

Chapter 318

1991 EDITION

Corporation Income Tax

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| <p>318.010 Short title; Department of Revenue to administer chapter</p> <p>318.020 Imposition of tax</p> <p>318.031 Provisions in ORS chapters 305, 314 and 317 incorporated into corporation income tax law</p> <p>318.040 Exempt corporations</p> <p>318.060 Rules and regulations; personnel</p> <p>318.070 Disposition of revenue</p> <p>318.080 ORS 317.133 as part of chapter</p> <p>318.085 ORS 317.141 as part of chapter</p> <p>318.090 ORS 317.386 as part of chapter</p> <p>318.100 ORS 317.098 as part of chapter</p> <p>318.102 ORS 317.150 as part of chapter</p> <p>318.104 ORS 317.148 as part of chapter</p> <p>318.106 ORS 317.151 as part of chapter</p> <p>318.110 ORS 317.102 as part of chapter</p> <p>318.130 ORS 317.329 as part of chapter</p> <p>318.160 ORS 317.114 as part of chapter</p> <p>318.170 ORS 317.113 as part of chapter</p> <p>318.175 ORS 317.135 as part of chapter</p> | <p>Associations, trusts or other unincorporated organization, income tax liability, 316.277</p> <p>Business trusts, distributions subject to personal income and corporate excise and income tax provisions, 316.279</p> <p>Deficiency procedure, 305.265</p> <p>Estimated tax procedure for corporate excise and income tax, 314.505 to 314.525</p> <p>General provisions relating to income taxation, Ch. 314</p> <p>Interest on deficiency, delinquency or refund, 305.220</p> <p>Metropolitan service district taxing authority, 268.505</p> <p>Oregon Mass Transportation Financing Authority, security status of bonds, 391.600</p> <p>Oregon Medical Insurance Pool, exempt from taxation, 735.635</p> <p>Payment of tax, penalty and interest required before filing complaint with Tax Court to appeal department order, 305.419</p> <p>Recycled, recyclable tax credit, 279.630</p> <p>Refund claim for tax paid, 305.270</p> <p>Relocation assistance from public condemnor, business or farm operation required to submit tax returns, 281.070</p> <p>Tax Court, Oregon, 305.405 to 305.555</p> <p>Verification of documents filed under tax laws, falsification prohibited, 305.810, 305.815</p> <p>When tax document deemed filed with tax official, 305.820</p> |
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CROSS REFERENCES

- Administration of revenue laws generally, Ch. 305
- Administrative appeals, 305.265 to 305.285
- Appeal procedure, 305.280

REVENUE AND TAXATION

318.010 Short title; Department of Revenue to administer chapter. This chapter shall be known and may be cited as the Corporation Income Tax Act of 1955, and it shall be administered by the Department of Revenue. [1955 c.334 §1]

318.020 Imposition of tax. (1) There hereby is imposed upon every corporation for each taxable year a tax at the rates provided in ORS 317.061 upon its Oregon taxable income derived from sources within this state, other than income for which the corporation is subject to the tax imposed by the Corporation Excise Tax Law of 1929 (ORS chapter 317) according to or measured by its Oregon taxable income.

(2) Income from sources within this state includes income from tangible or intangible property located or having a situs in this state and income from any activities carried on in this state, regardless of whether carried on in intrastate, interstate or foreign commerce. [1955 c.334 §2; 1957 c.607 §9; 1957 c.633 §1; 1961 c.55 §1; subsection (3) enacted as 1961 c.55 §2; 1975 c.368 §7; 1983 c.162 §44]

318.030 [1955 c.334 §3; 1957 c.74 §3; 1965 c.154 §5; 1965 c.460 §5; 1967 c.592 §10; 1969 c.166 §7; 1969 c.493 §96a; 1969 c.681 §7; 1971 c.283 §5; 1973 c.115 §6; 1973 c.753 §7; 1977 c.866 §6; 1979 c.414 §6; 1979 c.561 §7; 1979 c.578 §10; repealed by 1983 c.162 §45 (318.031 enacted in lieu of 318.030)]

318.031 Provisions in ORS chapters 305, 314 and 317 incorporated into corporation income tax law. It being the intention of the Legislative Assembly that this chapter and the Corporation Excise Tax Law of 1929 shall be administered as uniformly as possible (allowance being made for the difference in imposition of the taxes and the operative date of this chapter), the provisions of ORS 305.140, 305.150, ORS chapter 314 and of the following sections of ORS chapter 317, as amended on or before August 3, 1955, and as they may thereafter be amended, are incorporated into this chapter by this reference and made a part hereof: ORS 317.010, 317.013, 317.017 to 317.022, 317.030, 317.035, 317.038, 317.080, 317.102, 317.116, 317.134, 317.140, 317.259 to 317.303, 317.310 to 317.635, 317.379 and 317.705 to 317.725 and sections 2 to 4, chapter 911, Oregon Laws 1989 and section 10, chapter 652, Oregon Laws 1991. [1983 c.162 §46 (enacted in lieu of 318.030); 1984 c.1 §13; 1985 c.761 §23; 1987 c.293 §49; 1987 c.911 §8f; 1989 c.625 §24; 1989 c.911 §5; 1991 c.457 §15; 1991 c.652 §11; 1991 c.928 §5]

Note: See note under 316.133.

