



Rhode Island Department of Revenue
Division of Taxation

RHODE ISLAND PERSONAL INCOME TAX GUIDE:
MODIFICATION FOR INCOME FROM PENSIONS, 401(K) PLANS,
ANNUITIES, AND OTHER SUCH SOURCES



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Introduction

A new Rhode Island personal income tax modification applies for income from private-sector pensions, government pensions, 401(k) plans, 403(b) plans, military retirement pay, annuities, and other such sources.

Approved by the Rhode Island General Assembly, and signed into law by Rhode Island Governor Gina M. Raimondo on June 24, 2016, it applies for tax years beginning on or after January 1, 2017.¹

Thus, the new modification will first appear in tax forms and instructions during the 2018 filing season, covering tax year 2017.

The following pages provide information, including examples, on how the new modification works and how it might apply to you.

¹ See Rhode Island Public Law 2016, ch. 142, art. 13, § 16, codified at Rhode Island General Laws § 44-30-12. The modification first appears on Division of Taxation forms in early 2018, covering the 2017 tax year.

Section 1: The general rules

In general, you are eligible for the tax break if you meet all three of the following conditions:

- Your federal adjusted gross income (AGI) includes taxable income from pensions, 401(k) plans, annuities, and/or other such sources (as shown on your federal return);
- You have reached “full retirement age” as defined by the Social Security Administration; and
- Your federal AGI is below a certain amount (\$80,000 for someone who is single, \$100,000 for a married couple filing a joint return).²

If you are eligible, up to \$15,000 of your federally taxable income from pensions, 401(k) plans, annuities, or other such sources will escape Rhode Island personal income tax.

Assuming that you are eligible and are in the 3.75 percent Rhode Island personal income tax bracket for tax year 2017, the new provision could save you approximately \$563 in Rhode Island personal income tax.

[Begin with federal return](#)

To compute the new tax break, use the amount of taxable pension/annuity income listed on your federal return.

The amount is typically shown on page one of your U.S. Form 1040 or U.S. Form 1040A.

For tax year 2016, for example, the amount of one’s taxable pension/401(k)/annuity income was shown on line 16b of Form U.S. 1040.

What counts?

What counts for purposes of Rhode Island’s new modification involving income from pensions and other sources?

The answer is: whatever you properly include in the “taxable amount” box of the “pensions and annuities” line of your federal income tax return.

Thus, “income” for purposes of the new modification includes, but is not limited to, income from the following that is properly included in your federal AGI:

- 401(k) plans
- 403(b) plans
- 457(b) plans
- military retirement pay
- government pensions
- private-sector pensions
- annuities

² Amounts are subject to annual adjustment for inflation for tax years beginning on or after January 1, 2018, as required under Rhode Island General Laws § 44-30-12.

(Screenshot of U.S. Form 1040 below)

Income		Total number of exemptions claimed		Times add	
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.	7	Wages, salaries, tips, etc. Attach Form(s) W-2		7	
	8a	Taxable interest. Attach Schedule B if required		8a	
	b	Tax-exempt interest. Do not include on line 8a		8b	
	9a	Ordinary dividends. Attach Schedule B if required		9a	
	b	Qualified dividends		9b	
	10	Taxable refunds, credits, or offsets of state and local income taxes		10	
	11	Alimony received		11	
	12	Business income or (loss). Attach Schedule C or C-EZ		12	
	13	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>		13	
	14	Other gains or (losses). Attach Form 4797		14	
If you did not get a W-2, see instructions.	15a	IRA distributions	15a	b Taxable amount	15b
	16a	Pensions and annuities	16a	b Taxable amount	16b
	17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17	
	18	Farm income or (loss). Attach Schedule F		18	
	19	Unemployment compensation		19	
	20a	Social security benefits		20a	b Taxable amount

Also for tax year 2016, the amount of one's taxable pension/401(k)/annuity income was shown on Line 12b of Form U.S. 1040A. (Please see screenshot below.)

