

# West Virginia State Tax Department

Tax Year 2021

This form must be completed and submitted to <u>TAXLOI@wv.gov</u> by October 31, 2021.

# 2021 Tax Software Provider West Virginia State Tax Department Letter of Intent

Welcome to the Income Tax Letter of Intent (LOI). If your software company intends to submit electronic and/or paper returns to the West Virginia State Tax Department you will need to complete this form and submit it to <u>TAXLOI@wv.gov</u>.

By submitting this Letter of Intent to the West Virginia State Tax Department, you agree to meet our standards for software provider registration, tax preparation software, and substitute forms. If you do not meet the standards and requirements explained in this LOI, we may deny your application or revoke your approved software provider status and reject all electronic or paper returns submitted using your products.

You must complete a separate LOI for each unique product your company offers. We may reject an incomplete Letter of Intent.

**Note:** If you are a new Software Provider who has not filed city/state income tax returns with any city or state agencies, you must have passed assurance testing with the IRS. Attach documentation from the IRS demonstrating you have successfully tested with the IRS.

#### **Important dates**

The West Virginia State Tax Department has important key dates to ensure we are ready for the filing season and taxpayers can file an accurate and timely tax return. Please note the following key dates:

- Complete and submit this form by October 31, 2021.
- Assurance testing (ATS) begins on December 1, 2021.
- Form's approval must be completed by January 21, 2022.
- Last date to submit an initial ATS file for approval is February 15, 2022.
- WV Mef Testing ends March 15, 2022.

#### **Company information**

List your company information.

NACTP Vendor ID	WV Business Registration Account # (required)
Product Address/URL	Company FEIN
State	Zip Code
-	Product Address/URL

### **IRS issued electronic identification numbers**

List your IRS electronic identification numbers.

Test EFIN(s)	Test ETIN(s)
Production EFIN(s)	Production ETIN(s)

# **Contact information**

List the contact information for each area identified.

Phone	Email Address	
Phone	Email Address	
	Phone      Phone	PhoneEmail AddressPhoneEmail Address

# Authorized access to the State Exchange System

On page 15, provide information for each employee you are authorizing for access to the State Exchange System.

# Software products and tax types supported

Check all that apply.

Type of Software Product Supported	
DIY/Consumer (Web-Based)	
DIY/Consumer (Desktop)	
Professional/Paid Preparer (Web-Based)	
Professional/Paid Preparer (Desktop)	

Tax Types Supported	
Individual Income Tax	🗆 Forms 🛛 E-File
Estate/Trust/Fiduciary Tax	🗆 Forms 🛛 E-File
Corporation Income Tax	🗆 Forms 🛛 E-File
Pass-Through Partnerships/S-Corp	Forms  E-File

# **Rebranded software products**

#### Complete this section only if your product is rebranded.

For software to be considered rebranded, changes cannot be made to the software requirements and output(s). As the Software company selling and/or licensing your product to a third-party, it is your responsibility to make sure the rebranded product reflects the current software requirements and output(s). List each of your rebranded products below.

Use one of the following class codes for each product:

- **Class Code 1:** Software products sold/licensed to a third-party user and the third-party user can add their own logos and/or splash screens, but they cannot modify calculations in the program.
- **Class Code 2:** Software products sold/licensed to a third-party user and the third-party can modify calculations in the program.

Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address
Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address
Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address
Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address
Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address

Attach additional sheets if needed.

For Rebranded Products, the West Virginia State Tax Department has the following requirements for paper forms and/or e-file ATS approval.

- Rebranded Products with Class Code 2 are required to complete the full e-file ATS/paper form approval process
- Rebranded Products with Class Code 1 are not required to complete e-file ATS/paper form approval

# Substitute forms registration

#### Complete this section only if your product will provide substitute forms.

Primary Individual Forms Contact	Phone	Email Address
Secondary Individual Forms Contact	Phone	Email Address
Primary Business Forms Contact	Phone	Email Address
Secondary Business Forms Contact	Phone	Email Address

# Forms and schedules supported (check all that apply)

Check the boxes of the forms and schedules your company supports. If there is a check in the "mandated for E-file" column, your company is required to submit these returns electronically.

