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Direct Sellers

For use in preparing 2003 Returns

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Important Changes for 2003

Standard mileage rate. The standard mileage rate for the cost of operating your car in 2003 is 36 cents a mile for all business miles.

Increased section 179 deduction limit. The maximum section 179 deduction you can elect for property you placed in service in 2003 is $100,000. For more information, see Chapter 2 in Publication 946.

Addition of 50% special depreciation allowance. For qualified property you acquire after May 5, 2003, and place in service in 2003, you can take a special depreciation allowance that is equal to 50% of the property's depreciable basis. However, you can elect to claim an allowance at the 30% rate for property that qualifies for the 50% rate, or elect to claim no special allowance. For more information, see chapter 3 in Publication 946.

Depreciation limits on business cars. The total section 179 deduction and depreciation (including the 30% or 50% special depreciation allowance) you can take on a car you use in your business and first place in service in 2003 is generally limited. For those limits and additional information, including the maximum depreciation you can deduct in later years, see Passenger automobiles under Listed Property, later.
Important Reminders

Accounting methods. Certain small business taxpayers that are qualifying taxpayers or qualifying small business taxpayers may be eligible to adopt or change to the cash method of accounting and may not be required to account for inventories. For more information, including the definitions of a qualifying taxpayer and a qualifying small business taxpayer, see Publication 538, Accounting Periods and Methods.

Photographs of missing children. The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1–800–THE–LOST (1–800–843–5678) if you recognize a child.

Introduction

This publication explains general tax information of interest to direct sellers. It covers how to treat income, expenses, and other items related to having a direct-sales business. It also illustrates two filled-in tax forms that most direct sellers must file along with Form 1040. They are Schedule C (Form 1040), Profit or Loss From Business, and Schedule SE (Form 1040), Self-Employment Tax.

Who Is a Direct Seller?

You are a direct seller if you meet all the following conditions.

1) You are engaged in one of the following trades or businesses.
   a) Selling or soliciting the sale of consumer products, either—
      i) In a home or other place that is not a permanent retail establishment, or
      ii) To any buyer on a buy-sell basis or a deposit-commission basis for resale in a home or other place that is not a permanent retail establishment.
   b) Delivering or distributing newspapers or shopping news (including any services directly related to that trade or business).

2) Substantially all your pay (whether paid in cash or not) for services described in (1) is a deposit-commission basis for resale of direct seller who work under you (your downline group) and your earnings depend in

3) You are employed in a store, sell through a retail sales outlet, or sell your employer’s product away from the employer’s place of business.

Who is not a direct seller?

You are not a direct seller if you are employed in a store, sell through a retail sales outlet, or sell your employer’s product away from the employer’s place of business.

Comments and suggestions. We welcome your comments about this publication and your suggestions for future editions.

You can email us at taxforms@irs.gov. Please put “Publications Comment” on the subject line.
part on how much they sell. Recruiting, motivat-
ing, and training are examples of attempts to increase sales.

Host or hostess. You are not a direct seller if you simply host a party at which sales are made. Nevertheless, some information in this publica-
tion may still apply to you. The gift you receive for giving the party is a payment for helping the direct seller make sales. You must report it as income at its fair market value. See Other income, later.

Your out-of-pocket party expenses are sub-
ject to the 50% limit for meal and entertainment expenses, discussed under Meals and Enter-
tainment, later. These expenses are deductible as miscellaneous itemized deductions subject to the 2%-of-adjusted-gross-income limit on Schedule A (Form 1040), but only up to the amount of income you receive for giving the party. See Not-for-Profit Limit, later.

Basic Tax Information

The following discussion gives basic tax infor-
mation that may help if you have never been in business for yourself. For more information about starting a business, see Publication 583.

Employer Identification Number (EIN)

EINs are used to identify the tax accounts of employers, certain sole proprietors, corpora-
tions, partnerships, estates, trusts, and other
entities. If you do not already have an EIN, you need to get one if any of the following apply to your business.

1) You have employees.
2) You have a qualified retirement plan.
3) You operate your business as a corpora-
tion or partnership.
4) You file returns for:
   a) Employment taxes,
   b) Excise taxes, or
   c) Taxes on alcohol, tobacco, or firearms.

You can apply for an EIN in the following ways:

• By going online—Click on the EIN link at www.irs.gov/businesses/small. The EIN is issued immediately once the application information is validated.
• By telephone at 1–800–829–4933 from 7:30 a.m. to 5:30 p.m. in the applicant’s local time zone.
• By mailing or faxing Form SS–4, Applica-
tion for Employer Identification Number.

Business Taxes

The following kinds of federal business taxes may apply to direct sellers.

• Income tax
• Employment tax
• Self-employment tax

• Employment taxes
  Your state, county, or city may impose other kinds of tax and licensing obligations.

Income tax. All businesses except partner-
ships must file an annual income tax return. (Partnerships file an information return.) For ex-
ample, if you operate your direct-selling busi-
ness as a sole proprietor, you must file Schedule C or Schedule C–EZ as part of your individual income tax return (Form 1040). You are a sole proprietor if you are self-employed (work for yourself) and are the only owner of your unin-
corporated business.

Self-employment tax. Self-employment tax is a social security and Medicare tax primarily for those who work for themselves. It is similar to the social security and Medicare taxes withheld from the pay of most wage earners. If you are a direct seller, you generally must pay this tax on your income from direct selling. You must pay it whether you are a sole proprietor or a partner in a partnership. Use Schedule SE (Form 1040) to figure your self-employment tax. For more infor-
mation about self-employment tax, see Publica-

The Social Security Administration (SSA) time limit for posting self-employment in-
come. Generally, the SSA will give you credit for self-employment income reported on a tax return filed within 3 years, 3 months, and 15 days after the tax year you earned the income. If you file your tax return or report a change in your self-employment income after this time limit, the SSA may change its records, but only to remove or reduce the amount. The SSA will not change its records to increase the amount of your self-employment income.

Employment taxes. If you have employees in your business, you generally withhold and pay the following kinds of employment taxes:

• The federal income tax you withhold from employees’ wages.
• Social security and Medicare taxes—both the amount you withhold from employees’ wages and the amount you pay as the employer.
• Federal unemployment (FUTA) tax (none of which is withheld from the employees’ wages).

For more information, see Publication 15.

Other taxes. You can deduct personal prop-
erty and other taxes as a business expense if you incur them in the ordinary course of your business. For information about deducting these taxes, see Taxes under Business Expenses, later.

Estimated Tax

The federal income tax is a pay-as-you-go tax. You must pay it as you earn or receive income during the year. There are two ways to pay as you go:

• Withholding. If you are an employee, your employer likely withheld income tax from your pay. By revising your W–4, you can increase your withholding to cover the tax you owe on income from your job and from direct selling.
• Estimated tax. If you do not pay tax through withholding, or do not have enough withheld, you may have to pay estimated tax. Estimated tax is used to pay both income and self-employment taxes.

General rule for making estimated tax pay-
ments. You must make estimated tax pay-
ments for 2004 if you expect to owe at least $1,000 in tax, after subtracting your withholding and credits, and you expect your withholding and credits to be less than the smaller of the following:

• 90% of the tax to be shown on your 2004 tax return.
• 100% of the tax shown on your 2003 tax return. Your 2003 tax return must cover all 12 months for this rule to apply.

Paying estimated tax. You can use Form 1040–ES to figure your estimated tax and make quarterly estimated tax payments. Or, you can make estimated tax payments by electronic funds withdrawal or by credit card. See the Form 1040–ES instructions or How To Pay Estimated Tax in Publication 505.

Underpayment penalty. If you did not pay enough estimated tax or have enough income tax withheld, you may be subject to a penalty for underpayment of tax. You can use Form 2210 to figure the penalty. In most cases, you can have the Internal Revenue Service figure the penalty for you. See Form 2210 to determine if you must complete the form.

Exceptions. Generally, you do not have to pay an underpayment penalty if you meet either of the following exceptions.

• Your total tax is less than $1,000.
• You had no tax liability last year.

For more information on estimated tax, see Publication 505.

Information Returns

You must file an information return to report that you made direct sales of at least $5,000 of consumer products to a buyer for resale any-
where other than a permanent retail establish-
ment. The information return, Form 1099–MISC, must show the name, address, and identification number of the buyer (recipi-
ent). Check box 9 of Form 1099–MISC to show these sales. Do not enter a dollar amount.

You must also provide a statement to the buyer by January 31 of the year following the calendar year for which the information return is filed, showing your name, address, phone num-
ber for contacting you, and identifying number. The statement you give to the buyer for these direct sales may be in the form of a letter show-
ing this information along with commissions, prizes, awards, etc. See the instructions for Form 1099–MISC for more information.
Penalties

The law imposes penalties for noncompliance with tax laws. Some of these penalties are discussed next. If you underpay your tax due to fraud, you could be subject to a civil fraud penalty. In certain cases, you could be subject to criminal prosecution.

Failure-to-file penalty. If you do not file your return by the due date (including extensions), you may have to pay a failure-to-file penalty. The penalty is usually 5% of the tax not paid by the due date for each month or part of a month that the return is late. This penalty cannot exceed 25% of your tax, and it is reduced by the failure-to-pay penalty (discussed next) for any month both penalties apply. However, if you file your return more than 60 days after the due date or extended due date, the minimum penalty is the lesser of $100 or 100% of the unpaid tax. You will not have to pay the penalty if you show that you failed to file on time because of reasonable cause and not because of willful neglect.

Failure-to-pay penalty. You may have to pay a penalty of 1/10 of 1% of your unpaid taxes for each 1/2 of 1% of the amount of unpaid tax that the tax is not paid. This penalty cannot be more than 25% of your unpaid tax. You will not have to pay the penalty if you can show good reason for not paying the tax on time. This penalty does not apply during the automatic 4-month extension of time to file if you paid at least 90% of your actual tax liability on or before the due date of your return and you pay the balance when you file the return. The monthly rate of the failure-to-pay penalty is half the usual rate (25% instead of 50%) if an instalment agreement is in effect for that month. You must have filed your return by the due date (including extensions) to qualify for this reduced penalty.

