



# Failure to file penalty

The failure to file penalty applies if you don't file your tax return by the due date (including extensions).

## How you know you owe the penalty

We send you a notice or letter if you owe the failure to file penalty.

[Understanding your IRS notice or letter.](#)

## Penalty amount

The failure to file penalty amount depends on the type of tax return you file.

### ⊖ Individuals and most business tax returns

The penalty applies to individuals and businesses that fail to file forms including, but not limited to [Form 1040, U.S. Individual Income Tax Return](#) and [Form 1120, U.S. Corporation Income Tax Return](#).

The penalty doesn't apply if you can show the failure was due to [reasonable cause](#).

#### How we calculate the penalty

The penalty is 5% of the tax due (less any tax paid on time and available credits) for each month or partial month the return is late. The penalty accrues up to a maximum of 25%.

We calculate the failure to file penalty in this way:

- Tax required to be shown on the return,
- Less any tax paid on time (example: withholding credits or estimated tax payments),

## Related

- [Special filing season alerts](#)
- [IRS operations status](#)
- [Forms, instructions & publications](#)
- [Publication 1, Your Rights as a Taxpayer \(PDF\)](#)
- [Publication 3498, The Examination Process \(PDF\)](#)

## Need help?

- You can [authorize someone](#) to contact the IRS on your behalf.
- See if you qualify for help from a [Low Income](#)

- Less available refundable credits, then
- Multiplied by 5% per month (up to 25%).

If the return is more than 60 days late, the minimum penalty is the amount listed below or 100% of the underpayment, whichever is less.


### Forms 1040 and 1120 minimum failure to file penalty

| Return due date (without extension) | Minimum penalty |
|-------------------------------------|-----------------|
| After 12/31/2025                    | \$525.00        |
| 01/01/2025 to 12/31/2025            | \$510.00        |
| 01/01/2024 to 12/31/2024            | \$485.00        |
| 01/01/2023 to 12/31/2023            | \$450.00        |
| 01/01/2020 to 12/31/2022            | \$435.00        |
| 01/01/2018 to 12/31/2019            | \$210.00        |
| 01/01/2016 to 12/31/2017            | \$205.00        |
| 01/01/2009 to 12/31/2015            | \$135.00        |

If failure to file and [failure to pay](#) penalties both apply, the failure to file penalty is reduced by the amount of the failure to pay penalty (0.5% for each month). After 5 months the failure to file penalty will max out, but the failure to pay penalty continues.

[Form 1040 instructions: Late filing](#)

[Form 1120 instructions: Late filing](#)

[Internal Revenue Code Section 6651\(a\)\(1\): Failure to file tax return or to pay tax](#) 

### Taxpayer Clinic.

- If you can't find what you need online, call the IRS number on your notice or letter. If you didn't receive a letter or notice, use [telephone assistance](#).
- If you can't resolve the penalty on your own, contact [Taxpayer Advocate Service](#), an independent organization within IRS.

## Partnership returns (Forms 1065/1066/990)

The penalty applies to partnerships that fail to file a timely or complete return:

- Form 1065, U.S. Return of Partnership Income

- Form 1066, U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return
- Form 8985, Pass-Through —Statement Transmittal/Partnership Adjustment Tracking Report (Required under Sections 6226 and 6227)

The penalty doesn't apply if the partnership can show the failure was due to [reasonable cause](#).

### How we calculate the penalty

The failure to file penalty is charged for each month (or partial month) the failure continues, for up to 12 months.

The penalty calculation and amount depend on the return:

- [Form 1065 instructions: Late filing](#)
- [Form 1066 instructions: Late filing penalty](#)
- [Form 8985 instructions: Due dates](#)

The penalty for each month is calculated by multiplying the applicable base penalty rate shown below by the number of persons who were partners in the partnership at any time during the taxable year by the number of months (or partial months) the failure continues (up to 12 months).

