



## 2019 Guidance for Tennessee's Hall Income Tax Return

### Who Must File a Return

The following persons or entities **must file an Individual (Hall) Income Tax Return (form INC 250)** if they meet one of the following criteria:

1. A person whose legal domicile\* is in Tennessee and whose taxable interest and dividend income exceeded \$1,250 (\$2,500 if married filing jointly) during the tax year.
2. A person who moved into or out of Tennessee during the year and whose taxable interest and dividend income during the period of Tennessee residency exceeded \$1,250 (\$2,500 if married filing jointly). Only the taxable income received during the period of legal domicile in Tennessee is required to be reported on Schedule A and on Page 1, Line 1 of the return. Income received during the period of legal domicile in another state may be reported on Schedule B of the return.
3. A person whose legal domicile\* is in another state but who maintained a residence in Tennessee for more than six months of the year and whose taxable interest and dividend income exceeded \$1,250 (\$2,500 if married filing jointly). Only the taxable income received during the period of Tennessee residence is required to be reported on Schedule A and on Page 1, Line 1 of the return. Income received during residence in another state may be reported on Schedule B of the return. Military personnel and full-time college students having legal domicile in another state are not required to file.
4. A Tennessee administrator, guardian, trustee, or other person/entity acting in a fiduciary capacity who received more than \$1,250 in taxable interest and dividend income for the benefit of Tennessee residents. However, if a grantor trust does not obtain an FEIN, the trustee shall not file a return, but shall report the total amount of income received by the trustee to the grantor, who shall be liable for the tax. Also, the trustee of a charitable remainder trust is not responsible for payment of tax. The trustee shall report to each resident beneficiary the amount of taxable income distributed to him, and the beneficiary shall be liable for the tax. Trustees who are receiving taxable income on behalf of nonresident beneficiaries are not required to file a return. However, when taxable income is received on behalf of both resident and nonresident beneficiaries, only the taxable income of any resident beneficiary is required to be reported on Schedule A and on Line 1, Page 1 of the return. Nonresident income may be reported on Schedule B of the return. A trust is entitled to only one exemption of \$1,250, regardless of the number of beneficiaries.

5. An executor or administrator of a Tennessee estate (i.e., the estate of an individual whose domicile was in Tennessee) must pay tax on income received by the estate until stocks and bonds have been transferred to beneficiaries, regardless of the domicile of the beneficiaries. An estate is entitled to one exemption of \$1,250.
6. A Tennessee partnership (i.e., a partnership whose commercial domicile is in Tennessee) whose taxable interest and dividend income exceeded \$1,250. The partnership is liable for the tax, if any, and is entitled to one exemption of \$1,250.

**\*Legal domicile** - Some items considered in determining "legal domicile" are: where you are registered to vote, where you maintain your driver's license, where you maintain your permanent or principal residence (as opposed to a special-purpose or temporary residence, such as a vacation home, etc.).

### **Exemptions**

1. An exemption of \$1,250 (\$2,500 for married filing jointly) is allowed against total taxable interest and dividend income reported annually.
2. A person who is legally blind is exempt from the tax. Legal blindness means that vision does not exceed 20/200 in the better eye with correcting lenses or that the widest diameter of the visual field subtends an angle no greater than 20 degrees.
  - (a) To obtain this exemption, **single filers** need only send a written statement from their physician, certifying their blindness, to the Department of Revenue. **A tax return is not required to be filed by single filers who are blind.**
  - (b) For **joint filers**, when taxable income is received by a blind person and a sighted spouse, only the taxable income of the sighted person is required to be reported on Schedule A and on Page 1, Line 1 of the return. The income of the blind person is exempted and may be reported on Schedule B of the return. If the taxable dividend/interest income is received jointly by a blind person and a sighted spouse, only one-half of the jointly-received income will be exempt from tax. The sighted person is entitled to a \$1,250 exemption on a jointly filed return. A physician's statement for the blind spouse is required to be filed with the return.
3. If a person is certified by a medical doctor to be quadriplegic, the taxable income that is derived from circumstances resulting in the individual becoming a quadriplegic is exempt. However, when taxable interest and dividend income is received jointly by a quadriplegic and a spouse who is not a quadriplegic, or a spouse who is quadriplegic but who received taxable income that was **not** derived from circumstances resulting in such spouse becoming quadriplegic, only one-half of the jointly-received income will be exempt from the tax. In such a case, the spouse who is not quadriplegic or whose quadriplegic condition did not result in the income is entitled to a \$1,250 exemption.
4. For tax years beginning January 1, 2012, any person 65 years of age or older having a total annual income derived from any and all sources of \$26,000 or less (\$37,000 or less for joint filers) is completely exempt from the tax. For tax years beginning on or after January 1, 2013, any person