Penalty for frivolous return. You may have to pay a penalty of $500 if you file a return that does not include enough information to figure the correct tax or that contains information clearly showing the tax you reported is substantially incorrect. You will have to pay the penalty if you filed this kind of return for either of the following reasons:

• A frivolous position on your part.
• A desire to delay or interfere with the administration of federal income tax laws.

This penalty is in addition to any other penalty provided for by law.

Accuracy-related penalty. An accuracy-related penalty of 20% applies to any underpayment due to the following reasons:

• Negligence or disregard of rules or regulations.
• Substantial understatement of income tax.

For an individual, income tax is substantially understated if the understatement exceeds the greater of the following amounts:

• 10% of the correct tax.
• $5,000.

Information reporting penalties. A penalty applies if you do not file information returns by the due date, do not include all required information, or do not report correct information. The amount of the penalty is based on when you file the correct information return, as follows:

• Correct information returns filed within 30 days after the due date, $15 each.
• Correct information returns filed after the 30-day period but by August 1, $30 each.
• Information returns filed after August 1 or not filed, $50 each.

Maximum limits apply to all these penalties.

Failure to furnish correct payee statements. If you do not provide a complete, correct, and timely copy of an information return (payee statement), you may be subject to a penalty of $50 for each failure. If the failure is due to intentional disregard of the requirements, the minimum penalty is $100 per statement with no maximum penalty.

Failure to supply identification number. If you do not include your identification number (SSN or EIN) or the identification number of another person where required on a return, statement, or other document, you may be subject to a penalty of $50 for each failure. You may also be subject to the penalty if you do not give your identification number to another person when it is required on a return, statement, or other document.

You will not have to pay the penalty if you can show the failure was due to reasonable cause and not willful neglect.

Accounting Methods

Accounting Periods and Methods

All income tax returns are prepared using an accounting period (tax year) and an accounting method.

Accounting Periods

When preparing a statement of income and expenses, you must use books and records for a specific interval of time called an accounting period. The annual accounting period for your tax return is called a tax year. You can generally use one of the following tax years:

• A calendar year, which begins on January 1 and ends on December 31.
• A fiscal year (including a period of 52 or 53 weeks). A regular fiscal year is 12 consecutive months ending on the last day of any month except December.

You generally adopt a tax year by filing your first income tax return using that tax year. If you filed your first return as a wage earner using the calendar year and you later start your own business, you must continue to use the calendar year as your business tax year. You generally cannot change your tax year without IRS approval.

For more information, see Publication 538.

Accounting Methods

An accounting method is a set of rules used to determine when and how income and expenses are reported. You must use one of the following accounting methods:

• The cash method, called a hybrid method, is generally a combination of cash and accrual.
• The accrual method, which does not include enough information to figure income and you can determine the liability can be determined with reason-
• A fiscal year (including a period of 52 or 53 weeks). A regular fiscal year is 12 con-

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The text and examples in this publication generally assume you use the calendar year as your tax year and either the calendar year or the tax year to which they apply under either the cash or hybrid method as your accounting period. Generally, if you are a qualifying taxpayer or a small business taxpayer, you use the cash method of accounting, even if you purchase or sell merchandise. You can also account for inventories and other materials and supplies that are not incidental, see Publication 538.
years. You decide to renew for 2 years and mail your check at the end of November 2003. You cannot deduct the $54 on your 2003 return. However, you can deduct half of the $54 in 2004 and the other half in 2005.

Business Income

You must report all income you receive as a direct seller. This includes any of the following.

- Income from sales—payments you receive from customers for products they buy from you.
- Commissions, bonuses, or percentages you receive for sales and the sales of others who work under you.
- Prizes, awards, and gifts you receive from your selling business.

You must report this income regardless of whether it is reported to you on an information return.

Income From Sales

You have income from sales if your customers buy directly from you and you buy the products you sell from a company (or another direct seller). If some of your customers buy their products directly from the company, you, as the sales agent, do not have any sales income from these transactions. You will generally receive a commission or bonus for making the sale, but you will have no direct income from the sale itself. If all of your sales are handled this way, the rules in this section do not apply to you. Report your commissions as other business income. For more information, see Other Income, later.

Depending on the company with which you are affiliated and the nature of its marketing and compensation plan, you may have income from sales, commissions, bonuses, or all three.

Example 1. Your customers pay you the retail price for goods they order. You forward the orders and payments to the company. The company sends the merchandise to fill the orders. The company also sends you a commission. You are acting as a sales agent for the company. You did not purchase the products to sell to your customers. Your payment from the company is commission income, not income from sales. Include the commission in your gross receipts. The amount your customers pay for the goods they order is not included in income.

Example 2. Your customers pay you a deposit when you take their orders. You send the orders to the company, but keep the deposits for yourself. The company fills the orders by shipping the merchandise to your customers. Your customers pay you the remainder of the retail price (usually cash on delivery). You are acting as a sales agent for the company. The deposit is your commission income. You have no income from sales.

Example 3. Your customers pay you for the goods you sell them, either when they take their orders or when you make deliveries. After your customers place orders, you order the goods from the company (or from a direct seller you work under). You either send the money directly to the company with your orders, or you are billed later. In either case, you are able to charge your customers more than you pay for the goods.

You are buying products wholesale and selling them retail. The full amount received from your customers is income from sales.

Example 4. You keep a supply of goods that your customers regularly buy from you. This allows you to fill their orders without delay. You order and pay for the goods before your customers request them.

You have purchased goods to resell to customers. The full amount received from your customers is income from sales.

Example 5. You have recruited several other direct sellers who order their products through you. Commissions or bonuses paid to you by the company are shared with the direct sellers in your group based on sales, purchases, or some other formula established by the company whose products you sell. You keep the portion of the commissions you are not required to distribute to the direct sellers in your group.

The bonuses you receive from the company are included in income as commissions, not as income from sales.

Gross Profit

Gross receipts minus cost of goods sold equals gross profit.

If you have income from sales and you are filing Schedule C, Form 1040, figure your gross profit and the income to report by following these steps.

1) Figure the total your customers paid you during the year for goods you sold them. Include this in the gross receipts you report on line 1 of Schedule C.

2) Subtract the amount (if any) your customers paid that you had to return in the form of refunds, rebates, or other allowances. Show this on line 2 of Schedule C.

3) Finally, subtract the cost of the goods sold (line 4 of Schedule C). To figure the cost of goods sold, you must know the value of the inventory at the beginning and end of the year, and your purchases during the year. See Cost of Goods Sold, next, and Inventory, later.

Cost of Goods Sold

To figure your cost of goods sold, follow these steps.

1) Start with the value of your inventory at the beginning of the tax year. This is usually the same as the value of your inventory at the end of the previous year. Valuing inventory is discussed later under Inventory.

2) Add to your beginning inventory the cost of merchandise you bought during the year to sell to customers. This does not include the cost of merchandise you bought for your own use.

3) Subtract from this total the inventory on hand at the end of the year. The difference is your cost of goods sold during the year.

Example 1. Janet sells cookware on the sales-party plan. On December 31, 2002, she did not have any cookware on hand to sell to customers. She does not have a beginning inventory for 2003.

During the year, Janet spent $5,270 on goods in her product line. Of this amount, $130 was for cookware sets she gave for personal gifts and $40 was for a set for her own use. She purchased $5,100 [$5,270 − ($130 + $40)] worth of goods to sell to customers.

On December 31, 2003, Janet had several sets of cookware in boxes for delivery to customers. The cost of these sets was $250. Her ending inventory for the year is $220, and her cost of goods sold for 2003 is $4,880 ($5,100 + $5,100 purchases − $220 ending inventory).

Example 2. Lisa is a direct seller of cosmetics. She has an established clientele and knows what items are steady sellers. When the company has a special sale on these items, she buys extra quantities for future sales. She had merchandise costing $200 on hand at the end of 2002 (which would be her beginning inventory for 2003) and merchandise costing $175 at the end of 2003. During the year she purchased $3,250 of merchandise. Purchase returns and allowances were $50. She withdrew $200 of cosmetics for personal use. Lisa figures her cost of goods sold for 2003 as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning inventory</td>
<td>$200</td>
</tr>
<tr>
<td>Add: Merchandise purchased during the year</td>
<td>$3,250</td>
</tr>
<tr>
<td>Subtract: Purchase returns and allowances</td>
<td>$50</td>
</tr>
<tr>
<td>Subtract: Goods withdrawn for personal use</td>
<td>$200</td>
</tr>
<tr>
<td>Goods available for sale</td>
<td>$3,200</td>
</tr>
<tr>
<td>Subtract: Ending inventory</td>
<td>$175</td>
</tr>
<tr>
<td>Cost of goods sold</td>
<td>$3,025</td>
</tr>
</tbody>
</table>

Lisa figures her gross profit by subtracting the cost of goods sold from her gross receipts ($3,075) for the year as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross receipts</td>
<td>$5,375</td>
</tr>
<tr>
<td>Minus: Cost of goods sold</td>
<td>$3,025</td>
</tr>
<tr>
<td>Gross profit</td>
<td>$2,350</td>
</tr>
</tbody>
</table>

Purchases. When figuring cost of goods sold, include the full cost of all merchandise you buy to sell to customers. This cost includes all post-age and freight charges incurred.

Figure your purchases at the actual price you pay. Deduct a cash discount or a trade discount in figuring the cost of your purchases. A cash discount or a trade discount is the difference between the invoice price and the actual price you have to pay.

Purchase returns and allowances. Subtract purchase returns and allowances from your total purchases for the year when figuring cost of goods sold. This includes any rebates or refunds you received off the purchase price. It also in-
Kinds of Capital Expenses

You must capitalize the following costs.

- **Going into business.** The costs of getting started in business, before you are authorized to start selling your company’s products, are capital expenses. These **start-up costs** include the cost of exploring different direct-selling opportunities, the cost of any training you must have before becoming a direct seller for your product line, any fees you must pay to the company to become a direct seller, and similar costs. See chapter 9 of Publication 535 for information on how to treat these costs.