### Forms 1065, 1066 and 8985 failure to file base penalty rates

| Return due date (without extension) | Base penalty rate |
|-------------------------------------|-------------------|
| After 12/31/2025                    | \$255.00          |
| 01/01/2025 to 12/31/2025            | \$245.00          |
| 01/01/2024 to 12/31/2024            | \$235.00          |
| 01/01/2023 to 12/31/2023            | \$220.00          |
| 01/01/2021 to 12/31/2022            | \$210.00          |
| 01/01/2020 to 12/31/2020            | \$205.00          |
| 01/01/2018 to 12/31/2019            | \$200.00          |
| 01/01/2010 to 12/31/2017            | \$195.00          |

## Internal Revenue Code Section 6698: Failure to file partnership return

### Small partnership penalty relief

**Penalty relief for reasonable cause** for filing a late or incomplete return will be presumed for certain small partnerships if certain criteria are met:

- The partnership must consist of 10 or fewer partners. For the purpose of this requirement, a husband and wife (or their estate) filing a joint return is considered one partner.
- Each partner is either an individual (excluding nonresident aliens), or the estate of a deceased partner.
- Each partner's items of income, deductions and credits are allocated in the same proportion as all other items of income, deductions, and credits.
- Each partner reported the partner's share of partnership income on the partner's **timely filed** income tax return.

This relief is provided under Rev. Proc. 84-35.

## **S corporation returns (Form 1120-S)**

The penalty applies to S corporations that fail to file a timely or complete **Form 1120-S, U.S. Income Tax Return for an S Corporation**.

The penalty doesn't apply if the S corporation can show the failure was due to **reasonable cause**.

### How we calculate the penalty

The penalty is charged for each month (or partial month) the failure continues, for up to 12 months.

The penalty for each month is calculated by multiplying the applicable base penalty rate shown below by the number of persons who were shareholders in the S corporation at any time during the taxable year by the number of months (or partial months) the failure continues (up to 12 months).

### Form 1120-S failure to file base penalty rates

| Return due date (without extension) | Base penalty rate |
|-------------------------------------|-------------------|
| After 12/31/2025                    | \$255.00          |

|                          |          |
|--------------------------|----------|
| 01/01/2025 to 12/31/2025 | \$245.00 |
| 01/01/2024 to 12/31/2024 | \$235.00 |
| 01/01/2023 to 12/31/2023 | \$220.00 |
| 01/01/2021 to 12/31/2022 | \$210.00 |
| 01/01/2020 to 12/31/2020 | \$205.00 |
| 01/01/2018 to 12/31/2019 | \$200.00 |
| 01/01/2010 to 12/31/2017 | \$195.00 |

[Form 1120-S instructions: Late filing](#)

[Internal Revenue Code Section 6699: Failure to file S corporation return](#) 

## Interest on a penalty

We charge interest on penalties.

The date from which we begin to charge interest varies by the type of penalty.

Interest increases the amount you owe until you pay your balance in full. For more information about the interest we charge on penalties, see [Interest](#).

## Pay a penalty

[Send us a payment or pay your taxes in full](#) to stop future penalties and interest from adding up.

## Remove or reduce a penalty

We may be able to remove or reduce some penalties if you acted in good faith and can show [reasonable cause](#) for why you weren't able to meet your tax obligations.

By law we cannot remove or reduce interest unless the penalty is removed or reduced.

For more information, see [Penalty relief](#).

## Dispute a penalty

If you disagree with the amount you owe, you may dispute the penalty.

Call us at the toll-free number at the top right corner of your notice or letter or write us a letter stating why we should reconsider the penalty. Sign and send the letter along with any supporting documents to the address on your notice or letter.

Have this information when you call or send your letter:

- The notice or letter we sent you
- The penalty you want us to reconsider
- For each penalty, an explanation of why you think we should remove it

If you didn't receive a notice, get [telephone assistance](#).

## Avoid a penalty

You can avoid a penalty by filing and paying your tax by the due date. If you can't do so, you can apply for an extension of time to file or a payment plan.

### Apply for an extension of time to file

If you need more time to prepare your tax return, [apply for an extension of time to file](#). This does not grant you an extension of time to pay. A payment plan can help you pay over time.





### Apply for a payment plan

If you can't pay the full amount of your taxes or penalty on time, pay what you can now and [apply for a payment plan](#). You may reduce future penalties when you set up a payment plan.

## Get help

For help with a penalty, call the phone number on your notice. If you didn't receive a notice, use [telephone assistance](#).

## Law and regulations

- [Internal Revenue Code Section 6651: Failure to file tax return or to pay tax](#) 
- [Treasury Reg. 301.6651-1: Failure to file a tax return](#) 
- [Internal Revenue Code Section 6698: Failure to file partnership return](#) 
- [Internal Revenue Code Section 6699: Failure to file S corporation return](#) 

*Page Last Reviewed or Updated: 23-Dec-2025*