65 years of age or older having a total annual income derived from any and all sources of \$33,000 or less (\$59,000 or less for joint filers) is completely exempt from the tax. For tax years beginning on or after January 1, 2015, any person 65 years of age or older having a total annual income derived from any and all sources of \$37,000 or less (\$68,000 or less for joint filers) is completely exempt from the tax.

Total annual income from “any and all sources” means all income, including social security income, regardless of whether the income is taxable for federal income tax purposes, and without deduction for loss. If the total annual income derived from any and all sources exceed the above limits, file the Tennessee income tax return **only if taxable interest and dividend income exceed \$1,250 (\$2,500 if married, filing jointly).**

5. For tax years beginning on or after January 1, 2018, any person 100 years of age or older, or any persons who file a joint return and either spouse is 100 years of age or older, is exempt from the tax.

### **Taxable Income**

The following types of income are considered **taxable** for the purpose of Tennessee’s Hall income tax:

1. Dividends from stock in:
  - (a) All corporations
  - (b) Insurance companies not licensed to do business in Tennessee
  - (c) All holding companies, including those formed by banks, savings and loan associations, and insurance companies
  - (d) State-chartered banks outside Tennessee not doing business in Tennessee
2. Income from investment trusts and mutual funds, including capital gain distributions and distributions designated as “nontaxable” under federal income tax law, whether in cash or additional stock, is taxable. The portion of income derived from bonds of the U.S. government and its agencies or bonds of the state of Tennessee and its counties and municipalities are exempt.
3. Market value of stock in a corporation given by another corporation as a dividend in the regular course of business.
4. Distributions based on stock ownership to shareholders of an S corporation.
5. Interest from the following, if the instrument matures in more than six months from the date of issuance (except certificates of deposit):
  - (a) Bonds of states, counties, and municipalities outside Tennessee
  - (b) Bonds of foreign governments
  - (c) Church bonds
  - (d) Bonds, mortgages, deeds of trust, personal notes, promissory notes, installment notes, commercial paper, or other written instruments, issued by any person, firm, corporation, joint-stock company, business, trust or partnership
6. Interest and dividends received as a beneficiary of a trust or estate located outside Tennessee, unless derived from a nontaxable source.
7. Dividends or interest from shares or units in money market funds that are not bank money market accounts. Interest from money on deposit in a money market account in any bank, savings and loan association, or credit union is exempt.
8. Dividends or interest from Federal National Mortgage Association, Government National Mortgage Association, and Federal Home Loan Mortgage Corporation.

9. Income credited to a limited partner's capital account if the partner has a certificate evidencing transferable interest in the partnership (usually a publicly-traded partnership).

**Income Is Considered Taxable When It Is...**

1. Received in cash,
2. Paid by check or other negotiable instrument or equivalent that is mailed to the taxpayer, regardless of the date received,
3. Credited on books of a bank, banking institution, broker or any agent of the taxpayer, **or**
4. Received in merchandise or other commodities of intrinsic value.