- **Business assets.** The cost of any asset (property) that will last substantially beyond the tax year in which you use it is included in your capital expenses. Examples of business assets include office furniture, business vehicles, and storage shelves. See Cost Recovery, later.
• **Improvements.** The costs of making im-
provements to a business asset are capi-
tal expenses if the improvements add to 
the value of the asset, appreciably 
lengthen the time you can use it, or adapt 
it to a different use. However, normal re-
pair expenses are deducted as current, 
business expenses and are not capital-
ized. For example, if you have a car you 
use only for business, you can deduct as 
business expenses, maintenance and re-
pair costs such as tune-ups, new head-
lights, or brake repairs. The cost of 
overhauling the engine, however, would 
be a capital expense.

**Demonstrators**

If you keep your company’s products on hand to 
show to potential customers, their cost may be 
partnered to your income under a capital 
expense, a business expense, or a personal expense, 
depending on the circumstances. The cost of a 
product you use yourself is a personal expense, 
even if you occasionally show it to prospective 
customers.

**Example.** Sheila is a direct seller who uses 
many of the products in her own home. When 
potential customers come to her house, she can 
show them samples she bought from the com-
pany, as well as her lawn chairs, toaster, grill, 
teas, and spice cabinet. By showing these 
items in her own home, she hopes to interest 
people in buying from her company or in becom-
ing direct sellers themselves.

Sheila cannot take a deduction for the cost of 
any of these products. Because she uses them 
in her own home for personal reasons, their cost is 
not a cost of doing business.

**Used one year or less.** If you have a product 
you use as a demonstrator for one year or less 
and the demonstrator itself is not available for 
purchase by your customers, its cost is a busi-
ness expense.

If the demonstrator itself can be bought by 
your customers, include it in your inventory.

**Example 1.** Constance is a direct seller of 
knitwear. Customers must order items from 
a catalog, but she keeps at least one of each 
type on hand to show buyers. When her product 
line changes and an item is discontinued, she 
first starts using the demonstrator in her own 
kitchen or tries to sell it. When she had a garage 
sale, she sold a number of unused demonstra-
tors.

Constance includes her demonstrators, in-
cluding those for discontinued products, in her 
inventory of goods for sale. When she sells a 
demonstrator, including those she sold at the 
garage sale, she includes the income in her 
gross business receipts.

When Constance starts using a demonstra-
tor in her own kitchen, it is a withdrawal of 
inventory for personal use. She subtracts the 
cost of the item from her purchases for the year.

See Personal withdrawals under Cost of Goods 
Sold, earlier.

**Example 2.** Lydia sells needlework kits 
at sales parties. She has catalogs and a number of 
kits to show customers. She uses these kits to 
demonstrate various needlework techniques.

The demonstrator kits last less than one year 
and are not sold to customers. Some are ruined 
and thrown away. Their cost is a business ex-
 pense.

**More than one year of use.** If you use a 
demonstrator for more than one year, its cost is 
a capital expense. However, if you expect to 
eventually sell the demonstrator, include it in 
your inventory of goods for sale.

**Example 1.** Mike sells educational books 
door-to-door. He carries copies of the books to 
show potential customers. If someone wants a 
book, he takes a deposit and delivers the book 
at a later time.

His product line changes little from year to year, so Mike can use a book as a demonstrator for a long time. Although he periodically re-
places his demonstrators with new ones and 
sells the old ones at a discount, he has kept 
some books as demonstrators for up to 3 years.

Because Mike eventually sells his demon-
strators, they remain part of his inventory of 
goods for sale.

**Example 2.** Janet sells the same line of ed-
ucational books as Mike in Example 1. She tries 
to use her demonstrators as long as possible. 
She puts the books in plastic jackets to protect 
them, and ordinarily only stops using them as 
demonstrators when the company comes out 
with a new edition. Janet never sells the old 
demonstrators. She can recover the cost of the 
books she uses as demonstrators as discussed under Cost Recovery, next.

**Cost Recovery**

You can usually recover (subtract from income) 
your cost for capital expenses over a number of 
years. Each year a part of your basis is recov-
ered through depreciation or amortization. Use 
depreciation to recover capital expenses for 
mobility, tangible business assets. Use amor-
tization to recover the cost of intangible assets, such as 
start-up costs. Amortization is discussed in 
chapter 9 of Publication 535.

Under certain circumstances, you may be 
able to recover a limited amount of the cost of 
qualifying property as a current expense by 
electing the section 179 deduction rather than 
recover the cost as a capital expense. The sec-
179 deduction is discussed later.

**Form 4562.** Generally, use Form 4562 to re-
port depreciation, amortization, and the section 179 
deduction. A filled-in Form 4562 is illus-
trated in an example in Publication 946.

**Section 179 Deduction**

You can elect to deduct all or part of the cost 
of certain qualifying property in the year you place 
it in service. Property is placed in service when it 
is first made ready and available for a specific use.

**Qualifying property.** Qualifying property in-
cludes tangible personal property for which de-
preciation is allowable. See chapter 2 in 
Publication 946 for more information.

**Dollar limit.** The maximum section 179 cost 
you can choose to deduct for 2003 is generally $100,000.

Certain benefits, including an increased sec-
tion 179 deduction, are available for certain 
property you place in service in the New York 
Liberty Zone or in an empowerment zone.

**Business income limit.** The total cost you 
can deduct each year after you apply the dollar 
limit is further limited to the taxable income from 
the active conduct of any trade or business dur-
ing the year.

Any cost not deductible in one year because 
of this limit can be carried to the next tax year.

For more information, see 
chapter 2 in Publication 946.

**Depreciation**

If you do not choose a section 179 deduction or 
you choose a section 179 deduction and do not 
recover all your cost, you can take a deprecia-
tion deduction (which may include a special de-
preciation allowance for qualified property) for 
part or all of the cost you did not claim as a 
section 179 deduction.

Property whose cost can be recovered through 
depreciation is depreciable property. 
Depreciable property includes most types of tan-
gible property (except land), such as buildings, 
machinery, vehicles, furniture, and equipment. 
Depreciable property also includes certain in-
tangible property.

You can depreciate property if it meets the 
following requirements.

- It must be property you own.
- It must be used in your business or income-producing activity.
- It must have a determinable useful life.
- This means it is something that wears out, 
decays, gets used up, becomes obsolete, 
or loses value from natural causes.
- It must be expected to last more than one year.
- It must not be excepted property, such as 
property placed in service and disposed of 
in the same year.

You must use the modified accelerated cost 
recovery system (MACRS) to depreciate most 
property placed in service after 1986.

For information about the depreciation of 
property placed in service after 1986, see 
Publication 946. Chapter 4 contains a detailed dis-
cussion on figuring depreciation under MACRS.

For information about the depreciation of 
property placed in service before 1987, see 
Publication 534. Depreciating Property 
Placed In Service Before 1987.

**Special depreciation allowance.** You can 
take a special depreciation allowance to recover part of the cost of qualified property placed in 
service during the tax year. An allowance ap-
plies for the first year you place the property in 
service. For qualified property acquired before 
May 6, 2003, it is an additional 30% deduction. 
For qualified property acquired after May 5, 
2003, it is an additional 50% deduction, or you can 
elect to take an additional deduction deter-
mined at the 30% rate. You can take the addi-
tional 30% or 50% deduction after any section
Listed Property

Listed property includes property which lends itself to personal use such as property used for transportation, entertainment equipment, certain computers, and cellular phones. In addition, there are recordkeeping requirements and rules you must follow when deprecating listed property. If listed property is not used more than 50% for a qualified business use during any tax year, you cannot claim the section 179 deduction or a special depreciation allowance and special rules apply to the depreciation deduction. See chapter 5 in Publication 946.

Passenger automobiles. For most passenger automobiles, the section 179 deduction and depreciation deduction (including the special depreciation allowance) you can claim is limited. See Publication 946 for limits that apply for trucks, vans and electric passenger automobiles placed in service in 2003.

For a passenger automobile that is qualified property for a special depreciation allowance (see definitions below) placed in service during 2003, the total of your section 179 deduction and depreciation deduction (including the special depreciation allowance) cannot be more than $10,710 for a car acquired after May 5, 2003 ($7,660 for a car acquired before May 6, 2003).

If you elected not to claim the special depreciation allowance for the automobile or if the automobile is not qualified property, the limit is generally $3,060. For 2004 and 2005, the maximum deduction amounts for a passenger automobile placed in service in 2003 are $4,900 and $2,950 respectively. The maximum deduction for each year after 2005 is $1,775.

Qualified property for the 30% special depreciation allowance includes a car that meets all the following requirements.

- You placed the car in service for business in 2003.
- You used the car more than 50% in a qualified business use.

Qualified property for the 50% special depreciation allowance includes a car that meets all the following requirements.

- You used the car more than 50% in a qualified business use.

You can elect to claim the 30% special depreciation allowance instead of the 50% special depreciation allowance for property that qualifies for the 50% allowance. This election applies to all property in the same property class placed in service during the year.

TIP

If your business/investment use of the automobile is less than 100%, you must reduce the maximum deduction amount proportionately.

Example. Peter purchases a used car this year for $4,500 and he uses it 60% for business. The car is not qualified property for the 30% or 50% special depreciation allowance. He chooses to take a section 179 deduction for the car. The cost of Peter’s car that qualifies for the section 179 deduction is $2,700 ($4,500 × 60%). However, Peter’s section 179 deduction is limited to $1,836 ($3,060 × 60%).

Business Expenses

The operating costs of running your business are called business expenses. These are costs you do not have to capitalize or include in the cost of goods sold.

Keep business expenses separate from personal expenses. If you have an expense that is partly for business and partly personal, deduct only the business part on your business return.

To be deductible, a business expense must be both ordinary and necessary. An ordinary expense is one that is common and accepted in your trade or business. A necessary expense is one that is appropriate and helpful for your trade or business. An expense does not have to be indispensable to be considered necessary.

This section discusses business expenses you might have as a direct seller. For more information on business expenses, see Publication 535.

Salaries and Wages

You can generally deduct the pay you give your employees for the services they perform for your business. The pay may be in cash, property, or services. It may include wages, salaries, vacation allowances, bonuses, commissions, and fringe benefits.

If you are a sole proprietor, you cannot deduct your own salary or any personal withdrawals you make from your business. You are not an employee of the business.

For detailed discussions of salaries, wages, and other payments to employees, see Publications 15 and 15–A, and chapter 2 in Publication 535.