Note: Section 6, chapter 911, Oregon Laws 1989, provides:

Sec. 6. Sections 2 to 4 of this Act and the amendments to ORS 318.031 by section 5 of this Act apply to amounts paid or incurred in tax years beginning on or after January 1, 1989, and before January 1, 1996. [1989 c.911 §6]

Note: Section 6, chapter 928, Oregon Laws 1991, provides:

Sec. 6. Sections 2 and 4 of this Act and the amendments to ORS 318.031 by section 5 of this Act apply to tax years beginning on or after January 1, 1991, and before January 1, 1996. [1991 c.928 §6]

Note: Section 12, chapter 652, Oregon Laws 1991, provides:

Sec. 12. Sections 8 and 10 of this Act and the amendments to ORS 318.031 by section 11 of this Act apply to bone marrow donation expense incurred in tax years beginning on or after January 1, 1991, and before January 1, 1995. [1991 c.652 §12]

318.040 Exempt corporations. In addition to the corporations exempt from the provisions of this chapter by the incorporation in this chapter of ORS 317.080, there shall also be exempt those foreign corporations whose activities in this state are confined to purchases of personal property, and the storage thereof incident to shipment outside the state, unless such foreign corporation is an affiliate of another foreign or domestic corporation which is doing business in Oregon or is subject to this chapter. Whether or not corporations are affiliated shall be determined as provided in section 1504 of the Internal Revenue Code. [1955 c.334 §4; 1977 c.866 §7; 1984 c.1 §14; 1985 c.802 §34]

318.044 [1957 s.s. c.15 §§14, 15; 1971 c.724 §2; 1977 c.89 §2; repealed by 1983 c.162 §57]

318.046 [1957 s.s. c.15 §§16, 17; 1959 c.92 §3; repealed by 1983 c.162 §57]

318.048 [1965 c.178 §6; repealed by 1983 c.162 §57]

318.050 [1955 c.334 §6; repealed by 1977 c.866 §9]

318.060 Rules and regulations; personnel. The Department of Revenue is authorized to employ such personnel, and prescribe and prepare such rules, regulations, forms and tables as are necessary to place this chapter in operation. [1955 c.334 §7; 1957 c.528 §5]

318.070 Disposition of revenue. The net revenue from the tax imposed by this chapter shall be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts available generally to meet any expense or obligation of the State of Oregon lawfully incurred. A working balance of un-receipted revenue from the tax imposed by this chapter may be retained by the Department of Revenue for the payment of refunds, but such working balance shall not at the close of any fiscal year exceed the sum of \$50,000. [1955 c.334 §5]

318.080 ORS 317.133 as part of chapter. ORS 317.133, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1981 c.720 §20]

318.085 ORS 317.141 as part of chapter. ORS 317.141 is incorporated into and made a part of this chapter by reference. [1991 c.859 §7]

Note: Section 9, chapter 859, Oregon Laws 1991, provides:

Sec. 9. Sections 4 and 6 of this Act [ORS 316.151 and 317.141] apply to tax years beginning on or after

January 1, 1991, and before January 1, 1996. [1991 c.859 §9]

318.090 ORS 317.386 as part of chapter. ORS 317.386, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part of this chapter. [1981 c.778 §38]

318.100 ORS 317.098 as part of chapter. ORS 317.098, during its existence and as it may be amended is incorporated into this chapter by reference and made a part hereof. [1983 c.162 §49]

318.102 ORS 317.150 as part of chapter. ORS 317.150, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1985 c.438 §6]

Note: See note under 316.098.

318.104 ORS 317.148 as part of chapter. ORS 317.148, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1985 c.521 §5]

Note: See note under 317.148.

318.106 ORS 317.151 as part of chapter. ORS 317.151, during its existence and as it may be amended, is incorporated into this chapter and made a part hereof. [1985 c.695 §4]

Note: See note under 317.151.

318.110 ORS 317.102 as part of chapter. ORS 317.102, during its existence and as it

may be amended, is incorporated into this chapter by reference and made a part of this chapter. [1985 c.749 §5]

Note: Section 53, chapter 802, Oregon Laws 1985, provides:

Sec. 53. Section 51 of this 1985 Act (note following ORS 317.281), during its existence and as it may be amended, is incorporated into this chapter by reference and made a part of this chapter.

318.130 ORS 317.329 as part of chapter. ORS 317.329, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1985 c.802 §21d]

318.160 ORS 317.114 as part of chapter. ORS 317.114, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1987 c.682 §9]

318.170 ORS 317.113 as part of chapter. ORS 317.113, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1987 c.591 §17]

318.175 ORS 317.135 as part of chapter. ORS 317.135, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1987 c.682 §8]

Note: See note under 316.134.