

Part III. Administrative, Procedural, and Miscellaneous

26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also Part 1, § 6212; 301.6212-1.)

Rev. Proc. 2001-18

SECTION 1. PURPOSE

.01 This revenue procedure explains how a taxpayer is to inform the Internal Revenue Service of a change of address. When so informed, the Service will update the taxpayer's address of record to the new address. The Service uses the taxpayer's address of record for the various notices that are required to be sent to a taxpayer's "last known address" under the Internal Revenue Code and for refunds of overpayments of tax. Rev. Proc. 90-18, 1990-1 C.B. 491, is amplified and superseded by this Revenue Procedure.

SECTION 2. SCOPE

.01 This revenue procedure applies to notices that are required to be sent to a taxpayer's "last known address" under the following sections of the Code:

Section 982(c)(1) (formal document request for the production of foreign-based documentation)

Section 6110(f)(3)(B) (notification of disclosure proceedings);

Section 6110(f)(4)(B) (notification of disclosure proceedings);

Section 6212(b) (notice of deficiency);

Section 6245(b)(1) (notice of partnership adjustment for electing large partnerships);

Section 6303(a) (notice and demand for tax);

Section 6320(a)(2)(C) (notice and opportunity for hearing upon filing of notice of lien);

Section 6325(f)(2)(A) (notice of revocation of certificate of release or nonattachment of a lien);

Section 6330(a)(2)(C) (notice and opportunity for hearing before levy);

Section 6331(d)(2)(C) (notice of intention to levy);

Section 6332(b)(1) (copy of notice of levy with respect to a life insurance or endowment contract);

Section 6335(a) and (b) (notices of seizure and sale);

Section 6901(g) (notice of liability in transferee cases);

Section 7603(b)(1) (summons by mail to third-party record keeper); and

Section 7609(a)(2) (notice of third-party summons).

.02 The Service generally will use the address on the most recently filed and properly processed return as the address of record for all the notices set forth in section 2.01 above. However, the Service may update the taxpayer's address of record by using United States Postal Service's (USPS) National Change of Address database (NCOA database) in accordance with Treas. Reg. § 301.6212-2 (effective January 29, 2001). If a taxpayer wishes to change the address of record, the taxpayer must give clear and concise notification as provided by this revenue procedure. The terms "return," "properly processed," "address on return," and "clear and concise notification" are defined in section 5 below.

SECTION 3. BACKGROUND

.01 The Code sections listed in section 2.01 of this revenue procedure use the phrase "last known address." The intended purpose of the phrase "last known address" can be found in the legislative history of a predecessor to section 6212(b) of the Code, which provides that the purpose of imposing a last known address standard was to relieve the Service of the obviously impossible task of keeping an up-to-date record of taxpayers' addresses. H.R. Rep. No. 2, 70th Cong., 1st Sess. 22 (1927), 1939-1 (Part 2) C.B. 384, 399.

.02 The meaning of the phrase "last known address" is important, and taxpayers should be aware of their need to update their address with the Service in order to receive refunds of tax and the notices listed in section 2.01 of this revenue procedure. When such a notice is sent to a taxpayer's "last known address," the notice is legally effective even if the taxpayer never receives it.

.03 The Tax Court in Abeles v. Commissioner, 91 T.C. 1019 (1988), acq., 1989-2 C.B. 1, held that "last known address" is the address on the most recently filed and properly processed return, unless the Service has been given clear and concise notification of a different address. This definition has since been incorporated into Treas. Reg. § 301.6212-2(a)(effective January 29, 2001).

SECTION 4. PROCEDURES FOR CHANGE OF ADDRESS

.01 If a taxpayer files a return with new address information, the proper processing of the return will update the taxpayer's address of record. With the exception of the returns listed in section 4.04, a taxpayer's address of record will be updated for the name and taxpayer identification number (the employer identification number or the social security number) under which the return is filed.

