# 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 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 releases of draft forms and instructions are at <u>IRS.gov/draftforms</u>. Please note that drafts may remain on IRS.gov even after the final release is posted at <u>IRS.gov/downloadforms</u>, and thus may not be removed until there is a new draft for the subsequent revision. All information about all revisions of all forms, instructions, and publications is at <u>IRS.gov/formspubs</u>.

Almost every form and publication also has its own easily accessible information page on IRS.gov. For example, the Form 1040 page is at IRS.gov/form1040; the Form W-2 page is at IRS.gov/w2; the Publication 17 page is at IRS.gov/pub17; the Form W-4 page is at IRS.gov/w4; the Form 8863 page is at IRS.gov/form8863; and the Schedule A (Form 1040) page is at IRS.gov/schedulea. If typing in the links above instead of clicking on them: type the link into the address bar of your browser, not in a Search box; the text after the slash must be lowercase; and your browser may require the link to begin with "www.". Note that these are 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 on the <u>Comment on Tax Forms and Publications</u> page on IRS.gov. We cannot respond to all comments due to the high volume we receive, but we will carefully consider each one. Please note that we may not be able to consider many suggestions until the subsequent revision of the product.

### Form **8827**

Name

Department of the Treasury Internal Revenue Service **Credit for Prior Year Minimum Tax—Corporations** 

► Attach to the corporation's tax return.

▶ Information about Form 8827 and its instructions is at www.irs.gov/form8827.

OMB No. 1545-0123

2016

**Employer identification number** 

1	Alternative minimum tax (AMT) for 2015. Enter the amount from line 14 of the 2015 Form 4626	1	
2	Minimum tax credit carryforward from 2015. Enter the amount from line 9 of the 2015 Form 8827	2	
3	Enter any 2015 unallowed qualified electric vehicle credit (see instructions)	3	
4	Add lines 1, 2, and 3	4	
5	Enter the corporation's 2016 regular income tax liability minus allowable tax credits (see		
	instructions)	5	
6	Is the corporation a "small corporation" exempt from the AMT for 2016 (see instructions)?		
	• Yes. Enter 25% of the excess of line 5 over \$25,000. If line 5 is \$25,000 or less, enter -0-		
	• No. Complete Form 4626 for 2016 and enter the tentative minimum tax from line 12	6	
7a	Subtract line 6 from line 5. If zero or less, enter -0	7a	
b	For a corporation electing to accelerate the minimum tax credit, enter the bonus depreciation		
	amount attributable to the minimum tax credit (see instructions)	7b	
С	Add lines 7a and 7b	7c	
8a	Enter the <b>smaller</b> of line 4 or line 7c. If the corporation had a post-1986 ownership change or		
	has pre-acquisition excess credits, see instructions	8a	
b	Current year minimum tax credit. Enter the smaller of line 4 or line 7a here and on Form 1120,		
	Schedule J, Part I, line 5d (or the applicable line of your return). If the corporation had a		
	post-1986 ownership change or has pre-acquisition excess credits, see instructions. If you		
	made an entry on line 7b, go to line 8c. Otherwise, skip line 8c	8b	
С	Subtract line 8b from line 8a. This is the refundable amount for a corporation electing to		
	accelerate the minimum tax credit. Include this amount on Form 1120, Schedule J, Part II, line		
_	19c (or the applicable line of your return)	8c	
9	Minimum tax credit carryforward to 2017. Subtract line 8a from line 4. Keep a record of this		
	amount to carry forward and use in future years	9	

### Instructions

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

#### What's New

Modifications to the election to accelerate the minimum tax credit in lieu of claiming the bonus depreciation allowance apply to qualified property placed in service in tax years ending after December 31, 2015. See the instructions for line 7b.

#### **Purpose of Form**

Corporations use Form 8827 to figure the minimum tax credit, if any, for AMT incurred in prior tax years and to figure any minimum tax credit carryforward.

#### Who Should File

Form 8827 should be filed by corporations that had:

- An AMT liability in 2015,
- A minimum tax credit carryforward from 2015 to 2016, or
- A qualified electric vehicle credit not allowed for 2015 (see the instructions for line 3).

#### Line 3

Enter any qualified electric vehicle credit not allowed for 2015 solely because of tentative minimum tax limitations.

#### Line 5

Enter the corporation's 2016 regular income tax liability (as defined in section 26(b)) minus any credits allowed under Chapter 1, Subchapter A, Part IV, subparts B, D, E, and F of the Internal Revenue Code (for example, if filing Form 1120, subtract any credits on Schedule J, Part I, line 5a, through 5c, from the amount on Schedule J, Part I, line 2).

