

Title 26. Taxation

Chapter I. Generally, Department of Finance and Administration

Subchapter D. Individual Income Tax

Part 102. Guidelines for the Use of Substitute and Reproduced Tax Forms

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"This rule is promulgated pursuant to Ark. Code Ann. §26-18-301, §26-51-806 and §26-51-904, which authorizes the Director of Department of Finance and Administration to promulgate rules and to prescribe forms necessary to administer and enforce the state tax laws.

The Director of the Department of Finance and Administration delegates the authority to prescribe tax forms under this rule to the Commissioner of Revenues for the Revenue Division of the Department of Finance and Administration."

"I. EFFECTIVE DATE:

This regulation shall become effective on March 10, 1992."

Subpart 1. Generally

26 CAR § 102-101. Introduction.

(a) Under the direction of the Commissioner of Revenue, the Individual Income Tax Section prescribes the format of Arkansas tax:

- (1) Returns;
- (2) Schedules;
- (3) Statements; and
- (4) Declarations.

(b) Substitute tax forms that are commercially printed, computer produced, computer programmed, or otherwise produced must be preapproved by the Individual Income Tax Section.

(c) The Individual Income Tax Section's primary objectives are to ensure that substitute tax forms:

(1) Are compatible with the Individual Income Tax Section's automated processing system;

(2) Result in the accurate assessment of the taxpayer's tax liability; and

(3) Present information in a uniform pattern.

(d) These guidelines are for commercial printers, developers of tax software, computerized tax processors, computer programmers, and others who use substitute tax forms requiring Individual Income Tax Section approval of their substitute tax forms.

(e) Unless otherwise stated, the term "form" as used in this part includes tax:

(1) Returns;

(2) Schedules;

(3) Statements; and

(4) Declarations.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-102. Companies and individuals who must get approval of substitute tax forms.

(a)(1) Any company or individual who makes a product that produces substitute tax forms to be filed with the Individual Income Tax Section must receive prior written approval from the Individual Income Tax Section before releasing or distributing this product to its customers or clients.

(2) Examples of companies that must get approval are:

(A) Commercial printers or business forms companies that market substitute forms;

(B) Tax software developers who write computer programs, for their use or for sale to others, that produce computer-prepared substitute tax forms; and

(C) Companies that batch process tax returns for tax practitioners using computer programs that produce substitute tax forms.

(b)(1) Customers or clients of companies described above do not need to get additional approval from the Individual Income Tax Section to use the substitute tax form.

(2) However, they should verify that the Individual Income Tax Section has approved the substitute tax forms produced by the software they purchase.

(3) Examples of customers or clients who should verify Individual Income Tax Section approval are:

(A) Tax practitioners who purchase substitute tax forms from commercial printers or business forms companies;

(B) Tax practitioners who purchase software that produces substitute tax forms;

(C) Tax practitioners who use batch processing service bureaus to produce tax returns; and

(D) Software providers who sell the products of tax software developers.

(4) **Note.** If you are a customer or client using the forms, software, services, or products referred to above, verify the Individual Income Tax Section approval of the substitute tax forms by asking the vendor for a copy of their Individual Income Tax Section approval letter.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-103. Guidelines for preparing substitute tax forms.

(a)(1) Substitute tax forms must be compatible with the Individual Income Tax Section's automated processing system.

(2) The Individual Income Tax Section must be able to process the substitute tax form in the same manner as the official form.

(3) Therefore, all substitute tax forms must meet the following guidelines before the Individual Income Tax Section will approve them.

(4)(A) You may modify substitute tax forms to make them suitable for computer preparation.

(B) However, the Individual Income Tax Section will not permit changes that would impair its ability to review, store, or handle tax forms.

(5) If you have questions about your proposed design, please contact the Individual Income Tax Section before sending the substitute tax form to the Individual Income Tax Section for review.

(6) Any substitute tax form that does not conform to the guidelines of this part, or that would cause processing problems, may be rejected by the Individual Income Tax Section.

(b) Company identification code.

(1)(A) Substitute tax forms must include a company identification code.

(B) The company identification code may be the company's initials or some other alpha or alpha-numeric code chosen by your company.

(2)(A) The company identification code must be registered with the Individual Income Tax Section.

(B)(i) Use form AR9101, Letter of Intent to Abide by the Guidelines for the Use of Substitute and Reproduced Tax Forms, to register your company identification code.

(ii) A copy of form AR9101 is attached to this part as Attachment #1.

(3)(A) The company identification code must be printed on each substitute tax form in the upper left corner.

(B) Failure to do so will result in the disapproval of the substitute tax form.

(4) The company identification code will:

(A) Identify the company developing or producing the substitute tax form;
and

(B) Enable the Individual Income Tax Section to contact the company should a problem occur with the substitute tax form or a change be required by law.

(c) Image size, keying symbols, line spacing, and numbers.

(1)(A) Keying symbols and line numbers are codes that Individual Income Tax Section data entry operators use to enter tax return information into the automated processing system.

(B) These symbols reduce the time it takes to enter tax return information and help operators to enter the correct information.

(2)(A) In preparing substitute tax forms, these keying symbols and line numbers must be duplicated exactly.