.02 If a taxpayer no longer wishes the address of record to be the one shown on the most recently filed return, for instance, because the taxpayer moved after the return was filed, clear and concise written notification of a change of address should be sent to the Internal Revenue Service Center serving the taxpayer's old address or to the Customer Service Division in the local area office. Form 8822 may be used by taxpayers as clear and concise written notification of a change of address pursuant to this revenue procedure.

.03 If, after a joint return is filed, either taxpayer establishes a separate residence, each taxpayer should send clear and concise written notification of a current address to the Service as provided in section 4.02 above.

.04 The Service maintains address records for gift, estate, and generation-skipping transfer tax returns (Forms 706, 706-A, 706NA, 709, and 709-A) separate from the address records for individual income tax returns (Forms 1040, 1040A, 1040EZ, 1040NR, 1040-PR, 1040SS, and 1040X). Thus, an individual taxpayer's notification of a change of address should identify whether any gift, estate, or generation-skipping transfer tax returns are affected by the notification.

.05 If a Service employee contacts a taxpayer in connection with the filing of a return or an adjustment in the taxpayer's account, the taxpayer may provide clear and concise written notification as provided in section 4.02 above or oral notification of a change of address to the Service employee who initiated the contact. What constitutes "clear and concise notification" is defined in section 5 below.

.06 A taxpayer should notify the USPS facility serving the taxpayer's old address of the taxpayer's new address so that mail from the Service can be forwarded to the new address. The Service may also update a taxpayer's address of record based on a new address that the taxpayer provides the USPS that is retained in USPS's NCOA database. See Treas. Reg. § 301.6212-2 (effective January 29, 2001). Taxpayers are nonetheless advised to notify the Service directly of a change of address to ensure a timely and accurate update of the Service's address of record for the taxpayer.

SECTION 5. DEFINITIONS

.01 Return. For purposes of updating a taxpayer's address of record, the term "return" includes the following federal tax or information forms:

(1) Returns filed under a social security number or an individual taxpayer identification number:

(a) Individual income tax returns:

Form 1040 U.S. Individual Income Tax Return;

Form 1040A U.S. Individual Income Tax Return;

Form 1040EZ Income Tax Return for Single and Joint Filers With No Dependents;

Form 1040NR U.S. Nonresident Alien Income Tax Return;

Form 1040NR-EZ U.S. Income Tax Return for Certain Nonresident Aliens With No Dependents;

Form 1040-PR Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia -- Puerto Rico;

Form 1040-SS U.S. Self-Employment Tax Return, Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), or Puerto Rico;

Form 1040X Amended U.S. Individual Income Tax Return;

(b) Gift, estate, and generation-skipping transfer tax returns:

Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return;

Form 706-A United States Additional Estate Tax Return;

Form 706-NA United States Estate (and Generation-Skipping Transfer) Tax Return, Estate of nonresident not a citizen of the United States;

Form 709 United States Gift (and Generation-Skipping Transfer) Tax Return;

Form 709-A United States Short Form Gift Tax Return;

(2) Returns filed under an employer identification number:

Form CT-1 Employer's Annual Railroad Retirement Tax Return;

Form 720 Quarterly Federal Excise Tax Return;

Form 730 Monthly Tax on Wagering (Section 4401 of the Internal Revenue Code);

Form 940 Employer's Annual Federal Unemployment (FUTA) Tax Return;

Form 940-PR Planilla Para La Declaracion Anual Del Patrono -- La Contribucion Federal Para El Desempleo (FUTA);

Form 940-EZ Employer's Annual Federal Unemployment (FUTA) Tax Return;

Form 941 Employer's Quarterly Federal Tax Return;

Form 941c Supporting Statement to Correct Information;

Form 941E Quarterly Return of Withheld Federal Income Tax and Medicare Tax;

Form 941-M Employer's Monthly Federal Tax Return;

Form 941cPR Planilla Para La Correccion De Informacion Facilitada Anteriormente En Cumplimiento Con La Ley Del Seguro Social Y Del Seguro Medicare;