**Nontaxable Income**

The following types of income are considered **nontaxable** for the purpose of Tennessee's Hall income tax:

1. Dividends from stock in:
  - (a) National banks (except holding companies)
  - (b) Tennessee-chartered state banks (except holding companies)
  - (c) Federal savings and loan associations and/or savings and loans in Tennessee (except holding companies)
  - (d) Insurance companies licensed to do business in Tennessee (except holding companies)
  - (e) Mutual funds and investment trusts to the extent the fund or trust invests in U.S. bonds or Tennessee municipal bonds.
2. Dividends on insurance policies.
3. Interest from bonds, mortgages, deeds of trust, personal notes, promissory notes, commercial paper, or other written instrument, issued by any person, firm, corporation, joint-stock company, business, trust or partnership if the instrument matures in six months or less from the date of issuance, including demand notes.
4. Interest from the following regardless of the date of maturity:
  - (a) Bonds of the state of Tennessee and its counties and municipalities
  - (b) Bonds of the U.S. government and its agencies (including territories). (Note, FNMA, GNMA, and FHLMC are not agencies of the U.S. government, and interest they pay to their investors is taxable.)
  - (c) Certificates of deposit issued by any bank, savings and loan association or credit union.
  - (d) Repurchase agreements or similar evidences of indebtedness. A repurchase agreement is an investment instrument whereby a person buys a security and the seller (usually a broker) agrees to repurchase the security on a certain date for a certain price.
5. Interest from insurance policies if interest is payable on demand.
6. Interest from savings accounts, checking accounts, or money market accounts in any bank, savings and loan association, or credit union. Dividends or interest from shares or units in money market funds are not exempt.
7. Interest or dividends from credit unions.
8. Income described by a partnership or S corporation as portfolio or pass-through interest or dividends, unless actually paid to a partner with a certificate of transferable interest, or to a shareholder.
9. Earnings or distributions from education and Roth IRAs that are not subject to federal income tax.

10. Distributions of income or earnings from federally recognized retirement accounts, including IRAs.
11. Capital gains from the sale of real estate, stock, etc. (Note, capital gain distributions from mutual funds are taxable.)
12. Distributions paid on or after July 1, 2006, to shareholders of publicly-traded real estate investment trusts (REITS). Distributions paid prior to this date are taxable.
13. Earnings or distributions received on or after July 1, 2006, from health savings accounts (HSAs). Earnings received prior to this date are taxable to the extent they are derived from sources taxable for Tennessee income tax purposes.

### **Tax Rate**

The Hall income tax rate is set as follows:

- (a) For any tax year that begins on or after January 1, 2017, and prior to January 1, 2018, the tax rate is 4%.
- (b) For any tax year that begins on or after January 1, 2018, and prior to January 1, 2019, the tax rate is 3%.
- (c) For any tax year that begins on or after January 1, 2019, and prior to January 1, 2020, the tax rate is 2%.
- (d) For any tax year that begins on or after January 1, 2020, and prior to January 1, 2021, the tax rate is 1%.

The Hall income tax is fully repealed for any tax year that begins on or after January 1, 2021.

### **“Angel Investor” Tax Credit**

For tax years beginning on or after January 1, 2017, a Hall income tax credit is available in an amount equal to 33% of the value of a direct or indirect investment by an “angel investor” against the Hall income tax liability of such investor in the tax year in which the investment was made. The angel investor must be an accredited investor under 17 CFR § 230.501(a)(5) or (a)(6), and the investment must be in an innovative small business (e.g., a tech-startup) that is not a professional service firm, has been in business for five or fewer years, has less than \$3 million in revenue for the prior fiscal year, and has 50 or fewer full-time employees, at least 60% of whom perform the majority of their job duties in Tennessee. The investment must be at least \$15,000 and may not represent more than 40% of the capitalization of the company. The credit can be measured by the value of an indirect or direct cash investment.

Angel investors making investments in companies located in a Tier 4 county will be allowed a credit of 50%. The investment must be at least \$15,000 and represent no more than 40% of the capitalization of the company at the time of the investment. The credit can be measured by the value of an indirect or direct cash investment.

The credit is limited to \$50,000 per angel investor in any tax year. The total amount of the angel investor tax credit available to all taxpayers is capped at \$3 million for tax years beginning January 1, 2017; \$4 million for tax years beginning January 1, 2018; and \$5 million for tax years beginning on or after January 1, 2019.