Income					
Attach Form(s) W-2 here. Also attach Form(s) 1099-R if tax was withheld.	7	Wages, salaries, tips, etc. Attach Form(s) W-2.		7	
	8a	Taxable interest. Attach Schedule B if required.		8a	
	b	Tax-exempt interest. Do not include on line 8a.		8b	
	9a	Ordinary dividends. Attach Schedule B if required.		9a	
	b	Qualified dividends (see instructions).		9b	
	10	Capital gain distributions (see instructions).		10	
	11a	IRA distributions.	11a	11b Taxable amount (see instructions).	11b
	12a	Pensions and annuities.	12a	12b Taxable amount (see instructions).	12b
	13	Unemployment compensation and Alaska Permanent Fund dividends.		13	
	14a	Social security benefits.	14a	14b Taxable amount (see instructions).	14b
15	Add lines 7 through 14b (for right column). This is your total income		15		

Please note that, for convenience, some screenshots in this publication, and the associated line references, involve federal tax forms for the 2016 tax year. The form and line references may be different for future tax years.

Pension/annuity income defined

The Rhode Island legislation that created the new tax break uses the term “pension and/or annuity income” – a reference to the line on the Form U.S. 1040. This means that whatever income is included on line 16b of your U.S. Form 1040 (or line 12b of your U.S. Form 1040A) is included for purposes of Rhode Island’s new modification.

In other words, whatever you properly include as taxable pension income and/or taxable annuity income on your federal return (whether U.S. Form 1040 or U.S. Form 1040A) counts for purposes of Rhode Island’s new tax break.

In general, taxable distributions from pensions and annuities are reported by the payer on Form 1099-R. The payer must send a copy to you in January and a copy to the IRS.

You use information from the Form 1099-R (and/or other sources) to help determine what portion of the distribution is taxable, and report the taxable amount on line 16b of your U.S. Form 1040 (or line 12b of the U.S. Form 1040A). Such amounts include taxable distributions from pensions, annuities, 401(k) plans, 403(b) plans, governmental 457(b) plans, and military retirement pay.

Thus, taxable distributions from pensions, annuities, 401(k) plans, 403(b) plans, governmental 457(b) plans, and military retirement pay count as “pension and/or annuity income” for purposes of Rhode Island’s pension/annuity income modification under Rhode Island General Laws § 44-30-12. Put another way, all taxable distributions properly included on line 16b of your U.S. Form 1040 (or line 12b of your U.S. Form 1040A), in accordance with federal tax law and federal tax regulations, count for purposes of Rhode Island’s modification on pension/annuity income.

EXAMPLE

Noah is a retired federal government employee. He receives income from a federal government pension. A Form 1099-R is sent to him each year showing, among other things, the taxable portion of his federal government pension. He enters the amount of that taxable portion on the appropriate line on his federal income tax return. The amount counts as “pension and/or annuity income” for purposes of Rhode Island’s new tax break. (Noah still must clear all other required hurdles to actually qualify for Rhode Island’s new tax break, including those involving age and income, as described elsewhere in this publication.)

What’s taxable?

The determination of what is and is not taxable income from pensions and annuities is made at the federal level. However, given that the pension/annuity modification is new, the Division of Taxation in this publication is providing some general guidance, including examples, to tax preparers and taxpayers as an aid in compliance. (When it comes to federal tax matters, taxpayers should consult their tax professional, the Internal Revenue Service, and/or federal tax law, federal tax cases, and federal regulations.)

EXAMPLE

Emma is retired from a business. She regularly withdraws money from a 401(k) plan. A Form 1099-R is sent to her each year showing, among other things, the taxable portion of her 401(k) plan distributions. She enters the amount of that taxable portion on the appropriate line on her federal income tax return. The amount counts as “pension and/or annuity income” for purposes of Rhode Island’s new tax break. (Emma still must clear all other required hurdles to qualify for Rhode Island’s new tax break, including those involving age and income, as described elsewhere in this publication.)

EXAMPLE

When Liam retired from a corporation, he chose to transfer everything from his retirement savings plan at work directly into an Individual Retirement Account (IRA). At around the time he turned 70, he began making regular withdrawals from his IRA. Each January, the IRA custodian sends a Form 1099-R to him and to the IRS, showing, among other things, the total amount of those withdrawals. He reports the withdrawal information as “IRA distributions” on the appropriate line of his U.S. Form 1040. Liam is not eligible for Rhode Island’s new tax break because the break does not apply to IRA withdrawals (also known as “distributions”). That is the case even if Liam clears all other required hurdles for Rhode Island’s new tax break, as described elsewhere in this publication. (This example assumes that Liam has no income from pensions, annuities, 401(k) plans, or other such sources. He may be eligible for a separate Rhode Island tax break involving Social Security benefits, depending on his circumstances.)

As noted previously, you use information from the Form 1099-R (and/or other sources) to help determine what portion of the distribution is taxable. A screenshot of the Form 1099-R is below.

