

Instructions for Form 588

Nonresident Withholding Waiver Request

General Information

Private Mailbox (PMB)

If you lease a mailbox from a private business rather than from the United States Postal Service, enter the box number in the field labeled "PMB no."

A Purpose

Use Form 588, Nonresident Withholding Waiver Request, to request a waiver or a reduced withholding rate on payments of California source income to nonresident vendors/payees.

Do not use Form 588 to request a waiver or reduced withholding rate if withholding is not required for one of the reasons listed in General Information D, Exceptions to Withholding, or if you are a:

- **Foreign (non-U.S.) partner or member.** There are no provisions in the California Revenue and Taxation Code (R&TC) to waive or reduce withholding for foreign partners or members; or
- **Nonresident seller of California real estate.** Nonresident sellers of California real estate should use Form 597-W, Withholding Exemption Certificate and Nonresident Waiver Request for Real Estate Sales.

Form 588 does not apply to payments for wages to employees. Wage withholding is administered by the California Employment Development Department (EDD). For more information contact your local EDD office.

B Law

The R&TC Section 18662 and the related regulations require withholding of income or franchise tax on certain payments made to nonresidents for income received from California sources. The withholding rate is 7% unless a reduced rate or a waiver is approved by the Franchise Tax Board (FTB).

C Income Subject to Withholding

The items of income subject to withholding include, but are not limited to:

- Compensation for services performed in California by nonresidents (including payment of expenses). For more information, get FTB Pub. 1023, Nonresident Withholding — Independent Contractor, Rent and Royalty Guidelines, or FTB Pub. 1024, Nonresident Withholding — Entertainment Guidelines;
- Rent paid to nonresidents on commercial real or personal property located in California if the rent is paid in the course of the withholding agent's business;

- Royalties paid to nonresidents for the right to use natural resources located in California;
 - Distributions of California source income to nonresident beneficiaries from an estate or trust;
 - Prizes and winnings received by nonresidents for contests in California;
 - Distributions of California source income to a domestic (nonforeign) nonresident partner or member. For more information get FTB Pub. 1017, Nonresident Withholding — Partnership Guidelines;
 - Partnership or Limited Liability Company (LLC) income, gain, or (loss) allocable under the Internal Revenue Code (IRC) Section 704 to a foreign (non-U.S.) nonresident partner or member.
- Note:** There are no provisions in the California R&TC to waive or reduce withholding for foreign (non-U.S.) partners or members; and
- Other California source income paid to nonresidents.

Compensation for services includes payments for personal services rendered in California, commissions paid to salespersons or agents for orders received or sales made in California, fees for professional services rendered in California, and payments to entertainers, wrestlers, boxers, etc., for performances in California.

When compensation is paid for services performed both within and outside of California, the portion paid for services rendered in California and subject to withholding should be determined by an allocation. Refer to Form 587, Nonresident Withholding Allocation Worksheet.

D Exceptions to Withholding

Withholding is not required when:

- The payment is for goods;
- The payment is being made to a resident of California, a corporation, a partnership, or an LLC that has a permanent place of business in California. Form 590, Withholding Exemption Certificate, can be used by vendors/payees to certify that they are residents of California or have a permanent place of business in California. Withholding agents should keep the signed form containing this certification and provide it to the FTB upon request. Withholding agents are relieved of the withholding requirements if they rely in good faith on a signed certification (Form 590) that the vendor/payee is a resident of California or has a permanent place of business in California. If the resident, corporation, partnership, or LLC that has a permanent place of business in

California is acting as an agent for the actual vendor/payee, this exception does not apply;

- The withholding agent's total payments of California source income to the vendor/payee are \$1,500 or less for the calendar year;
- The payments are for income from intangible personal property, such as interest and dividends, unless derived in a trade or business or the property has acquired a business situs in California;
- The payments are for services performed outside of California or for rents, royalties, and leases on property located outside of California;
- The payment is to a nonresident corporate director, for director services, including attendance at board meetings;
- The vendor/payee is a tax-exempt organization under either California or federal law (attach a completed Form 590 to certify);
- The vendor/payee receives a written authorization from the FTB waiving the withholding;
- The domestic (nonforeign) nonresident partner or member provides the partnership or LLC with a signed Form 590-P, Nonresident Withholding Exemption Certificate for Previously Reported Income of Partners and Members; or
- The income of nonresident partners or members, including a bank or corporation, is derived from qualified investment securities of an investment partnership.

