

# 2020

## General Instructions For Certain Information Returns

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(Forms 1096, 1097, 1098, 1099, 3921, 3922,  
5498, and W-2G)

Volume 2 of 2



Department of the Treasury  
**Internal Revenue Service**





The account number may be a checking account number, savings account number, brokerage account number, serial number, loan number, policy number, or any other number you assign to the payee that is unique and will distinguish the specific account. This number must not appear anywhere else on the form, and this box may not be used for any other item unless the separate instructions indicate otherwise. Using unique account numbers ensures that corrected information returns will be processed accurately.

If you are using window envelopes to mail statements to recipients and using reduced rate mail, be sure the account number does not appear in the window. The U.S. Postal Service may not accept these for reduced rate mail.

## **M. Statements to Recipients (Beneficiaries, Borrowers, Debtors, Donors, Employees, Insureds, Participants, Payment Recipients, Payers, Policyholders, Sellers, Shareholders, Students, Transferors, or Winners on Certain Forms)**

If you are required to file Forms 1097, 1098, 1099, 3921, 3922, 5498, or W-2G, you also must furnish statements to recipients containing the information furnished to the IRS and, in some cases, additional information. Be sure that the statements you provide to recipients are clear and legible.

**Substitute statements.** If you are not using the official IRS form to furnish statements to recipients, see Pub. 1179 for specific rules about providing “substitute” statements to recipients. Generally, a substitute is any statement other than Copy B of the official

form. You may develop them yourself or buy them from a private printer. However, the substitutes must comply with the format and content requirements specified in Pub. 1179 that is available on [IRS.gov](https://www.irs.gov).

**Telephone number.** You are required to include the telephone number of a person to contact on the following statements to recipients: W-2G, 1097-BTC, 1098, 1098-C, 1098-E, 1098-F, 1098-MA, 1098-Q, 1098-T, 1099-A, 1099-B, 1099-C, 1099-CAP, 1099-DIV, 1099-G (excluding state and local income tax refunds), 1099-INT, 1099-K, 1099-LS, 1099-LTC, 1099-MISC (excluding fishing boat proceeds), 1099-NEC, 1099-OID, 1099-PATR, 1099-Q, 1099-QA, 1099-R, 1099-S, 1099-SA, and 1099-SB. You may include the telephone number in any conspicuous place on the statements. This number must provide direct access to an individual who can answer questions about the statement. Although not required, if you report on other Forms 1099 and 5498, or on Forms 3921 and 3922, you are encouraged to furnish telephone numbers.

**Rules for furnishing statements.** Different rules apply to furnishing statements to recipients depending on the type of payment (or other information) you are reporting and the form you are filing.



*If you are reporting a payment that includes noncash property, show the FMV of the property at the time of payment.*

Report the type of payment information as described next for: (a) *Dividend, interest, and royalty payments*; (b) *Real estate transactions*; and (c) *Other information*.

**Dividend, interest, and royalty payments.**

For payments of dividends under section 6042 (reported on Form 1099-DIV), patronage dividends under section 6044 (reported on Form 1099-PATR), interest (including OID and tax-exempt interest) under section 6049 (reported on Form 1099-INT or 1099-OID), or royalties under section 6050N (reported on Form 1099-MISC or 1099-S), you are required to furnish an official IRS Form 1099 or an acceptable substitute Form 1099 to a recipient either in person, by First-Class Mail

to the recipient's last known address, or electronically (see *Electronic recipient statements*, later). Statements may be sent by intraoffice mail if you use intraoffice mail to send account information and other correspondence to the recipient.

***Statement mailing requirements for Forms 1099-DIV, 1099-INT, 1099-OID, and 1099-PATR, and forms reporting royalties only.*** The following statement mailing requirements apply only to Forms 1099-DIV (except for section 404(k) dividends), 1099-INT (except for interest reportable in the course of your trade or business under section 6041), 1099-OID, 1099-PATR, and timber royalties reported under section 6050N (on Form 1099-MISC or 1099-S). The mailing must contain the official IRS Form 1099 or an acceptable substitute and also may contain the following enclosures: (a) Form W-2, applicable Form W-8, Form W-9, or other Forms W-2G, 1097, 1098, 1099, 3921, 3922, and 5498 statements; (b) a check from the account being reported; (c) a letter explaining why no check is enclosed; (d) a statement of the

person's account shown on Forms 1097, 1098, 1099, 3921, 3922, or 5498; and (e) a letter explaining the tax consequences of the information shown on the recipient statement.

A statement of the person's account (year-end account summary) that you are permitted to enclose in a statement mailing may include information similar to the following: (a) the part of a mutual fund distribution that is interest on U.S. Treasury obligations; (b) accrued interest expense on the purchase of a debt obligation; and (c) the cost or other basis of securities and the gain/loss on the sale of securities.

No additional enclosures, such as advertising, promotional material, or a quarterly or annual report, are permitted. Even a sentence or two on the year-end statement describing new services offered by the payer is not permitted. Logos are permitted on the envelope and on any nontax enclosures. See Pub. 1179, section 1.3.2.

A recipient statement may be perforated to a check or to a statement of the recipient's



specific account. The check or account statement to which the recipient statement is perforated must contain, in bold and conspicuous type, the legend "Important Tax Return Document Attached."

The legend "Important Tax Return Document Enclosed" must appear in a bold and conspicuous manner on the outside of the envelope and on each letter explaining why no check is enclosed, or on each check or account statement that is not perforated to the recipient statement. The legend is not required on any tax form, tax statement, or permitted letter of tax consequences included in a statement mailing. Further, you need not pluralize the word "document" in the legend simply because more than one recipient statement is enclosed.



*If you provide Forms 1097, 1098, 1099, 3921, 3922, 5498, or W-2G recipient statements in a "separate mailing" that contains only these statements, Forms W-8 and W-9, and a letter explaining the tax consequences of the information shown on a recipient statement included in*

*the envelope, you are not required to include the legend "Important Tax Return Document Enclosed" on the envelope.*

***Substitute forms.*** You may furnish to the recipient Copy B of the official IRS form, or you may use substitute Forms 1099-DIV, 1099-INT, 1099-OID, or 1099-PATR if they contain the same language as the official IRS forms and they comply with the rules in Pub. 1179 relating to substitute Forms 1099. Applicable box titles and numbers must be clearly identified, using the same wording and numbering as the official IRS form. For information on substitute Forms 1099-MISC, 1099-NEC, see *Other information*, later. For Form 1099-S, see *Real estate transactions*, later.



*All substitute statements to recipients must contain the tax year, form number, and form name prominently displayed together in one area of the statement. For example, they could be shown in the upper right part of the statement.*

If you are using substitutes, the IRS encourages you to use boxes so that the

substitute has the appearance of a form. The substitute form must contain the same applicable instructions as on the front and back of Copy B (in the case of Form 1099-R, Copies B, C, and 2) of the official IRS form. See Pub. 1179 for additional requirements and certain “composite” statements that are permitted.

**Real estate transactions.** You must furnish a statement to the transferor containing the same information reported to the IRS on Form 1099-S. You may use Copy B of the official IRS Form 1099-S or a substitute form that complies with Pub. 1179 and Regulations section 1.6045-4(m). You may use a Settlement Statement (under the Real Estate Settlement Procedures Act (RESPA)) as the written statement if it is conformed by including on the statement the legend shown on Form 1099-S and by designating which information is reported to the IRS on Form 1099-S. You may furnish the statement to the transferor in person, by mail, or electronically. Furnish the statement at or after closing but by February 15 of the following year.

The statement mailing requirements explained earlier do not apply to statements to transferors for proceeds from real estate transactions reported on Form 1099-S. However, the statement mailing requirements do apply to statements to transferors for timber royalties reportable under section 6050N on Form 1099-S.