Taxes

You can deduct as a business expense various federal, state, local, and foreign taxes directly attributable to your direct-selling business. Some of these taxes were discussed earlier under Business Expenses and others are discussed next.

Income taxes. Most income taxes, including federal income taxes, cannot be deducted as a business expense. You can generally deduct personal state and local income taxes as an itemized deduction on Schedule A (Form 1040).

Personal property tax. You can deduct as a business expense any tax imposed by a state or local government on personal property used in your direct-selling business.

You can also deduct registration fees for the right to use property within a state or local area.

Example. May and Julius Winter drove their car 7,000 business miles out of a total of 10,000 miles during the tax year. They had to pay $25 for their annual state license tags and $20 for their city registration sticker. They also paid $235 in city personal property tax on the car, for a total of $280. They are claiming their actual car expenses for the year. Because they used the car 70% for business, they can deduct 70% of the $280, or $196, as a business expense.

Sales tax. Treat any sales tax you pay on a purchase of the use of property as part of the cost of the service or property. If the service or the cost or use of the property is a deductible business expense, you can deduct the tax as part of that service or cost. If the property is merchandise bought for resale, the sales tax is part of the cost of the merchandise.

If the property is depreciable, add the sales tax to the basis for depreciation. See Publication 551, Basis of Assets, for information about the basis of property.

Do not deduct state and local sales taxes imposed on the buyer that you must collect and pay over to the state or local government. Do not include these taxes in gross receipts or sales.

Fuel taxes. Taxes on gasoline, diesel fuel, and other motor fuels that you use in your business usually are included as part of the cost of the fuel. Do not deduct these taxes as a separate item.

Interest

Interest is the amount charged for the use of borrowed money. You can generally deduct as a business expense all interest you pay or accrue during the tax year on debts related to your trade or business.

You can deduct interest on a debt only if you meet all the following requirements.

- You are legally liable for that debt.
- Both you and the lender intend that the debt be repaid.
- You and the lender have a true debtor-creditor relationship.

No deduction is allowed for interest paid or accrued on personal loans. If a loan is part business and part personal, allocate the interest between the two. For more information, see chapter 5 in Publication 535.

Example. During the tax year, you paid $60 interest on a car loan. You used the car 60% for business and 40% for personal purposes. You can deduct $360 (60% x $600) as a business expense on your Schedule C (Form 1040) or Schedule C–EZ (Form 1040). The remaining interest ($240) is a nondeductible personal expense.

Insurance

You can generally deduct premiums you pay for the following kinds of insurance related to your trade or business. This list is not all inclusive.
• Fire, theft, flood, or similar insurance.
• Car and other vehicle insurance on vehicles used in your business if you do not use the standard mileage rate to figure your car expenses.
• Credit insurance to cover losses from foreclosures on your home or other losses.
• Liability insurance.
• Use and occupancy and business interruption insurance. This insurance pays for lost profits if your business is shut down due to a fire or other cause. Report the proceeds as ordinary income.

If you generally cannot deduct the cost of life insurance paid on your own life. However, see chapter 7 in Publication 535 for information on when life insurance premiums are deductible.

Business and personal. If you pay premiums for insurance coverage that is both business and personal, deduct only the part that is for business coverage. For example, if you use your car 25% in your direct-selling business and 75% for personal transportation, you can deduct 25% of your car insurance premiums if you claim actual expenses for the use of the car.

When to deduct. You generally cannot deduct expenses in advance, even if you pay them in advance. This rule applies to both the cash and accrual methods. If you make an advance payment on an insurance policy that provides coverage substantially beyond the end of the current tax year, deduct only the part for the current tax year. You must wait until the following tax year to deduct the part for that year, and so on.

Example. You are a direct seller. In June 2003, you pay $1,200 in premiums for theft insurance effective July 2003 through June 2006 ($50 per month). You can deduct $300 in 2003 ($50 × 6 months), $600 in 2004 ($50 × 12 months), and $300 in 2005.

Dividends. An insurance dividend is a return of part of the premiums you paid. If you receive dividends from business insurance premiums you deducted in an earlier year, report all or part of the dividends as business income. For more information on recovery of prior deductions, see Publication 525.

Telephone
You cannot deduct the cost of basic local telephone service (including any taxes) for the first telephone line you have in your home, even if you have an office in your home. However, charges for business long distance phone calls on that line, as well as the cost of a second line into your home used exclusively for business, are deductible business expenses.

Example 1. Leo had a separate telephone line installed in his home for his direct-selling business. He had this phone number printed on his business cards and always uses it only for business calls. Leo can deduct the full amount of his business phone bill because the phone is used exclusively for business.

Example 2. Mary and George run an active direct-selling business out of their home. For February, their phone bill was $65 ($20 for basic telephone service and $45 for long-distance calls). The total charge for long-distance business calls on their bill is $31. Mary and George can deduct $31 as a business expense.

Away from home. If you travel away from home and make a business phone call, you can deduct the cost of the call, whether or not the rest of your travel expenses are deductible.

Business and personal calls. You can deduct telephone expenses only for business calls. Personal calls do not become business calls because some business is discussed.

Example. Lydia is interested in sponsoring others as direct sellers for her product line. She often talks by phone with her sister who lives 50 miles away. They talk about personal matters. When Lydia mentions her direct-selling work, she usually says something to encourage her sister to become a direct seller.

Lydia’s phone calls to her sister are personal and nondeductible. Their primary purpose is not to recruit her sister as a direct seller, but to continue their personal relationship.

Other Expenses
Discussed next are other expenses you may have as a direct seller.

Licenses and regulatory fees. License and regulatory fees for your business paid each year to state or local governments are generally deductible business expenses. Some licenses and fees may have to be amortized. See chapter 9 of Publication 535 for information on amortization.

Catalogs. The cost of catalogs you use in your selling business for more than one year must be capitalized. The cost can then be recovered as explained under Cost Recovery, earlier. If the catalogs are used in your selling business for one year or less, you can deduct their full cost in the tax year you pay for them.

Commissions. If you must pay a bonus, percentage, or other type of commission to direct sellers working under you, you can deduct it. Report the full amount of any commissions you receive as business income, and deduct the commissions you pay as ordinary and necessary business expenses.

Example. Freda has her own direct-selling business and sponsors two other direct sellers. These direct sellers report their sales to her each month. She in turn adds their sales to hers and reports the total to the direct seller who sponsored her. In March, the people working under her each had $400 in sales and she had $500 in sales of her own. She reports to the company (or her sponsor) $1,300 ($400 + $400 + $500) in monthly sales for her group even though her income is only $500.

Freda received a commission or performance bonus for March equal to 10% of the $1,300, or $130, in sales. She reports the entire $130 as business income on her tax return.

Freda must pay the direct sellers working under her a commission of 7% on their monthly sales of $400. She paid each of them $28 (7% of $400) for their March sales. She deducts the total, $56, as a business expense on her tax return.

Computer. If you use a computer in your direct sales business, you can depreciate it. However, if you use it 50% or less in your business, you must use the Alternative Depreciation System (ADS) under MACRS to figure your depreciation deduction. For more information, see chapter 5 in Publication 946.

Home meetings. If you have business meetings in your home, you can deduct expenses for the meetings as entertainment expenses and as expenses related to the business use of your home only when they meet certain tests.

• The expenses of entertaining business associates in your home are deductible as entertainment expenses if they meet the rules discussed under Meals and Entertainment, later. You cannot add your entertainment expenses as discussed later under Retirement Plans.

• The expenses of maintaining your home as a place of business are deductible if you meet the tests discussed under Business Use of Your Home, later.

Example. Barbara and Bill hold biweekly meetings in their home for the direct sellers who work under them. They discuss selling techniques, solve business problems, and listen to presentations by company representatives.

Because the meetings are for business, Barbara and Bill can deduct 50% of the cost of the food and beverages they provide. The 50% limit is explained later under Meals and Entertainment. They keep a copy of their grocery receipts for these refreshments, and record the date, time, and business nature of each meeting. Because the meetings are held in their living room rather than in a special area set aside only for business, they cannot deduct any of their home expenses for the meetings.

Journal subscriptions. If you subscribe to a journal for direct sellers, you can deduct the annual subscription fee as a business expense.

Club dues and membership fees. Generally, you cannot deduct amounts you pay or incur for membership in any club organized for business, pleasure, recreation, or any other social purpose. This includes country clubs, golf and athletic clubs, hotel clubs, sporting clubs, airline clubs, and clubs operated to provide meals or entertainment. However, in some circumstances you can deduct expenses to be deductible to business discussions. The purpose and activities of a club, not its name, will determine whether or not you can deduct the dues.

Exception. None of the following organizations will be treated as a club organized for business, pleasure, recreation, or other social purpose, unless one of its main purposes is to conduct entertainment activities for members or their guests or to provide members or their guests with access to entertainment facilities:

• Boards of trade.
• Business leagues.
• Chambers of commerce.
• Civic or public service organizations.
• Professional associations.
• Trade associations.

Legal and professional fees. Legal and professional fees, such as fees charged by accountants, that are ordinary and necessary expenses directly related to operating your business are deductible as business expenses. However, you usually cannot deduct legal fees paid to acquire business assets. Those are added to the basis of the property.

If the fees include payments for work of a personal nature (such as making a will), you can take a business deduction only for the part of the fee related to your business. The personal portion of legal fees for producing or collecting taxable income, doing or keeping your job, or for tax advice may be deductible on Schedule A (Form 1040) if you itemize deductions. See Publication 529, Miscellaneous Deductions.

Tax preparation fees. You can deduct as a trade or business expense the cost of preparing that part of your return related to your business as a sole proprietor. The remaining cost may be deductible on Schedule A (Form 1040) if you itemize deductions.

You can also take a business deduction for the amount you pay or incur in resolving asserted tax deficiencies against your business as a sole proprietor.

Samples and promotional items. You can deduct the cost of samples you give to your customers and the cost of promotional items such as posters. You cannot deduct the cost of any samples you use personally.

Service charges. You can deduct service charges you pay on orders for goods. The service charge can be a flat charge or it can be based on other criteria.

Supplies. Unless you have deducted the cost in any earlier year, you can generally deduct the cost of materials and supplies actually consumed and used during the tax year.

