# INFORMATION GUIDE

Form 1099-NEC & Form 1099-MISC Instructions



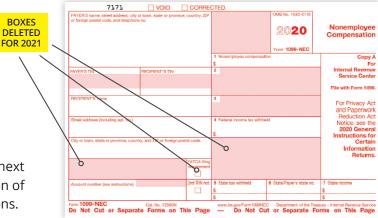
# The Form Is No Longer New, But It's Been Modified for 2021

The IRS released Form 1099-NEC for the 2020 tax year.

The form replaced Form 1099-MISC for reporting nonemployee compensation (in Box 7). Unfortunately, this development created a lot of confusion: some filers didn't realize a new form existed, while others used the wrong form or failed to complete certain sections properly.

Combined with the disruption of the COVID-19 pandemic, it was a less-than-ideal transition to the reintroduced 1099-NEC. As we set our sights on the next tax-filing year, we should expect a smoother adoption of the 1099-NEC due to some updates and simplifications. Let's look at the latest changes to know what to expect

2020 NEC Form Modifications



and how to handle them appropriately. The 2021 form was streamlined in format and includes a few strategic changes, such as the addition of Box 2 to avoid the need to file both a 1099-MISC and 1099-NEC. Payers may use Box 2 or Box 7 on the 1099-MISC to report any sales totaling \$5,000 or more. The IRS also deleted the FATCA filing requirement box and two large red boxes.

As a result of the form updates, the 2021 form was resized to accommodate three forms on a page.

### Who Should Receive Form 1099-NEC?

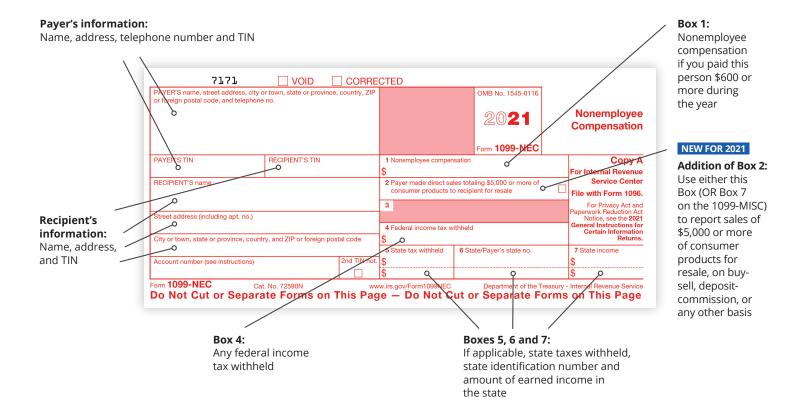
The 1099-NEC captures any payments to nonemployee service providers, such as independent contractors, freelancers, vendors, consultants and other self-employed individuals (commonly referred to as 1099 workers).

According to the IRS, a combination of these four conditions distinguishes a reportable payment:

- ✓ It is made to someone who is not your employee
- ✓ It is made for services in the course of your trade or business
- ✓ It was made to an individual, partnership, estate, or, in some cases, a corporation
- ✓ Payments were \$600 or more for the calendar year

### **TYPICAL EXAMPLES: EXCEPTIONS:** Professional service fees to attorneys (including law Payments for merchandise, firms established as corporations), accountants telegrams, phone, freight, storage and architects or similar items Fees paid by one professional to another Payments to a tax-exempt organization, including tax-exempt Payments for services, including payment for parts or trusts; federal, state, and local materials used to perform the services if they were governments; or a foreign incidental government Commissions paid to nonemployee salespeople not repaid during the year

# 2021 Instructions for Form 1099-NEC



# **Critical Dos and Don'ts with Form 1099-NEC**

- ✓ Do verify that the recipient's taxpayer ID is correct. You must have Form W-9 from each recipient with the current taxpayer ID before you complete Form 1099-NEC.
- ✗ Don't use Form 1099-NEC to report personal payments.
- **✗** Don't use Form 1099-NEC to report employee wages; use Form W-2 instead.
- ✗ Don't report gross proceeds to an attorney (not fees) on Form 1099-NEC; use Form 1099-MISC instead.
- ✗ Don't use Form 1099-NEC to report payments of rent to real estate agents or property managers; use Form 1099-MISC instead.

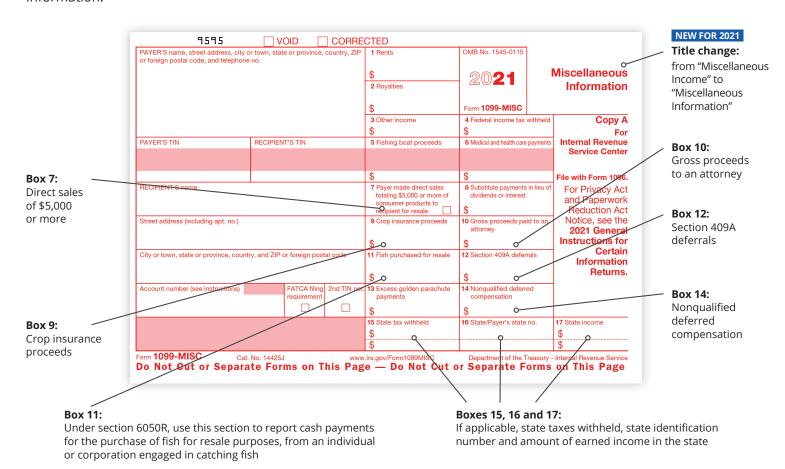
# Filing and Submitting Form 1099-NEC

- Distribute to recipients by January 31.
- File with the IRS by January 31 through paper or electronic filing.
- In 2019, the United States Congress enacted the Taxpayer First Act, which has changed employer electronic filing requirements for calendar years beyond 2020. However, until final regulations are issued, the electronic filing threshold remains at 250.

Please note: You must also file Form 1099-NEC (report in box 4) for anyone from whom you withheld federal income tax under the backup withholding rules, regardless of the amount.

# 2021 Instructions for Form 1099-MISC

For 2021 reporting, the title for Form 1099-MISC has been changed from Miscellaneous Income to Miscellaneous Information.



# Critical Dos and Don'ts with Form 1099-MISC

- ✓ Do report gross proceeds to an attorney (not fees) on Form 1099-MISC.
- ✓ Do complete a 1099-MISC if you made royalty payments of at least \$10 during the year.
- ✓ Do use Form 1099-MISC for miscellaneous income, such as rents, royalties, and medical and health care payments.
- **✗** Don't use Form 1099-MISC to report personal payments.
- ✗ Don't use Form 1099-MISC to report employee wages; use Form W-2 instead.

# Filing and Submitting Form 1099-MISC

- Distribute to recipients by January 31.
- File with the IRS by February 28, if filing by paper: March 31, if filing electronically.
- In 2019, the United States Congress enacted the Taxpayer First Act, which has changed employer electronic filing requirements for calendar years beyond 2020. However, until final regulations are issued, the electronic filing threshold remains at 250.

Please note: You must also file Form 1099-MISC for anyone from whom you withheld federal income tax under the backup withholding rules, regardless of the amount.