**Other information.** Statements to recipients for Forms 1097-BTC, 1098, 1098-C, 1098-E, 1098-F, 1098-Q, 1098-T, 1099-A, 1099-B, 1099-C, 1099-CAP, 1099-G, 1099-K, 1099-LS, 1099-LTC, 1099-MISC, 1099-NEC, 1099-Q, 1099-QA, 1099-R, 1099-SA, 1099-SB, 3921, 3922, 5498, 5498-ESA, 5498-QA, 5498-SA, W-2G, 1099-DIV (only for section 404(k) dividends reportable under section 6047), 1099-INT (only for interest reportable in the course of your trade or business under section 6041), or 1099-S (only for royalties) need not be, but can be, a copy of the official paper form filed with the IRS. If you do not use a copy of the paper form, the form number and title of your substitute must be the same as the official IRS form. All information required to be reported must be

numbered and titled on your substitute in substantially the same manner as on the official IRS form. However, if you are reporting a payment as "Other income" in box 3 of Form 1099-MISC, you may substitute appropriate explanatory language for the box title. For example, for payments of accrued wages to a beneficiary of a deceased employee required to be reported on Form 1099-MISC, you might change the title of box 3 to "Beneficiary payments" or something similar.

Appropriate instructions to the recipient, similar to those on the official IRS form, must be provided to aid in the proper reporting of the items on the recipient's income tax return. For payments reported on Form 1099-B, rather than furnish appropriate instructions with each Form 1099-B statement, you may furnish to the recipient one set of instructions for all statements required to be furnished to a recipient in a calendar year.

Except for royalties reported on Form 1099-MISC or 1099-S, the statement mailing requirements explained earlier do not apply to

statements to recipients for information reported on the forms listed under *Other information*, earlier. You may combine the statements with other reports or financial or commercial notices or expand them to include other information of interest to the recipient. Be sure that all copies of the forms are legible. See Pub. 1179 for certain “composite” statements that are permitted.

### **When to furnish forms or statements.**

Generally, you must furnish Forms 1098, 1099, 3921, 3922, and W-2G information by February 1, 2021. Forms 1099-B, 1099-S, and 1099-MISC (if you are reporting payments in only box 8 or 10) must be furnished by February 16, 2021.

Also, this applies to statements furnished as part of a consolidated reporting statement. See T.D. 9504, 2010-47 I.R.B. 670, available at [IRS.gov/irb/2010-47\\_IRB#TD-9504](https://www.irs.gov/irb/2010-47_IRB#TD-9504).

However, you may issue them earlier in some situations, as provided by the regulations. For example, you may furnish Form 1099-INT to the recipient redeeming U.S. Savings Bonds at the time of redemption. Brokers and barter

exchanges may furnish Form 1099-B anytime but not later than February 16, 2021. Form 1099-SB must generally be furnished by February 15, 2021. However, if notice of a transfer to a foreign person is not received until after January 31, 2021, the due date is 30 days after the date notice is received.

See Regulations section 1.6050Y-3(d)(2). Form 1099-LS must be furnished to reportable policy sale payment recipients by February 15, 2021. See Regulations section 1.6050Y-2(d)(1)(ii). Form 1099-LS must be furnished to issuers by January 15, 2021, at the latest, but must be furnished by the later of 20 calendar days after the reportable policy sale or 5 calendar days after the end of the applicable state law rescission period if the later date occurs before January 15, 2021. See Regulations section 1.6050Y-2(d)(2)(ii).

Furnish Form 1097-BTC to the recipient for each month in which a tax credit amount is allowable to the recipient on or before the 15th day of the 2nd calendar month after the close of the calendar month in which the

credit is allowed. For more information, see the Instructions for Form 1097-BTC.

Donee organizations required to issue Form 1098-C must furnish the acknowledgment to a donor within 30 days of the sale of the vehicle (if it is sold without material improvements or significant intervening use) or within 30 days of the contribution.

Trustees or issuers of traditional IRAs must furnish Form 5498 to participants with a statement of the value of the participant's account, and RMD, if applicable, by February 1, 2021. The FMV of SEP IRAs also must be furnished to the participant by February 1, 2021.

Traditional IRA, Roth IRA, SEP IRA, or SIMPLE IRA contribution information must be furnished to the participant by June 1, 2021.

Trustees of a SIMPLE IRA must furnish a statement of the account balance and the account activity by February 1, 2021.

Trustees and middlemen of a WHFIT must furnish the required statement by March 15, 2021.



For real estate transactions, you may furnish Form 1099-S to the transferor at closing or by mail on or before February 16, 2021.

Filers of Forms 5498 or 5498-SA who furnish a statement of FMV of the account to the participant by February 1, 2021, with no reportable contributions, including rollovers, made in 2020, need not furnish another statement by June 1, 2021, to the participant to report zero contributions. If another statement is not furnished to the participant, the statement of the FMV of the account must contain a legend designating which information is being filed with the IRS.

Form 5498-ESA must be furnished to the beneficiary by April 30, 2021.

Form 5498-QA must be furnished to the beneficiary by March 15, 2021.

See the Guide to Information Returns, later, for the date other information returns are due to the recipient.

If the statement is properly addressed and mailed, or, with respect to electronic recipient statements, posted to a website, on or before

the due date, it will be deemed timely furnished. If the regular due date falls on a Saturday, Sunday, or legal holiday in the District of Columbia, furnish by the next business day. A business day is any day that is not a Saturday, Sunday, or legal holiday in District of Columbia. See section 11 of Pub. 15 for a list of legal holidays.

**Electronic recipient statements.** If you are required to furnish a written statement (Copy B or an acceptable substitute) to a recipient, then you may generally furnish the statement electronically instead of on paper, but only if you meet the requirements discussed later in this section. This includes furnishing the statement to recipients of Forms 1097-BTC, 1098, 1098-E, 1098-F, 1098-Q, 1098-T, 1099-A, 1099-B, 1099-C, 1099-CAP, 1099-DIV, 1099-G, 1099-INT, 1099-K, 1099-LS, 1099-LTC, 1099-MISC, 1099-NEC, 1099-OID, 1099-PATR, 1099-Q, 1099-QA, 1099-R, 1099-S, 1099-SA, 1099-SB, 3921, 3922, 5498, 5498-ESA, 5498-QA, and 5498-SA. Also, it includes Form W-2G (except for horse and dog racing, jai alai, sweepstakes, wagering pools, and lotteries).



*Until further guidance is issued to the contrary, Form 1098-C may not be furnished electronically.*

If you meet the requirements that follow, you are treated as furnishing the statement.

**Consent.** The recipient must consent in the affirmative and not have withdrawn the consent before the statement is furnished. The consent by the recipient must be made electronically in a way that shows that he or she can access the statement in the electronic format in which it will be furnished.

You must notify the recipient of any hardware or software changes prior to furnishing the statement. A new consent to receive the statement electronically is required after the new hardware or software is put into service.

Prior to furnishing the statements electronically, you must provide the recipient a statement with the following statements prominently displayed.

- If the recipient does not consent to receive the statement electronically, a paper copy will be provided.

- The scope and duration of the consent. For example, whether the consent applies to every year the statement is furnished or only for the statement for a particular year, as applicable, immediately following the date of the consent.
- How to obtain a paper copy after giving consent.
- How to withdraw the consent. The consent may be withdrawn at any time by furnishing the withdrawal in writing (electronically or on paper) to the person whose name appears on the statement. Also confirmation of the withdrawal will be in writing (electronically or on paper).
- Notice of termination. The notice must state under what conditions the statements will no longer be furnished to the recipient.
- Procedures to update the recipient's information.
- A description of the hardware and software required to access, print, and retain a statement, and a date the

statement will no longer be available on the website.

***Format, posting, and notification.***

Additionally, you must do the following.

- Ensure the electronic format contains all the required information and complies with the applicable revenue procedure for substitute statements to recipients in Pub. 1179.
- Post, on or before the due date, the applicable statement on a website accessible to the recipient through October 15 of that year.
- Inform the recipient, electronically or by mail, of the posting and how to access and print the statement.

For information regarding the electronic furnishing of Forms W-2, which the IRS generally applies to the forms addressed by these instructions, see Regulations section 31.6051-1.

For additional specific instructions on the electronic furnishing of:

- Forms 1098-E and 1098-T, see Regulations section 1.6050S-2;
- Forms 1099-R, 1099-SA, 1099-Q, 5498, 5498-ESA, and 5498-SA, see Notice 2004-10, 2004-6 I.R.B. 433, available at [IRS.gov/irb/2004-06\\_IRB#NOT-2004-10](http://IRS.gov/irb/2004-06_IRB#NOT-2004-10);
- Forms 3921 and 3922, see the form instructions;
- Form 1099-K, see Regulations section 1.6050W-2(a)(2) (i); and
- Forms 1099-QA and 5498-QA see Notice 2015-81, available at [IRS.gov/irb/2015-49\\_IRB#NOT-2015-81](http://IRS.gov/irb/2015-49_IRB#NOT-2015-81).

