



Structuring Business Transactions After the TCJA

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Overview of Topics Covered

- Expanded Bonus Depreciation Rules
- New Section 163(j) Limitations on Interest Deductions
- Repeal of Partnership “Technical Termination” Rules
- No More Like-Kind Exchanges of Personal Property
- New NOL Carryover and Carryback Rules
- Topics Not Covered
 - Choice of Entity
 - Section 199A
 - International Taxation

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SECTION 01

EXPANDED BONUS DEPRECIATION RULES

Highlights of Changes to Bonus Depreciation

- Increased Bonus Depreciation Percentage
- Expanded to Used Property (But New to Taxpayer)
- August 8, 2018 Proposed Regulations
 - 120 pages of proposed guidance
 - Includes guidance on a variety of partnership issues
- Provides an Incentive for Asset Acquisitions (Including Partnership Interest Acquisitions)

Increased Bonus Depreciation Percentage

- Section 168(k)
 - Provides for bonus depreciation
 - Pre-TCJA rate was 50%, with gradual phase out
- TCJA Increased the Depreciation Rate
 - 100 percent for property placed in service after September 27, 2017 and before 2023
 - 80 percent for property placed in service in 2023,
 - 60 percent for property placed in service in 2024,
 - 40 percent for property placed in service in 2025, and
 - 20 percent for property placed in service in 2026

Special Rules Regarding Applicable Rate

- Phase Down for 2023 Through 2026 is Delayed One Year for Longer Production Period Property
- Reduced Rate for Property Acquired Before, and Placed In Service After, September 27, 2017
 - 50% for property placed in service in 2017
 - 40% for property placed in service in 2018
 - 30% for property placed in service in 2019
- Taxpayer May Elect to Use 50% Rate for Property Placed in Service Between September 27 and December 31, 2017

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Title search: Structuring Business Transactions After the TCJA

Also available as part of the eCourse

[2018 Taxation eConference](#)

First appeared as part of the conference materials for the
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"Structuring Business Transactions After the Tax Cuts and Jobs Act"