PAYER'S name, street address, city or town, state or province, country, and ZIP or foreign postal code		1 Gross distribution	OMB No. 1545-0119	Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.
		\$	2017 Form 1099-R	
PAYER'S federal identification number		2a Taxable amount		Total distribution <input type="checkbox"/>
		\$		
RECIPIENT'S identification number		3 Capital gain (included in box 2a)	4 Federal income tax withheld	For Privacy Act and Paperwork Reduction Act Notice, see the
RECIPIENT'S name		\$	\$	
		5 Employee contributions /Designated Roth contributions or insurance premiums	6 Net unrealized appreciation in employer's securities	
		\$	\$	

Following are some related points:

- Taxable distributions must be reported by you as income on your federal return even if a distribution is not shown on a Form 1099-R.
- If a distribution on your Form 1099-R is shown as “Taxable amount not determined”, you must determine the taxable amount.
- Certain distributions shown on Form 1099-R do not count for purposes of Rhode Island’s pension/annuity income modification, including IRA distributions.
- Only taxable distributions properly included on the “Taxable amount” section of the “pension and annuities” line of your federal income tax return, in accordance with federal tax law and federal tax regulations, count for purposes of Rhode Island’s modification on pension/annuity income. (For tax year 2016, line 16b of U.S. Form 1040, line 12b of U.S. Form 1040A.)

When it comes to federal tax matters, consult your tax professional, the Internal Revenue Service, and/or federal tax laws, federal tax regulations, and federal tax cases.

[At-a-glance table](#)

The following table provides an at-a-glance summary of some items that count, and some items that do not count, for purposes of Rhode Island’s pension/annuity income modification under Rhode Island General Laws § 44-30-12.

Pension and annuity income: What counts, what doesn’t	
Income you’re required to include on the “Taxable amount” portion of the “pension and annuities” line of your federal income tax return counts for purposes of Rhode Island’s new modification for pension/annuity income. Although federal rules govern federal returns, the Division as a convenience provides the following partial list of what does and doesn’t count as taxable pension/annuity income for purposes of Rhode Island’s modification:	
<i>Income from the following counts:</i>	<i>Income from the following does <u>not</u> count:</i>
Private and government pensions	Individual retirement accounts (IRAs)
Annuities	Corrective distributions ¹
401(k) plans	Completed rollovers ²
403(b) plans	
457(b) plans	
Military retirement pay	
Life insurance annuity contracts	
Profit-sharing plans	
¹ Corrective distributions (including earnings) of excess salary deferrals or excess contributions to retirement plans. ² Completed direct rollovers from an employer’s qualified retirement plan (QRP) to another QRP or to an IRA or simplified employee pension (SEP). Note: Line 16b of U.S. Form 1040 (line 12b of U.S. Form 1040A) is where the taxable amount of one’s pensions and/or annuities is reported for 2016. See also IRS Publication 575, “Pension and Annuity Income.” Rhode Island’s tax break for pension and annuity income applies for tax years beginning on or after January 1, 2017, and various eligibility rules apply.	

Section 2: ‘Full retirement age’

To qualify for Rhode Island’s modification for pension/annuity income, you must have reached full retirement age. Full retirement age is determined based on Social Security rules. At one time, full retirement age was deemed to be age 65. However, your full retirement age for Social Security purposes now depends on your year of birth. Please see the following table for more information.

At-a-glance table

The following table provides an at-a-glance summary of the rules regarding Social Security full retirement age for purposes of Rhode Island’s pension/annuity income modification under Rhode Island General Laws § 44-30-12.

Pension and annuity income: Finding your ‘full retirement age’	
<i>“Full retirement age” for Social Security purposes used to be age 65. Nowadays, however, your “full retirement age” depends on when you were born, as the following shows.</i>	
<i>If you were born in . . .</i>	<i>Your “full retirement age” is:</i>
1943-1954	66
1955	66 and two months
1956	66 and four months
1957	66 and six months
1958	66 and eight months
1959	66 and ten months
1960 or later	67
<small>Note: If you were born on January 1 of any year, refer to previous year in table. For married couple filing joint return, “full retirement age” test applies to each spouse. If only one spouse has reached full retirement age, Rhode Island pension/annuity income modification applies only to that spouse’s taxable pension/annuity income.</small>	

EXAMPLE

Olivia, 70, is single and retired. She is eligible for Rhode Island’s new tax break involving pension and annuity income because she has already reached full retirement age (as defined by Social Security rules). Whether Olivia can actually claim the new tax break will depend on whether she meets the other requirements of the provision, including the amount of her income and what type of income she has in retirement.