**Extension of time to furnish statements to recipients.** You may request an extension of time to furnish the statements to recipients by sending a letter to:

Internal Revenue Service  
 Attn: Extension of Time Coordinator  
 240 Murall Drive, Mail Stop 4360  
 Kearneysville, WV 25430

The letter must include (a) payer name, (b) payer TIN, (c) payer address, (d) type of

return, (e) a statement that extension request is for providing statements to recipients, (f) reason for delay, and (g) the signature of the payer or authorized agent.

Your request must be postmarked by the date on which the statements are due to the recipients. If your request for an extension is approved, generally you will be granted a maximum of 30 extra days to furnish the recipient statements.

## **N. Backup Withholding**

Interest (including tax-exempt interest and exempt-interest dividends), dividends, rents, royalties, commissions, nonemployee compensations, and certain other payments (including broker and barter exchange transactions, compensation paid to an H-2A visa holder who did not furnish a TIN, reportable gross proceeds paid to attorneys, gambling winnings, payment card and third-party network transactions, and certain payments made by fishing boat operators) may be subject to backup withholding at a 24% rate. To be subject to backup

withholding, a payment must be a reportable interest (including tax-exempt interest and exempt-interest dividends) or dividend payment under section 6049(a), 6042(a), or 6044 (if the patronage dividend is paid in money or qualified check), or an "other" reportable payment under section 6041, 6041A(a), 6045, 6050A, 6050N, or 6050W. If the payment is one of these reportable payments, backup withholding will apply if:

1. The payee fails to furnish his or her TIN to you;
2. For interest, dividend, and broker and barter exchange accounts opened or instruments acquired after 1983, the payee fails to certify, under penalties of perjury, that the TIN provided is correct;
3. The IRS notifies you to impose backup withholding because the payee furnished an incorrect TIN;
4. For interest and dividend accounts or instruments, you are notified that the



payee is subject to backup withholding (under section 3406(a)(1)(C)); or

5. For interest and dividend accounts opened or instruments acquired after 1983, the payee fails to certify to you, under penalties of perjury, that he or she is not subject to backup withholding. See 4. Payee failure to certify that he or she is not subject to backup withholding under *When to apply backup withholding*, later.
6. The payment is also a withholdable payment under Chapter 4 (sections 1471-1474) that is made to a recalcitrant account holder that is a U.S. nonexempt recipient, and you are a PFFI (including a Reporting Model 2 FFI) that elects to withhold under section 3406 to satisfy your withholding obligation under Regulations section 1.1471-4(b)(1). See Regulations section 1.1471-4(b)(3)(iii).



*If you do not collect and pay over backup withholding from affected*

*payees as required, you may become liable for any uncollected amount.*

Some payees are exempt from backup withholding. For a list of exempt payees and other information, see Form W-9 and the separate Instructions for the Requester of Form W-9.

Examples of payments to which backup withholding does not apply include but are not limited to the following.

- Wages.
- Distributions from a pension, annuity, profit-sharing or stock bonus plan, any IRA, an owner-employee plan, or other deferred compensation plan.
- Distributions from a medical or health savings account (HSA) and long-term care benefits.
- Certain surrenders of life insurance contracts.
- Distribution from qualified tuition programs (QTPs) or Coverdell ESAs.

- Gambling winnings if regular gambling winnings withholding is required under section 3402(q). However, if regular gambling winnings withholding is not required under section 3402(q), backup withholding applies if the payee fails to furnish a TIN.
- Real estate transactions reportable under section 6045(e).
- Canceled debts reportable under section 6050P.
- Fish purchases for cash reportable under section 6050R.
- Reportable payments that are withholdable payments made to a recalcitrant account holder that is a U.S. nonexempt recipient from which you have withheld under Chapter 4. See Regulations section 1.1474-6(f).

**When to apply backup withholding.**

Generally, the period for which the 24% should be withheld is as follows.

**1. Failure to furnish TIN in the manner required.** Withhold on payments made until the TIN is furnished in the manner required. Special backup withholding rules may apply if the payee has applied for a TIN. The payee may certify to this on Form W-9 by noting "Applied For" in the TIN block and by signing the form. This form then becomes an "awaiting-TIN" certificate, and the payee has 60 days to obtain a TIN and furnish it to you. If you do not receive a TIN from the payee within 60 days and you have not already begun backup withholding, begin backup withholding and continue until the TIN is provided.



*The 60-day exemption from backup withholding applies only to interest and dividend payments and certain payments made with respect to readily tradable instruments. Therefore, any other payment, such as NEC, is subject to backup withholding even if the payee has applied for and is awaiting a TIN. For information about whether backup withholding applies during the 60-day period, see Regulations section 31.3406(g)-3.*

**2. Notice from the IRS that payee's TIN is incorrect.** You may choose to withhold on any reportable payment made to the account(s) subject to backup withholding after receipt of an incorrect TIN notice from the IRS, but you must withhold on any reportable payment made to the account more than 30 business days after you received the notice. Stop withholding within 30 days after you receive a certified Form W-9 (or other form that requires the payee to certify the payee's TIN).



*The IRS will furnish a notice to you that informs you that you have filed an information return reporting on an incorrect name/TIN combination. You are then required to promptly furnish a “B” notice, or an acceptable substitute, to the payee. For further information, see Regulations section 31.3406(d)-5 and Pub. 1281, Backup Withholding for Missing and Incorrect Name/TIN(s).*

*If you receive two incorrect TIN notices within 3 years for the same account, follow the*

*procedures in Regulations section 31.3406(d)-5(g) and Pub. 1281.*

**3. Notice from the IRS that payee is subject to backup withholding due to notified payee underreporting.** You may choose to withhold on any reportable payment made to the account(s) subject to backup withholding after receipt of the notice, but you must withhold on any reportable payment made to the account more than 30 business days after you receive the notice. The IRS will notify you in writing when to stop withholding, or the payee may furnish you a written certification from the IRS stating when the withholding should stop. In most cases, the stop date will be January 1 of the year following the year of the stop notice.



*You must notify the payee when withholding under this procedure starts. For further information, see Regulations section 31.3406(c)-1(d).*

**4. Payee failure to certify that he or she is not subject to backup withholding.**

Withhold on reportable interest and dividends until the certification has been received.

For exceptions to these general timing rules, see section 3406(e).



*For special rules on backup withholding on gambling winnings, see the separate Instructions for Forms W-2G and 5754.*

**Reporting backup withholding.** Report backup withholding on Form 945, Annual Return of Withheld Federal Income Tax. Also, report backup withholding and the amount of the payment on Forms W-2G, 1099-B, 1099-DIV, 1099-G, 1099-INT, 1099-K, 1099-MISC, 1099-NEC, 1099-OID, or 1099-PATR even if the amount of the payment is less than the amount for which an information return is normally required.



*The EIN of the filer of the forms listed above must be the EIN of the filer of Form 945.*

**Form 945.** Report backup withholding, voluntary withholding on certain government payments, and withholding from gambling winnings, pensions, annuities, IRAs, military retirement, and Indian gaming profits on

Form 945. Generally, file Form 945 for 2020 by February 1, 2021. For more information, including the deposit requirements for Form 945, see the separate Instructions for Form 945, and Pub. 15.

Do not report on Form 945 any income tax withholding reported on the following forms.

- Form W-2, including withholding on distributions to plan participants from nonqualified plans that must be reported on Form 941, and may be reported on Form 943, Form 944, or Schedule H (Form 1040).
- Form 1042-S must be reported on Form 1042.



*Pub. 515 has more information on Form 1042 reporting, partnership withholding on effectively connected income, and dispositions of U.S. real property interests by a foreign person.*

**Additional information.** For more information about backup withholding, see Pub. 1281.



## O. Penalties

The following penalties generally apply to the person required to file information returns. The penalties apply to paper filers as well as to electronic filers.



*For information on the penalty for failure to file electronically, see Penalty, earlier, in part F.*

### **Failure To File Correct Information Returns by the Due Date (Section 6721)**

If you fail to file a correct information return by the due date and you cannot show reasonable cause, you may be subject to a penalty. The penalty applies:

- If you fail to file timely,
- If you fail to include all information required to be shown on a return, or
- If you include incorrect information on a return.