Form 941-PR Planilla Para La Declaracion Trimestral Del Patrono -- La Contribucion Federal Al Seguro Social Y Al Seguro Medicare;

Form 941SS Employer's Quarterly Federal Tax Return;

Form 943 Employer's Annual Tax Return for Agricultural Employees;

Form 943-PR Planilla Para La Declaracion Anual De La Contribucion Del Patrono De Empleados Agricolas;

Form 945 Annual Return of Withheld Federal Income Tax;

Form 990 Return of Organization Exempt from Income Tax -- Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation), section 527, or section 4947(a)(1) nonexempt charitable trust;

Form 990-C Farmers' Cooperative Association Income Tax Return;

Form 990-EZ Short Form Return of Organization Exempt From Income Tax -- Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation), section 527, or section 4947(a)(1) nonexempt charitable trust;

Form 990-PF Return of Private Foundation or Section 4947(a)(1) Nonexempt Charitable Trust Treated as a Private Foundation;

Form 990-T Exempt Organization Business Income Tax Return (and proxy tax under section 6033(e));

Form 1041 U.S. Income Tax Return for Estates and Trusts;

Form 1042 Annual Withholding Tax Return for U.S. Source Income of Foreign Persons;

Form 1065 U.S. Return of Partnership Income;

Form 1066 U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return;

Form 1120 U.S. Corporation Income Tax Return;

Form 1120-A U.S. Corporation Short-Form Income Tax Return;

Form 1120-F U.S. Income Tax Return of a Foreign Corporation;

Form 1120-FSC U.S. Income Tax Return of a Foreign Sales Corporation;

Form 1120-H U.S. Income Tax Return for Homeowners Associations;

Form 1120-L U.S. Life Insurance Company Income Tax Return;

Form 1120-ND Return for Nuclear Decommissioning Funds and Certain Related Persons;

Form 1120-PC U.S. Property and Casualty Insurance Company Income Tax Return;

Form 1120-POL U.S. Income Tax Return for Certain Political Organizations;

Form 1120-REIT U.S. Income Tax Return for Real Estate Investment Trusts;

Form 1120-RIC U.S. Income Tax Return for Regulated Investment Companies;

Form 1120S U.S. Income Tax Return for an S Corporation;

Form 1120-SF U.S. Income Tax Return for Settlement Funds (Under Section 468B);

Form 1120X Amended U.S. Corporation Income Tax Return;

Form 1139 Corporation Application for Tentative Refund;

Form 2290 Heavy Highway Vehicle Use Tax Return; and

Form 5227 Split-Interest Trust Information Return.

(3) The term "return" includes substitute forms (as defined in Rev. Proc. 2000-19, 2000-12 I.R.B. 785, reprinted in IRS Publication 1167, or as defined in other current revenue procedures concerning the requirements for substitute forms) for those forms listed in section 5.01(1) and (2) above.

(4) The term "return" does not include applications for extension of time to file a return. Thus, for example, a new address listed on Form 4868, Application for Automatic Extension of Time to File U.S. Individual Income Tax Return, will not be used by the Service to update the taxpayer's address of record.

.02 Properly processed.

(1) Except as otherwise provided by the exceptions below, a return will be considered properly processed after a 45-day processing period which begins the day after the date of receipt of the return by the Internal Revenue Service Center. However, if a return is received prior to the due date for the return, the 45-day processing period will begin the day after the due date of the return. Returns that are not filed in a processible form may require additional processing time. In such cases, the 45-day processing period for address changes will begin the day after the error that caused the return to be unprocessable is corrected.

(2) Due to the high volume of returns received during the filing season, if a taxpayer provides new address information on a Form 1040, 1040A, 1040EZ, 1040NR, 1040-PR, 1040-SS, or 1040X, that is received by the Service after February 14 and before June 1, the return will be considered properly processed on July 16.