EXAMPLE

William, 64, is single and retired. During his working years, he was employed as a public schoolteacher. The school district did not participate in Social Security. Thus, William did not contribute to Social Security. He did contribute to the municipal pension plan, which provides him with pension benefits in retirement. William is not eligible for Rhode Island's new tax break involving pension and annuity income because he has not reached full retirement age under Social Security Administration rules.

Note: Even though William did not contribute to Social Security, he is still subject to the "full retirement age" test for purposes of the new Rhode Island tax break – and that test is based on Social Security Administration rules. Once William does reach full retirement age, he will be eligible for Rhode Island's new tax break involving pension and annuity income (his municipal schoolteacher pension counts), assuming that he passes the program's income test.

Section 3: Adjusted gross income

Income is one of the key factors in determining whether you qualify for Rhode Island's personal income tax modification for income from military retirement pay; federal, state, and local government pensions; 401(k) and other employer-sponsored retirement-savings plans; and other such sources.

Which income limit applies to you depends on your filing status. For example, if you are single, your federal AGI must be less than \$80,000. If you are married and filing a joint return, your federal AGI must be less than \$100,000. (Please see table below.) Federal AGI is a figure found on the front of your federal income tax return, toward the bottom.

At-a-glance table

The following table provides an at-a-glance summary of the rules regarding the income limits for purposes of Rhode Island's pension/annuity income modification under Rhode Island General Laws § 44-30-12.

Pension and annuity income: Income threshold	
<i>You may qualify for the modification if your income falls below a certain amount . . .</i>	
<i>You file your return as:</i>	<i>Your federal AGI is:</i>
▪ single, head of household, or married filing separately	Less than \$80,000
▪ married filing jointly, or qualifying widow, or qualifying widower	Less than \$100,000
<small>Note: First column refers to filing status on your Rhode Island personal income tax return. For a married couple filing a joint Rhode Island return, income threshold applies to couple's combined federal adjusted gross income (AGI). Income thresholds will be adjusted annually for inflation for tax years beginning on or after January 1, 2018. Filing status on your Rhode Island return must be the same as filing status on your federal return.</small>	

EXAMPLE

Sophia, 82, is single. For 2017, she has \$75,000 in federal adjusted gross income. She is eligible for Rhode Island's new tax break involving 403(b)/pension/annuity income because her \$75,000 in federal adjusted gross income is below the \$80,000 limit for someone who is single.

EXAMPLE

James, 72, and Isabella, 68, are married, retired, and file a joint personal income tax return. For 2017, they have a total of \$175,000 in federal adjusted gross income. They are not eligible for the tax break because their federal adjusted gross income exceeds the \$100,000 limit which applies for a married couple filing a joint income tax return.

Section 4: Additional examples

In reviewing the following examples, please keep in mind the three-part test involved in the pension/annuity income modification:

- 1) At least some of your pension and/or annuity income must be taxed at the federal level;
- 2) You must have reached “full retirement age” based on Social Security Administration rules; and
- 3) Your federal adjusted gross income must be below a certain amount -- \$80,000 if the filing status on your Rhode Island return is single, head of household, or married filing separately; \$100,000 if your filing status is married filing jointly or qualifying widow or widower.

EXAMPLE # 1

Benjamin, 65, is single. For 2017, he has \$50,000 in federal adjusted gross income, which is made up of the following:

- \$10,000 in taxable Social Security benefits
- \$20,000 in IRA distributions (withdrawals)
- \$20,000 from a defined benefit pension plan

Note: Benjamin does not qualify for Rhode Island’s pension/annuity income modification. That is because he has cleared only two of the three main hurdles of the tax break. He has pension/annuity income taxable at the federal level (only his income from a defined benefit pension plan counts for this purpose). His \$50,000 in federal adjusted gross income falls below the threshold (which, for someone like Benjamin, who is single, is \$80,000). However, because Benjamin is 65 years old, he has not reached “full retirement age” as defined by Social Security rules.

EXAMPLE # 2

Mia, 72, who is single, had \$1,000 in interest income from Rhode Island municipal bonds in 2017. Her income also consisted of the following:

- \$15,000 from taxable Social Security retirement benefits
- \$20,000 in taxable military retirement pay
- \$20,000 in taxable IRA distributions
- \$24,500 in taxable 401(k) plan distributions.

