

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 60.2-512 of the Code of Virginia, relating to electronic filings of reports*  
3 *with the Virginia Employment Commission; penalty.*

4 [H 2272]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 60.2-512 of the Code of Virginia is amended and reenacted as follows:**

8 § 60.2-512. Requiring payroll and tax reports and payment of taxes.

9 A. The Commission is hereby expressly authorized to require the filing of payroll and tax reports,  
10 and the payment of the taxes required by § 60.2-511 in monthly, quarterly, semiannual or annual  
11 payments as shall be determined by the Commission; however, if the due date for filing of reports or  
12 payment of taxes falls on a Saturday, Sunday or legal holiday, the due date shall be extended to the  
13 next business day that is not a Saturday, Sunday or legal holiday. The aggregate amount of taxes shall  
14 be fully paid to the Commission on or before January 31 of each year next succeeding the year with  
15 respect to employment during which year such taxes are imposed, or in the event the time is extended  
16 for filing the return of the taxes imposed by Title IX of the Social Security Act for the year for which  
17 such taxes are imposed, then before the expiration of such extension. Taxes due and payable in an  
18 amount less than five dollars shall be deemed to be fully paid; however, this does not relieve an  
19 employer from filing payroll and tax reports as herein required.

20 B. Beginning January 1, 1994, *through December 31, 2008*, employers who report 250 or more  
21 employees in any calendar quarter ~~must~~ shall file quarterly reports on a magnetic medium using a  
22 format prescribed by the Commission. *Beginning January 1, 2009, employers who report 100 or more*  
23 *employees in any calendar quarter in 2009, or thereafter, shall file quarterly reports on an electronic*  
24 *medium using a format prescribed by the Commission.* Waivers will be granted only if the Commission  
25 finds this requirement creates an unreasonable burden on the employer. All requests for waiver must be  
26 submitted in writing. *Beginning January 1, 2009, if any employer who reports 100 or more employees*  
27 *in any calendar quarter in 2009, or thereafter, and who has not obtained a waiver by the date the*  
28 *employer's quarterly report is due, fails, without good cause shown, to file electronically, the*  
29 *Commission shall assess upon the employer a penalty of \$75, which penalty shall be in addition to the*  
30 *taxes due and payable with respect to such report and to any penalty assessed under subsection B of*  
31 *§ 60.2-513. Penalties collected pursuant to this section shall be paid into the Special Unemployment*  
32 *Compensation Administration Fund established pursuant to § 60.2-314.*

33 C. Notwithstanding the provisions of subsection A, no payroll and tax reports shall be filed with  
34 respect to an employee of a state or local agency performing intelligence or counterintelligence  
35 functions, if the head of such agency has determined that filing such a report could endanger the safety  
36 of the employee or compromise an ongoing investigation or intelligence mission.

ENROLLED

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