All electronically filed returns must contain at minimum the main return (listed first under each tax type). Supporting schedules cannot be submitted separately from the main return. For example, the WVK-1C cannot be submitted without a CIT-120 or PTE-100 return.

CIT-120 Combined filers MUST file electronically with a completed UB-CR.

All substitute form submissions should be sent as a group of returns. We are unable to test supporting schedules without the main return. For example, the WVK-1C cannot be submitted without a CIT-120 or PTE-100 return. Supporting schedules will not be accepted separately and will be immediately denied without any review.

We will only perform assurance testing on the forms that are specifically listed below. Do not send additional forms. This can slow down the testing process for everyone.

# West Virginia does NOT support substitute forms for the Senior Citizen Tax Credit form (SCTC). Taxpayers MUST use the form from the WV State Tax Department. The use of substitute SCTC forms may result in the denial of credit.

Withholding Tax	E-file Mandated	Forms	E-File	E-File Amended
IT-101V Employer's WV Income Tax Withheld payment Voucher *				
IT-101Q WV Employer's Quarterly Return Of Income Tax Withheld *				
IT-101A WV Employer's Annual Return Of Income Tax Withheld *				
IT-103 West Virginia Withholding Year End Reconciliation *				

\* There is not a new version of this form. If approved last year, that approval carries forward to this year.

Individual Income Tax	E-file Mandated	Forms	E-File	E-File Amended
IT-140 WV Personal Income Tax Return				
Schedule DP Schedule Of Additional Dependents				
Schedule M Modifications To Adjusted Gross Income				
Schedule A PART I Nonresidents/Part-Year Residents				
Schedule A PART II Nonresident Special				
Schedule F Statement Of Claimant To Refund Due Deceased Taxpayer				
Schedule UT West Virginia Purchaser's Use Tax Schedule				
IT-210 Underpayment Of Estimated Tax By Individuals				
RECAP Tax Credit Recap Schedule				
<b>RECAP PDF attachments</b> (credits denied without supporting schedules)				
FTC-1 Family Tax Credit				
Schedule HEPTC-1 Homestead Excess Property Tax Credit				
SCTC Senior Citizen tax credit (NO substitute forms permitted – paper				
filers will need to use the form provided by the WV State Tax Department)				
Schedule H Certification For Permanent And Total Disability				
Schedule E Credit For Income Tax Paid To Another State				
W-2, W-2G, 1099, 1099 MISC, 1099-INT, 1099G, 1099-DIV, 1099-R, 1099-NEC				
WV K-1 & WV K-1C Partner/Shareholder/Member/Beneficiary Info				
WV NRW-2 Statement of WV Income Tax Withheld for Nonresident				
WV4868 Application For Extension Of Time To File				
IT-140 V WV Individual Income Tax Electronic Payment Voucher *				
IT-140ES Individual Estimated Income Tax Payment *				

Estate/Trust/Fiduciary Tax		
IT-141 West Virginia Fiduciary Income Tax Return		
Schedule SB Withholding For Beneficiaries And Non-Resident Tax Paid		
Schedule B West Virginia Fiduciary Modifications		
Schedule NR Nonresident Income, Allocation, And Calculations		
RECAP Tax Credit Recap Schedule		
<b>RECAP PDF attachments</b> (credits denied without supporting schedules)		
1099-NEC		
WV K-1 Partner/Shareholder/Member/Beneficiary Info		
WV NRW-2 Statement of WV Income Tax Withheld for Nonresident		
IT-141EXT Extension of Time to File Fiduciary and Information Returns		
IT-141V WV Fiduciary Income Tax Electronic Payment Voucher *		
IT-141ES Fiduciary Estimated Tax Payment Voucher *		