Note: Mia qualifies for Rhode Island’s pension/annuity income modification. She has reached full retirement age, some of her 401(k) plan distributions and military retirement pay counts for purposes of the taxable income test, and her federal AGI is \$79,500, which is just shy of the \$80,000 limit. Her \$1,000 in

interest income from Rhode Island municipal bonds is free of federal and Rhode Island income tax, so it does not count as part of her federal adjusted gross income. (Also, under a separate provision of Rhode Island General Laws, which is not the subject of this publication, her taxable Social Security benefits will escape Rhode Island tax.)

EXAMPLE # 3

Jacob, 72, who is single, has \$38,000 in federal adjusted gross income for 2017, which is made up of the following:

- \$15,000 from taxable Social Security retirement benefits
- \$10,000 in taxable military retirement pay
- \$8,000 in taxable IRA distributions
- \$5,000 in taxable 401(k) plan distributions.

Note: Jacob qualifies for the tax break involving pension and/or annuity income. He passes the “full retirement age” test, and his overall income is below the applicable threshold.

His \$10,000 in taxable military retirement pay and \$5,000 in taxable distributions from a 401(k) plan will count for purposes of Rhode Island’s pension/annuity income modification – and will escape Rhode Island tax.

In addition, under a separate provision of Rhode Island General Laws (which is not the subject of this publication), his \$15,000 in taxable Social Security benefits will escape Rhode Island tax.

Thus, in this example, in 2017, of his \$38,000 in federal adjusted gross income, only his \$8,000 in taxable IRA distributions would end up being reported as income for Rhode Island purposes, and none would be taxed because it would be covered by his standard deduction.

Note

In the example at left, some of Jacob’s income counts for purposes of Rhode Island’s new tax break on pension/401(k)/403(b) income, but some does not.

Income from the following does count:

- military retirement pay
- 401(k)

Income from the following does not count:

- IRA
- Social Security benefits*

* A separate section of Rhode Island tax law provides a personal income tax break for Social Security benefits under certain circumstances.

EXAMPLE # 4

Michael, 68, and Charlotte, 67, are married and file a joint return. They have federal adjusted gross income of \$95,000 for 2017, which is made up of the following:

- \$50,000 in wages from Michael's job.
- \$25,000 in Michael's taxable military retirement pay.
- \$20,000 in taxable distributions from Charlotte's 401(k) plan distributions.

Note: Michael and Charlotte qualify for the tax break involving pension and/or annuity income because they pass all three tests:

- 1.) They have some pension and/or annuity income that is taxed at the federal level (his taxable military retirement pay and her withdrawals from a 401(k) plan),
- 2.) Each of them is of full retirement age as defined by the Social Security Administration, and
- 3.) Their income falls below the \$100,000 limit for a married couple filing a joint return.

Michael and Charlotte have a total of \$45,000 in federally taxable pension/annuity income. Under the new Rhode Island tax modification for pension/annuity income, the \$15,000 limit applies on a per-person basis. So in this example, \$15,000 of his military retirement pay, and \$15,000 of her 401(k) plan distributions, count for purposes of the tax break. Thus, \$30,000 of the couple's pension/annuity income will be tax-free for Rhode Island purposes.

EXAMPLE # 5

Elijah, 68, and Abigail, 67, are married and file a joint return. They have federal adjusted gross income of \$95,000 for 2017, which is made up of the following:

- \$50,000 in wages from Elijah's job.
- \$25,000 in Elijah's taxable military retirement pay.
- \$17,000 in taxable distributions from Elijah's 401(k) plan.
- \$3,000 in taxable distributions from Abigail's 403(b) plan distributions.

Note: Elijah and Abigail qualify for the tax break involving pension and/or annuity income because they pass all three tests:

- 1.) They have pension and/or annuity income that is taxed at the federal level: his taxable military retirement pay, distributions from his 401(k) plan, and distributions from her 403(b) plan;
- 2.) Elijah and Abigail both have reached full retirement age as defined by the Social Security Administration; and
- 3.) Their income falls below the \$100,000 limit for a married couple filing a joint return.

All of Abigail's \$3,000 in taxable distributions from her 403(b) plan qualify for the tax break involving pension and/or annuity income. However, only the first \$15,000 of Elijah's taxable pension/annuity income qualifies. That is because the statutory limit of

\$15,000 applies per person. Thus, in this example, Elijah and Abigail are able to reduce, by a combined total of \$18,000, the amount of their income that will be subject to Rhode Island personal income tax.

