

141.0201 Artistic charitable contributions deduction for individuals.

- (1) Notwithstanding any statutory provisions to the contrary, a deduction shall be allowed individuals against adjusted gross income in arriving at net income for "qualified artistic charitable contributions" in an amount equal to the fair market value of the property contributed as determined at the time of such contribution.
- (2) For purposes of this chapter, "qualified artistic charitable contribution" shall mean a charitable contribution of any literary, musical, artistic or scholarly composition, any letter or memorandum, or similar property, but only if:
 - (a) Such property was created by the personal efforts of the taxpayer no less than one (1) year prior to such contribution;
 - (b) The taxpayer has received a written appraisal of the fair market value of such property by a person qualified to make such an appraisal (other than the taxpayer, donee, or any related person within the meaning of Section 168(e)(4)(D) of the Internal Revenue Code), and the appraisal is made within one (1) year of the date of such contribution;
 - (c) The taxpayer attaches to his income tax return for the taxable year in which such contribution was made a copy of such appraisal;
 - (d) The donee is an organization described in Section 170(b)(1)(A) of the Internal Revenue Code;
 - (e) The use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under Section 501 of the Internal Revenue Code, or in the case of a governmental unit, to a public purpose; and
 - (f) The taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with paragraph (e) of this subsection.
- (3) The aggregate amount of qualified artistic charitable contributions allowable to any taxpayer as a deduction under this section for any taxable year shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year. For purposes of this subsection, the term "artistic adjusted gross income" means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to:
 - (a) Income with respect to property described in subsection (2) of this section that is created by the taxpayer; and
 - (b) Income from teaching, lecturing, performing or similar activity with respect to such property or to similar property created by individuals other than the taxpayer.
- (4) The provisions of this section shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared or produced by or for an individual while such individual was an officer or employee of the United States or any state, or political subdivision thereof, if the writing, preparation, or production of such property was related to, or arose out of the performance of such individual's duties as such an officer or employee.

- (5) The provisions of this section shall be effective for tax years beginning on or after January 1, 1987.

Effective: July 15, 1986

History: Created 1986 Ky. Acts ch. 247, sec. 1, effective July 15, 1986.