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Corporate Income Tax	E-file Mandated	Forms	E-File	E-File Amended
<b>CIT-120</b> West Virginia Corporation Net Income Tax Return				
Schedule 1 Separate Entity Filer Wholly In Wv				
Schedule 2 Separate Entity Filer With Multistate Activity				
Schedule B Adjustments To Federal Taxable Income				
Schedule B-1 Allowance For Governmental Obligations				
Schedule C & D Schedule Of Tax Payments And Reportable Entities				
Schedule NOL WV Net Operating Loss Carryforward Calculation				
CIT-120APT A-1 and A-2 Allocation & Apportionment				
CIT-120APT B Allocation & Apportionment				
CIT-120TC Summary Of Tax Credits				
CIT-120TC PDF attachments (credits denied without supporting schedules)				
CIT-120U Underpayment of Estimated Tax Penalty				
Schedule UB List Of Members In Unitary Combined Group				
WV K-1 & WV K-1C Partner/Shareholder/Member/Beneficiary Info				
WV NRW-2 Statement of WV Income Tax Withheld for Nonresident				
UB-CR Combined Reporting Schedule	$\boxtimes$			
CIT-120EXT WV Extension Corporation Net Income Tax Return			ľ	
WV-CITV WV Corp. Net Income Tax Electronic Payment Voucher *				
CIT-120ES WV Estimated Corporate Net Income Tax Payment *				
Pass-Through Partnership/S-Corp				

Pass-Through Partnership/S-Corp		
PTE-100 WV Income Tax Return S Corp. & Partnership (Pass-Through Entity)		
Schedule A Income/Loss Modifications To Federal Pass-Through Income		
Schedule B Modifications To Federal S Corp. & Partnership Income		
Schedule C & D Schedule Of Tax Payments And Reportable Entities		
PTE-100TC Summary Of Tax Credits		
PTE-100TC PDF attachments (credits denied without supporting schedules)		
PTE-100APT A-1 and A-2 Allocation And Apportionment		
PTE-100APT B Allocation And Apportionment		
Schedule SP Summary Of K-1 Shareholders/Partners Ownership And		
WV K-1 & WV K-1C Partner/Shareholder/Member/Beneficiary Info		
WV NRW-2 Statement of WV Income Tax Withheld for Nonresident		
1099-NEC		
PTE-100EXT WV Extension Corporation Net Income Tax Return		
WV-PTEV Income Tax S Corp./ Partnerships Electronic Payment Voucher *		
<b>PTE-100ES</b> WV Estimated Income Tax Payment For S Corp./Partnerships*		

Nonresident Composite		
IT-140 NRC		

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# **Agency requirements**

This section identifies agency requirements and expectations of new and existing Software Providers and the software product.

#### Issue notification and resolution requirements

This section sets forth the West Virginia State Tax Department issue notification and issue resolution standards.

All data breaches, security incidents, or other improper disclosures of taxpayer data must be reported within 24 hours to the West Virginia State Tax Department's Privacy Officer (304) 558-0751 and Disclosure Officer (304) 558-5330.

Data breaches, security incidents, or other improper disclosures of taxpayer data that by law require reporting to the Office of the WV Attorney General must also be reported to the West Virginia State Tax Department.

West Virginia State Tax Department e-file and paper form documentation will be posted/provided on the FTA State Exchange System (SES).

#### Questions, Requirements, Standards and Recommendations

This section sets forth the state-specific requirements and standards for tax software providers. This Letter of Intent must be submitted by October 31, 2021. The cutoff date for first-time ATS testing submissions is March 15, 2022.

By signing this agreement, the E-Services Provider agrees to:

- Meet IRS requirements and obtain IRS approval as a tax service provider. See IRS Publication 4164, "Modernized e-File Guide for Software Developers and Transmitters."
- Comply with IRS Standards and Requirements, the West Virginia MeF Handbook, West Virginia Requirements for the Approval of Substitute Tax Forms, industry standards, and any Memorandum of Understanding (MoU) executed by the IRS, industry and states.
- Successfully complete all testing of service provider's software in accordance with Tax Department requirements.
- Provide accurate West Virginia tax returns in the proper electronic format.
- Secure and protect taxpayer information, returns, and data throughout the entire filing process.
  - o Data protection includes but is not limited to utilizing encryption while in transit and at rest, virus detection and prevention, password protection using complex, strong passwords, limiting access to only authorized and necessary individuals, destroying unnecessary data, and ensuring no data is held beyond retention period end dates.
- Provide accurate, current, factual, and complete information.
- Provide data validation, verification, and error detection to prevent transmission of incomplete, inaccurate, or invalid return information.
- Immediately correct any identified software errors and release corrected software in a timely manner. Vendor agrees to notify all West Virginia customers and the Tax Department upon discovering any software errors or making corrections or updates.
- Work with the West Virginia State Tax Department to address any processing issues that arise during filing season.
- Provide the following notification to taxpayers before they choose to submit a return.
  - o "Under penalties of law, I declare by submitting this return that I have personally examined this return, including any accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete."
  - "In addition, by using a computer system and software to prepare and transmit my return electronically,
    I consent to the disclosure to the West Virginia State Tax Department of all information pertaining to
    my use of the system and software and to the transmission of my tax return electronically."