The penalty also applies:

- If you file on paper when you were required to file electronically,
- If you report an incorrect TIN,
- If you fail to report a TIN, or
- If you fail to file paper forms that are not machine readable and applicable revenue procedures provides for a machine-readable paper form.

The amount of the penalty is based on when you file the correct information return. The penalty is as follows.

- \$50 per information return if you correctly file within 30 days (by March 30 if the due date is February 28); maximum penalty \$565,000 per year (\$197,500 for small businesses, defined below).
- \$110 per information return if you correctly file more than 30 days after the due date but by August 1; maximum penalty \$1,696,000 per year (\$565,000 for small businesses).
- \$280 per information return if you file after August 1 or you do not file required

information returns; maximum penalty \$3,392,000 per year (\$1,130,500 for small businesses).



*If you do not file corrections and you do not meet any of the exceptions to the penalty described later, the penalty is \$280 per information return.*

**Small businesses—lower maximum penalties.** You are a small business if your average annual gross receipts for the 3 most recent tax years (or for the period you were in existence, if shorter) ending before the calendar year in which the information returns were due are \$5 million or less.

**Exceptions to the penalty.** The following are exceptions to the failure-to-file penalty.

1. The penalty will not apply to any failure that you can show was due to reasonable cause and not to willful neglect. In general, you must be able to show that your failure was due to an event beyond your control or due to significant mitigating factors. You also must be able to show that you acted in

a responsible manner and took steps to avoid the failure.

2. An inconsequential error or omission is not considered a failure to include correct information. An inconsequential error or omission does not prevent or hinder the IRS from processing the return, from correlating the information required to be shown on the return with the information shown on the payee's tax return, or from otherwise putting the return to its intended use. Errors and omissions that are never inconsequential are those related to (a) a TIN, (b) a payee's surname, and (c) any money amount except as provided, later, with respect to the safe harbor for de minimis dollar amount errors.
3. De minimis rule for corrections. Even though you cannot show reasonable cause, the penalty for failure to file correct information returns will not apply to a certain number of returns if you:

- a. Filed those information returns timely,
- b. Either failed to include all the information required on a return or included incorrect information, and
- c. Filed corrections by August 1.

If you meet all the conditions in (a), (b), and (c) above, the penalty for filing incorrect returns will not apply to the greater of 10 information returns or  $\frac{1}{2}$  of 1% (0.005) of the total number of information returns you are required to file for the calendar year.

- 4. Safe harbor for de minimis dollar amount errors. See *Safe Harbor for De Minimis Dollar Amount Errors on Information Returns and Payee Statements Under Sections 6721 and 6722*, later.

**Intentional disregard of filing requirements.** If any failure to file a correct information return is due to intentional disregard of the filing or correct information

requirements, the penalty is at least \$560 per information return with no maximum penalty.

## **Failure To Furnish Correct Payee Statements (Section 6722)**

If you fail to provide correct payee statements and you cannot show reasonable cause, you may be subject to a penalty. The penalty applies if you fail to provide the statement by the due date (January 31 for most returns; see the Guide to Information Returns, later), you fail to include all information required to be shown on the statement, or you include incorrect information on the statement. "Payee statement" has the same meaning as "statement to recipient" as used in part M.

The amount of the penalty is based on when you furnish the correct payee statement. It is a separate penalty and is applied in the same manner as the penalty for failure to file correct information returns by the due date (section 6721), described earlier.

**Exception.** An inconsequential error or omission is not considered a failure to include

correct information. An inconsequential error or omission cannot reasonably be expected to prevent or hinder the payee from timely receiving correct information and reporting it on his or her income tax return or from otherwise putting the statement to its intended use. Errors and omissions that are never inconsequential are those relating to (a) a dollar amount, except as provided, later, with respect to the safe harbor for de minimis dollar amount errors, (b) a significant item in a payee's address, (c) the appropriate form for the information provided (that is, whether the form is an acceptable substitute for the official IRS form), and (d) whether the statement was furnished in person or by "statement mailing," when required.

**Intentional disregard of payee statement requirements.** If any failure to provide a correct payee statement is due to intentional disregard of the requirements to furnish a correct payee statement, the penalty is at least \$560 per payee statement with no maximum penalty.



*No penalty will be imposed on an educational institution that fails to provide the TIN of a student on Form 1098-T if the institution certifies under penalty of perjury that it complied with the rules for obtaining the student's TIN. See the 2020 Instructions for Forms 1098-E and 1098-T for additional information.*

## **Safe Harbor for De Minimis Dollar Amount Errors on Information Returns and Payee Statements Under Sections 6721 and 6722**

If one or more dollar amounts are incorrect on an information return filed with the IRS or on a payee statement furnished to a recipient, no correction of the dollar amount shall be required, and the return shall be treated as having been filed or the payee statement furnished as correct if:

- The difference between the dollar amount reported on the filed return or furnished payee statement and the correct amount is no more than \$100, and



- The difference between the dollar amount reported for tax withheld on the filed return or furnished payee statement and the correct amount is no more than \$25.

This safe harbor provision shall not apply if a recipient to whom a statement is required to be furnished elects to receive a corrected statement. In that case, a corrected return must be filed with the IRS and a corrected payee statement furnished to the recipient.

**Forms 1099-B (QOF reporting only), 1099-Q, 1099-QA, 1099-SA, 5498, 5498-ESA, 5498-QA, and 5498-SA (Section 6693)**

The penalties under sections 6721 and 6722 do not apply to:

<b>Forms</b>	<b>Filed Under Code Section</b>
Forms 1099-B ( <b>QOF reporting only</b> )	1400Z-2
1099-SA and 5498-SA	220(h) and 223(h)
5498	408(i) and 408(l)
1099-Q	529(d) and 530(h)
1099-QA and 5498-QA	529A
5498-ESA	530(h)

The penalty for failure to timely file Forms 1099-SA, 5498-SA, 5498, 1099-Q, 1099-QA, 5498-QA, or 5498-ESA is \$50 per return with no maximum, unless the failure is due to reasonable cause. See section 6693.

## **Fraudulent Acknowledgments With Respect to Donations of Motor Vehicles, Boats, and Airplanes (Section 6720)**

If you are required under section 170(f)(12)(A) to furnish a contemporaneous written acknowledgment to a donor and you knowingly furnish a false or fraudulent Form 1098-C, or knowingly fail to furnish a Form

1098-C within the applicable 30-day period, you may be subject to a penalty. See the 2020 Instructions for Form 1098-C for more detailed information.

## **Civil Damages for Fraudulent Filing of Information Returns (Section 7434)**

If you willfully file a fraudulent information return for payments you claim you made to another person, that person may be able to sue you for damages. You may have to pay \$5,000 or more.

## **P. Payments to Corporations and Partnerships**

Generally, payments to corporations are not reportable. See, for example, Regulations section 1.6049-4(c)(1)(ii). However, you must report payments to corporations for the following.

- Medical and health care payments (Form 1099-MISC).

- Withheld federal income tax or foreign tax.
- Barter exchange transactions (Form 1099-B).
- Broker and barter transactions for an S corporation (Form 1099-B).
- Substitute payments in lieu of dividends and tax-exempt interest (Form 1099-MISC).
- Acquisitions or abandonments of secured property (Form 1099-A).
- Cancellation of debt (Form 1099-C).
- Payments of attorneys' fees and gross proceeds paid to attorneys (Form 1099-NEC, Form 1099-MISC).
- Fish purchases for cash (Form 1099-MISC).
- Credits and interest for qualified tax credit bonds reported on Forms 1097-BTC and 1099-INT.
- Merchant card and third-party network payments (Form 1099-K).

- Federal executive agency payments for services (Form 1099-MISC). For additional reporting requirements, see Rev. Rul. 2003-66 on page 1115 of Internal Revenue Bulletin 2003-26 at [IRS.gov/pub/irs-irbs/irb03-26.pdf](https://www.irs.gov/pub/irs-irbs/irb03-26.pdf).
- Payments made in a reportable policy sale (Form 1099-LS). In addition, the following information returns are furnished to corporations, although the information returns do not report payments: Form 1099-SB, Seller's Investment in Life Insurance Contract; and Form 1098-F, Fines, Penalties, and Other Amounts.

Reporting generally is required for all payments to partnerships. For example, payments of \$600 or more made in the course of your trade or business to an architectural firm that is a partnership are reportable on Form 1099-MISC.

