



# Instructions for Form 1098-C

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

## What's New

Section 884 of the American Jobs Creation Act of 2004 (Public Law 108-357) added new section 170(f)(12) that requires reporting of charitable contributions of motor vehicles, boats, and airplanes after December 31, 2004. A donee organization may use Form 1098-C to provide a contemporaneous written acknowledgment to the donor and must use it when reporting the same information to the IRS. For more information, see Notice 2005-44 on page 1287 of Internal Revenue Bulletin 2005-25 available at [www.irs.gov](http://www.irs.gov).

## Reminder

In addition to these specific instructions, you should also use the 2005 General Instructions for Forms 1099, 1098, 5498, and W-2G. Those general instructions include information about:

- Backup withholding
- Magnetic media and electronic reporting requirements
- Penalties
- Who must file (nominee/middleman)
- When and where to file
- Taxpayer identification numbers
- Statements to recipients
- Corrected and void returns
- Other general topics

You can get the general instructions from the IRS website at [www.irs.gov](http://www.irs.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

## Specific Instructions for Form 1098-C

### Who Must File

File a separate Form 1098-C, Contributions of Motor Vehicles, Boats, and Airplanes, for each contribution of a qualified vehicle that has a claimed value of more than \$500. A qualified vehicle is any motor vehicle manufactured primarily for use on public streets, roads, and highways; a boat; or an airplane. However, property held by the donor primarily for sale to customers, such as inventory of a car dealer, is not a qualified vehicle.

### Contemporaneous Written Acknowledgment

If a donor contributes a qualified vehicle to you with a claimed value of more than \$500, you must furnish a contemporaneous written acknowledgment of the contribution to the donor containing the same information shown on Form 1098-C. Otherwise, the donor cannot claim a deduction for that vehicle. Copy B of Form 1098-C may be used for this purpose. An acknowledgment is considered contemporaneous if it is furnished to the donor no later than 30 days after the:

- Date of the sale, if you are required to check box 4a, or
- Date of the contribution, if you are required to check box 5a or 5b.

The following transition rules apply.

- For contributions made before September 2, 2005, an acknowledgment is considered contemporaneous if it is furnished to the donor by the later of the time prescribed above or October 1, 2005.
- An acknowledgment furnished to the donor before July 6, 2005, is not required to include the information in box 4b or 5c, and the box 5b certification requirement does not apply.

Provide the donor with Copies B and C of Form 1098-C or your own acknowledgment that contains the required information. For contributions for which you completed an acknowledgment in calendar year 2005, file Copy A with the Internal Revenue Service by February 28, 2006 (March 31, 2006, if filed electronically). See the 2005 General Instructions for Forms 1099, 1098, 5498, and W-2G for more information on how to file.



**CAUTION** For a contribution of a qualified vehicle with a claimed value of at least \$250 but not more than \$500, do not file Form 1098-C or use it as the contemporaneous written acknowledgment. Instead, provide the donor with a separate acknowledgment that meets the requirements of section 170(f)(8).

### Section 6720 Penalties

Section 6720 imposes penalties on any donee organization that is required under section 170(f)(12) to furnish an acknowledgment to a donor that knowingly:

- Furnishes a false or fraudulent acknowledgment, or
- Fails to furnish an acknowledgment in the manner, at the time, and showing the information required by section 170(f)(12).



**CAUTION** Other penalties may apply. See the 2005 General Instructions for Forms 1099, 1098, 5498, and W-2G.

An acknowledgment containing a certification described in box 5a or 5b will be presumed to be false or fraudulent if the qualified vehicle is sold to a buyer other than a needy individual (as explained in the instructions for box 5b) without a significant intervening use or material improvement (as explained in the instructions for box 5a) within 6 months of the date of the contribution. The penalty for an acknowledgment relating to a qualified vehicle for which box 4a must be checked is the larger of the gross proceeds from the sale or the sales price stated in the acknowledgment multiplied by 35%. The penalty for an acknowledgment relating to a qualified vehicle for which box 5a or 5b must be checked is the larger of \$5,000 or the claimed value of the vehicle multiplied by 35%.

### Box 1. Date of Contribution

Enter the date you received the motor vehicle, boat, or airplane from the donor.

### Box 2. Make, Model, and Year of Vehicle

Enter this information in the order stated. For example, enter "Ford Explorer, 2000", "Piper Cub, 1962", or "Larson LXI 210, 2002".

### Box 3. Vehicle or Other Identification Number

For any vehicle contributed, this number is generally affixed to the vehicle. For a motor vehicle, the vehicle identification number is 17 alpha/numeric characters in length. Refer to the vehicle owner's manual for the location of the vehicle identification number. For a boat, the hull identification number is 12 characters in length and is usually located on the starboard transom. For an airplane, the aircraft identification number is 6 alpha/numeric characters in length and is located on the tail of a U.S. aircraft.

### Box 4a. Vehicle Sold in Arm's Length Transaction to Unrelated Party

If the vehicle is sold to a buyer other than a needy individual (as explained in the instructions for box 5b) without a significant intervening use or material improvement (as explained in the instructions for box 5a), you must certify that the sale was made in an arm's length transaction between unrelated parties. Check the box to make the certification. Also complete boxes 4b and 4c.

### Box 4b. Date of Sale

If you checked box 4a, enter the date that the vehicle was sold in the arm's length transaction.

### Box 4c. Gross Proceeds

If you checked box 4a, enter the gross proceeds from the sale of the vehicle. This is generally the sales price. Do not reduce this amount by any expenses or fees.

**Box 5a. Vehicle Will Not Be Transferred Before Completion of Material Improvements or Significant Intervening Use**

For a vehicle which you intend to make a significant intervening use or material improvement, you must check box 5a to certify that the vehicle will not be transferred for cash, other property, or services before completion of the improvement or use. Also complete box 5c.

To constitute significant intervening use, the organization must actually use the vehicle to substantially further the organization's regularly conducted activities, and the use must be significant, not incidental. Factors in determining whether a use is a significant intervening use include its nature, extent, frequency, and duration. For this purpose, use includes providing transportation on a regular basis for a significant period of time or significant use directly relating to training in vehicle repair. Use does not include the use of a vehicle to provide training in business skills, such as marketing or sales. Examples of significant use include:

- Driving a vehicle every day for 1 year to deliver meals to needy individuals, if delivering meals is an activity regularly conducted by the organization.
- Driving a vehicle for 10,000 miles over a 1-year period to deliver meals to needy individuals, if delivering meals is an activity regularly conducted by the organization.

Material improvements include major repairs and additions that improve the condition of the vehicle in a manner that significantly increases the value. To be a material improvement, the improvement cannot be funded by an additional payment to the donee from the donor of the vehicle. Material improvements do not include cleaning, minor repairs, routine maintenance, painting, removal of dents or scratches, cleaning or repair of upholstery, and installation of theft deterrent devices.

**Box 5b. Vehicle To Be Transferred to a Needy Individual for Significantly Below Fair Market Value**

Check box 5b if you intend to sell the vehicle to a needy individual at a price significantly below fair market value or make a gratuitous transfer of the vehicle to a needy individual in direct furtherance of your organization's charitable purpose of relieving the poor and distressed or underprivileged who are in need of a means of transportation. Do not enter any amount in box 4c. The donor's contribution for a sale for this purpose is not limited to the gross proceeds from the sale.

**Box 5c. Description of Material Improvements or Significant Intervening Use and Duration of Use**

Describe in detail the intended material improvements to be made by the organization or the intended significant intervening use and duration of the use by the organization.