



# TAX BULLETIN 22-14

## *Virginia Department of Taxation*

December 14, 2022

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### **VIRGINIA'S INTEREST RATES WILL CHANGE FOR THE FIRST QUARTER OF 2023**

**Federal Rates Increased:** State and certain local interest rates are subject to change every quarter due to changes in federal rates established pursuant to Internal Revenue Code ("IRC") § 6621. IRC § 6621 dictates that the federal underpayment and overpayment rates are three percentage points higher than the federal short-term rate. Federal rates for the first quarter of 2023 will be 7% for tax underpayments (assessments) and 7% for tax overpayments (refunds) by noncorporate taxpayers.

*Virginia Code* § 58.1-15 provides that the underpayment rate for Virginia taxes will be 2% higher than the corresponding federal rate and the overpayment rate for Virginia taxes will be 2% higher than the federal overpayment rate for noncorporate taxpayers. Accordingly, the Virginia rates for the first quarter of 2023 will be 9% for tax underpayments (assessments) and 9% for tax overpayments (refunds).

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#### **Rate for Addition to Tax for Underpayments of Estimated Tax**

**Taxpayers whose taxable year ends on September 30, 2022:** For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 500C (for corporations), Form 760C (for individuals, estates and trusts), or Form 760F (for farmers and fishermen), the fourth quarter 8% underpayment rate will apply through the due date of the return, January 17, 2023.

**Taxpayers whose taxable year ends on December 31, 2022:** For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 500C (for corporations), Form 760C (for individuals, estates and trusts), or Form 760F (for farmers and fishermen), the first quarter 9% underpayment rate will apply through the due date of the return, April 17, 2023 (corporations) and May 1, 2023 (individuals and fiduciaries).

#### **Reduced Rate for Certain Assessments in Dispute**

For administrative appeals filed with the Department of Taxation on or after July 1, 2011, a reduced interest rate equal to the federal short term rate established pursuant to IRC § 6621(b) applies, beginning nine months after the date of assessment until a determination is issued. The federal short-term rate established pursuant to IRC § 6621(b) for the first quarter of 2023,

**Tax Bulletin 22-14**  
**First Quarter 2023 Interest Rates**  
**December 14, 2022**

rounded to the nearest whole percent, is 4%. Accordingly, the reduced rate for the first quarter of 2023 for qualifying assessments in dispute is 4%.

**Local Tax**

**Assessments:** Localities that assess interest on delinquent taxes under *Va. Code* § 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the federal underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the first quarter of 2023, the federal underpayment rate is 7%.

**Refunds:** Localities that charge interest on delinquent taxes are required to pay interest to taxpayers on all overpayments or erroneously assessed taxes at the same rate as they charge interest on delinquent taxes under *Va. Code* § 58.1-3916.

**Recent Interest Rates**

Accrual Period		Overpayment (Refund)	Underpayment (Assessment)	Reduced Rate
Beginning	Through			
1-Jan-08	31-Mar-08	9%	9%	-
1-Apr-08	30-Jun-08	8%	8%	-
1-Jul-08	30-Sept-08	7%	7%	-
1-Oct-08	31-Dec-08	8%	8%	-
1-Jan-09	31-Mar-09	7%	7%	-
1-Apr-09	31-Dec-10	6%	6%	-
1-Jan-11	31-Mar-11	5%	5%	-
1-Apr-11	30-Sept-11	6%	6%	-
1-Oct-11	31-Mar-16	5%	5%	0%
1-Apr-16	31-Mar-18	6%	6%	1%
1-Apr-18	31-Dec-18	7%	7%	2%
1-Jan-19	30-Jun-19	8%	8%	3%
1-Jul-19	30-Jun-20	7%	7%	2%
1-Jul-20	31-Mar-22	5%	5%	0%
1-Apr-22	30-Jun-22	6%	6%	1%
1-Jul-22	30-Sept-22	7%	7%	2%
1-Oct-22	31-Dec-22	8%	8%	3%
1-Jan-23	31-Mar-23	9%	9%	4%

**Additional Information:** This Tax Bulletin, along with other reference documents, is available online in the Laws, Rules and Decisions section of the Department’s website, located at [www.tax.virginia.gov](http://www.tax.virginia.gov). If you have questions about interest rates, please visit Virginia Tax’s

**Tax Bulletin 22-14**  
**First Quarter 2023 Interest Rates**  
**December 14, 2022**

website or contact the Department at 804.367.8031 (for individuals), 804.786.2450 (for Soft Drink Excise Tax and Aircraft Sales and Use Tax), or 804.367.8037 (for all other business taxes).