## **Q. Earnings on Any IRA, Coverdell ESA, ABLE Account, Archer MSA, or HSA**

Generally, income earned in any IRA, Coverdell ESA, ABLE account, Archer MSA, or HSA, such as interest or dividends, is not reported on Forms 1099. However, distributions from such arrangements or accounts must be reported on Form 1099-R, 1099-Q, 1099-QA, or 1099-SA.

## **R. Certain Grantor Trusts**

Certain grantor trusts (other than WHFITs) may choose to file Forms 1099 rather than a separate statement attached to Form 1041, U.S. Income Tax Return for Estates and Trusts. If you have filed Form 1041 for a grantor trust in the past and you want to choose the Form 1099 filing method for 2020, you must have filed a final Form 1041 for 2019. To change reporting method, see Regulations section 1.671-4(g) and the Instructions for Form 1041 and Schedules A, B, D, G, I, J, and K-1.

For more information on WHFITs, see Widely held fixed investment trusts (WHFITs), earlier.

## **S. Special Rules for Reporting Payments Made Through Foreign Intermediaries and Foreign Flow-Through Entities on Form 1099**

If you are the payer and have received a Form W-8IMY from a foreign intermediary or flow-through entity, follow the instructions for completing Form 1099, later.

### **Definitions**

**Foreign intermediary (FI).** An FI is any person who is not a U.S. person and acts as a custodian, broker, nominee, or otherwise as an agent for another person, regardless of whether that other person is the beneficial owner of the amount paid, a flow-through entity, or another intermediary. The intermediary can be a qualified intermediary or a nonqualified intermediary.

***Qualified intermediary (QI).*** A QI is a person that is a party to a withholding agreement with the IRS (described in Regulations section 1.1441-1(e)(5)(iii)) and is:

- An FFI (other than a U.S. branch of an FFI) that is a participating FFI (including a reporting Model 2 FFI), a registered deemed-compliant FFI (including an FFI treated as a deemed-compliant FFI under an applicable IGA subject to due diligence and reporting requirements similar to those applicable to a registered deemed-compliant FFI under Regulations section 1.1471-5(f)(1), including the requirement to register with the IRS), or any other category of FFI identified in the QI agreement;
- A foreign person that is a home office or has a branch that is an eligible entity (as described in Regulations section 1.1441-1(e)(6)(ii), without regard to the requirement that the person be a QI);



- A foreign branch or office of a U.S. financial institution or a foreign branch or office of a U.S. clearing organization; or
- A foreign entity not described above that the IRS accepts as a QI.

For details on QI agreements, see Rev. Proc. 2017-15, 2017-03 I.R.B. 437, available at [IRS.gov/irb/2017-03\\_IRB#RP-2017-15](https://www.irs.gov/irb/2017-03_IRB#RP-2017-15).

***Nonqualified intermediary (NQI).*** An NQI is any intermediary that is not a U.S. person and that is not a QI.

***Foreign flow-through entity (FTE).*** An FTE is a foreign partnership (other than a withholding foreign partnership), a foreign simple trust or foreign grantor trust (other than a withholding foreign trust), or, for payments for which a reduced rate of withholding is claimed under an income tax treaty, any entity to the extent the entity is considered to be fiscally transparent under section 894 with respect to the payment by an interest holder's jurisdiction.

***Withholding foreign partnership or withholding foreign trust.*** A withholding

foreign partnership or withholding foreign trust is a foreign partnership or a foreign simple or grantor trust that has entered into a withholding agreement with the IRS in which it agrees to assume primary withholding responsibility for all payments that are made to it for its partners, beneficiaries, or owners. See Rev. Proc. 2017-21, 2017-6 I.R.B. 791, available at [IRS.gov/irb/2017-06\\_IRB#RP-2017-21](https://www.irs.gov/irb/2017-06_IRB#RP-2017-21), for procedures for entering into a withholding foreign partnership or trust agreement.

***Nonwithholding foreign partnership, simple trust, or grantor trust.*** A

nonwithholding foreign partnership is any foreign partnership other than a withholding foreign partnership. A nonwithholding foreign simple trust is any foreign simple trust that is not a withholding foreign trust. A

nonwithholding foreign grantor trust is any foreign grantor trust that is not a withholding foreign trust.

***Fiscally transparent entity.*** An entity is treated as fiscally transparent with respect to an item of income to the extent that the

interest holders in the entity must, on a current basis, take into account separately their shares of an item of income paid to the entity, whether or not distributed, and must determine the character of the items of income as if they were realized directly from the sources from which they were realized by the entity. For example, partnerships, common trust funds, and simple trusts or grantor trusts are generally considered to be fiscally transparent with respect to items of income received by them.

## **Presumption Rules**



*For additional information including details on the presumption rules, see the Instructions for the Requester of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY; and Pub. 515. To order, see How To Get Forms, Publications, and Other Assistance under part T.*

If you are the payer and do not have a Form W-9, appropriate Form W-8, or other valid documentation, or you cannot allocate a payment to a specific payee, prior to

payment, you are required to use certain presumption rules to determine the following.

- The status of the payee as a U.S. or foreign person.
- The classification of the payee as an individual, trust, estate, corporation, or partnership.

See Regulations sections 1.1441-1(b)(3), 1.1441-5(d) and (e), 1.6045-1(g)(3)(ii), and 1.6049-5(d).

Under these presumption rules, if you must presume that the payee is a U.S. nonexempt recipient subject to backup withholding, you must report the payment on a Form 1099. However, if before filing Form 1099 with the IRS the recipient is documented as foreign, then report the payment on a Form 1042-S.

Conversely, if you must presume that the payee is a foreign recipient and prior to filing Form 1042-S with the IRS you discover that the payee is a U.S. nonexempt recipient based on documentation, then report all payments made to that payee during the calendar year on a Form 1099.

If you use the 90-day grace period rule to presume a payee is foreign, you must file a Form 1042-S to report all payments subject to withholding during the grace period. If, after the grace period expires, you discover that the payee is a U.S. nonexempt recipient subject to backup withholding, you must file a Form 1099 for all payments made to that payee after the expiration of the grace period.

## **Rules for Payments Made to U.S. Nonexempt Recipients Through a QI, NQI, or FTE**

If you are the payer making a payment through a QI, NQI, or FTE for a U.S. nonexempt recipient on whose behalf the QI, NQI, or FTE is acting, use the following rules to complete Form 1099.

**Known recipient.** If you know that a payee is a U.S. nonexempt recipient and have the payee's name, address, and TIN (if a TIN has been provided), you must complete the Form 1099 with that information unless you are not required to report the payment under Regulations section 1.6049-4(c)(4)

(applicable only to certain payments to specified FFIs). Also, on the second name line below the recipient's name, enter "IMY" followed by the name of the QI, NQI, or FTE.

For payments made to multiple recipients: (a) enter the name of the recipient whose status you relied on to determine the applicable rate of withholding, and (b) on the second name line, enter "IMY" followed by the name of the QI, NQI, or FTE. However, if the QI has assumed primary Form 1099 reporting or backup withholding responsibility, you are not required to issue the Form 1099 or to backup withhold. See Qualified intermediary (QI), earlier.

**Unknown recipient.** If you cannot reliably associate a payment with valid documentation and are required to presume a payee is a U.S. nonexempt recipient, do the following.

1. File a Form 1099 and enter "unknown recipient" on the first name line.
2. On the second name line, enter "IMY" followed by the name of the NQI or FTE.

3. Enter the EIN of the NQI or FTE, if applicable, in the recipient's TIN box.
4. Furnish a copy of the Form 1099 with “unknown recipient” to the NQI or FTE who is acting on the recipient's behalf.



*A payer that is required to report payments made to a U.S. nonexempt recipient account holder but does not receive the necessary allocation information cannot report those payments on a pro rata basis. Report unallocated payments using the presumption rules described above.*

## **Rules for Non-U.S. Payers**

Non-U.S. payers (foreign persons that are not U.S. payers) generally have the same reporting obligations as U.S. payers. A U.S. payer is anyone who is:

- A U.S. person;
- Any U.S. governmental agency;
- A controlled foreign corporation (CFC);
- A foreign partnership that has one or more U.S. partners who, in the aggregate,

hold more than 50% of the gross income derived from the conduct of a U.S. trade or business;

- A foreign person who owns 50% or more of the gross income that is effectively connected with a U.S. trade or business; or
- A U.S. branch or territory financial institution described in Regulations section 1.1441-1(b)(2)(iv) that is treated as a U.S. person.