E When and Where to File

Submit your request for a waiver or reduced rate as early as possible before making a payment in order to give the FTB time to process your request.

Send Form 588 to:

NONRESIDENT WITHHOLDING SECTION
FRANCHISE TAX BOARD
PO BOX 651
SACRAMENTO CA 95812-0651
FAX (916) 845-4831 (24 hours a day)

F Miscellaneous Information

The FTB will issue a determination letter. A withholding agent must have received this letter authorizing a reduced rate or a waiver of withholding before reducing or eliminating withholding on payments made to nonresidents. The withholding agent should retain the waiver for a minimum of five years.

Withholding waivers issued by the FTB apply only for the limited purpose of determining the withholding obligation under R&TC

Section 18662. They do not apply to the taxability of income. A withholding waiver is effective for a maximum of two years from the date the waiver is granted. If you previously received a waiver or reduced withholding authorization and wish to have it extended, submit a new request on Form 588 and attach a copy of the original authorization letter. The acceptance of evidence submitted with the application is not binding on the FTB for any purpose other than for issuing a withholding waiver. Contact us for assistance.

Use Form 592, Nonresident Withholding Annual Return; Form 592-A, Nonresident Withholding Remittance Statement; and Form 592-B, Nonresident Withholding Tax Statement, to report and remit withholding to the FTB.

G Where to get Publications, Forms, and Additional Information

FTB Publications 1017, 1023, and 1024 and nonresident withholding forms are available on the FTB website at: www.ftb.ca.gov

Nonresident withholding forms can also be obtained via Forms-by-Fax by calling (800) 998-3676. To order publications or forms or to get additional nonresident withholding information, please contact the Nonresident Withholding Section automated telephone service at:

Telephone: (888) 792-4900
(916) 845-4900 (not toll-free)

FAX: (916) 845-4831 (24 hours a day)

For information, forms, and publications not related to nonresident withholding, you may contact us:

By Internet: You may download, view, and print California tax forms and publications at the Internet address shown above.

By Automated Phone Service: Use this service to order 1998, 1999, and 2000 California tax forms year-round and 2000 federal forms from January 2 through April 16, 2001.

How to use this service

Have paper and pencil handy to take notes.

From within the
United States..... (800) 338-0505

From outside the
United States..... (916) 845-6600
(not toll-free)

Follow the recorded instructions. This service is available 24 hours a day, seven days a week.

By Mail: Please allow two weeks to receive your order. If you live outside of California, please allow three weeks to receive your order. Write to:

TAX FORMS REQUEST UNIT
FRANCHISE TAX BOARD
PO BOX 307
RANCHO CORDOVA CA 95741-0307

In Person: Most libraries, post offices, and banks provide free California personal income tax booklets during the filing season. Many libraries and some quick print businesses have forms and schedules for you to photocopy (you may have to pay a nominal fee). **Note:** Employees at libraries, post offices, banks, and quick print businesses cannot provide tax information or assistance.

Assistance for persons with disabilities

The Franchise Tax Board complies with provisions of the Americans with Disabilities Act (ADA). Persons with hearing or speech impairments, call:

From voice phone: (800) 735-2922
(California Relay Service)

From TTY/TDD: (800) 822-6268
(Direct TTY line to FTB
customer service)

For all other assistance or special accommodations, call (800) 852-5711.

Specific Instructions

The withholding agent, partnership, LLC, vendor/payee, estate, or trust may complete and sign this form.

Complete the entire form and attach the information supporting your request. Failure to include necessary information and documents may delay issuance of, or result in the denial of, the waiver or reduced withholding rate request.

Part I – Check the box indicating the type of payment for which a waiver or reduced withholding rate is being requested.

Part II – Enter the name, address (including PMB, if applicable), and to whose attention the withholding certificate is to be mailed. Include a daytime telephone number we can call if we need additional information.

Part III – Enter the information related to the withholding agent, partnership, LLC, estate, or trust making the payments. Use a separate form or attach a list if there is more than one withholding agent.

Part IV – List the names and social security numbers, California corporation numbers, or FEINs of the nonresident vendors/payees.

Under Reason for Waiver Request, enter the letter code from Part V that corresponds to your reason for requesting a waiver.

Part V – This is a list of the most common reasons for requesting a waiver. If you choose F, Other, provide all of the required additional information.

Part VI – Sign and date the request.