



Caution: *DRAFT—NOT FOR FILING*

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information as a courtesy. **Do not file draft forms.** Also, do **not** rely on draft forms, instructions, and publications for filing. We generally do not release drafts of forms until we believe we have incorporated all changes. However, unexpected issues sometimes arise, or legislation is passed, necessitating a change to a draft form. In addition, forms generally are subject to OMB approval before they can be officially released. Drafts of instructions and publications usually have at least some changes before being officially released.

Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms), and may remain there even after the final release is posted at [IRS.gov/DownloadForms](https://www.irs.gov/DownloadForms). All information about all forms, instructions, and pubs is at [IRS.gov/Forms](https://www.irs.gov/Forms).

Almost every form and publication also has its own page on IRS.gov. For example, the Form 1040 page is at [IRS.gov/Form1040](https://www.irs.gov/Form1040); the Publication 17 page is at [IRS.gov/Pub17](https://www.irs.gov/Pub17); the Form W-4 page is at [IRS.gov/W4](https://www.irs.gov/W4); and the Schedule A (Form 1040) page is at [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA). If typing in a link above instead of clicking on it, be sure to type the link into the address bar of your browser, not in a Search box. Note that these are friendly shortcut links that will automatically go to the actual link for the page.

If you wish, you can submit comments about draft or final forms, instructions, or publications at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). We cannot respond to all comments due to the high volume we receive. Please note that we may not be able to consider many suggestions until the subsequent revision of the product.



Instructions for Form 1098-F

Fines, Penalties, and Other Amounts

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 1098-F and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form1098F](https://www.irs.gov/Form1098F).

What's New

New Form 1098-F and Instructions for Form 1098-F. This is a new form required by section 6050X, which was enacted in section 13306 of Public Law 115-97, the Tax Cuts and Jobs Act (TCJA), and which requires the reporting of certain fines, penalties, and other amounts.

Reminders

In addition to these specific instructions, you should also use the 2019 [General Instructions for Certain Information Returns](#). Those general instructions include information about the following topics.

- Who must file.
- When and where to file.
- Electronic reporting.
- Corrected and void returns.
- Statements to recipients.
- Taxpayer identification numbers (TINs).
- Backup withholding.
- Penalties.
- Other general topics.

You can get the general instructions at [IRS.gov/1099GeneralInstructions](https://www.irs.gov/1099GeneralInstructions) or [IRS.gov/Form1098F](https://www.irs.gov/Form1098F).

Specific Instructions

Who Must File

A government or governmental entity and certain nongovernmental entities that exercise self-regulatory powers must file a separate Form 1098-F, Fines, Penalties, and Other Amounts, with the IRS for each fine, penalty, or other amount in excess of an amount determined by the Secretary that is paid in relation to any violation of law or investigation into potential violation of law, pursuant to a court order or agreement.

Online fillable forms. You may fill out the form, found online at [IRS.gov/Form1098F](https://www.irs.gov/Form1098F), and send Copy B to the payer. For filing with the IRS, follow your usual procedures for filing electronically if you are filing 250 or more forms. If you are filing this form on paper due to a low volume of payers, **for this form only**, you may send in the black-and-white Copy A with a Form 1096 that you print from the IRS website.

Statements to be furnished to payers. If you are required to file Form 1098-F, you must provide a statement to the payer. For more information about the requirement to furnish a statement to the payer, see part M in the 2019 General Instructions for Certain Information Returns.

Truncating payer's TIN on statements to payers. Pursuant to Treasury Regulations section 301.6109-4, all filers of this form may truncate a payer's TIN (social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN)) on statements to payers. Truncation is not allowed on any documents the filer files with the IRS. A filer's TIN may not be truncated on any form. See part J in the 2019 General Instructions for Certain Information Returns.

Filer's name, address, and telephone number box. Enter the name, address, and telephone number of the filer of Form 1098-F. Use this same name and address on Form 1096.

Payer's name and address boxes. Enter the name and address, in the appropriate boxes, of the person with respect to whom Form 1098-F is filed. *Be careful to enter the filer's and payer's information in the proper boxes.*

Box 1. Total Amount Required To Be Paid

Enter the total amount required to be paid as a result of the court order or agreement.

Box 2. Restitution/Remediation Amount

Enter the amount identified in the court order or agreement as restitution or remediation.

Box 3. Compliance Amount

Enter the amount identified in the court order or agreement as required to be paid to come into compliance with any law.



The box 1 amount may or may not equal box 2 or 3 individually or combined.

Box 4. Date of Order/Agreement

Enter the date the order was entered by the court or the agreement was fully executed.

Box 5.

Reserved for future use.

Box 6. Jurisdiction

Enter the name of the court that entered the order or approved the agreement, if applicable.

Box 7. Case Number

Enter the case number associated with the court order or agreement, if applicable.

Box 8. Name or Description of Matter/Suit/Agreement

Enter a name or description to identify the underlying case or matter to which the court order or agreement relates.

Boxes 9–11. Code

Enter one or more of the following codes.

- A—Multiple payments.** Use code A to indicate if multiple payments have been or will be made to satisfy the total amount required to be paid as stated in the court order or agreement.
- B—Multiple payers/defendants.** Use code B to indicate that there are multiple payers/defendants associated with the court order or agreement.
- C—Multiple payees.** Use code C to indicate that there are multiple payees associated with the court order or agreement.
- D—Property required to be acquired, constructed, or transferred under the court order or agreement.** Use code D to indicate that the court order or agreement requires the payer/defendant to acquire, construct, or transfer property.
- E—Payment to third party other than government or governmental entity.** Use code E if the court order or agreement requires the payer/defendant to make a payment to a third party other than a government or governmental entity.
- F—Paid in full as of time of filing.** Use code F if, at the time of filing, the payer/defendant has paid the total amount required to be paid as reported in box 1.

G—No payment received as of time of filing. Use code G if, at the time of filing, no payment has been received from the payer/defendant.

H—Deferred prosecution agreement. Use code H if the payer/defendant has entered into a deferred prosecution agreement relating to the matter/suit/agreement referred to in box 8.

**DRAFT AS OF
August 29, 2018**