For more information, see Regulations section 1.6049-5(c)(5).

**Exceptions.** The following payments are not subject to reporting by a non-U.S. payer.

1. A foreign source payment paid and received outside the United States. For example, see Regulations section 1.6049-4(f)(16).
2. Gross proceeds from a sale effected outside the United States. See Regulations section 1.6045-1(a).



3. An NQI or QI that provides another payer all the information sufficient for that payer to complete Form 1099 reporting. For example, see Regulations section 1.6049-5(b)(14). However, if an NQI or QI does not provide sufficient information for another payer to report a payment on Form 1099, the intermediary must report the payment.
4. A payment made by certain FFIs for which an exception to reporting applies under Regulations section 1.6049-4(c)(4).

## **Rules for Reporting Payments Initially Reported on Form 1042-S**

If an NQI or QI receives a Form 1042-S made out to an “unknown recipient” and the NQI or QI has actual knowledge that the payee of the income is a U.S. nonexempt recipient, it must file a Form 1099 even if the payment has been subject to withholding by another payer. The NQI or QI reports the amount withheld by

the other payer on Form 1099 as federal income tax withheld.

## **T. How To Get Tax Help**

### **Information Reporting Program Customer Service Section**

For answers to your questions about reporting on Forms 1096, 1097, 1098, 1099, 3921, 3922, 5498, W-2, W-2G, and W-3, you may call a toll-free number, 866-455-7438. You may still use the original telephone number, 304-263-8700 (not toll free). Persons with a hearing or speech disability with access to TTY/TDD equipment can call 304-579-4827 (not toll free).

**Other tax-related matters.** For other tax information related to business returns or accounts, call 800-829-4933.

If you have a hearing or speech disability and have access to TTY/TDD equipment, call 800-829-4059 to ask tax account questions.

## **Internal Revenue Bulletin (IRB)**

The IRB, published weekly, contains newly issued regulations, notices, announcements, legislation, court decisions, and other items of general interest. You may find this publication useful to keep you up to date with current developments. See *How To Get Forms, Publications, and Other Assistance*, later.

## **Contacting Your Taxpayer Advocate**

The Taxpayer Advocate Service (TAS) is there to help you. The TAS is your voice at the IRS. Their job is to ensure that every taxpayer is treated fairly and that you know and understand your rights.

*What can the TAS do for you?* They can offer you free help with IRS problems that you can't resolve on your own. They know this process can be confusing, but the worst thing you can do is nothing at all! The TAS can help if you can't resolve your tax problem and:

- Your problem is causing financial difficulties for you, your family, or your business;
- You face (or your business is facing) an immediate threat of adverse action; or
- You've tried repeatedly to contact the IRS but no one has responded, or the IRS hasn't responded by the date promised.

If you qualify for their help, you'll be assigned to one advocate who'll be with you at every turn and will do everything possible to resolve your problem. Here's why they can help.

- The TAS is an independent organization within the IRS.
- Their advocates know how to work with the IRS.
- Their services are free and tailored to meet your needs.
- They have offices in every state, the District of Columbia, and Puerto Rico.

***How can you reach them?*** If you think the TAS can help you, call your local advocate,

whose number is in your local directory and at [IRS.gov/Advocate](https://www.irs.gov/Advocate), or call them toll free at 877-777-4778.

### ***How else does the TAS help taxpayers?***

The TAS also works to resolve large-scale, systemic problems that affect many taxpayers. If you know of one of these broad issues, please report it to them by going to [IRS.gov/SAMS](https://www.irs.gov/SAMS).

***Taxpayer Advocacy Panel (TAP).*** The TAP listens to taxpayers, identifies taxpayer issues, and makes suggestions for improving IRS services and customer satisfaction. If you have suggestions for improvements, contact the TAP toll free at 888-912-1227 or go to [ImproveIRS.org](https://www.improveirs.org).

## **How To Get Forms, Publications, and Other Assistance**

### **Forms, instructions, and publications.**

Visit [IRS.gov/FormsPubs](https://www.irs.gov/FormsPubs) to download forms and publications.

Otherwise, you can go to [IRS.gov/OrderForms](https://www.irs.gov/OrderForms) to order current and prior-year forms and instructions. Your order should arrive within 10 business days. You can also mail an order to the address at the mail icon below.



*Because the IRS processes paper forms by machine (optical character recognition equipment), you cannot file Form 1096 or Copy A of Forms 1097, 1098, 1099, 3921, 3922, or 5498 that you print from the IRS website. However, you can use Copy B from those sources to provide recipient statements.*

**Exception.** Forms 1097-BTC, 1098-C, 1098-MA, 1099-CAP, 1099-LTC, 1099-Q, 1099-QA, 1099-SA, 3922, 5498-ESA, 5498-QA, and 5498-SA can be filled out online and Copy A can be printed and filed with the IRS using Form 1096.

**Mail.** You can send your order for forms, instructions, and publications to the address below. You should receive a response within 10 business days after your request is received.

Internal Revenue Service  
1201 N. Mitsubishi Motorway  
Bloomington, IL 61705-6613

**Online.** Go to [IRS.gov](https://www.irs.gov) 24 hours a day, 7 days a week to do the following.

- Access commercial tax preparation and e-file services.
- Research your tax questions online.
- Search publications online by topic or keyword.
- Use the online Internal Revenue Code, regulations, or other official guidance.
- View IRBs published in the last few years.
- Sign up to receive local and national tax news by email.

## **Comments and Suggestions**

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

You can send your comments from [IRS.gov/FormComments](https://www.irs.gov/FormComments).

Or you can write to us at the following address.

Internal Revenue Service  
Tax Forms and Publications Division  
1111 Constitution Ave. NW, IR-6526  
Washington, DC 20224

Although we cannot respond individually to each comment received, we do appreciate your feedback and will consider your comments as we revise our tax products.

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on these forms to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to figure and collect the right amount of tax.

Sections 170(f)(12), 199, 220(h), 223, 408, 408A, 529, 529A, 530, 853A, 6039, 6041, 6041A, 6042, 6043, 6044, 6045, 6047, 6049, 6050A, 6050B, 6050D, 6050E, 6050H, 6050J, 6050N, 6050P, 6050Q, 6050R, 6050S, 6050T, 6050U, 6050W, 6050X, 6050Y, and their regulations require you to file an information return with the IRS and furnish a statement to



recipients. Section 6109 and its regulations require you to provide your TIN on what you file.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S.

commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. If you fail to provide this information in a timely manner, you may be subject to penalties.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information

are confidential, as required by section 6103. The time needed to complete and file the following forms will vary depending on individual circumstances. The estimated average times are:

1096 . . . . .	14 minutes
1097-BTC* . . . . .	19 minutes
1098 . . . . .	15 minutes
1098-C* . . . . .	18 minutes
1098-E . . . . .	7 minutes
1098-F . . . . .	7 minutes
1098-MA . . . . .	14 minutes
1098-Q . . . . .	8 minutes
1098-T . . . . .	13 minutes
1099-A . . . . .	9 minutes
1099-B . . . . .	25 minutes
1099-C . . . . .	13 minutes
1099-CAP* . . . . .	11 minutes
1099-DIV . . . . .	24 minutes
1099-G . . . . .	18 minutes
1099-INT . . . . .	13 minutes
1099-K . . . . .	27 minutes
1099-LS . . . . .	7 minutes
1099-LTC . . . . .	13 minutes
1099-MISC . . . . .	18 minutes
1099-NEC . . . . .	5 minutes
1099-OID . . . . .	13 minutes
1099-PATR . . . . .	15 minutes
1099-Q . . . . .	13 minutes
1099-QA . . . . .	10 minutes
1099-R . . . . .	25 minutes
1099-S . . . . .	8 minutes
1099-SA . . . . .	11 minutes
1099-SB . . . . .	7 minutes
3921* . . . . .	11 minutes
3922* . . . . .	12 minutes
5498 . . . . .	24 minutes
5498-ESA . . . . .	7 minutes
5498-QA . . . . .	11 minutes
5498-SA . . . . .	10 minutes
W-2G . . . . .	24 minutes

\* Privacy Act does not pertain to this form.