If you keep incidental materials and supplies on hand, you can deduct the cost of the incidental materials and supplies you bought during the tax year if all three of the following requirements are met.

• You do not keep a record of when they are used.
• You do not take an inventory of the amount on hand at the beginning and end of the tax year.
• Your taxable income is clearly reflected by this method.

Business Use of Your Home

Many direct sellers work out of their homes and have business expenses for using their homes. You can deduct expenses for using your home if you meet certain tests.

Qualifying for a Deduction

To deduct expenses related to the business use of part of your home, you must meet the following tests. Even if you meet the tests, your deduction may be limited. See Deduction limit, later.

1) Your use of the business part of your home must be:
   a) Exclusive (however, see Exception under Exclusive use, later),
   b) Regular,
   c) For your trade or business, AND

2) The business part of your home must be one of the following:
   a) Your principal place of business (defined later),
   b) A place where you meet or deal with clients or customers in the normal course of your trade or business, or
   c) A separate structure (not attached to your home) used in connection with your trade or business.

Exclusive use. Exclusive use means you use a specific part of your home solely for carrying on your direct-selling business. You do not meet the exclusive use test if you use the area in question for your direct-selling business and that same part for personal purposes.

Example. You use a den in your home to write orders and do the paperwork for your business. The den also is used by your children to do their homework. You cannot claim any business deduction for the use of the room.

Exception. If you use part of your home for the storage of inventory or product samples, you can claim expenses for the business use of your home without meeting the exclusive use test. However, you must meet all the following tests.

• You keep the inventory or product samples in your home for use in your direct-selling business.
• Your home is the only fixed location of your business.
• You use the storage space on a regular basis.
• The space you use is separately identifiable and suitable for storage.

Example. Your home is the only fixed location of your business. You regularly use half your basement for storing inventory as well as for personal use. You can deduct the expenses for the storage space even though this part of your basement is not used exclusively for business.

Regular use. Regular use means you use a specific part of your home for business on a continuing basis. Occasional or incidental business use of part of your home does not meet the regular use test even if you do not use that part for any other purpose.

Principal place of business. Your home office will qualify as a principal place of business if you meet both the following requirements.

• You use it exclusively and regularly for the administrative or management activities of your trade or business.
• You have no other fixed location where you conduct substantial administrative or management activities of your trade or business.

Alternatively, if you do business at more than one location and your home office does not qualify as your principal place of business based on these rules, you determine your principal place of business based on the following factors.

1) The relative importance of the activities performed at each location.
2) The time spent at each location if the relative importance factor does not determine your principal place of business.

Place to meet clients or customers. If you meet with clients or customers in your home in the normal course of your direct selling business, even though you also carry on business at another location, you can deduct your expenses for the part of your home used exclusively and regularly for business if both the following apply.

• You physically meet with clients or customers in your home.
• Their use of your home is substantial and integral to the conduct of your business.

You do not qualify to deduct expenses for the business use of your home if you have only occasional meetings or telephone calls.

Separate structure. You can deduct the expenses for a separate free-standing structure, such as a studio, garage, or barn, if you use it exclusively and regularly for your business. This structure does not have to be your principal place of business or a place where you meet clients or customers.

Deduction limit. If the gross income from the business use of your home equals or exceeds your total business expenses (including depreciation), you can deduct all your business expenses related to the use of your home. If your gross income from the business use of your home is less than your total business expenses, your deduction for certain expenses for the business use of your home is limited.

Where to deduct. If you qualify to deduct expenses for the business use of your home, you must figure your deduction on Form 8829 and attach it to Form 1040. You deduct the expenses on Schedule C (Form 1040).

More information. For more information, including how to figure the deduction, see Publication 587.
Travel and Transportation

Travel expenses generally are those business-related expenses for trips that require you to sleep or rest while traveling away from your tax home, explained later, for substantially longer than an ordinary day’s work—for example, the cost of travel to a distant city to attend a business-related function or convention. Transportation expenses generally are those business-related expenses for trips you make in the area of your tax home—for example, the cost of transportation to call on customers or make deliveries in the city where you work and its suburbs.

You must be able to prove your expenses for travel and transportation. Deductions for travel and transportation are looked at closely when the IRS examines returns. For more information, see Recordkeeping, later.

Travel

Generally, your tax home is your regular place of business or post of duty, regardless of where you maintain your family home.

If you temporarily travel away from your tax home on business, you generally can deduct your ordinary and necessary travel expenses. You cannot deduct lavish or extravagant expenses or those for personal or vacation purposes.

You can deduct all your ordinary and necessary travel expenses, subject to certain limits, discussed later, if your trip was entirely business related. This includes expenses for attending a seminar, meeting, convention, or other function if you can show that your attendance benefits your business. If your trip was primarily for business and, while at your business destination, you extended your stay for a vacation, made a nonbusiness side trip, or had other nonbusiness activities, you can deduct only your business-related travel expenses. These expenses include the travel costs of getting to and from your business destination and any business-related expenses at your business destination.

Example. You live in and conduct your direct selling business from Atlanta and take a business trip to New Orleans. On your way home, you stop in Mobile to visit your parents. You spend $830 for the 9 days you are away from home for transportation, meals, lodging, and other travel expenses. If you had not stopped in Mobile, you would have been gone only 6 days, and your total cost would have been $730. You can deduct $730 for your trip, including the cost of round-trip transportation to and from New Orleans. The cost of your meals is subject to the 50% limit on meals explained later.

If your trip was primarily for personal reasons, such as a vacation, the entire cost of the trip is a nondeductible personal expense. However, you can deduct any expenses you have while at your destination that are directly related to your business.

For more information, see Publication 463.

Transportation

You can deduct transportation expenses for your business when you are not traveling away from home. Transportation expenses include the costs of getting from one workplace to another and maintaining your car for business transportation. Meals and lodging are not included in transportation expenses.

Commuting expenses. You cannot deduct the cost of transportation between your home and your main or regular place of work. The cost of commuting is a nondeductible personal expense, regardless of the distance or whether work is performed during the trip.

Example. Elaine works full time as a bank teller. She also sells cosmetics part time to her co-workers at the bank. After her customers select items from a catalog, she sends the orders to the cosmetics company. She delivers the items to the bank when she receives them from the company.

Elaine’s expense of delivering items is not deductible. Her cost of getting to the bank is a commuting expense. The fact that she carries cosmetics does not make her commuting expense a deductible business expense.

Two places of work. If you work at two places in one day, you can deduct the expense of getting from one workplace to the other. However, if you do not go directly from one location to the other, deducted only the amount it would have cost you to go directly from the first location to the second.

Deductible expenses. If you use your vehicle in your business, see Publication 463 for information on how to figure your expenses for business transportation.

Meals and Entertainment

Because you are in the selling business, you may take business associates to lunch or otherwise entertain them. The cost can be a deductible business expense. However, certain conditions must be met before you can take a deduction for business meals and entertainment, and you generally can deduct only 50% of the cost. This section discusses those rules.

Meals. Include as meals the amounts spent on food and beverages and the taxes and tips on those amounts. Generally, no deduction is allowed for an entertainment-related meal unless you or your employee is present when the food or beverages are provided.

Entertainment. Include as entertainment any activity generally considered to provide entertainment, amusement, or recreation. This includes entertainment guests at nightclubs; at social, athletic, and sporting clubs; at theaters; at sporting events; on yachts; and on hunting, fishing, and vacation trips or on similar outings. It can also include meeting your customers’ personal, living, or family needs, such as providing meals, a hotel suite, or a car. However, see Not directly related, later.

Directly Related or Associated

To be deductible, meal and entertainment expenses must be ordinary and necessary expenses of carrying on your direct-selling business and you must be able to prove them as explained later under Proving Your Deductions. Unless certain exceptions apply, you must be able to show that entertainment expenses (including expenses for entertainment-related meals) are directly related to or associated with the active conduct of your business.

For more information, see chapter 2 of Publication 463.

Directly related. For entertainment expenses to meet the directly-related test, all the following must apply.

• You had more than a general expectation of getting income or some other specific business benefit from the expense.
• You engaged in business with the person during the entertainment period.
• The main purpose of the combined business and entertainment was the active conduct of business.

TIP

You do not have to show that business income or another business benefit actually resulted from each entertainment expense.

It is not necessary to devote more time to business than to the entertainment. However, if the business discussion is only incidental to the entertainment, it does not qualify as directly related.

Example. You are a direct seller of women’s cosmetics. A state women’s organization is holding its annual convention in a local hotel and you decide to display your products in a hospital- ity room in the hotel. You also provide entertainment and give out product samples. You can deduct the cost of the hospitality room and entertainment provided.

Not directly related. Generally, expenses are not directly related if you are not there, or there are substantial distortions that prevent you from actively conducting business. The following situations are areas where there are substantial distortions.

1) A meeting or discussion at a nightclub, theater, or sporting event.
2) A meeting or discussion during what is essentially a social gathering, such as a cocktail party.
3) A meeting with a group that includes per-
sons who are not business associates at
places such as cocktail lounges, country
clubs, golf clubs, athletic clubs, or vacation
resorts.

You may prove the entertainment is directly
related by clearly establishing you had a sub-
stantial business discussion during the enter-
tainment.

When entertainment takes place on a hunt-
ing or fishing trip, or on a yacht or pleasure boat,
the conduct of business is not considered the
main reason for the combined business and enter-
tainment unless you clearly show other-
wise.

Associated. You can deduct entertainment
expenses (including expenses for enter-
tainment-related meals) that do not meet the
directly-related test if both the following ap-
ply.
• The expenses are associated with your
direct-selling business.
• The entertainment is directly before or af-
after a substantial business discussion.

An ordinary and necessary entertainment ex-
 pense is generally associated with your
direct-selling business if you can show you had a
clear business purpose for the expense. The
purpose may be to get new business or to en-
courage the continuation of an existing business
relationship.

Substantial business discussion. Whether a
business discussion is substantial depends
upon the facts and circumstances in each case.
You must show that you actively engaged in a
discussion, meeting, negotiation, or other busi-
ness transaction to get income for your business or
another specific business benefit.

The meeting does not have to be for a speci-
fied length of time. However, you must show that
the business discussion was substantial in rela-
tion to the entertainment. It is not necessary to
devote more time to business than to the enter-
tainment and you do not have to discuss busi-
ness during the meal or entertainment.