EXAMPLE # 6

Ethan, 69, and Emily, 68, are married and file a joint return. They have federal adjusted gross income of \$103,000 for the 2017 tax year, which is made up of the following:

- \$75,000 in wages from his job
- \$20,000 in her taxable military retirement pay
- \$4,000 in taxable distributions from his 403(b) plan
- \$4,000 from her part-time job.

Note: Ethan and Emily are married. If they file a joint federal and Rhode Island return, they would not qualify for the tax break involving pensions, annuities, and other such income, because the couple's \$103,000 in federal adjusted gross income exceeds the program's \$100,000 limit which applies for a married couple filing a joint return.

However, if he files his own return, and she files her own return, each using the "married filing separately" filing status, each could qualify for the tax break involving income from pensions, annuities, and other such sources. That's because the income "limit" under the program is \$80,000 for someone who is married filing separately; he would qualify, based on his \$79,000 in income, and she would qualify, based on her \$24,000 in income.

If someone wants to use the "married filing separately" status, the person must use it on his or her federal return and on his or her Rhode Island return. So, in this example, Ethan would have to use the "married filing separately" filing status on his federal and Rhode Island returns, and Emily would have to use the "married filing separately" filing status on her federal and Rhode Island returns. Their tax advisor would have to explain to them that there are many disadvantages – and some advantages – to electing the "married filing separately" filing status, and what this would mean for their tax and financial picture.

EXAMPLE # 7

Harper, 75, who is single, has \$40,000 in federal adjusted gross income for 2017, which is made up of the following:

- \$20,000 from taxable Social Security retirement benefits
- \$10,000 from traditional IRA withdrawals
- \$10,000 from a part-time job.

Note: Harper does not qualify for Rhode Island’s pension/annuity income modification because none of Harper’s income is deemed to be taxable pension/annuity income at the federal level. For purposes of this particular tax break, one must have pension and/or annuity income that is taxed at the federal level – income from sources such as a 401(k) plan, 403(b) plan, pension, military retirement pay, or annuity. In this example, neither the Social Security benefits, IRA withdrawals, nor the money from the part-time job counts.

However, under a separate provision of Rhode Island General Laws (which is not the subject of this publication), all \$20,000 of Harper’s federally taxable Social Security retirement benefits will escape Rhode Island personal income tax.

EXAMPLE # 8

Ethan, 68, and Emma, 64, are married and file a joint return. For 2017, their federal income tax return shows federal adjusted gross income \$40,000 from the following sources:

- \$30,000 in wages from part-time jobs
- \$8,000 in taxable income from his military retirement pay
- \$2,000 in taxable income from his 401(k)

Reminder

To qualify for Rhode Island’s personal income tax modification for income from 401(k) plans, pensions, annuities, and other such sources, you must clear three hurdles:

- At least some of your pension and/or annuity income must be taxed at the federal level;
- You must have reached “full retirement age” based on Social Security Administration rules; and
- Your federal adjusted gross income must be below a certain amount -- \$80,000 if the filing status on your Rhode Island return is single, head of household, or married filing separately; \$100,000 if your filing status is married filing jointly or qualifying widow or widower.

Note: The couple's \$40,000 in federal adjusted gross income for 2017 falls below the \$100,000 limit for Rhode Island's tax break on pension and/or annuity income, so they pass that test.

The couple's federal adjusted gross income includes taxable income from pension and/or annuity income (in this example, military retirement pay and the 401(k) plan distributions), so they pass that test.

However, only Ethan has reached full retirement age as defined by the Social Security Administration; Emma has not. Thus, only his portion of the couple's overall pension and/or annuity income is eligible for the break. In this example, the answer is straightforward: Only Ethan has pension and/or annuity income, so 100 percent of the taxable portion of his pension and/or annuity income will qualify for the new exclusion. In other words, in this example, all of Ethan's \$8,000 in taxable military retirement pay and all of Ethan's \$2,000 in taxable income from his 401(k) plan, for a total of \$10,000, is excluded from the couple's income for purposes of Rhode Island's new tax break. (That total of \$10,000 falls below the annual \$15,000 limit per person.)

EXAMPLE # 9

Ethan, 68, and Emma, 64, are married and file a joint return. For 2017, their federal income tax return shows federal adjusted gross income \$80,000 from the following sources:

- \$35,000 in taxable Social Security benefits
- \$25,000 in wages from part-time jobs
- \$20,000 in taxable income from her retirement plan.

