

1 AN ACT relating to income tax.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 141.180 is amended to read as follows:

- 4 (1) For taxable years beginning before January 1, 2005:
- 5 (a) Every individual, except as otherwise provided in this subsection, having for
6 the taxable year an adjusted gross income which exceeds five thousand dollars
7 (\$5,000), if single, or if married and not living with husband or wife and every
8 married individual living with husband or wife whose adjusted gross income
9 combined with the adjusted gross income of his or her spouse exceeds five
10 thousand dollars (\$5,000) shall make to the department a return stating
11 specifically the items which he or she claims as deductions and tax credits
12 allowed by this chapter.
- 13 (b) Any individual who is blind or who has attained the age of sixty-five (65)
14 before the close of the taxable year shall be required to make a return only if
15 the taxpayer has for the taxable year an adjusted gross income which exceeds
16 five thousand dollars (\$5,000). Every married individual living with husband
17 or wife shall, if both spouses have attained the age of sixty-five (65), be
18 required to make a return if the combined adjusted gross income of both
19 spouses exceeds five thousand four hundred dollars (\$5,400). If the individual
20 is unable to make his or her own return, the return shall be made by a duly
21 authorized agent.
- 22 (c) Any individual, who is both sixty-five (65) or over and blind before the close
23 of the taxable year, shall make a return if the taxpayer has for the taxable year
24 an adjusted gross income which exceeds five thousand dollars (\$5,000).
- 25 (d) Notwithstanding any other provision of this subsection, an individual, having
26 for the taxable year gross income from self-employment of five thousand
27 dollars (\$5,000) or more, shall make a return.

- 1 (e) Any nonresident individual with gross income from Kentucky sources and a
2 total gross income of five thousand dollars (\$5,000) or over shall make a
3 return.
- 4 (2) For taxable years beginning after December 31, 2004:
- 5 (a) Except as otherwise provided in this subsection, every individual having for
6 the taxable year a modified gross income exceeding the threshold amount
7 determined under KRS 141.066, and every married couple living together
8 with a combined modified gross income exceeding the threshold amount
9 determined under KRS 141.066, shall file a return with the department stating
10 specifically the items claimed as deductions and tax credits allowed by this
11 chapter. If the individual is unable to file a return, the return shall be made by
12 a duly authorized agent.
- 13 (b) Notwithstanding any other provision of this subsection, an individual having,
14 for the taxable year, gross income from self-employment exceeding the
15 threshold amount determined under KRS 141.066 shall file a return.
- 16 (c) Any nonresident individual with gross income from Kentucky sources and a
17 total gross income exceeding the threshold amount determined under KRS
18 141.066 shall file a return.
- 19 (3) A husband and wife not living together shall make separate returns. A husband and
20 wife living together may make a joint return, or may make separate returns.
21 However, if separate returns are made, neither spouse shall report income nor claim
22 deductions properly attributable to the other.
- 23 (4) Notwithstanding any other provisions of KRS Chapters 131 and 141, a husband or a
24 wife who is jointly and severally liable for taxes levied under KRS 141.020,
25 applicable penalties, and interest shall be relieved of liability for tax, interest,
26 penalties, and other amounts if:
- 27 (a) The spouse has been relieved of liability for federal income tax, interest,

1 penalties, and other amounts for the same taxable year by the Internal Revenue
2 Service under Section 6015 of the Internal Revenue Code, to be effective as of
3 the date that the Internal Revenue Service approved the relief; or

4 (b) It is shown that the spouse would have qualified for relief under the provisions
5 of Section 6015 of the Internal Revenue Code for the same taxable year if
6 there had been a federal income tax liability, to be effective as of the date that
7 the department approved the relief.

8 (5) Notwithstanding KRS 134.580, any relief granted pursuant to paragraphs (a) and (b)
9 of subsection (4) of this section shall not result in a tax overpayment to the spouse
10 requesting relief for payments made before the relief was approved.

11 (6) Each individual return shall be verified by a declaration that it is made under the
12 penalties of perjury.