Business and nonbusiness guests. You
must divide your entertainment expenses be-
tween business and nonbusiness expenses.
You can deduct only the business part. If you
cannot establish the part of the expense for each
person participating, you can allocate the ex-
 pense to each participant on a pro rata basis.
For example, if you entertain a group of 11
(including yourself)—three business prospects
and seven social guests—deduct only four-elevenths of the expense.

Expenses for spouses. You generally cannot
deduct the cost of entertainment for your spouse
or for the spouse of a business customer. How-
 ever, you can deduct these costs if you can show that you had a clear business purpose, rather than a personal or social purpose, for providing the entertainment.

Example. You entertain a business cus-
tomer. The cost is an ordinary and necessary
business expense and is allowed under the en-
tertainment rules. The customer’s spouse joins
you because it is impractical to entertain the
customer without the spouse. You can deduct
the cost of entertaining the customer’s spouse
as an ordinary and necessary business ex-
 pense. Furthermore, if your spouse joins the
party because the customer’s spouse is present,
the cost of the entertainment for your spouse
also is deductible as an ordinary and necessary
business expense.

Lavish or extravagant expenses. You can-
not deduct expenses for meals and entertain-
ment to the extent they are lavish or extravagant.
An expense is not considered lav-
ish or extravagant if it is reasonable considering
the facts and circumstances. Expenses will not
be disallowed merely because they are more
than a fixed dollar amount or take place at a
deluxe restaurant, hotel, nightclub, or resort.

Your meals. Generally, you can deduct your
business meal expenses while traveling away
from home for business (other than lavish or
extravagant amounts). However, if you entertain
a business customer locally and the conditions
discussed earlier are met, the cost of your own
meal is deductible only to the extent the cost
exceeds the amount you would normally have
spent for personal purposes.

Limit

You usually can deduct only 50% of your un-
reimbursed business-related meal and enter-
tainment expenses. The 50% limit applies, for
example, to expenses you incur while traveling
away from home on business (whether eating
alone or with others), entertaining business cus-
tomers at your place of business or a restaurant,
or attending a business function, convention, or
reception.

Taxes and tips related to a business meal or
entertainment activity are included in the
amount subject to the 50% limit. Expenses such
as cover charges to a nightclub, rent for a room
where you hold a dinner or cocktail party, or the
amount paid for parking at a sports arena are
subject to the 50% limit. However, the cost of
transportation to and from an otherwise allowa-
bale business meal or entertainment activity is
not subject to the 50% limit.

If you have one expense that includes the
costs of meals, entertainment, and other serv-
ices (such as lodging or transportation), you
must reasonably allocate the expense between
the cost of meals and entertainment and the cost
of other services. For example, you must make
an allocation if a hotel includes one or more
meals in its room charge.

Apply the 50% limit after figuring the amount
that would be allowable if the expenses were
other than lavish and extravagant. First deter-
mine the amount of meal and enter-
tainment expenses that would be deductible
under the rules discussed earlier. Then apply
the 50% limit to figure the deductible amount.

Example. You spend $100 for a
business-related meal. If $40 of that amount is
not allowable because it is lavish and extra-
 vagant, the remaining $60 is subject to the 50% limit.
You cannot deduct more than $30 (50% of $60).

Exceptions to the 50% limit are discussed in
Publication 463.
whether your direct-selling activity is carried on for profit, take into account

• Whether you are depending on income from direct selling for your livelihood.
• Whether your losses are due to circumstances beyond your control (not normal in the start-up phase of direct selling).
• Whether you change your methods of operation in an attempt to improve profitability.
• Whether you, or your advisors, have the knowledge needed to carry on direct selling as a successful business.
• Whether you were successful in making a profit in similar activities in the past.
• Whether your direct selling makes a profit in some years, and how much profit it makes.
• Whether you can expect to make a future profit from the appreciation of the assets used in your direct-selling business.

If the IRS inquires about your tax return, you may be asked to provide proof that your direct-selling activity is carried on for profit. However, your direct selling is presumed to be carried on for profit if it produced a profit in all 3 of the last 5 tax years, including the current year, unless the IRS establishes otherwise.

If you are starting a business and do not have 3 years showing a profit, you may want to elect to have the presumption made after you have the 5 years of experience allowed by the test. For more information on postponing any determination that your direct selling is not carried on for profit, see "Using the presumption later under Not-for-Profit Activities in chapter 1 of Publication 535."

You should also keep copies of your tax returns to help prepare future returns or file claims for refunds.

Support your entries. File cancelled checks, paid bills, duplicate deposit slips, and other items that support entries in your books and on your tax return in an orderly manner and store them in a safe place. For instance, organize them by year and type of expense.

If you cannot provide a cancelled check to prove payment of an expense item, you may be able to prove it with certain financial account statements prepared by financial institutions. These include account statements prepared for the financial institutions by a third party. These account statements must be highly legible. The following table lists acceptable account statements.

<table>
<thead>
<tr>
<th>If payment is by...</th>
<th>THEN the statement must show the...</th>
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</thead>
<tbody>
<tr>
<td>Check</td>
<td>• Check number.</td>
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<td>• Amount.</td>
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<td></td>
<td>• Payee’s name.</td>
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<tr>
<td></td>
<td>• Date the check amount was posted to the account by the financial institution.</td>
</tr>
<tr>
<td>Electronic funds transfer</td>
<td>• Amount transferred.</td>
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<tr>
<td></td>
<td>• Payee’s name.</td>
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<tr>
<td></td>
<td>• Date the transfer was posted to the account by the financial institution.</td>
</tr>
<tr>
<td>Credit card</td>
<td>• Amount charged.</td>
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<tr>
<td></td>
<td>• Payee’s name.</td>
</tr>
<tr>
<td></td>
<td>• Transaction date.</td>
</tr>
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</table>

Not-for-Profit Limit

If you do not carry on your direct-selling activity to make a profit, there is a limit on the deductions you can take. If the not-for-profit limits apply, you cannot use a loss from direct selling to offset any other income. This limit applies, for example, if you go into direct selling primarily for the business deductions you can take. It also applies if you become a direct seller only so you and your friends can buy products at reduced rates. If the not-for-profit limit applies, you can take the deductions allowed only if you itemize them on Schedule A (Form 1040). See “Limit on Deductions and Losses under Not-for-Profit Activities in chapter 1 of Publication 535 for information on how to figure your allowable deductions. Do not use a business tax return, such as Schedule C (Form 1040).

Not for profit. In deciding whether your direct selling is carried on for profit, take into account all facts about the activity. No one factor alone is decisive. The following are factors to consider.

• Whether you carry on your direct selling in a businesslike manner and maintain complete and accurate books and records.
• Whether the time and effort you put into direct selling indicates you intend to make it profitable.

Keep your records. You must keep your business books and records available at all times for inspection by the IRS. You must keep the records as long as they may be needed in the administration of any Internal Revenue law. You should also keep copies of your tax returns to help prepare future returns or file claims for refunds.

Support your entries. File cancelled checks, paid bills, duplicate deposit slips, and other items that support entries in your books and on your tax return in an orderly manner and store them in a safe place. For instance, organize them by year and type of expense.

If you cannot provide a cancelled check to prove payment of an expense item, you may be able to prove it with certain financial account statements prepared by financial institutions. These include account statements prepared for the financial institutions by a third party. These account statements must be highly legible. The following table lists acceptable account statements.

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<td>• Transaction date.</td>
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</table>

Proof of payment alone does not estab- lish that you are entitled to a tax deduction. You should also keep other documents as discussed in Proving Your Deductions, next.

Proving Your Deductions

The IRS may ask you to prove your deductions for business expenses.

Travel Expenses

For travel expenses, you must be able to prove the following items.

• Each separate amount you spent for travel away from home, such as the cost of your transportation or lodging. A receipt, bill, or other documentary evidence generally is required for all lodging expenses. You can total the daily cost of your breakfast, lunch, dinner, and other incidental travel
costs if they are listed in reasonable cate-
gories, such as meals, gas and oil, and
taxi fares.

• The dates you left and returned home for
each trip, and the number of days spent
on business while traveling away from
home.

• The destination or area of your travel, de-
scribed by the name of the city or town.

• The business reasons for your travel or
the business benefit you gained or ex-
pected to gain from it.

Entertainment Expenses

For entertainment expenses, including ex-
enses for entertainment-related meals, you
must be able to prove the following.

1) The amount of each separate entertain-
ment expense. You can total incidental ex-
enses, such as taxi fares and telephone
calls, on a daily basis.

2) The date the entertainment took place.

3) The name and address or location of the
place of entertainment. Include the type of
entertainment, such as dinner or the thea-
ter. If the information is not clear from the
name or designation of the place.

4) The occupation or other information about
the persons for whom you are claiming an
entertainment expense. Include their
names, titles, or other information suffi-
cient to establish their business relation-
ship to you.

5) The business reason for the entertainment
or the business benefit you gained or ex-
pected to gain from it and the nature of
any business discussion or activity that
took place.

6) The presence of you or your employee if
the entertainment was a business meal
given for a client.

Business discussion. If the entertainment
took place before or after a substantial and bona
fide business discussion, in addition to the infor-
mation in (1), (2), (3), (4), and (6) above, you
must be able to prove the following.

• The date, place, and duration of the busi-
ness discussion.

• The nature of the business discussion.

• The business reason for the entertainment
or the business benefit you gained or ex-
pected to gain from entertaining.

• The identification of the persons who par-
ticipated in both the business discussion
and the entertainment activity.

Business relationship. If you entertain a
readily identifiable group of people, you do not
have to record the name of each person. It is
enough to designate the group. For example, if
you entertain all the members of a garden club,
an entry such as ‘members of the Hillcrest Gar-
den Club’ is enough.

Gift Expenses

For gift expenses, you must be able to prove the
following.

• The cost of the gift.

• The date you gave the gift.

• A description of the gift.

• Your reason for giving the gift or any busi-
ness benefit you gained (or expected to
gain) from giving it.

• The occupation or other information about
the person receiving the gift, including
name, title, or other information establish-
ing a business relationship to you.