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Burden estimates are based upon current statutory requirements as of October 2019. Estimates of burden do not reflect any future legislative changes that may affect the 2020 tax year. Any changes to burden estimates will be included in IRS's annual Paperwork Reduction Act submission to the Office of Management and Budget (OMB) and will be made publicly available on [RegInfo.gov](https://www.reginfo.gov).

If you have comments concerning the accuracy of these time estimates, we would be happy to hear from you. You can send your comments from [IRS.gov/FormComments](https://www.irs.gov/FormComments). Send your comments to the Internal Revenue Service, Tax Forms and Publications, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send these forms to this address. Instead, see [part D](#).

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Guide to Information Returns (If any date shown falls on a Saturday, Sunday, or legal holiday in the District of Columbia or where the return is to be filed, the due date is the next business day.)

Form	Title	What To Report	Amounts To Report	Due Date	
				To IRS	To Recipient (unless indicated otherwise)
1042-S	Foreign Person's U.S. Source Income Subject to Withholding	Income such as interest, dividends, royalties, pensions and annuities, etc., and amounts withheld under Chapter 3. Also, distributions of effectively connected income by publicly traded partnerships or nominees.	See form instructions	March 15	March 15
1097-BTC	Bond Tax Credit	Tax credit bond credits to shareholders.	All amounts	February 28*	On or before the 15th day of the 2nd calendar month after the close of the calendar month in which the credit is allowed
1098	Mortgage Interest Statement	Mortgage interest (including points) and certain mortgage insurance premiums you received in the course of your trade or business from individuals and reimbursements of overpaid interest.	\$600 or more	February 28*	(To Payer/ Borrower) January 31
1098-C	Contributions of Motor Vehicles, Boats, and Airplanes	Information regarding a donated motor vehicle, boat, or airplane.	Gross proceeds of more than \$500	February 28*	(To Donor) 30 days from date of sale or contribution
1098-E	Student Loan Interest Statement	Student loan interest received in the course of your trade or business.	\$600 or more	February 28*	January 31
1098-F	Fines, Penalties, and Other Amounts	Statement furnished by a government or governmental entity regarding a court order or agreement with respect to a violation or potential violation of law.	All amounts required to be paid.	January 31	January 31
1098-MA	Mortgage Assistance Payments	Assistance payments paid to homeowners from funds allocated from the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets (HFA Hardest Hit Fund) or the Emergency Homeowners' Loan Program.	All amounts	February 28	January 31
1098-Q	Qualifying Longevity Annuity Contract Information	Status of a contract that is intended to be a qualifying longevity annuity contract (QLAC), defined in section A-17 of 1.401(a)(9)-6, that is purchased or held under any plan, annuity, or account described in section 401(a), 403(a), 403(b), or 408 (other than a Roth IRA) or eligible governmental plan under section 457(b).	All amounts	February 28	January 31
1098-T	Tuition Statement	Qualified tuition and related expenses, reimbursements or refunds, and scholarships or grants (optional).	See instructions	February 28*	January 31
1099-A	Acquisition or Abandonment of Secured Property	Information about the acquisition or abandonment of property that is security for a debt for which you are the lender.	All amounts	February 28*	(To Borrower) January 31
1099-B	Proceeds From Broker and Barter Exchange Transactions	Sales or redemptions of securities, futures transactions, commodities, and barter exchange transactions (including payments reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)).	All amounts	February 28*	February 15**
1099-C	Cancellation of Debt	Cancellation of a debt owed to a financial institution, the federal government, a credit union, RTC, FDIC, NCUA, a military department, the U.S. Postal Service, the Postal Rate Commission, or any organization having a significant trade or business of lending money.	\$600 or more	February 28*	January 31
1099-CAP	Changes in Corporate Control and Capital Structure	Information about cash, stock, or other property from an acquisition of control or the substantial change in capital structure of a corporation.	Over \$1,000	February 28*	(To Shareholders) January 31, (To Clearing Organization) January 5
1099-DIV	Dividends and Distributions	Distributions, such as dividends, capital gain distributions, or nontaxable distributions, that were paid on stock and liquidation distributions (including distributions reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)).	\$10 or more, except \$600 or more for liquidations	February 28*	January 31**
1099-G	Certain Government Payments	Unemployment compensation, state and local income tax refunds, agricultural payments, and taxable grants.	\$10 or more for refunds and unemployment	February 28*	January 31

\* The due date is March 31 if filed electronically.  
\*\* The due date is March 15 for reporting by trustees and middlemen of WHFITs.

Guide to Information Returns (Continued)

				Due Date	
Form	Title	What To Report	Amounts To Report	To IRS	To Recipient (unless indicated otherwise)
1099-INT	Interest Income	Interest income (including payments reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)); market discount subject to an election under section 1278(b). Tax exempt interest is also reported on this form.	\$10 or more (\$600 or more in some cases)	February 28*	January 31**
1099-K	Payment Card and Third Party Network Transactions	Payment card transactions.	All amounts	February 28*	January 31
		Third party network transactions.	\$20,000 or more <b>and</b> 200 or more transactions		
1099-LS	Reportable Life Insurance Sale	Payments made to a payment recipient in a reportable policy sale.	All amounts***	February 28*	For reportable policy sale payment recipient, February 15, 2021; For issuer, January 15, 2021, or earlier as required by Regulations section 1.6050Y-2(d)(2)(il)(A)
1099-LTC	Long-Term Care and Accelerated Death Benefits	Payments under a long-term care insurance contract and accelerated death benefits paid under a life insurance contract or by a viatical settlement provider.	All amounts	February 28*	January 31
1099-MISC	Miscellaneous Income  (Also, use to report direct sales of \$5,000 or more of consumer goods for resale.)	Rent or royalty payments; prizes and awards that are not for services, such as winnings on TV or radio shows (including payments reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)).	\$600 or more, except \$10 or more for royalties	February 28*	January 31**
		Payments to crew members by owners or operators of fishing boats including payments of proceeds from sale of catch.	All amounts		
		Section 409A income from nonqualified deferred compensation plans (NQDCs).	All amounts		
		Payments to a physician, physicians' corporation, or other supplier of health and medical services. Issued mainly by medical assistance programs or health and accident insurance plans.	\$600 or more		
		Fish purchases paid in cash for resale.	\$600 or more		February 15**
		Crop insurance proceeds.	\$600 or more		
		Substitute dividends and tax-exempt interest payments reportable by brokers.	\$10 or more		February 15**
		Gross proceeds paid to attorneys.	\$600 or more		January 31**
		A U.S. account for Chapter 4 purposes to which you made no payments during the year that are reportable on any applicable Form 1099 (or a U.S. account to which you made payments during the year that do not reach the applicable reporting threshold for any applicable Form 1099) reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A).	All amounts (including \$0)		
1099-NEC	Nonemployee Compensation	Payments for services performed for a trade or business by people not treated as its employees (including payments reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)). Examples: fees to subcontractors or directors and golden parachute payments.	\$600 or more	January 31	January 31
1099-OID	Original Issue Discount	Original issue discount (including amounts reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(A) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)); market discount subject to an election under section 1278(b). Tax exempt OID is also reported on this form.	\$10 or more	February 28*	January 31**
1099-PATR	Taxable Distributions Received From Cooperatives	Distributions from cooperatives passed through to their patrons including any domestic production activities deduction and certain pass-through credits.	\$10 or more	February 28*	January 31

\* The due date is March 31 if filed electronically.  
\*\* The due date is March 15 for reporting by trustees and middlemen of WHFITs.  
\*\*\* See Regulations sections 1.6050Y-1(a)(16)(ii) and 1.6050Y-2(f)(2) for exceptions for amount paid to persons other than sellers. Also, no amounts are required to be reported on statements furnished to issuers. See Regulations section 1.6050Y-2(d)(2)(i)(A).