To receive the credit, the taxpayer must apply to the Tennessee Technology Development Corporation (“Launch Tennessee”) for a certificate of qualification, and certificates will be issued on a first-come, first-served basis.

Unused credit can be carried forward for five years.

### **Penalty on Delinquent Tax**

Penalty on delinquent tax will accrue at the rate of 5% for each 30 days or fraction thereof, up to a maximum penalty of 25% of the delinquent tax or a minimum penalty of \$15.00.

### **Interest on Deficient or Delinquent Tax**

Interest on deficient or delinquent tax will accrue at the annual interest rate, determined by the Commissioner of Revenue, that is in effect when the deficient or delinquent tax is paid, without regard to the taxable period involved. The interest rate is determined on July 1 of each year.

### **When to File**

A taxpayer filing on a calendar year basis must file a return by April 15 of the following year. A taxpayer's tax year means the calendar year unless a fiscal year is elected by the taxpayer when the first fiscal year tax return is due. For a taxpayer on a fiscal year filing, the return is due by the 15th day of the 4th month following the end of the fiscal year.

Effective October 1, 2018, there will be a "perfection period" of 10 calendar days for electronically-filed Individual Income Tax Returns when the return is rejected for failure to meet a validation test. This period will begin the day after the date of the first transmission of the electronic return that was rejected. A return that complies with the requirements of the perfection period will be treated as filed on the date of the first transmission. The first transmission must be received by the Department on or before the due date to be considered timely.

### **Extensions**

An extension of up to six months in which to file the return and to pay the tax will be granted whenever the taxpayer has requested an extension to their federal income tax return. Taxpayers who have received a valid federal extension should check the box provided on the form indicating that they have a valid federal extension. Alternately, the taxpayer may attach a copy of their federal extension to their state tax return or may request and receive an extension by completing an Application for Extension of Time to File Hall Income Tax Return (INC 251) and attaching this application to the tax return when the return is filed.

Interest will accrue on unpaid tax from the original due date of the return until the date paid. No penalty will accrue with a valid extension. If the return is not filed with payment of the tax due by the extended due date, penalty will accrue as though no extension had been granted.

### **Prepayments**

***The State of Tennessee does not require estimated or quarterly payments for Hall income tax.*** However, if you want to make a prepayment before filing a complete return, file the Application for Extension of Time to File Hall Income Tax Return (INC 251) form and indicate on Line 4 the amount you are electing to prepay.

## **Signature Information**

The taxpayer (and spouse, if married filing jointly) must sign and date the form in the block provided at the bottom of the form. If the taxpayer or spouse is deceased, the representative of the estate must sign the form. Tax preparers must also sign and provide the information requested on the form. If the taxpayer is unavailable to sign, the form will be accepted if the tax preparer signs and dates the form, and provides the preparer's address and telephone number.

## **Tax Payment and Contact Information**

On returns filed on or after October 1, 2018, the Commissioner of Revenue is authorized to require or permit electronic filing of Hall income tax returns. Electronic filing and payment of Hall income tax is available at our web site, [www.TN.gov/Revenue](http://www.TN.gov/Revenue). Click on the E-file & Pay section to be directed to our [TNTAP](#) link. You can choose to establish a TNTAP username and password or you can choose to file a return and pay without logging on. Using TNTAP is a convenient method allows for accurate and efficient processing of your return and payment information!

For those choosing to use paper tax returns, make checks or postal money orders payable to Tennessee Department of Revenue. If desired, the tax may also be paid at the Nashville office or one of the Department's regional offices.

Mail tax returns and payments to:

Tennessee Department of Revenue  
Andrew Jackson State Office Building  
500 Deaderick Street  
Nashville, TN 37242

***If you have any questions, please visit [www.TN.gov/Revenue](http://www.TN.gov/Revenue).*** Click on "Revenue Help" to find hundreds of frequently asked questions and answers! You can also submit a question for email response if you are unable to locate your answer or if the question involves a tax account matter.