Note: The couple's \$80,000 in federal adjusted gross income for 2017 falls below the \$100,000 limit (for a married couple filing a joint return) for Rhode Island's tax break on pension and/or annuity income, so they pass that test.

The couple's federal adjusted gross income includes taxable income from pension and/or annuity income (in this example, \$20,000 in taxable income from her retirement plan), so they pass that test.

However, only Ethan has reached full retirement age as defined by the Social Security Administration; Emma has not. Thus, only his portion of the couple's overall pension and/or annuity income is eligible for the break. But in this example, the calculation is straightforward: Only Emma has pension and/or annuity income, and she's not eligible for the new tax break due to her age, so the couple does not qualify for the new tax break on pension/401(k)/annuity income.

However, under a separate section of the law, involving another, separate tax break (which is not the subject of this publication), their federally taxable Social Security benefits will escape Rhode Island tax.

EXAMPLE # 10

Ethan, 68, and Emma, 64, are married and file a joint return. For 2017, their federal income tax return shows federal adjusted gross income \$90,000 from the following sources:

- \$50,000 in wages from part-time jobs
- \$10,000 in taxable Social Security benefits
- \$10,000 in taxable IRA withdrawals
- \$8,000 in taxable income from his military retirement pay
- \$2,000 in taxable income from her 401(k)
- \$5,500 in taxable distributions from his annuity
- \$4,500 in taxable distributions from her 403(b) plan

Note: The couple's \$90,000 in federal adjusted gross income for 2017 falls below the \$100,000 limit (for a married couple filing a joint return) for Rhode Island's tax break on pension and/or annuity income, so they pass that test. The couple's federal adjusted gross income includes taxable income from pension and/or annuity income (in this example, military retirement pay, 401(k) plan, annuity, and 403(b) plan), so they pass that test.

Step by step

In the example at left, only his military retirement pay and annuity payments are eligible for the tax break, because only he has reached full retirement age. The comprehensive example also shows that the couple is eligible for a separate tax break, involving Social Security benefits.

Treatment of income in this example	
Type of taxable income:	Count for pension/401(k) tax break?
\$50,000 wages from part-time jobs	No
\$10,000 Social Security benefits	No
\$10,000 IRA distributions	No
\$8,000 military retirement pay (his)	Yes
\$2,000 401(k) distributions (hers)	No*
\$5,500 annuity income (his)	Yes
\$4,500 403(b) plan distributions (hers)	No*
* These distributions normally would count, but she has not reached full retirement age, so her income does not qualify.	

However, only Ethan has reached full retirement age as defined by the Social Security Administration; Emma has not. Thus, only his portion of the couple's overall pension and/or annuity income is eligible for the break.

- In this example, only Ethan qualifies. Furthermore, only \$13,500 of his income qualifies – his \$8,000 in military retirement pay, and his \$5,500 in annuity income. Because \$13,500 is less than the program's \$15,000 limit per person for pension/401(k)/annuity income, the couple may claim the entire \$13,500 reduction on their Rhode Island return.

Under a separate section of the law, the couple also determines the impact of a tax break involving Social Security benefits. In general, to qualify for that break, you must clear three hurdles:

- Your federal AGI includes taxable income from Social Security benefits (old-age benefits, which are sometimes called retirement benefits; wife’s benefits; husband’s benefits; widow’s benefits; or widower’s benefits);
- You have reached “full retirement age” as defined by the Social Security Administration; and
- Your federal AGI is below a certain amount (\$80,000 for someone who is single, \$100,000 for a married couple filing a joint return).³

If you clear all three hurdles, the amount of your income that is taxed by Rhode Island will be reduced by the amount of your Social Security benefits that are taxed at the federal level. (Thus, the tax break is actually a modification decreasing federal adjusted gross income for Rhode Island tax purposes.)

In the case of a married couple filing a joint return, the “full retirement age” test applies to each spouse. So if only one spouse is of full retirement age, only that spouse’s portion of the couple’s Social Security benefits overall will be taken into account for purposes of the modification.

In this example, the couple has \$10,000 in taxable Social Security benefits as shown on the first page of their federal income tax return. Of that, \$6,000 is attributable to Ethan. (Because only Ethan has reached full retirement age, only his benefits are eligible for the tax break on Social Security benefits.)

