

## **IC 6-4.1-11.5**

### Chapter 11.5. Indiana Generation-Skipping Transfer Tax

#### **IC 6-4.1-11.5-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The amendments made to section 9 of this chapter by P.L.252-2001 apply to the estate of an individual who dies after June 30, 2001.

*As added by P.L.220-2011, SEC.157.*

#### **IC 6-4.1-11.5-1**

##### **"Federal generation-skipping transfer tax"**

Sec. 1. As used in this chapter, "federal generation-skipping transfer tax" means the tax imposed by Chapter 13 of Subtitle B of the Internal Revenue Code.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-2**

##### **"Federal generation-skipping transfer tax credit"**

Sec. 2. As used in this chapter, "federal generation-skipping transfer tax credit" means the maximum allowable federal generation-skipping transfer tax credit under Section 2604 of the Internal Revenue Code for state generation-skipping transfer taxes.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-3**

##### **"Generation-skipping transfer"**

Sec. 3. As used in this chapter, "generation-skipping transfer" includes every transfer subject to the tax imposed under Chapter 13 of Subtitle B of the Internal Revenue Code if:

- (1) the original transferor is a resident of Indiana on the date of the original transfer; or
- (2) the transferor is not a resident of Indiana and the transferred property is:
  - (A) real property located in Indiana; or
  - (B) tangible personal property that is legally located in Indiana.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-4**

##### **"Original transferor"**

Sec. 4. As used in this chapter, "original transferor" means a donor, grantor, testator, or trustor who by gift, grant, will, or trust makes a transfer of real or personal property that results in the imposition of the federal generation-skipping transfer tax under the Internal Revenue Code.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-5**

##### **"Transfer tax"**

Sec. 5. As used in this chapter, "transfer tax" means the Indiana generation-skipping transfer tax imposed under section 7 of this chapter.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-6**

##### **"Transferred property"**

Sec. 6. As used in this chapter, "transferred property" means real or personal property, whether located in Indiana or in another jurisdiction, the transfer of which gives rise to federal generation-skipping transfer tax.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-7**

##### **Generation-skipping transfer tax**

Sec. 7. The Indiana generation-skipping transfer tax is imposed upon every generation-skipping transfer.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-8**

##### **Amount of transfer tax**

Sec. 8. (a) The transfer tax is the amount determined in the following formula:

STEP ONE: Divide:

(A) the value of the transferred property that is legally located in Indiana; by

(B) the total value of the transferred property.

STEP TWO: Multiply:

(A) the quotient determined under STEP ONE; by

(B) the federal generation-skipping transfer tax credit.

STEP THREE: Determine the remainder of:

(A) the federal generation-skipping transfer tax credit; minus

(B) the generation-skipping transfer taxes paid to states other than Indiana.

STEP FOUR: Determine the greater of:

(A) the STEP TWO amount; or

(B) the STEP THREE amount.

(b) For purposes of this section, the value of the transferred property equals the final value of the property determined for federal generation-skipping transfer tax purposes.

*As added by P.L.67-1991, SEC.1.*

#### **IC 6-4.1-11.5-9**

##### **Due date of transfer tax**

Sec. 9. The transfer tax is due twelve (12) months after the date of death of the person whose death resulted in the generation-skipping transfer.

*As added by P.L.67-1991, SEC.1. Amended by P.L.252-2001, SEC.9.*

#### **IC 6-4.1-11.5-10**

**Payment of transfer tax**

Sec. 10. The transfer tax shall be paid to the department of state revenue.

*As added by P.L.67-1991, SEC.1.*

**IC 6-4.1-11.5-11**

**Federal generation-skipping transfer tax credit; contents of filing**

Sec. 11. A person who is required to file a return reporting a generation-skipping transfer that reflects a federal generation-skipping transfer tax credit under federal statutes and regulations shall, on or before the date specified in section 9 of this chapter, file the following with the department of state revenue:

- (1) A copy of the federal return.
- (2) A schedule indicating:
  - (A) the value of the transferred property legally located in Indiana; and
  - (B) the results of the formula set forth in section 8 of this chapter.

*As added by P.L.67-1991, SEC.1.*

**IC 6-4.1-11.5-12**

**Delinquent tax payment; interest**

Sec. 12. If the transfer tax is not paid on or before the due date set under section 9 of this chapter, the person who is required to pay the tax shall pay, in addition to the tax, interest on the delinquent portion of the tax at the rate of six percent (6%) per year. Interest under this section shall be charged from the due date of the tax until the date the tax is paid.

*As added by P.L.67-1991, SEC.1.*