

Instructions for 2019 Form 6BL

Wisconsin Net Business Loss Carryforward for Combined Group Members

Purpose of Form 6BL

Corporations that are members of combined groups use Form 6BL to determine the amount of available net business loss carryforward for the current year. Corporations that are single entity filers must complete Form 4BL.

Net business losses may be carried forward and offset against net income for up to 20 years. The corporation must have sustained the loss in a taxable year in which it was subject to Wisconsin franchise or income taxation. **Carrybacks are not permitted.**

A net business loss may not be used to offset Wisconsin income unless the incurred loss was computed on a return that was filed within four years of the unextended due date for filing the original return for the taxable year in which the loss was incurred.

For taxable years beginning on or after January 1, 2012, up to 5% of a corporation's unused and unexpired Wisconsin net business loss carry-forward incurred prior to January 1, 2009 and not used in any taxable year beginning before January 1, 2012, may be shared with other members of the combined group. Unused losses may be carried forward, but must be used prior to taxable years that begin after December 31, 2031. See the common question, "net business losses for combined groups" available at revenue.wi.gov/Pages/FAQS/ise-combrptd.aspx for further information.

In the case of a merger, acquisition, ownership change, etc., occurring in the 1987 taxable year or thereafter, any net business losses that would be available to the predecessor corporation are available to the successor corporation, as provided in section 381 of the Internal Revenue Code (IRC). However, the Wisconsin losses may be limited as provided in IRC section 382. **Provide the predecessor's name and FEIN and include a copy of its Form 4BL or 6BL to document the Wisconsin loss.**

Short periods

A short period return is considered a taxable year. When computing net business losses for a short period return, the computation depends on the type of loss.

Pre-2009 Net Business Losses (NBL's):

The 5% sharable portion of pre-2009 NBL's claimed on short period returns are required to be prorated based on the number of months in the short period (i.e. 5% NBL multiplied by the number of months in the short period divided by 12). The 5% sharable amount does not require annualization (i.e. the amount is not multiplied by 12) because it is already computed for a 12 month period. The department's guidance for short period tax returns in [Wisconsin Tax Bulletin #80, pages 25-28](#) requires the proration of Wisconsin modifications based on the number of months (days) in the short period (Facts and Question 2). Because the Wisconsin net business loss adjustment is a modification under sec. 71.26(3)(i), Wis. Stats., the 5% sharable pre-2009 NBL is required to be prorated based on the number of days in the taxable year.

For example: Corporation A has a short period taxable year from January 1, 2019 through August 31, 2019. Corporation A computes a 5% pre-2009 NBL shareable amount of \$20,000 per year. Because the 5% shareable amount is already on an annual basis, annualization is not required (i.e. the \$20,000 shareable amount is not multiplied by 12). Corporation A is required to multiply the \$20,000 5% pre-2009 NBL by 8 and divide by 12 in order to prorate the NBL modification. The result of \$13,333 is the amount of NBL for the short period.

Post-2008 NBLs:

Under Internal Revenue Code sec. 443(b)(1) and (3)(d), the net income on a short period return is annualized by multiplying the net income for the short period by 12 and dividing by the number of months in the short period, with the tax prorated based on the number of months in the short period. Wisconsin follows these provisions. In order to properly reflect the NBL used on Form 6BL, the NBL must be annualized.

For example: Corporation B has a short period taxable year from January 1, 2019 through March 31, 2019. The \$5,000 NBL attributable to this period is multiplied by 12 and divided by 3 for an annualized NBL of \$20,000.

Form 6BL should only be used by corporations filing as a member of a combined group.

Note: Combined group members must use business loss carryforwards in a specific order. A combined group member shall apply net business loss (NBL) carryforwards in the order that the underlying NBL was incurred and in the following order:

1. For 100% Wisconsin combined groups only: sharing of current year unitary losses;
2. Its own pre-2009 NBL carryforward to offset its own Wisconsin net income from separate entity items;
3. Its own pre-2009 NBL carryforward to offset its share of the Wisconsin combined group's Wisconsin income;
4. Its own post-2008 shareable NBL carryforward to offset its share of the Wisconsin combined group's Wisconsin income;
5. Its share of post-2008 shareable NBL carryforward from other combined group members to offset its share of the Wisconsin combined group's Wisconsin income;
6. Its share of shareable pre-2009 NBL carryforward from other combined group members up to the allowable 5% amount to offset its share of the Wisconsin combined group's Wisconsin income.