(3) A clear and concise written notification of a change of address will be considered properly processed after a 45-day processing period which begins the day after the date of receipt by:

(a) the Internal Revenue Service Center serving the taxpayer's old address;

(b) the Customer Service Division in the local area office; or

(c) a Service employee who contacted the taxpayer in connection with the filing of a return or an adjustment in the taxpayer's account.

(4) Clear and concise oral notification of a change of address will be considered properly processed after a 45-day processing period which begins the day after the date of the communication to the Service employee who contacted the taxpayer in connection with the filing of a return or an adjustment in the taxpayer's account.

(5) When the processing of address change information on a particular return will require a processing time in excess of 45 days, such as in section 5.02(2), taxpayers may send clear and concise written notification of a change of address to the Service in accordance with section 5.02(3) above.

.03 Address on Return.

The "address on return" is the address information shown in the upper portion of the front page of the return. When a taxpayer files an electronic/magnetic media return, the address information on the electronic/magnetic media portion of the return will be used to update the taxpayer's address of record. Although the electronic/magnetic media return includes a Form 8453 series declaration, the declaration is not used by the Service to update the taxpayer's address of record.

.04 Clear and Concise Written Notification.

(1) Clear and concise written notification is a statement signed by the taxpayer informing the Service that a taxpayer wishes the address of record changed to a new address. In addition to the new address, this notification must contain the taxpayer's full name, signature, old address, and social security number and/or employer identification number. Filers of a joint return should provide both names, social security numbers, and signatures. Individuals that have changed last names, for instance, due to marriage, should provide the last name shown on the most recently filed return and the new last name. In all cases, clear and concise written notification must be specific as to a change of address. Thus, a new address reflected in the letterhead of taxpayer correspondence will not by itself change a taxpayer's address of record.

(2) Correspondence sent by the Service that solicits or requires a response by the taxpayer that is returned to the Service by the taxpayer with corrections marked on the taxpayer's address information will constitute clear and concise written notification of a change of address. The taxpayer's signature on the correspondence is not required.

(3) Additionally, the Form 8822, Change of Address, can be used by taxpayers as clear and concise written notification of a change of address pursuant to this revenue procedure.

.05 Clear and Concise Oral Notification.

Clear and concise oral notification is a statement made by a taxpayer directly to a Service employee, who initiated contact with the taxpayer on an active account, informing the Service employee that the taxpayer wishes the address of record changed to a new address. In addition to the new address, the taxpayer must provide the taxpayer's full name, old address, and social security number and/or employer identification number. The Service employee should follow established procedures to determine that the person providing the information is in fact the taxpayer whose address of record will be changed.

SECTION 6. AREAS NOT COVERED BY THIS REVENUE PROCEDURE

.01 This revenue procedure does not apply to the notice requirements under sections 6221 through 6234, and 6037(c) of the Code concerning the tax treatment of partnership and subchapter S items.

.02 This revenue procedure does not apply to the following returns because they have unique processing requirements:

Form 5330 Return of Excise Taxes Related to Employee Benefits Plans (Under sections 4971, 4972, 4973(a)(3), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979A, and 4980 of the Internal Revenue Code);

Form 5500 Annual Return/Report of Employee Benefit Plan;

Form 5500-C/R Return/Report of Employee Benefit Plan (with fewer than 100 participants); and

Form 5500-EZ Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan.

.03 This revenue procedure does not require the Service to send notices to an address furnished by the taxpayer when it is determined that a taxpayer cannot actually be contacted or located at that address.

SECTION 7. EFFECTIVE DATE

This revenue procedure is effective (insert date), the date of its publication.

SECTION 8. DRAFTING INFORMATION

The principal author of this revenue procedure is R. Bradley Taylor of the Office of the Associate Chief Counsel, Procedure and Administration (Administrative Provisions and Judicial Practice). For further information regarding this revenue procedure, contact R. Bradley Taylor at (202)622-4940 (not a toll-free call).

