

Nebraska Withholding Certificate for Nonresident Individuals

• Use Federal Forms 1099-MISC or 1042-S
• Read instructions on reverse side

| PAYOR'S NAME AND LOCATION ADDRESS | | | PAYEE'S NAME AND LOCATION ADDRESS | | |
|--|-------|----------|--|-------|-----------|
| Name of Nebraska Payor | | | Payee's First Name and Initial | | Last Name |
| Address (Number and Street, or Rural Route and Box Number) | | | Address (Number and Street, or Rural Route and Box Number) | | |
| City, Town, or Post Office | State | Zip Code | City, Town, or Post Office | State | Zip Code |
| Nebraska Identification Number | | | Social Security Number | | |
| 21 — | | | | | |

• Lines 1 and 2, and 6 through 10 must be completed by the PAYOR

| | | | |
|---|----------|----|--|
| 1 Date(s) services performed in Nebraska..... | 1 | | |
| 2 Total payment(s) for personal services performed in Nebraska..... | 2 | \$ | |

• Lines 3 through 5 and line 11 may be completed by the PAYEE (attach additional schedule if necessary)

| 3 List type(s) and amount(s) of ordinary and necessary business expenses reasonably related to Nebraska income (see instructions): | | | |
|--|----------|---------------------|-------------|
| Type of Expense | Amount | | |
| | | | |
| | | | |
| | | | |
| Enter total line 3 amount here..... | 3 | \$ | |
| 4 List name(s), address(es), social security number(s), and amount(s) paid to others for performances or appearances and other fees reasonably related to Nebraska income (see instructions): | | | |
| Name | Address | Social Security No. | Amount Paid |
| | | - - | \$ |
| | | - - | |
| | | - - | |
| Enter total line 4 amount here..... | 4 | \$ | |
| 5 Total business expenses and payments for which you are claiming an expense deduction (total of lines 3 and 4)..... | 5 | \$ | |

| | | | |
|---|-----------|----|--|
| 6 50% limitation on expense deduction (line 2 amount multiplied by .50) | 6 | | |
| 7 Enter the amount from line 5 or line 6, whichever is less | 7 | | |
| 8 Payment(s) subject to Nebraska withholding tax (line 2 minus line 7) | 8 | | |
| 9 If the amount on line 8 is less than \$28,000 , multiply the amount by .04 and enter the result on line 9— the amount to be withheld | 9 | \$ | |
| 10 If the amount on line 8 is \$28,000 or greater , multiply the amount by .06 and enter the result on line 10— the amount to be withheld | 10 | \$ | |

• Allocation to Shareholders, Partners, or Members Subject to Nebraska Income Tax (attach additional schedule if necessary)

| 11 Enter in the space provided the partner's, shareholder's, or member's name, social security number or federal identification number, percent of allocation, and the amount of allocation of Nebraska income tax withheld. | | | |
|--|---|-----------------------|--|
| Names of Partners, Shareholders, or Members | Social Security Number or Federal Identification Number | Percent of Allocation | Amount of Allocation of Nebraska Income Tax Withheld |
| | | | \$ |
| | | | |
| | | | |
| | | | |
| TOTALS | | 100% | \$ |

Under penalties of perjury, I declare that I have been authorized to make this statement and that the information disclosed in determining the amount of individual income tax to be withheld and allocated from the payment received for personal services performed in Nebraska is, to the best of my knowledge and belief, correct and complete.

sign here

Signature of Payee or Authorized Agent

Signature of Preparer Other than Payee

Date

Date

Telephone Number

City

State

Zip Code

INSTRUCTIONS

PURPOSE. Form W-4NA is to be used by payors of nonresident individuals to compute Nebraska income tax to be withheld from payments for personal services in Nebraska. Personal services include, but are not limited to, payments to nonresident entertainers, individual athletes, jockeys, performers, consultants, public speakers, corporate board of directors, or other professional services.

WHO MUST WITHHOLD. Any person paying a nonresident for services substantially performed in Nebraska may be required to withhold Nebraska income tax. A person must withhold if the payee is not an employee; the payment is not subject to federal withholding; and the payor is either (1) making a payment or payments in excess of five thousand dollars (\$5,000), or (2) maintaining an office or transacting business within Nebraska and making a payment or payments of more than six hundred dollars (\$600).

