criteria:

- You were not required to file a Montana income tax return in the previous tax year;
- Your previous tax period covered 12 months and your Montana tax liability was zero;
- You retired and were at least 62 years of age at the end of the previous tax year (This exception applies only in the year you retire and for one additional year following the year of retirement);
- You became disabled in the previous or current tax year; or
- At least 2/3 of your gross income is derived from farming and ranching operations. (Montana does not apply a "lookback" provision in determining farming and ranching gross income).

  Caution: If you are an employee, you must make sure your Form MW-4 reflects your current situation. For example, you must verify that you are not claiming too many allowances for dependents, or you may have to pay estimated tax.

Quarterly Installments – Estimated tax payments must be made in four installments. Payments are due on the 15th day of the 4th month, 6th month, 9th month following the beginning of the tax year and the first month following the end of the tax year. For taxpayers with a tax year beginning on January 1, estimated tax payments are due April 15, June 15, September 15, and January 15 of the next calendar year. If any of these dates fall on a weekend or a holiday, your payment is due on the next business day.

To determine the amount of estimated taxes owed for each installment you can use one of the following three methods. All methods make you deduct withholdings and expected credit before determining the installments.

100 percent of the Prior Year Tax Method. If you use this method, you do not need to estimate your tax for the year, and you avoid interest on underpayment automatically. You can use this method only if you filed a return the preceding tax year. You cannot use this method if your preceding return was a short year.

For example, to calculate your estimated tax for 2020, you must use your tax liability reported on your 2019 income tax return.

To calculate your estimated tax payments using this method:

1. Identify your tax liability reported on the return from the preceding year;
2. Deduct any overpayment you carried over from the prior year;
3. Deduct the wage withholding taxes you know for certain will be paid on your behalf;
4. If the result is more than $500, divide it by four; and
5. Make payments following the quarterly installments schedule.

Tax Estimation Methods

If you do not want to use your tax liability from the prior year, you must first estimate your tax for the year and pay 90 percent of this amount with a combination of withholding and estimated taxes to avoid interest on underpayment of estimated taxes.

Two methods are available, the income estimation method, and the annualization method. Both require you to reduce your amount of estimated taxes by the amount of withholding tax you are subject to.

Income Estimation Method. You are responsible for estimating your income. When using this method you must estimate your income for the year.

Use Worksheet ESW, on page 8, if you chose this method. Worksheet ESW will help you calculate 90 percent of your estimated tax after credits and withholding taxes. The installments are presented on an aggregate basis to show the amount that should have been paid by each installment. So, if you miss a payment or if you start paying estimated tax after the first quarterly payment is due because your situation has changed during the year, the worksheet will include any necessary catch-up payment automatically.

If your tax situation changes during the year, you must recalculate your estimated tax using lines 1 through 10 of a new Worksheet ESW and enter the refigured percentages on the column for the quarters in which you have not yet made payments.

Example: You estimated a Montana adjusted gross income of $50,000. Your estimated tax was initially $2,000. You paid $500 on April 15. You received an unexpected item of income of $10,000 during the second quarter. Your Montana adjusted gross income is now $60,000, and your estimated tax is now $2,700. Your installments are now $675 each. However, on the second quarter you must pay $850 ($675 + $175 not paid with your first installment).

If your federal adjusted gross income decreases, Worksheet ESW will take into account the payments already made in the determination of your installments. In addition, if the 100 percent of your prior year tax liability method results in less estimated taxes to pay, Worksheet ESW will automatically use this lesser amount to calculate your payments.

To estimate your amount of withholding on line 9, you can use your paycheck or pension check stubs that you have received before April 15. Remember to reduce your estimated tax by any backup withholding that may be made on your behalf from a pass-through entity, or any estimated refundable credits.

Annualization Method. The annualization method allows you to calculate your estimated tax and each installment based on the total amount of income you received since the beginning of the year, and up until the end of the quarter. This method is particularly suited for taxpayers with fluctuating or seasonal income, because it makes you adjust your estimated tax and your quarterly payments based on the income you received during the quarter.

You may still have to estimate withholding on other types of income.

Use Worksheet ESA, on page 9, if you chose this method.

Moving From One Method To The Other.

You can move from one method to the other freely. However, we recommend that if you choose the annualization method, you keep using this method for the rest of the year. In case of underpayment of estimated tax, the annualization method may reduce the amount of interest you will have to pay.

Penalties for Underpayment of Estimated Tax.

When withholding taxes and tax credits are not sufficient to cover at least 100 percent of the preceding tax year tax liability or 90 percent of the amount owed for the current year, interest is owed on the amount that was required to be paid regardless of the method you used to calculate your installments.

> *Note:* You must indicate you are using the annualization method on your Montana individual income tax return to avoid interest based on irregular installments. Keep Worksheet ESA in your records. The department may ask you to provide a copy and/or other documents showing when you received your income.

Interest is calculated daily based on the rate of the calendar year in which the return for the tax year is due.

How can I make estimated tax payments?

You can pay electronically at *https://tap.dor.mt.gov*.
Click on "Make a Payment."

You can also make estimated tax payments by check using the individual income tax payment voucher. You can download the voucher at *MTRevenue.gov*. Click on "Forms" and select "Payment" in the list of filters.

