

Form VA-5 Employer's Return of Virginia Income Tax Withheld

Electronic Filing Mandate: All employers must file all returns and make all payments electronically using eForms, Virginia Tax Online Services, Web Upload or ACH Credit. See www.tax.virginia.gov for information on these electronic filing options. Note for employers using the ACH Credit payment method: Ensure your bank deposits the funds in the state's bank account on or before the due date to be considered timely. Do not file a separate Form VA-5.

If you are unable to file and pay electronically, you may request a temporary waiver. A waiver form is available for download on the Department's website. The request must provide your business name, Virginia tax account number, contact person, phone number, mailing address, the reason for the request, and the date when you will be able to file and pay electronically. Fax your request to (804) 367-3015.

General: An employer who pays wages to one or more employees is required to deduct and withhold state income tax from those wages. Virginia law substantially conforms to the federal definition of "wages." Therefore, Virginia withholding is generally required on any payment for which federal withholding is required. Exceptions include, but are not limited to, amounts paid pursuant to individual retirement accounts and simplified employee pension plans as defined in Section 7701(a)(37) and 408(c) of the Internal Revenue Code.

Filing and Payment Procedure: An employer's filing status is determined by the average amount of income tax withheld each month. When registering a business, an employer is asked to estimate this figure so that the Department can assign a filing status. Based on that information, the Department assigns a quarterly, monthly, semi-weekly, or seasonal filing status. In addition, all employers must file an annual summary, Form VA-6. Employers are not responsible for monitoring their monthly tax liabilities to see if a status change is needed. The Department reviews each account annually and makes any necessary changes. Notices of change in filing status are usually mailed during December of each year and become effective on January 1.

- Quarterly Filing:** If an employer's average monthly withholding tax liability is less than \$100, the account will be assigned a quarterly filing status. Form VA-5 and full payment for the tax are due by the last day of the month following the close of the quarter. **A return must be filed for each quarter even if there is no tax due.**
- Monthly Filing:** If the average monthly withholding tax liability is at least \$100, but less than \$1,000, a monthly filing status will be assigned. Form VA-5 and full payment of the tax are due by the 25th day of the following month. **A return must be filed for each month, even if there is no tax due.**
- Seasonal Filing:** Seasonal filers, those employers who have employees only during certain months of the year, are **required to file returns for the months designated at the time they register for an account, even if there is no tax due.** Seasonal returns are filed on Form VA-5 and are due at the normal monthly filing dates.

Returns and payments must be submitted electronically on or before the due date to be considered filed and paid on time. For additional information, please refer to the Department's *Electronic Payment Guide* at www.tax.virginia.gov.

If your bank does not honor any payment to the Department, the Department may impose a penalty of \$35 as authorized by Va. Code § 2.2-614.1. This penalty is in addition to other penalties such as for late payment of a tax.

Change of Ownership: A new employer or new address can be registered online through Virginia Tax Online Services or by completing Form R-1, Business Registration Application. Visit www.tax.virginia.gov to use Virginia Tax Online Services or download Form R-1. Forms are also available by calling the Department at (804) 367-8037.

Change of Address/Out-of-Business: For a change of business name or address or to notify the Department that you are no longer liable for Virginia Employer Income Tax Withholding, use Virginia Tax Online Services at www.tax.virginia.gov.

Questions: If you have any questions about this return, call (804) 367-8037 or write the **Virginia Department of Taxation, P.O. Box 1115, Richmond, Virginia 23218-1115.**

Preparation of Return

- Line 1:** Enter amount of income tax withholding liability for the period for which the return is being filed.
- Line 2:** Enter overpayment or underpayment from a prior period and attach a detailed explanation to the return. Indicate an underpayment as a negative figure.
- Line 3:** Subtract overpayment (Line 2) from Line 1 or add underpayment (Line 2) to Line 1 and enter the amount. (Line 1 ± Line 2 = Line 3).
- Line 4:** Enter penalty, if applicable. If you file the return and/or pay the tax after the due date, a penalty is assessed. The penalty is 6% of the tax due for each month or fraction of a month, not to exceed 30%. In no case will the penalty be less than \$10, **even if no tax is due.**
- Line 5:** Enter interest, if applicable. Interest on any tax due will be added at the daily interest rate established in accordance with Va. Code § 58.1-15 from the date the unpaid tax (or unpaid balance) became due until it is paid. The interest rate is 2% over the underpayment rate established by Section 6621 of the Internal Revenue Code.
- Line 6:** Enter the total of Lines 3, 4, and 5.

Declaration and Signature: Be sure to sign, date, and enter your phone number in the space provided on the return.

Make checks payable to VA Department of Taxation. Mail return and payment to **Virginia Department of Taxation, P.O. Box 27264, Richmond, Virginia 23261-7264.**

Detach at dotted line below. DO NOT SEND ENTIRE PAGE.

Form VA-5

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For assistance, call (804) 367-8037.

Employer's Return of Virginia Income Tax Withheld

PERIOD	DUE DATE
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ACCT NO.	FEIN	
NAME		
ADDRESS		
CITY	STATE	ZIP CODE

I declare that this return (including accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true, correct, and complete.

Signature Date Phone Number

1. VA Income Tax Withheld	
2. Previous Period(s) Adjustments (See Instructions)	
3. Adjustment Total	
4. Penalty (See Instructions)	
5. Interest (See Instructions)	
6. Total Amount Due	