The name of each recipient of a business gift
does not always have to be recorded. A general
listing will be enough if it is evident that you are
not trying to avoid the $25 annual limit on the
deduction for gifts to any one person. For exam-
ple, if you buy a large number of tickets to local
high school basketball games and give one or
two tickets to each of many customers, it is
usually enough to record a general description of
the recipients.

Records

You should keep proof of travel, meal, entertain-
ment, and gift expenses in an account book,
diary, statement of expense, or similar record.
You should also keep adequate documentary
evidence to support each element of an ex-
 pense.

You do not have to record information shown on
a receipt if your records and receipts comple-
ment each other in an orderly manner.

Keep your records up to date. Record your
expenses in your account book at or near the
time of the expense. Entries made later, when
you may not remember them accurately, do not
have as much value as entries made at or near
the time of the expense.

Separating expenses. Usually, each sepa-
rate payment you make must be recorded as a
separate expense. For example, if you entertain
someone at dinner and then go to the theater,
the dinner expense and the cost of the theater
tickets are separate expenses. You must record
them separately in your records.

Expenses of a similar nature occurring dur-
ing the course of a single event will be consid-
ered a single expense. For example, if during
entertainment at a cocktail lounge you pay sepa-
rately for each serving of refreshments, treat the
total expense for the refreshments as a single
expense.

Some items can be totaled in categories. You can
make one daily entry for such catego-
ries as taxi fares, telephone calls away from
home, gas and oil, and other incidental travel
costs. Meals should be a separate category.
Include tips for meal-related services with the
costs of the meals.

Documentary evidence. A receipt or bill is
often the best evidence to prove the amount of
an expense. Documentary evidence is needed
for all your lodging expenses unless, under an
accountable plan, your employer pays you a per
diem reimbursement of no more than the gov-
ernment rate in effect at that time and in that
area. It is also generally needed for any other
expense of $75 or more.

Documentary evidence will ordinarily be con-
 sidered adequate if it shows the amount, date,
place, and essential character of the expense.
For example, a hotel receipt is enough to sup-
port expenses for business travel if it has the
name and location of the hotel, the dates you
stayed there, and separate amounts for charges
such as lodging, meals, and telephone calls.
A restaurant receipt is enough to prove an ex-
 pense for a business meal if it has the name and
location of the restaurant, the number of people
served, and the date and amount of the ex-
pense. If a charge is made for items other than
meals and beverages, the receipt must show
that this is the case.

Canceled check. A canceled check, to-
gether with a bill from the payee, usually estab-
lishes the cost. However, a canceled check by
itself does not prove a business expense without
other evidence to show a business purpose.

Incomplete records. If you do not have ade-
quate records to prove an element of an ex-
pense, you must prove the element by providing
both of the following.

• Your own statement, whether written or
oral, containing specific information about
the element.

• Other supporting evidence sufficient to es-
tablish the element.

Additional proof. You may be required to pro-
vide additional information to the IRS to clarify or
establish the accuracy or reliability of the infor-
mation in your records, statements, testimony,
or documentary evidence.
Sample Filled-In Forms

This section will familiarize you with Schedule C (Form 1040), used to report business income or loss, and Schedule SE (Form 1040), used to figure self-employment tax. The line numbers in bold type follow the line numbers on the form being discussed.

Schedule C

If you are the sole owner of an unincorporated trade or business, report business income and expenses on Schedule C (Form 1040) or Schedule C–EZ (Form 1040). If you and your spouse have only one separate business, file a separate Schedule C or C–EZ for each business. If a person, as a sole owner, has more than one business, that person must file a Schedule C for each separate business.

Samples of Schedule C and Schedule SE for Kathleen Woods are illustrated on the following pages. (Amounts have been rounded to the nearest dollar.)

Kathleen Woods is a secretary for a small firm. She reports her salary of $25,000 on line 7 of Form 1040.

Kathleen is also a direct seller of household cleaning products manufactured and distributed by Spotless, Inc. She reports the income and expenses of her selling business on Schedule C because she is self-employed.

Kathleen uses the cash method of accounting and files her return on a calendar-year basis. She has no employees and does not keep an inventory of the products she sells. Any products ordered for personal use are not shown in purchases, sales, cost of goods sold, or inventory.

Kathleen’s customers select the products they want from a catalog listing retail prices for each item. She places an order with Spotless every 10 days, at which time she also pays for her prior order. She receives the items ordered with an invoice payable within 10 days or, if sooner, with the next order. When she delivers the merchandise, she collects the retail (catalog) price for each item. She can get full credit for any items returned to Spotless within 10 days.

Kathleen’s cost for each item is 65% of the retail price. During 2003, she had total retail sales of $14,600. She paid Spotless $9,490 for the merchandise she received in 2003. She also received an award of $200 in January for having over $20,000 in total sales in 2002.

Lines 1–3. Kathleen reports $14,600 as her gross sales on line 1. On line 2, she would enter any refunds she had to give on merchandise, as well as adjustments made to customers’ purchases. Since she has no entry on line 2, she enters $14,600 on line 3.

Line 4. Kathleen uses Part III to figure her cost of goods sold for the year. She has no inventory at the beginning or end of the year. Therefore, she has no entry on line 35 or line 41 of Part III. She purchased $10,000 worth of household products during 2003 for $9,490. (She received trade discounts of 5%.) She enters her net cost of $9,490 ($10,000 – $510) on line 36. She also enters this amount on lines 40 and 42 of Part III and on line 4 of Part I.

Line 5. Gross profit, $5,110, is the difference between Kathleen’s net receipts of $14,600 on line 3 and the cost of goods sold of $9,490 on line 4.

Line 6. Kathleen reports the $200 received as a bonus on line 6. She does not include on Schedule C any income not related to her direct-selling business, such as income from investments or her salary. She reports such income on other lines of Form 1040.

Line 7. Kathleen’s gross income from direct selling is $5,310, the sum of her gross profit of $5,110 on line 5 and the bonus of $200 on line 6.

Line 8. Kathleen gave her customers samples that cost $48. This amount was not included in the cost of goods sold on line 4.

Line 9. Kathleen’s business mileage was 2,100 miles, and her total 2003 mileage was 6,000 miles. She used her car 35% for business. She uses the standard mileage rate to figure the deduction of $756 (2,100 × .36).

Kathleen must also complete Part IV of Schedule C.

Line 16b. $280 is 35% of the total interest of $800 paid during the year on Kathleen’s car loan.

Line 18. Kathleen spent $280 for various office supplies and postage for her direct-selling business.


Line 23. $168 is 35% of the personal property tax of $480 Kathleen paid on her car in 2003.

Line 24. Kathleen attended two direct-selling seminars during 2003. Her travel expenses, including lodging, were $515. She also entered on line 24a. Her meals and entertainment, subject to the 50% limit, were $200 and were entered on line 24b. The nondeductible amount of $100 is shown on line 24c and the net deduction of $100 is shown on line 24d.

Line 25. Kathleen uses her second telephone 100% for business purposes. She paid $264 for local service on her second phone and $62 for long-distance calls. She enters the total of $326 on this line. She has no deduction for other utilities because she does not use any part of her home exclusively for business.

Line 27. This line is for other direct-selling expenses not listed separately on the schedule. These expenses are listed in Part V on page 2. Kathleen paid $35 to her bank for check printing and account charges for her separate business bank account. She paid membership dues of $30 to a local business association and $38 for a 1-year subscription to a retail sales magazine. She enters these expenses, along with the $199 she paid for catalogs, in Part V. She totals the expenses, $302, on line 48 and enters the total on line 27.

Line 28. Kathleen adds all her business deductions listed on lines 8 through 27 and enters the total of $3,147 on this line.

Line 29. Kathleen subtracts her total deductions on line 28 from her Schedule C gross income on line 7. Because her gross business income is greater than her total deductions, she has a tentative profit of $2,163.

Line 30. Kathleen did not use any part of her home for business, so she does not make an entry here.

Line 31. Kathleen has a net profit of $2,163 (line 29 – line 30). She enters her net profit here, on line 12 of Form 1040, and on line 2, Section A of Schedule SE (Form 1040).

Line 32. Kathleen does not have a loss, so she skips this line. If she had a loss and was not at risk for all her investment in the business, she would have to attach Form 6198. See the Schedule C instructions for the meaning of at risk.

Short Schedule SE

Kathleen uses Short Schedule SE (Form 1040), because her net earnings from self-employment are more than $400 and the total of her net earnings plus her wages subject to social security and Medicare taxes (FICA) are not more than $87,000.

Line 2. Kathleen enters $2,163, the amount from line 31 of Schedule C (Form 1040).

Line 3. Kathleen enters the amount from line 2, $2,163.

Line 4. Kathleen multiplies her net profit by .9235 and enters the result, $1,996.

Line 5. Kathleen multiplies $1,996 (line 4) by .153 and enters $306 as her self-employment tax. She also enters this amount on line 55 of Form 1040.

Line 6. Kathleen enters one-half of the amount from line 5. She also enters this amount on line 28 of Form 1040 as an adjustment to income.
**SCHEDULE C**  
(Form 1040)  

**Profit or Loss From Business**  

*(Sole Proprietorship)*  

**Attach to Form 1040 or 1041.**  
**See Instructions for Schedule C (Form 1040).**  

---

**Name of proprietor**  

Kathleen Woods  

---

**Social security number (SSN)**  

0123-45-6789

---

**Business address (including suite or room no.)**  

1111 Lake Forest Ave., Hometown, VA 22315

---

**Contribution method:**  

(1) Cash  

(2) Accrual  

(3) Other (specify)

---

**Accounting method:**  

(1) Cash

---

**Net profit or (loss).**  

If a profit, enter on Form 1040, line 12, and Schedule SE, line 2.  

If a loss, you must also go to line 32.  

---

**Expenses**  

Enter expenses for business use of your home only on line 33.

---

**Total expenses**  

Before expenses for business use of home. Add lines 8 through 27 in columns a through h.

---

**Part I Income**

1. Gross receipts or sales. Caution. If this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, see page C-3 and check here.  

2. Returns and allowances.

3. Subtract line 2 from line 1.

4. Cost of goods sold (from line 42 on page 2).

5. Gross profit. Subtract line 4 from line 3.

6. Other income, including Federal and state gasoline or fuel tax credit or refund (see page C-3).


---

**Part II Expenses**

Enter expenses for business use of your home only on line 33.

