



# FORM RWT-1096 - ROYALTY WITHHOLDING ANNUAL RETURN AND TRANSMITTAL

NORTH DAKOTA OFFICE OF STATE TAX COMMISSIONER  
SFN 28267 (1-2020)

**WEB**

(A)  **Fill in this circle if this is an amended return.**

Name
Address
City, State, ZIP Code

(B)  **Fill in this circle if your address has changed.**

Fill in this circle if the Forms 1099-MISC and 1042-S were filed electronically, and enter the date they were submitted  
**(You may not use the combined Federal/State Program.)**

**Note: If the Forms 1099-MISC and 1042-S were not electronically filed, paper copies must be enclosed with this form.**

- Number of Forms 1099-MISC and 1042-S reporting North Dakota oil and/or gas royalty payments \_\_\_\_\_
- Enter the amount paid with each quarter's return below:

**Form RWT-941**

**North Dakota Tax Withheld**

1st Quarter	_____
2nd Quarter	_____
3rd Quarter	_____
4th Quarter	_____

Enter total \_\_\_\_\_

- Total North Dakota income tax withheld shown in Box 16 of Forms 1099-MISC and/or Box 21 of Forms 1042-S. \_\_\_\_\_
- Subtract line 3 from line 2. (If result is not zero, please refer to the instructions.) \_\_\_\_\_
- Small producing remitter only - North Dakota oil and/or gas production for the preceding calendar year (see instructions for amount to enter):

Barrels of oil \_\_\_\_\_ Million cubic feet of gas \_\_\_\_\_

I authorize the North Dakota Office of State Tax Commissioner to discuss this return with the contact person listed below.

I declare that this return has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

Taxpayer Signature	Title	Date Signed
Contact Person (Print or Type)	Contact Telephone Number	<b>For Tax Department Use Only</b>

**Mail to: Office of State Tax Commissioner  
PO Box 5624  
Bismarck, ND 58506-5624**

**RWT**

Account Number \_\_\_\_\_  
Required (Ex: 123456789RWT)

Calendar Year \_\_\_\_\_  
Required (YYYY)

Due Date of Return \_\_\_\_\_

(C)  **Fill in this circle if business operations have ceased and this is your final return.**

Date Operations Ceased \_\_\_\_\_  
( MM/DD/YYYY)

\_\_\_\_\_  
(MM/DD/YYYY)

# Instructions for North Dakota Form RWT-1096

## General instructions

### Purpose of form

The purpose of Form RWT-1096, Royalty Withholding Annual Return and Transmittal, is to report and reconcile the North Dakota income tax withheld and remitted during the calendar year, and to transmit copies of Forms 1099-MISC and 1042-S reporting North Dakota oil and gas royalty payments to royalty owners. See "Filing Forms 1099-MISC and 1042-S" for more information.

### Who must file

All remitters subject to North Dakota's oil and gas royalty income tax withholding law must file this form. This applies even if no North Dakota income tax was withheld due to one of the exceptions to withholding under the law. Form RWT-1096 may not be filed electronically; it must be filed on paper. A preaddressed Form RWT-1096 is mailed to every registered remitter in January following the end of the calendar year.

**Small producing remitter.** A remitter claiming exemption from the withholding requirement under the small producing remitter exception must file this form to certify its eligibility for the exemption by reporting the amount of oil and/or gas production for the preceding calendar year.

### When to file

Form RWT-1096 and 1099 data must be filed with the Office of State Tax Commissioner on or before February 28 of the following year. If no longer in business, the data must be filed at the same time you file your federal forms with the Internal Revenue Service.

### Filing Forms 1099-MISC and 1042-S

Every remitter must file a copy of all federal and state-only Forms 1099-MISC and 1042-S reporting North Dakota oil or gas royalty payments. This includes all royalty owners, not just those whose payments are subject to withholding.

- **Electronic transmission.** If a remitter is required to electronically file federal Forms 1099-MISC and 1042-S for federal income tax purposes, or the number of copies required to be filed with North Dakota is 10 or more, the remitter must electronically file them for North Dakota income tax purposes. For information on how to electronically file these forms, see the guideline *Income Tax Withholding Information Returns*. (Note: The Combined Federal/State electronic filing option may not be used to file Forms 1099-MISC reporting North Dakota oil and gas royalty payments.) If a remitter electronically files Forms 1099-MISC and 1042-S, paper copies do not have to be filed with Form RWT-1096; however, Form RWT-1096 must still be filed.
- **Paper filing.** Unless a remitter is required to electronically file Forms 1099-MISC and 1042-S with North Dakota, a remitter may file paper copies of the forms, in which case they must be filed with Form RWT-1096.

## Specific instructions

**Amended return.** If this form is being filed to correct a previous return, fill in the circle at the top of the form. Be sure to enter the correct tax period for which the amended return is being filed. If applicable, attach copies of corrected or previously omitted Forms 1099-MISC and 1042-S. All corrected Forms 1099-MISC and 1042S must be submitted by paper with an amended Form RWT-1096. You may not electronically transmit this corrected information.

**Address change.** If the remitter's address has changed, cross out the incorrect address, enter the correct address, and fill in the circle under the address area.

**Final return/Closing account.** If a remitter's business operations have ceased and no additional North Dakota oil and gas royalties will be paid by the remitter, a final Form RWT-1096 must be filed for the year in which the operations ceased. Fill in the circle on the form to indicate that operations have ceased and enter the date the operations ceased. This will close the account.

**Electronic filing of Forms 1099-MISC and 1042-S.** If the remitter is electronically filing the required Forms 1099-MISC and 1042-S, fill in the circle on the form and enter the date submitted. The remitter is still required to complete and file Form RWT-1096.

**Line 1.** Enter the total number of Forms 1099-MISC and 1042-S reporting North Dakota oil and gas royalty payments that were issued to all royalty owners. Include all forms even if no North Dakota income tax was withheld or was required to be withheld from the reported payments. Include all forms whether filed electronically or on paper.

**Line 2.** Enter the total North Dakota income tax withheld on royalties and remitted each quarter with the Form RWT-941.

**Line 3.** Enter the total North Dakota income tax withheld as reported on Box 16 of all Forms 1099-MISC and Box 21 of Form-1042-S.

**Line 4.** Subtract Line 3 from Line 2. If the result:

- **Equals zero,** proceed to line 5
- **Is greater than zero** and all documents submitted are final, a refund check will be issued for the amount overpaid with Form RWT-941.
- **Is less than zero,** this is the amount you owe as an underpayment of tax withheld. Please include a check with this form, or make an electronic payment applied to the 4th quarter for the year to which this report applies. Penalties and interest will apply.

**Line 5.** This line applies only to a remitter that is claiming exemption from the withholding requirement under the small producing remitter exception. Enter the number of barrels of oil or the amount of million cubic feet of gas produced during the calendar year for which the Form RWT-1096 is being filed. For this purpose, enter the amount a well operator is required to report to the North Dakota Industrial Commission, Oil and Gas Division, on Forms 5 and 5B. Only include the production attributable to the remitter's interest. For additional information, see the guideline *Income Tax Withholding from Oil and Gas Royalty Payments*.

## Forms or assistance

Phone: 701.328.1248  
Speech/hearing impaired – call us through  
Relay North Dakota at 1.800.366.6888  
Email: withhold@nd.gov  
Fax: 701.328.0146  
Website: www.nd.gov/tax  
Write: Office of State Tax Commissioner  
600 E. Boulevard Ave., Dept. 127  
Bismarck, ND 58505-0599