Guide to Information Returns (Continued)

				Due Date	
Form	Title	What To Report	Amounts To Report	To IRS	To Recipient (unless indicated otherwise)
1099-Q	Payments From Qualified Education Programs (Under Sections 529 and 530)	Earnings from qualified tuition programs and Coverdell ESAs.	All amounts	February 28*	January 31
1099-QA	Distributions From ABLE Accounts	Distributions from ABLE accounts.	All amounts	February 28	January 31
1099-R	Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.	Distributions from retirement or profit-sharing plans, any IRA, insurance contracts, and IRA recharacterizations (including payments reported pursuant to an election described in Regulations section 1.1471-4(d)(5)(i)(B) or reported as described in Regulations section 1.1471-4(d)(2)(iii)(A)).	\$10 or more	February 28*	January 31
1099-S	Proceeds From Real Estate Transactions	Gross proceeds from the sale or exchange of real estate and certain royalty payments.	Generally, \$600 or more	February 28*	February 15
1099-SA	Distributions From an HSA, Archer MSA, or Medicare Advantage MSA	Distributions from an HSA, Archer MSA, or Medicare Advantage MSA.	All amounts	February 28*	January 31
1099-SB	Seller's Investment in Life Insurance Contract	Seller's investment in a life insurance contract as determined by the issuer.	All amounts	March 1* (except as provided in Regulations section 1.6050Y-3(c))	February 15 (except as provided in Regulations section 1.6050Y-3(d)(2))
3921	Exercise of an Incentive Stock Option Under Section 422(b)	Transfer of stock pursuant to the exercise of an incentive stock option under section 422(b).	All amounts	February 28*	January 31
3922	Transfer of Stock Acquired Through an Employee Stock Purchase Plan Under Section 423(c)	Transfer of stock acquired through an employee stock purchase plan under section 423(c).	All amounts	February 28*	January 31
5498	IRA Contribution Information	Contributions (including rollover contributions) to any individual retirement arrangement (IRA), including a SEP, SIMPLE, and Roth IRA; Roth conversions; IRA recharacterizations; and the fair market value (FMV) of the account.	All amounts	May 31	(To Participant) For FMV/RMD, Jan. 31; For contributions, May 31
5498-ESA	Coverdell ESA Contribution Information	Contributions (including rollover contributions) to a Coverdell ESA.	All amounts	May 31	April 30
5498-QA	ABLE Account Contributions Information	Contributions (including rollover contributions) to an ABLE account.	All amounts	May 31	March 15
5498-SA	HSA, Archer MSA, or Medicare Advantage MSA Information	Contributions to an HSA (including transfers and rollovers) or Archer MSA and the FMV of an HSA, Archer MSA, or Medicare Advantage MSA.	All amounts	May 31	(To Participant) May 31
W-2G	Certain Gambling Winnings	Gambling winnings from horse racing, dog racing, jai alai, lotteries, keno, bingo, slot machines, sweepstakes, wagering pools, poker tournaments, etc.	Generally, \$600 or more; \$1,200 or more from bingo or slot machines; \$1,500 or more from keno	February 28*	January 31

\* The due date is March 31 if filed electronically.

Types of Payments

Below is an alphabetic list of some payments and the forms to file and report them on.

However, it is not a complete list of all payments, and the absence of a payment from the list does not indicate that the payment is not reportable. For instructions on a specific type of payment, see the separate instructions in the form(s) listed.

Type of Payment	Report on Form
ABLE accounts:	
—Contributions	5498-QA
—Distributions	1099-QA
Abandonment	1099-A
Accelerated death benefits	1099-LTC
Acquisition of control	1099-CAP
Agriculture payments	1099-G
Allocated tips	W-2
Alternate TAA payments	1099-G
Annuities	1099-R
Archer MSAs:	
—Contributions	5498-SA
—Distributions	1099-SA
Attorney, fees and gross proceeds	1099-MISC
Auto reimbursements—employee	W-2
Auto reimbursements—nonemployee	1099-NEC
Awards—employee	W-2
Awards—nonemployee	1099-NEC
Barter exchange income	1099-B
Bond tax credit	1097-BTC
Bonuses—employee	W-2
Bonuses—nonemployee	1099-NEC
Broker transactions	1099-B
Cancellation of debt	1099-C
Capital gain distributions	1099-DIV
Car expense—employee	W-2
Car expense—nonemployee	1099-NEC
Changes in capital structure	1099-CAP
Charitable gift annuities	1099-R
Commissions—employee	W-2
Commissions—nonemployee	1099-NEC
Commodities transactions	1099-B
Compensation—employee	W-2
Compensation—nonemployee	1099-NEC
Contributions of motor vehicles, boats, and airplanes	1098-C
Cost of current life insurance protection	1099-R
Coverdell ESA contributions	5498-ESA
Coverdell ESA distributions	1099-Q
Crop insurance proceeds	1099-MISC
Damages	1099-MISC
Death benefits	1099-R
Debt cancellation	1099-C
Dependent care payments	W-2
Direct rollovers	1099-Q, 1099-R, 5498
Direct sales of consumer products for resale	1099-MISC
Directors' fees	1099-MISC
Discharge of indebtedness	1099-C
Dividends	1099-DIV
Donation of motor vehicle	1098-C
Education loan interest	1098-E
Employee business expense reimbursement	W-2
Employee compensation	W-2
Excess deferrals, excess contributions-distributions	1099-R
Exercise of incentive stock option under section 422(b)	3921
Fees—employee	W-2
Fees—nonemployee	1099-NEC
Fishing boat crew members proceeds	1099-MISC
Fish purchases for cash	1099-MISC
Foreclosures	1099-A

Type of Payment	Report on Form
Foreign persons' income	1042-S
401(k) contributions	W-2
404(k) dividend	1099-DIV
Gambling winnings	W-2G
Golden parachute—employee	W-2
Golden parachute—nonemployee	1099-NEC
Grants—taxable	1099-G
Health care services	1099-MISC
Health savings accounts:	
—Contributions	5498-SA
—Distributions	1099-SA
Income attributable to domestic production activities, deduction for	1099-PATR
Income tax refunds—state and local	1099-G
Indian gaming profits paid to tribal members	1099-MISC
Interest income	1099-INT
Tax-exempt	1099-INT
Interest, mortgage	1098
IRA contributions	5498
IRA distributions	1099-R
Life insurance contract distributions	1099-R, 1099-LTC
Liquidation—distributions	1099-DIV
Loans, distribution from pension plan	1099-R
Long-term care benefits	1099-LTC
Medicare Advantage MSAs:	
—Contributions	5498-SA
—Distributions	1099-SA
Medical services	1099-MISC
Mileage—employee	W-2
Mileage—nonemployee	1099-NEC
Military retirement	1099-R
Mortgage assistance payments	1098-MA
Mortgage interest	1098
Moving expense	W-2
Nonemployee compensation	1099-NEC
Nonqualified deferred compensation:	
—Beneficiary	1099-R
—Employee	W-2
Nonemployee	1099-NEC
Original issue discount (OID)	1099-OID
Tax-exempt OID	1099-OID
Patronage dividends	1099-PATR
Payment card transactions	1099-K
Pensions	1099-R
Points	1098
Prizes—employee	W-2
Prizes—nonemployee	1099-NEC
Profit-sharing plan	1099-R
Punitive damages	1099-MISC
Qualified longevity annuity contract	1098-Q
Qualified plan distributions	1099-R
Qualified tuition program payments	1099-Q
Real estate transactions	1099-S
Recharacterized IRA contributions	1099-R, 5498
Refund—state and local tax	1099-G
Rents	1099-MISC
Reportable policy sale	1099-LS
Retirement	1099-R
Roth conversion IRA contributions	5498
Roth conversion IRA distributions	1099-R
Roth IRA contributions	5498
Roth IRA distributions	1099-R
Royalties	1099-MISC, 1099-S
Timber—pay-as-cut contract	1099-S
Sales:	
—Real estate	1099-S
—Securities	1099-B
Section 1035 exchange	1099-R
Seller's investment in life insurance contract	1099-SB
SEP contributions	W-2, 5498
SEP distributions	1099-R
Severance pay	W-2
Sick pay	W-2

Type of Payment	Report on Form
SIMPLE contributions . . . . .	W-2, 5498
SIMPLE distributions . . . . .	1099-R
Student loan interest . . . . .	1098-E
Substitute payments in lieu of dividends or tax-exempt interest . . . . .	1099-MISC
Supplemental unemployment . . . . .	W-2
Tax refunds—state and local . . . . .	1099-G
Third party network transactions . . . . .	1099-K
Tips . . . . .	W-2
Traditional IRA contributions . . . . .	5498
Traditional IRA distributions . . . . .	1099-R
Transfer of stock acquired through an employee stock purchase plan under section 423(c) . . . . .	3922
Tuition . . . . .	1098-T
Unemployment benefits . . . . .	1099-G
Vacation allowance—employee . . . . .	W-2
Vacation allowance—nonemployee . . . . .	1099-NEC
Wages . . . . .	W-2

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