Additionally, Providers:

• Shall produce an analytic compilation of federal and state return and submission information that directly relates

to the internal management or support of the tax services provider's business, which shall include aggregated data compilations to identify potentially fraudulent behaviors or patterns. The analytic compilation shall employ any tax return information provided by the taxpayer.

- Shall disclose the compilations of tax information to the Tax Department through IRS secure data transmission on at least weekly basis and identify by use of federal and state submission IDs any return the preparer suspects is potentially fraudulent. Tax service providers shall make available any information that would assist the Tax Department in the investigation of returns reported as potentially fraudulent.
- Shall disclose all pertinent information to the West Virginia State Tax Department if a tax services provider has a bona fide belief that a particular individual's activity violated criminal law.
- Shall provide data elements required by the State of West Virginia for each submission, including but not limited to:
  - o Federal Original Submission ID
  - o Federal Original Submission ID Date
  - o State Current Submission ID
  - o State Original Submission ID
  - o State Original Submission ID Date
  - o License Type
  - o Taxpayer E-mail Address
  - o Taxpayer Bank Account Routing number (Ultimate)
  - o Taxpayer Bank Account Bank Account number (Ultimate)
  - o Device IDs
  - o Device IDs submission
  - o IP Address at creation
  - o Driver's license or state issued ID number (Primary)
  - o Driver's license or state issued ID state (Primary)
  - o Driver's license or state issued ID expiration date (Primary)
  - o Driver's license or state issued ID issue date (Primary)
  - o Driver's license or state issued ID number (Secondary)
  - o Driver's license or state issued ID state (Secondary)
  - o Driver's license or state issued ID expiration date (Secondary)
  - o Driver's license or state issued ID issued date (Secondary)
  - o State Issued PIN
  - o Cell Phone
  - o Time for return Prep/submission
  - o Downloaded W-2
  - o Taxpayer Attempted to download W-2
  - o Number of unsuccessful attempts.

#### Production return submission requirements

All returns generated from this software must be e-filed or printed from the approved software or a subsequent product update.

#### Product updates

Desktop product users who attempt to file 10 or more business days after a production release must be required to download and apply the product update.

#### Schemas

Your software must follow the schema requirements. Find West Virginia State Tax Department schema requirements on The FTA State Exchange System (SES).

#### System security requirements

The West Virginia State Tax Department does not prescribe the security requirements for your system. You are responsible for implementing appropriate security measures to protect taxpayers and their information in your system. You must apply security measures to protect taxpayer information in your system when it is on-line, off-line, at rest, and in transit.

#### **Testing and submissions**

All e-file ATS and substitute forms tests submitted during the approval process must be created in, and originate from, the actual software.

#### Validation of data elements

You must validate the following pre-populated data elements:

- State driver's license data elements.
- State withholding account numbers.
- Bank Routing Number
- Bank Account Number

#### **Customer Notices**

This section identifies information the West Virginia State Tax Department is requiring the software providers to communicate with customers.

#### Disclosure and use of information language expectations

You must include the following consent language with electronic filing software.

#### For Do-It-Yourself software:

By using a computer system and software to prepare and file my tax return(s) electronically, I consent to the transmission of my return(s) and to the disclosure of all information about my use of the system and software to the West Virginia State Tax Department.

#### For Tax Professional software:

By using a computer system and software to prepare and file my client's return(s), I consent to the transmission of my client's return(s) and to the disclosure of all information about my use of the system and software to the West Virginia State Tax Department.

#### For Business software:

By using a computer system and software to prepare and file this business tax return(s), I consent to the transmission of the return(s) and to the disclosure of all information about the use of the system and software to the West Virginia State Tax Department.