Legal References:

Montana Code Annotated:
15-30-2501 through 15-30-2547 and
15-30-3301 through 15-30-3321

Administrative Rules of Montana:
42.17.304 through 42.17.317, and
42.9.101 through 42.9.540

Questions? Call us at (406) 444-6900, or Montana Relay at 711 for hearing impaired.

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Worksheet ESW – Montana Estimated Tax Worksheet – 2020

Estimation of Tax	1 Enter your **estimated Montana adjusted gross income** for the year. **Pass-through entities** must enter the total estimated share of federal income for all participants to composite tax.	1				
	2 **Itemized deductions or standard deduction.** If you chose the standard deduction, enter 20 percent (0.20) of line 1, but do not enter less than the minimum amount or more than the maximum amount based on your filing status. (See table below.) **Pass-through entities** must add the standard deductions allowed for each participants. **Estates and trusts** may take the expected income distribution deduction.	2				
	3 **Personal exemptions:** Multiply the exemption amount on the table below by the number of your allowable exemptions. **Trusts and estates** must enter only one exemption.	3				
	4 Subtract lines 2 and 3 from line 1 and enter the result. This is your estimated taxable income. If the result is zero or less, stop here. You do not need to make estimated tax payments for 2020.	4				
	5 **Estimated Tax:** Multiply the amount on line 4 using the tax table below. **Pass-through entities** must multiply the result by the estimated composite tax ratio.	5				
	6 **Credits:** enter your estimated nonrefundable single-year credits and carryover credits for the year (only for **individuals, trusts and estates**).	6				
	7 Subtract line 6 from line 5, and add any recapture or lump sum taxes you may have to pay. This is your estimated total tax after nonrefundable credits. If the amount is less than $500, stop here.	7				
	8 Enter 90 percent (0.90) of line 7 or your tax liability amount from the prior year, whichever is smaller.	8				
	9 Estimated amount of **withholding taxes and refundable credits.**	9				
	10 **Estimated tax:** Subtract line 9 from line 8. If the result is less than $500, stop here. Based on the information you used in your calculations, you do not need to make estimated tax payments.	10				
Installments	Periods		1	2	3	4
	11 Enter 25 percent of line 10 on column 1; 50 percent of line 10 on column 2; 75 percent of line 10 on column 3; and 100 percent of line 10 on column 4. If your estimated adjusted gross income increases during the year, recalculate your estimated tax (lines 1 through 10) on a new worksheet and enter the recalculated percentages on the column for the quarters in which you have not yet made payments.	11				
	12 Overpayment from prior years on column 1, or report total amount of estimated tax paid since the beginning of the tax year including carryover payment from last year on columns 2, 3 and 4.	12				
	13 Deduct line 12 from line 11. If less than zero, enter zero. These are your 2020 estimated payments.	13				

Standard Deduction

Percentage	20%	
	Minimum	Maximum
Single	2,130	4,790
Joint or HoH	4,260	9,580
Personal Exemption		2,560

2020 Montana Individual Income Tax Table

If Your Taxable Income Is More Than	But Not More Than	Multiply Your Taxable Income By	And Subtract	This Is Your Tax
$0	$3,100	1% (0.010)	$0	
$3,100	$5,500	2% (0.020)	$31	
$5,500	$8,400	3% (0.030)	$86	
$8,400	$11,300	4% (0.040)	$170	
$11,300	$14,500	5% (0.050)	$283	
$14,500	$18,700	6% (0.060)	$428	
More Than $18,700		6.9% (0.069)	$596	

Worksheet ESA – Estimated Tax Annualization Worksheet							
		Period		**Jan 1 – Mar 31**	**Jan 1 – May 31**	**Jan 1 – Aug 31**	**Jan 1 – Dec 31**
Income	1	Annualization amounts.	1	4	2.4	1.5	1
	2	Montana adjusted gross income for the period.	2				
	3	**Annualized Income:** multiply line 2 by line 1.	3				
Annualized Deductions	4	If an **individual:** enter your itemized deductions for the period if you itemize. If you do not itemize enter zero, and skip to line 6. If you are an **estate or a trust** enter the allowable deductions not included on line 2, and add your income distribution deduction for the quarter on this line.	4				
	5	Multiply line 4 by the amount on line 1.	5				
	6	**Standard deduction:** if you are using the standard deduction enter 20 percent (0.20) of line 3, but do not enter less than minimum amount or more than the maximum amount depending on your filing status. (See table on previous page).	6				
	7	Enter the larger of line 5 or line 6.	7				
Annualized Tax	8	Personal exemptions: multiply the exemption amount on the table on page 8 by the number of your allowable exemptions.	8				
	9	Subtract lines 7 and 8 from line 3.	9				
	10	Figure your tax on the amount on line 9 using the tax table. See page 8.	10				
	11	Nonrefundable credits expected for the period. See instructions of Form 2 for a complete list of available nonrefundable credits (only for **individuals, trusts and estates**).	11				
	12	Annualized tax: subtract line 11 from line 10.	12				
Installments	13	Applicable percentage.	13	22.50%	45%	67.50%	90%
	14	Annualized estimated tax: multiply line 12 by line 13.	14				
	15	Withholding taxes and refundable credits for the annualized period .	15				
	16	Overpayment from prior years on column 1, or report total amount of estimated tax paid since the beginning of the tax year including overpayment carried over from last year.	16				
	17	Annualized Installment: subtract lines 15 and 16 from line 14. If less than zero, enter zero. This is your required estimated tax payment for each quarter.	17				