» Therefore, in this example, \$19,500 of the couple’s income escapes Rhode Island personal income tax – including \$13,500 in 401(k)/pension/annuity income, and \$6,000 in Social Security benefits. Assuming, for convenience, a

Nontaxable income

What if your gross pension/401(k)/annuity income includes federally nontaxable income? It is excluded for federal tax purposes, and it is excluded for Rhode Island tax purposes, too.

So do not include it in your calculations for purposes of Rhode Island’s new modification involving income from pensions, 401(k) plans, annuities, and other such sources.

³ By statute, the Social Security thresholds of \$80,000 and \$100,000 are subject to annual adjustment to reflect inflation. If an increase is called for in any given year, it shall be reflected on tax forms and instructions in time for the coming filing season.

3.75 percent Rhode Island personal income tax rate, the couple saves approximately \$731 in Rhode Island personal income tax.

Tax break in this example for retirement income	
<i>Type of income escaping Rhode Island tax:</i>	<i>Amount:</i>
Pension/401(k)/annuity income	\$ 13,500
Social Security benefits	6,000
Total:	\$ 19,500

» As the example shows, in a number of cases, taxpayers will qualify for both tax breaks: the new one involving pension/401(k)/annuity income, and the older one involving Social Security benefits. Don't confuse the two tax breaks – each has its own rules. But don't forget that you may qualify for both, depending on your income, your age, and other factors.

Section 5: The law

Rhode Island's personal income tax break for income from 403(b) plans, pensions, military retirement pay, 401(k) plans, and other such sources, is the result of legislation enacted in 2016. The legislation applies for tax years beginning on or after January 1, 2017.

The tax break, in the form of a modification reducing income for Rhode Island tax purposes, is codified at Rhode Island General Laws § 44-30-12. It is reproduced (in part) below.

Rhode Island General Laws § 44-30-12

(9) Modification for up to fifteen thousand dollars (\$15,000) of taxable retirement income from certain pension plans or annuities.

(i) For tax years beginning on or after January 1, 2017, a modification shall be allowed for up to fifteen thousand dollars (\$15,000) of taxable pension and/or annuity income that is included in federal adjusted gross income for the taxable year:

(A) For a person who has attained the age used for calculating full or unreduced social security retirement benefits who files a return as an unmarried individual, head of household, or married filing separate whose federal adjusted gross income for such taxable year is less than the amount used for the modification contained in § 44-30-12(c)(8)(i)(A) an amount not to exceed \$15,000 of taxable pension and/or annuity income includable in federal adjusted gross income; or

(B) For a married individual filing jointly or individual filing qualifying widow(er) who has attained the age used for calculating full or unreduced social security retirement benefits whose joint federal adjusted gross income for such taxable year is less than the amount used for the modification contained in § 44-30-12(c)(8)(i)(B) an amount not to exceed \$15,000 of taxable pension and/or annuity income includable in federal adjusted gross income.

(ii) Adjustment for inflation. The dollar amount contained by reference in §§ 44-30-12(c)(9)(i)(A) and 44-30-12(c)(9)(i)(B) shall be increased annually for tax years beginning on or after January 1, 2018 by an amount equal to:

(A) Such dollar amount contained by reference in §§ 44-30-12(c)(9)(i)(A) and 44-30-12(c)(9)(i)(B) adjusted for inflation using a base tax year of 2000, multiplied by;

(B) The cost-of-living adjustment with a base year of 2000.

(iii) For the purposes of this section, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the base year. The consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve-month (12) period ending on August 31, of such calendar year.

(iv) For the purpose of this section, the term "consumer price index" means the last consumer price index for all urban consumers published by the department of labor. For the purpose of this section, the revision of the consumer price index which is most consistent with the consumer price index for calendar year 1986 shall be used.

(v) If any increase determined under this section is not a multiple of fifty dollars (\$50.00), such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the case of a married individual filing a separate return, if any increase determined under this section is not a multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower multiple of twenty-five dollars (\$25.00).

This publication contains an informal, plain-language summary of matters involving Rhode Island personal income tax. Nothing contained in this publication in any way alters or otherwise changes any provisions of Rhode Island statutes, regulations, or formal rulings. Anyone with further questions regarding Rhode Island personal income tax should contact the Rhode Island Division of Taxation's Personal Income Tax section by calling (401) 574-8829 (option #3). Or email: Tax.Assist@tax.ri.gov. The Division's website is: www.tax.ri.gov.

All names used for examples in this publication are drawn from Social Security Administration list of most popular names, 2016.
Cover photo, of Rhode Island State House in Providence, by Rhode Island Division of Taxation.