

## **TITLE 280 – DEPARTMENT OF REVENUE**

### **CHAPTER 20 – DIVISION OF TAXATION**

#### **SUBCHAPTER 35 – ESTATE TAX**

##### **PART 1 – Computation of Estate Tax**

### **1.1 Purpose**

This regulation implements R.I. Gen. Laws Chapters 44-22 and 44-23. These chapters provide for Estate and Transfer Taxes Liability and Computation, and Estate and Transfer Taxes Enforcement and Collection, in regards to the calculation of the estate tax.

### **1.2 Authority**

This regulation is promulgated pursuant to R.I. Gen. Laws Chapters 44-22 and 44-23, as amended. These rules have been prepared in accordance with the requirements of R.I. Gen. Laws §§ 44-1-4 and 44-23-45.

### **1.3 Application**

The terms and provisions of these rules and regulations shall be liberally construed to permit the Division of Taxation to effectuate the purposes of R.I. Gen. Laws Chapters 44-22 and 44-23 and other applicable state laws and regulations.

### **1.4 Severability**

If any provision of this regulation, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of this regulation shall not be affected thereby.

### **1.5 General**

- A. The Rhode Island estate tax is imposed upon the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to transfer.
- B. For decedents whose death occurs on or after January 1, 2002, but prior to January 1, 2010, the tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. § 2011 as it was in effect as of January 1, 2001.
  - 1. Any scheduled increase in the unified credit provided in 26 U.S.C. § 2010 in effect on January 1, 2001, or thereafter, shall not apply. The tax shall

only be imposed if the net taxable estate shall exceed six hundred seventy-five thousand dollars (\$675,000). Exempting net taxable estates of six hundred seventy-five thousand or less requires a unified credit of two hundred twenty thousand five hundred fifty dollars (\$220,550). See Form RI-100A, Rhode Island Estate Tax Return - Date of death January 1, 2002 through December 31, 2014 – Tax Computation Schedule.

2. For decedents whose death occurs on or after January 1, 2010, and prior to January 1, 2015 the tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. § 2011 as it was in effect as of January 1, 2001. Any scheduled increase in the unified credit provided in 26 U.S.C. § 2010 in effect on January 1, 2003, or thereafter, shall not apply. The tax shall only be imposed if the net taxable estate shall exceed eight hundred fifty thousand dollars (\$850,000). Exempting net taxable estates of eight hundred fifty thousand or less requires a unified credit of two hundred eighty-seven thousand three hundred dollars (\$287,300). See Form RI-100A, Rhode Island Estate Tax Return - Date of death January 1, 2002 through December 31, 2014 table “B”.
3. For decedents whose death occurs on or after January 1, 2015, the tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. § 2011, in effect as of January 1, 2001. Any scheduled increase in the unified credit provided in 26 U.S.C. § 2010 in effect on January 1, 2003, or thereafter, shall not apply. A Rhode Island credit shall be allowed against any tax so determined in the amount of sixty-four thousand four hundred dollars (\$64,400).
4. Beginning on January 1, 2011 and each January 1 thereafter, the threshold of eight hundred fifty thousand dollars (\$850,000) in § 1.5(B)(2) of this Part shall be adjusted by the percentage of increase in the Consumer Price Index for all Urban Consumers as of September 30 of the prior calendar year compounded annually and rounded up to the nearest five dollars (\$5.00) increment. Exempting net taxable estates from the annually revised amount will require an annual adjustment to the unified credit (line 3 of the computation schedule). The revised taxable threshold and unified credit amounts will be published annually on the tax division website [www.tax.ri.gov](http://www.tax.ri.gov) along with a revised computation schedule.

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**PART 1 - COMPUTATION OF ESTATE TAX (280-RICR-20-35-1)**

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