(B) Failure to do so will result in the disapproval of your substitute tax forms.

(d) Margins and layout.

(1) Substitute tax forms must have margins on all sides at least as large as the margins on the official forms.

(2) Generally, margins on the official forms are one-half of an inch (1/2") on all sides.

(3) Margins may not be less than those on the original.

(e) Type style.

(1) The Individual Income Tax Section will define this standard by form.

(2) The print must be laser or offset quality.

(3)(A) No dot matrix print will be accepted for the form.

(B) Dot matrix print can be used for the variable data entered in the spaces.

(f) Paper.

(1) Print substitute tax forms on twenty-pound to twenty-four-pound paper.

(2) The grain must be long and the color white or the same as the original.

(3) Use the same size paper as the official form.

(g) Ink. Use black ink.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-104. Guidelines for preparing reproduced tax forms.

(a) The Individual Income Tax Section will accept reproductions of official forms without prior approval if the reproductions are:

(1) Facsimiles of the official form produced by:

(A) Photo-offset;

(B) Photoengraving;

(C) Photocopying; or

(D) Similar reproduction process;

(2) Printed with black ink on white paper of substantially the same weight, texture, and quality of the official form;

(3) Legible in both the original text of the form and the filled-in data; and

(4) The same dimensions as the official form, including the paper and the image reproduced on it.

(b) The signatures of the taxpayer and the tax preparer on the reproduced forms must be original.

(c)(1) The Individual Income Tax Section will accept one-sided reproduced forms even if the official form is two-sided.

(2) However, the Individual Income Tax Section prefers two-sided reproduced forms that result in the same page arrangement as the official form.

(d) **Note.** Returns filed on reproduced forms may require additional handling and thus take longer to process than original forms or approved substitute forms.

(e)(1) Reproduced tax forms that deviate from the official forms are considered substitute forms.

(2) The Individual Income Tax Section must review and approve these forms before you use them.

(3) See 26 CAR § 102-103 for more information.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-105. Substitute tax forms approval process.

(a)(1) Complete Form AR9101, Letter of Intent to Abide by the Guidelines for the Use of Substitute and Reproduced Tax Forms.

(2) Mail Form AR9101 to the Individual Income Tax Section at the address shown on the form.

(3) Prepare your substitute tax forms in accordance with these guidelines.

(4) Submit your substitute tax forms to the Individual Income Tax Section for review before you distribute or release them or related products to customers or clients.

(b)(1) Substitute tax forms do not have to be sent to the Individual Income Tax Section for review in one (1) package.

(2) In fact, the Individual Income Tax Section encourages you to send small groups of substitute tax forms for review.

(3) This reduces the time it takes to review the substitute tax forms and respond.

(c) Also, when submitting substitute tax forms produced from multiple printers, clearly identify the printer they are produced from.

(d) Make corrections and revisions to substitute tax forms upon notification by the Individual Income Tax Section.

(e) Notify customers or clients of the minimum computer hardware required for use with your software that produces substitute tax forms.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-106. Individual Income Tax Section procedures.

(a) The Individual Income Tax Section will:

(1) Coordinate the filing of Form AR9101, Letter of Intent to Abide by the Guidelines for the Use of Substitute and Reproduced Tax Forms;

(2) Register the company identification code;

(3) Disseminate information regarding substitute tax forms design and development; and

(4) Provide reproduction proofs of Arkansas tax forms as they become available.

(b) Within two (2) weeks of receiving your substitute tax forms the Individual Income Tax Section will:

(1) Review your substitute tax forms;

(2) Call you and discuss the results of the review including necessary corrections; and

(3)(A) Mail you a letter indicating which forms are approved and which forms are disapproved.

(B) If forms are disapproved, the Individual Income Tax Section will return your substitute tax forms with the errors noted and ask you to resubmit corrected substitute tax forms.

(c)(1) **Note.** The Individual Income Tax Section does not review or approve the logic of specific software programs or confirm the calculations entered on substitute tax forms output from software programs.

(2) The accuracy of software programs is the responsibility of the software:

(A) Developer;

(B) Distributor; or

(C) User.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-107. Consequences for not following the guidelines for the use of substitute and reproduced tax forms.

If you release forms that fail to follow the guidelines for the use of substitute and reproduced tax forms, the Individual Income Tax Section:

(1) Will work with you to correct the errors in the substitute tax forms;

(2) Will require you to send proof (e.g., revised forms, excerpts from revised user's manuals, release letters for new versions of software, etc.) that you have corrected the errors and notified your customers or clients of the corrections; and

(3) May notify taxpayers, if you fail to correct the problem, that refunds are delayed because your substitute tax forms were not approved by the Individual Income Tax Section.

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

26 CAR § 102-108. How to contact the Individual Income Tax Section regarding substitute tax forms.

Mail all correspondence regarding substitute tax forms and related issues to:

Income Tax Processing
Tax Forms Design Group
P.O. Box 8094
Little Rock, Arkansas 72203-8094
(501) 682-7925

Authority. Arkansas Code §§ 26-18-301, 26-51-806, 26-51-904.

Appendix A. Letter of Intent to Abide by the Guidelines for the Use of Substitute and Reproduced Tax Forms

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/218/26CARpt.102Appendix.pdf>