#### Line 6

See the 2016 Instructions for Form 4626 to find out if the corporation is treated as a "small corporation" exempt from the AMT for 2016. If the corporation is a "small corporation" exempt from the AMT, see section 38(c)(6) before completing line 6 for special rules that apply to controlled corporate groups.

#### Line 7b

## **Election To Accelerate Minimum Tax Credit in Lieu of Bonus Depreciation**

A corporation can elect to claim unused minimum tax credits in lieu of claiming the special depreciation allowance (bonus depreciation) for qualified property (as defined in section 168(k)(2)) placed in service during the tax year. Once made, this election cannot be revoked without IRS consent.

If the corporation elects to accelerate the minimum tax credit and obtain a refundable credit in lieu of the special depreciation allowance, complete the Worksheet for Calculating the Refundable Minimum Tax Credit Amount, later in the instructions. Enter the amount from line 9 of the worksheet on Form 8827, line 7b. All others, enter zero on line 7b.

For fiscal year corporations with tax years beginning in 2015 and ending in 2016, the limitation on the bonus depreciation amount is calculated differently for property placed in service during that fiscal year that is subject to section 168(k)(4), as amended by Public Law 114-113. The fiscal year corporation should modify the worksheet to reflect that different calculation. See section 168(k)(4), as modified.

If a partnership has a single corporate partner that owns (directly or indirectly) more than 50% of the capital and profits interests in the partnership at all times during the tax year, then each partner takes into account its distributive share of partnership depreciation in determining its bonus depreciation amount. For more information, see section 168(k)(4)(D)(iii).

For more information on the election to accelerate the minimum tax credit in lieu of claiming the special depreciation allowance, see section 168(k)(4). For more information on the special depreciation allowance, see the Instructions for Form 4562 and Pub. 946, How To Depreciate Property.

Form 8827 (2016) Page **2** 

#### Worksheet for Calculating the Refundable Minimum Tax Credit Amount. See instructions. Keep for your records. Enter depreciation (including the special depreciation allowance) that would have been allowed for any qualified property placed in service during the tax year, if sections 168(k)(1) and 168(k)(2)(F) had applied 1 2 Enter depreciation for any qualified property placed in service during the tax year, figured without regard to sections 168(k)(1) and 168(k)(2)(F) . . . . . . . . . . . . . . . 2 3 3 Subtract line 2 from line 1 . . . . . . . Multiply line 3 by 20% (0.20) . . 4 . . . . . . . . . . 4 5 5 Enter the minimum tax credit for the corporation's first tax year ending after 2015 6 6 7 Enter any unused minimum tax credit carryforward from tax years beginning before 2016 7 8 Enter the smaller of line 6 or line 7 . . . . . . 8 Refundable minimum tax credit. Enter the smaller of line 4 or line 8. Enter the amount from line 9 on 9 Form 8827, line 7b

S corporations that make the election to accelerate the minimum tax credit can use the credit only against the built-in gains tax. See the Instructions for Schedule D (Form 1120-REIT or Form 1120-RIC must apply the credit first against the built-in gains tax, if any, and reduce the refundable credit by the amount so applied. See the instructions for the Built-in Gains Tax Worksheet in the instructions for those forms.

#### Line 8

If the corporation had a post-1986 ownership change (as defined in section 382(g)), there may be a limit on the amount of pre-change minimum tax credits that can be applied against the corporation's tax for any tax year ending after the ownership change. See section 383 and the related regulations. To figure the amount of the pre-change credit, the corporation must allocate the credit for the change year between the pre-change period and the post-change period. The corporation must use the same method of allocation (ratable allocation or closing-of-the-books) for purposes of sections 382 and 383. See Regulations section 1.382-6 for details.

Also, there may be a limit on the use of pre-acquisition excess credits of one corporation to offset the tax attributable to recognized built-in gains of another corporation. See section 384 for details.

If either limit applies, attach a computation of the allowable minimum tax credit, enter the amount on lines 8a and 8b, and write "Sec. 383" or "Sec. 384" on the dotted line to the left of the line 8a and 8b entry spaces.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: Recordkeeping, 6 hr., 13 min., Learning about the law or the form, 1 hr., 47 min., Preparing and sending the form to the IRS, 1 hr., 58 min.

If you have comments concerning the accuracy of these time estimates, or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.