---

**Part III Expenses**

Enter expenses for business use of your home only on line 33.

---

**Total expenses**

Before expenses for business use of home. Add lines 8 through 27 in columns a through h.

---

**Net profit or (loss).**

If a profit, enter on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-6).  

If a loss, you must also go to line 32.

---

**For Paperwork Reduction Act Notice, see Form 1040 instructions.**

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**Cat. No. 11334P**

**Schedule C (Form 1040) 2003**

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### Part II  
**Cost of Goods Sold (see page C-6)**

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| 33 | Method(s) used to value closing inventory: | a ☐ Cost  
  b ☐ Lower of cost or market  
  c ☐ Other (attach explanation) |
| 34 | Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If “Yes,” attach explanation. | ☐ Yes ☐ No |
| 35 | Inventory at beginning of year. If different from last year’s closing inventory, attach explanation. |   |
| 36 | Purchases less cost of items withdrawn for personal use. $10,000 - $500 (Trade Discounts) | 9,490 |
| 37 | Cost of labor. Do not include any amounts paid to yourself. | 9,490 |
| 38 | Materials and supplies. | 9,490 |
| 39 | Other costs. | 9,490 |
| 40 | Add lines 35 through 39. | 9,490 |
| 41 | Inventory at end of year. | 9,490 |
| 42 | Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4. | 9,490 |

### Part IV  
**Information on Your Vehicle.** Complete this part only if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 on page C-4 to find out if you must file Form 4562.

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<tbody>
<tr>
<td>43</td>
<td>When did you place your vehicle in service for business purposes? (month, day, year)</td>
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<tr>
<td>44</td>
<td>Of the total number of miles you drove your vehicle during 2003, enter the number of miles you used your vehicle for:</td>
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<td>45</td>
<td>Do you (or your spouse) have another vehicle available for personal use?</td>
<td>☐ Yes ☐ No</td>
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<tr>
<td>46</td>
<td>Was your vehicle available for personal use during off-duty hours?</td>
<td>☐ Yes ☐ No</td>
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<tr>
<td>47a</td>
<td>Do you have evidence to support your deduction?</td>
<td>☐ Yes ☐ No</td>
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<tr>
<td>47b</td>
<td>If “Yes,” is the evidence written?</td>
<td>☐ Yes ☐ No</td>
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### Part V  
**Other Expenses.** List below business expenses not included on lines 8–26 or line 30.

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<table>
<thead>
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<tr>
<td>Bank Service Charges</td>
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<td>Dues</td>
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<td>Publications</td>
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<td>Catalogs</td>
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</table>

| 48 | Total other expenses. Enter here and on page 1, line 27. | 302 |

Schedule C (Form 1040) 2003
**Self-Employment Tax**

**Who Must File Schedule SE**

- You had net earnings from self-employment from other than church employee income (line 4 of Short Schedule SE or line 4c of Long Schedule SE) of $400 or more.
- You had church employee income of $108.28 or more. Income from services you performed as a minister or a member of a religious order is not church employee income (see page SE-1).

**Note.** Even if you had a loss or a small amount of income from self-employment, it may be to your benefit to file Schedule SE and use either “optional method” in Part II of Long Schedule SE (see page SE-3).

**Exception.** If your only self-employment income was from earnings as a minister, member of a religious order, or Christian Science practitioner and you filed Form 4361 and received IRS approval not to be taxed on those earnings, do not file Schedule SE. Instead, write “Exempt–Form 4361” on Form 1040, line 55.

**May I Use Short Schedule SE or Must I Use Long Schedule SE?**

- **Yes**
  - **Yes**
  - **No**
- **No**
  - **Yes**
  - **No**

**Section A—Short Schedule SE. Caution.** Read above to see if you can use Short Schedule SE.

1. Net farm profit or (loss) from Schedule F, line 36, and farm partnerships, Schedule K-1 (Form 1065), line 15a.
2. Net profit or (loss) from Schedule C, line 31; Schedule C-EZ, line 3; Schedule K-1 (Form 1065), line 15a (other than farming); and Schedule K-1 (Form 1065-B), box 9. Ministers and members of religious orders, see page SE-1 for amounts to report on this line. See page SE-2 for other income to report.
3. Combine lines 1 and 2.
4. Net earnings from self-employment. Multiply line 3 by 92.35% (.9235). If less than $400, do not file this schedule; you do not owe self-employment tax.
5. Self-employment tax. If the amount on line 4 is:
   - $87,000 or less, multiply line 4 by 15.3% (.153). Enter the result here and on Form 1040, line 55.
   - More than $87,000, multiply line 4 by 2.9% (.029), then, add $10,788.00 to the result. Enter the total here and on Form 1040, line 55.
6. Deduction for one-half of self-employment tax. Multiply line 5 by 50% (.5). Enter the result here and on Form 1040, line 28.

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**For Paperwork Reduction Act Notice, see Form 1040 instructions.**

Cat. No. 1355XZ

Schedule SE (Form 1040) 2003
How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Contacting your Taxpayer Advocate. If you have attempted to deal with an IRS problem unsuccessfully, you should contact your Taxpayer Advocate.

The Taxpayer Advocate independently represents your interests and concerns within the IRS by protecting your rights and resolving problems that have not been fixed through normal channels. While Taxpayer Advocates cannot change the tax law or make a technical tax decision, they can clear up problems that resulted from previous contacts and ensure that your case is given a complete and impartial review.

To contact your Taxpayer Advocate:
- Call the Taxpayer Advocate toll free at 1-888-908-2119.
- Call, write, or fax the Taxpayer Advocate office in your area.
- Call 1-800-829-4059 if you are a TTY/TDD user.
- Visit the website at www.irs.gov/advocate. For more information, see Publication 1546, The Taxpayer Advocate Service of the IRS.

Free tax services. To find out what services are available, get Publication 910, Guide to Free Tax Services. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services.

Internet. You can access the IRS website 24 hours a day, 7 days a week, at www.irs.gov:
- Check the amount of advance child tax credit payments you received in 2003.
- Check the status of your 2003 refund. Click on “Where’s My Refund.” Be sure to wait at least 6 weeks from the date you filed your return (3 weeks if you filed electronically) and have your 2003 tax return available because you will need to know your filing status and the exact whole dollar amount of your refund.
- Download forms, instructions, and publications.
- Order IRS products online.
- See answers to frequently asked tax questions.
- Search publications online by topic or keyword.
- Figure your withholding allowances using our Form W-4 calculator.
- Send us comments or request help by email.
- Sign up to receive local and national tax news by email.
- Get information on starting and operating a small business.
You can also reach us using File Transfer Protocol at ftp.irs.gov.

Fax. You can get over 100 of the most requested forms and instructions 24 hours a day, 7 days a week, by fax. Cal 1-800-829-3664 from your fax machine. When you order forms, enter the catalog number for the form you need. For help with transmission problems, call 703-487-4608.

Long-distance charges may apply.

Phone. Many services are available by phone.
- Ordering forms, instructions, and publications. Call 1-800-829-3676 to order forms, instructions, and publications. You should receive your order within 10 days.
- Asking tax questions. Call the IRS with your tax questions at 1-800-829-4933.
- Solving problems. You can get face-to-face help solving tax problems every business day in IRS Taxpayer Assistance Centers. To find the number, go to www.irs.gov or look in the phone book under “United States Government, Internal Revenue Service.”

TTY/TDD equipment. If you have access to TTY/TDD equipment, call 1-800-829-4059 to ask tax or account questions or to order forms and publications.

TeleTax topics. Call 1-800-829-4477 to listen to pre-recorded messages covering various tax topics.

Refund information. If you would like to check the status of your 2003 refund, call 1-800-829-4477 for automated refund information and follow the recorded instructions or call 1-800-829-1954. Be sure to wait at least 6 weeks from the date you filed your return (3 weeks if you filed electronically) and have your 2003 tax return available because you will need to know your filing status and the exact whole dollar amount of your refund.

Evaluating the quality of our telephone services. To ensure that IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to sometimes listen in on or record telephone calls. Another is to ask some callers to complete a short survey at the end of the call.

Walk-in. Many products and services are available on a walk-in basis.
- Products. You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county government offices, credit unions, independent supply stores have a collection of products available to print from a CD-ROM or photocopier from reproducible proofs.
- Services. You can walk in to your local Taxpayer Assistance Center every business day to ask tax questions or get help with a tax problem.

Mail. You can send your order for forms, instructions, and publications to the Distribution Center nearest to you and receive a response within 10 working days after your request is received. Use the address that applies to your part of the country.
- Western part of U.S.: Western Area Distribution Center Rancho Cordova, CA 95743–0001
- Central part of U.S.: Central Area Distribution Center P.O. Box 8903 Bloomington, IL 61702–8903
- Eastern part of U.S. and foreign addresses: Eastern Area Distribution Center P.O. Box 85074 Richmond, VA 23261–5074

CD-ROM for tax products. You can order IRS Publication 1796, Federal Tax Products on CD-ROM, and obtain:
- Current-year forms, instructions, and publications.
- Prior-year forms and instructions.
- Frequently requested tax forms that may be filed in electronically, printed out for submission, and saved for recordkeeping.

Buy the CD-ROM from National Technical Information Service (NTIS) on the Internet at www.irs.gov/odorders for $22 (no handling fee) or call 1–877–233–6767 toll free to buy the CD-ROM for $22 (plus a $5 handling fee). The first release is available in early January and the final release is available in late February.

CD-ROM for small businesses. IRS Publication 3207, Small Business Source Guide, is a must for every small business owner or any taxpayer about to start a business. This handy, interactive CD contains all the business tax forms, instructions and publications needed to successfully manage a business. In addition, the CD provides an abundance of other helpful information, such as how to prepare a business plan, finding financing for your business, and much more. The design of the CD makes finding information easy and quick and incorporates file formats and browsers that can be run on virtually any desktop or laptop computer. It is available in early April. You can get a free copy by calling 1–800–829–3676 or by visiting the website at www.irs.gov/smallbiz.
To help us develop a more useful index, please let us know if you have ideas for index entries. See “Comments and Suggestions” in the “Introduction” for the ways you can reach us.

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