The payor and the nonresident must complete Form W-4NA together. Nonresident individuals can use Form W-4NA to report their business expenses and payments in performing personal services in Nebraska. If there are other payees receiving payments for services performed in Nebraska as nonresident individuals, each must complete a separate Form W-4NA.

A payor or withholding agent who pays a nonresident alien individual for providing personal services and who has withheld federal tax on Federal Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding, must also withhold state tax using Nebraska Form W-4NA.

A U.S. nonresident alien whose country has a tax treaty with the U.S. may not be subject to nonresident withholding. The payor is to obtain a written statement from the payee certifying the existence of such a treaty exempting U.S. income earned by the alien from federal or state income tax.

Payments to a corporation are subject to withholding requirements if 80% or more of the voting stock of the corporation is held by the shareholders who are performing personal services. **Payments to a partnership or limited liability company** are subject to withholding requirements if 80% or more of the capital interest or profits interest of the partnership or limited liability company is held by the partners or members who are performing personal services. See line 11 instructions.

The completed Form W-4NA is a part of the payor's records and must be kept with other withholding tax records. Federal Forms 1099-MISC or 1042-S will be issued by the payor based on the information on the completed Form W-4NA. The Forms 1099-MISC, or 1042-S state copies, will be included with the Form W-3N, Nebraska Reconciliation of Income Tax Withheld, filed with the department.

PENALTIES. A penalty may be imposed, in addition to other penalties provided by law, on a nonresident individual for giving false information to a payor regarding payments subject to withholding, if the information could result in the amount withheld totaling less than 75% of the income tax liability on such payments. A penalty may also be imposed on any payor who either knowingly uses false information or who maintains records which show the information is false.

The penalties will equal: (a) the amount of tax evaded, not collected, or not accounted for and paid over; and (b) an additional amount up to \$1,000.

TAXPAYER ASSISTANCE. Questions can be directed to the Nebraska Department of Revenue, P.O. Box 98915, Lincoln, Nebraska 68509-8915. Call toll free 1-800-742-7474 in Nebraska, in Iowa, or call 1-402-471-5729.

PAYOR INSTRUCTIONS

NAME AND LOCATION ADDRESS. Payor must complete the payee's name, address, and social security number or federal employer identification number of the nonresident individual, corporation, partnership, or limited liability company.

LINE 2. Enter the total amount of the payment for personal services. Include any amounts paid to the service provider as reimbursement for expenses.

LINE 9. If line 8 is less than \$28,000 compute the amount to be withheld. Otherwise, enter zero (0) and compute the amount to be withheld using line 10 instructions.

PAYEE INSTRUCTIONS

LINE 3. Ordinary and necessary business expenses reasonably related to Nebraska income. Expenses listed on this schedule are amounts paid for travel, lodging, meals and other ordinary and necessary expenses spent in earning your income in Nebraska.

LINE 4. Payments made to others for performances or appearances and other fees reasonably related to Nebraska income. Payments listed are amounts paid to agents, or to others such as a percentage to agents or payments made to others assisting in the performance. This does **not** include payments to partners, shareholders, or members.

Special Note: If persons providing personal services also hire others to assist them, they may have a withholding responsibility on the payments made to such persons. If the persons are hired as employees, then Nebraska's regular withholding rules apply. If the persons are not employees and are nonresidents of Nebraska, then the person paying them must follow the guidelines in Form W-4NA. They should contact the department to receive a Withholding Certificate to withhold Nebraska tax.

LINE 11. If the payment was payable to a nonresident corporation, partnership, or limited liability company, the Nebraska income tax withheld, computed on line 9 or line 10, must be distributed to the appropriate nonresident shareholders, partners, or members.

The payee is to use line 11 to distribute the amount withheld to the appropriate nonresident shareholders, partners, or members. Federal Forms 1099-MISC or 1042-S will be issued by the payor to each shareholder, partner, or member and must be attached to their individual income tax return to receive proper credit.

SIGNATURES. The nonresident individual, corporate officer, partner, or member is to sign this certificate, and include his or her telephone number. If the payee authorizes another person to sign, there must be a power of attorney on file with the department or attached to this certificate. Any person paid to prepare Form W-4NA must also sign the certificate.