Column (b). For the years shown in column (a), enter the amount, if any, of Wisconsin net income **before** applying any net business loss carryforwards. If the corporation originally filed as a separate entity, enter the Wisconsin net income amount from the separate Wisconsin franchise or income tax return. If the corporation filed as part of a Wisconsin combined franchise or income tax return, enter the Wisconsin net income amount from your Wisconsin Form 6. The Wisconsin net income amount would be from Form 6, Part III, lines 2 + 3 + 4 – 5 + 6.

Losses Incurred

Column (c). For the years shown in column (a), enter the amount, if any, of Wisconsin net business loss incurred. If the corporation filed as a separate entity, enter the Wisconsin net business loss amount from the separate Wisconsin franchise or income tax return.

Column (d). For the taxable years shown in column (a) that occur on or after January 1, 2009, enter the amount, if any, of a shareable Wisconsin net business loss incurred. If the corporation filed as part of a Wisconsin combined franchise or income tax return, enter the Wisconsin net business loss amount from the Wisconsin Form 6, Part III, lines 2 + 3 + 4 – 5 + 6.

Column (e). Enter the amount of unused pre-2009 net business losses that are shareable with other combined group members.

Losses Used & Expired

Column (f). For those years in which income is reported in column (b), enter as a negative number any net business losses from prior years which were used to offset that income. Apply only as much loss as needed to reduce the income to zero. The amount of non-shareable net business loss used would be from the separate Wisconsin franchise or income tax return for separate entity filers or from the Wisconsin Form 6, Part IV, line 7, if the corporation filed as part of a Wisconsin combined franchise or income tax return.

Also enter any non-shareable net business loss from a prior year that expired at the end of this taxable year.

Column (g). Enter as a negative number any net business losses from prior years which were used to offset your income or the income of other members of the combined group. The amount of shareable net business loss used would include any amounts that you are sharing with other members of the combined group. The amount of shareable net business loss used would be from your Wisconsin Form 6, Part IV, line 10 plus line 13. **Reminder:** post-2008 net business loss carryforwards must be used before pre-2009 net business loss carryforwards.

Also enter any shareable net business loss from a prior year that expired at the end of this taxable year.

Column (h). Enter as a negative number any pre-2009 net business losses from prior years which were used to offset your income or the income of other members of the combined group. The amount of shareable net business loss used would be from your Wisconsin Form 6, Part IV, line 16.

Remaining Losses Available

Column (i). Enter the total non-shareable net business loss carryforward available at the end of each taxable year. This is the column (i) amount for the immediately preceding taxable year decreased by (1) any non-shareable loss used to offset your net income and (2) any non-shareable loss that expired at the end of the taxable year.

Enter the amount from line 30, column (i) on your column of Form 6, Part IV, line 6.

Column (j). Enter the total shareable net business loss carryforward available at the end of each taxable year. This is the column (j) amount for the immediately preceding taxable year increased by any net business loss incurred in the taxable year and decreased by (1) any shareable loss used to offset your net income or the net income of the other members of the combined group and (2) any shareable loss that expired at the end of the taxable year.

Enter the amount from line 30, column (j) on your column of Form 6, Part IV, line 9.

Column (k). Enter the total pre-2009 shareable net business loss carryforward available at the end of each taxable year. This is the column (k) amount for the immediately preceding taxable year decreased by (1) any pre-2009 shareable loss used to offset your net income or the net income of the other members of the combined group and (2) any pre-2009 shareable loss that expired at the end of the taxable year.

Enter the amount from line 30, column (k) on your column of Form 6, Part IV, line 9.

Additional Information and Assistance

Web Resources

The Department of Revenue's web page, available at revenue.wi.gov, has a number of resources to provide additional information and assistance, including:

- Related [forms](#) and their instructions
- [Common questions](#)
- [Publications](#) on specific tax topics
- The [Wisconsin Tax Bulletin](#)
- A home page specifically for [combined reporting topics](#)
- Links to the [Wisconsin Statutes and Administrative Code](#)

Access the combined reporting web page at: revenue.wi.gov/Pages/combprept/faqs.aspx

For questions that do not relate to combined reporting, the web page also has a library of frequently asked questions on general business tax topics, available at: revenue.wi.gov/Pages/FAQS/home-b.aspx

Contact Information

If you cannot find the answer to your question in the resources available on the Department of Revenue's web page, contact the Department using any of the following methods:

- E-mail your question to DORFranchise@wisconsin.gov
- Call (608) 266-2772
(Telephone help is also available using TTY equipment. Call the Wisconsin Telecommunications Relay System at 711 or, if no answer, (800) 947-3529. These numbers are to be used only when calling with TTY equipment.)
- Send a fax to (608) 267-0834

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of November 1, 2019: Chapter 71 Wis. Stats., and Chapter Tax 2, Wis. Adm. Code