

Guidance on filing form 1099-MISC

As a general rule:

- You must issue a Form 1099-MISC to each individual or business including Partnerships, Limited Liability Companies, Limited Partnerships you have paid \$600 or more in services (including parts and materials), rents, prizes, and awards or other income payments.
- You do not need to issue 1099s for payments made for personal purposes.
- You are required to issue 1099-MISC reports only for payments you made in the course of your trade or business.
- You are not required to issue 1099s to corporations, including LLCs that are treated as an S corporation or C corporation. The exemption from reporting payments made to corporations does not apply to payments for legal services.

To increase compliance of Form 1099 filing, federal income tax returns for businesses (including Sch. C on a personal return) include the following questions:

- Did your business make any payments during the year that would require it to file Form(s) 1099?
- If “yes,” did or will the business file required Forms 1099?

We are required to answer the above questions when preparing your return. If you determine you are required to issue 1099s and have not done so we cannot complete the return until the 1099s are issued. Thomssen & Thomssen CPA offers 1099 filing services if you are interested.

Due dates & Penalties:

- Form 1099-MISC are due January 31st each year.
- Penalties for not filing 1099s on time can vary from \$30 to \$100 per form, depending on how long past the deadline the company issues the form.
- If a business intentionally disregards the requirement to provide a correct payee statement, it is subject to a minimum penalty of \$250 per statement, with no maximum and the IRS can disallow the deduction.

The best procedure for a business owner to implement is to request a W-9 from any vendor you expect to pay more than \$600 before you pay them. Using this as a normal business practice will give you the vendor's mailing information and Tax ID number, and it will also require that the vendor indicates whether they are a corporation or not.