Form 8300
Report of Cash Payments Over $10,000 Received in a Trade or Business

June 11, 2019
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Objectives

- Money laundering
- Form 8300 filing requirements
- Transactions
  - Designated reporting transaction
  - Related transaction
  - Multiple payments
- Customer notification requirements
- Penalties for noncompliance
Money Laundering

- Engaging in financial transactions to disguise
  - Origin
  - True nature
  - Ownership
- Deficit Reduction Act of 1984
  - Mandated cash transactions by trade or business
  - Codified in Title 26, § 6050I
Person in a trade or business who receives more than $10,000 in cash, from same person (or agent), in a single transaction, or two or more related transactions.
What Payments Are Reported

- Lump sum of over $10,000
- Installment payments causing total cash received within one year of initial payment to total more than $10,000 or
- Other previously unreportable payments causing total cash received in 12-month period to total more than $10,000
Cash

- Currency and coins, and
- Cashier’s checks, bank drafts, traveler’s checks or money orders of $10,000 or less, received in:
  - a designated reporting transaction, or
  - any transaction in which the recipient knows the payer is trying to avoid reporting transaction on Form 8300.
Designated Reporting Transaction
Retail Sale

- Collectible
- Travel or entertainment activity
- Consumer durable
  - Is ordinarily suitable for personal use
  - Reasonably expected to last at least 1 yr
  - Sales price greater than $10,000
  - Tangible personal property
Cash is Not

- A cashier’s check, bank draft, traveler’s check or money order with a face amount of more than $10,000
- A check drawn on an individual’s personal or business checking account
- A wire transfer
Related Transactions

- Two or more transactions, occurring
  - within a 24-hour period
  - more than 24 hours apart, if seller knows or has reason to know that each is one of a series of connected transactions
- Treat as one transaction
Aggregating Transactions

Cash received at different branches or departments are not required to be aggregated if, in normal course of business, the branch or department would not have reason to know the identity of payers making cash payments to other branches or departments.
Multiple Payments

- Multiple payments occur when the same buyer, or buyer-agent:
  - Makes more than one cash payment
  - On a single transaction or a series of related transactions.

- Report multiple payments when total amount received exceeds $10,000 in 12-month period
Customer Identification

- Record document used to verify the customer’s identity on Form 8300
- Verification must be made by examination of a document normally accepted as a means of identification when cashing checks (for example, a driver's license, passport, alien registration card, or other official document)
Appropriate Identification Examples

Form I-551, U.S. Permanent Resident card (revised May 2010)
Filing Form 8300

• Due within 15 days after receiving payment exceeding $10,000
• If the due date is Saturday, Sunday or holiday, Form 8300 is due on next day that is not a Saturday, Sunday or holiday
• Filed electronically or in paper form
• Copy must be retained for five years
Form 8300 can be filed electronically through FinCEN’s BSA E-Filing System.
In the event of a Presidentially declared disaster, the filing of Form 8300 and written notice requirements may be postponed.

IRS News Release will identify the counties included in the disaster area and provide filing guidance, including postponement period.
Notification Requirement

• Written statement must be given to each person required to be named on Form 8300 – on or before Jan. 31 of year following calendar year in which cash is received.

• Statement must include:
  – Business name and address
  – Business contact name and phone number
  – Total amount of reportable cash received
  – That information was reported to IRS
Suspicious Transactions

- If suspicious transaction, business should check "Suspicious transaction" box on Item 1 of Form 8300
- Business may voluntarily file Form 8300 even if cash transaction involves amount less than $10,000
Penalties

- Civil penalties:
  - Failure to timely file,
  - Failure to include complete and/or correct information,
  - Failure to furnish notification to payer
  - Intentional disregard of filing/furnishing requirements
- Criminal penalties – willful failure to file
Resources

- IRS.gov
- FinCEN.gov
- Form 8300 and Pub. 1544, (English/Spanish)
  - Order by phone, dial 800-829-3676
  - Online at IRS.gov
- Form 8300 Questions
  - Email questions to 8300questions@irs.gov
  - General questions, dial 866-270-0733
  - E-filing questions, dial 866-346-9478
IRS Form 8300 Reference Guide

Reference Guide on the IRS/FinCEN Form 8300, Report of Cash Payments Over $10,000 Received in a Trade or Business

This Guide is provided to educate and assist U.S. person who have the obligation to file Form 8300; and for the tax professionals who prepare and file Form 8300 on behalf of their clients. This Guide also supports IRS examiners in their efforts to consistently and fairly administer the Form 8300 examination and penalty programs.

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Introduction
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