#### Driver's license/ID card expectations

West Virginia State Tax Department is providing the following expectations and information:

#### For e-file returns:

The West Virginia State Tax Department requires the DL/ID card and will reject e-file returns if it is not included.

#### For printed/paper forms requesting the DL/ID Card information:

West Virginia State Tax Department requests the DL/ID card information on the form(s) be masked

The West Virginia State Tax Department is providing a URL and/or a statement for the DL/ID Card. All Do It Yourself (DIY) and Tax Professional software packages must include this information in your software. The message is expected to be displayed within the software in a way to maximize the likelihood the message is read.

#### Statement:

#### For e-file returns, one of the following four options is required for the primary filer's Driver's License number:

- The DL Information for the Primary taxpayer with the tax return: Information must include DL Number, DL State, DL Issue Date and DL Expiration Date to be considered complete. Partial entries will result in a schema validation error.
- The ID Card Information for the Primary taxpayer with the tax return: Information must include ID Card Number, ID Card State, ID Card Issue Date, and ID Card Expiration Date to be considered complete. Partial entries will result in a schema validation error.
- Indicate that the Primary taxpayer does not have the DL/ID Card Information to provide with the tax return.
- Indicate that the Primary taxpayer chooses NOT to provide the DL/ID Card Information with the tax return.
  Failure to obtain one of the four required elements indicated above will result in a schema validation error.

Secondary taxpayer DL/ID Card information is optional. However, if provided, information must be complete or else schema validation errors will occur.

#### **Refund expectations**

The West Virginia State Tax Department is providing a URL and/or a statement about refund processing. You must include the URL and statement in all your products and show it to users within the software in the most prominent way possible.

URL: Taxpayers may check refund status by going to <a href="https://mytaxes.wvtax.gov/?link=refund">https://mytaxes.wvtax.gov/?link=refund</a>

#### Statement:

The West Virginia State Tax Department continues to respond to an increased risk of fraudulent filings and is implementing enhanced security measures for your protection. As a result, expect a significant delay of your tax refund. You should only call concerning your refund if it has been more than **10 weeks** since filing your return. In the interim, please use this tool to check the status of your refund.

• Taxpayers may check refund status by going to <a href="https://mytaxes.wvtax.gov/?link=refund">https://mytaxes.wvtax.gov/?link=refund</a>.

#### Typical refund timeframes for correctly filed returns

- An E-filed Return may take as long as 7-8 weeks after the acknowledgement is received from the state.
- A Paper Filed Return may take as long as 10-11 weeks after the return is received by the West Virginia State Tax Department.

#### **Refund Exceptions**

• **First-time filers** should allow about 3 additional weeks to the timelines above.

- **Requests for more information** will delay refunds until the requested information is received. Allow approximately 6 weeks from the receipt of the requested information to review and complete the processing of the return.
- Refund timeframes are general and do not apply to every refund. It is best not to depend on getting a refund by a certain date, especially when making purchases or paying bills.
- Some refunds may ultimately be reduced or result in a balance of tax due depending on the supporting information supplied or on record with the West Virginia State Tax Department.
- While many refunds will be paid in a shorter time frame, it is not abnormal to wait a significant time period if, for any reason, the return requires additional review.

#### Taxes due expectations

The West Virginia State Tax Department is providing a URL and/or a statement about taxes due, such as due dates and payment methods. You must include the URL and statement in all your products and show it to users within the software in the most prominent way possible.

URL:

#### Statement:

ACH Debits –You can use the Pay Personal Income Tax link on the <u>MyTaxes</u> Website to begin remitting payments electronically using the ACH Debit method. MyTaxes can be found at <u>https://mytaxes.wvtax.gov.</u>

Credit Cards – All major credit cards accepted. You can visit the <u>Credit Card Payments</u> page for more information.

# **Additional Agency questions**

- 1. Does your software support unlinked jurisdictional returns?
  - a. 🗆 Yes
  - b. 🗆 No
- 2. Does your software support .pdf attachments?
  - a. 🗆 Yes
  - b. 🗆 No
- 3. What refund products or payment vehicles do you offer your customers? If you partner with an entity to provide refunds, please provide the names and bank routing numbers (RTNs) of each company. Attach a separate sheet if necessary.
- 4. The West Virginia State Tax Department does not want to receive Taxes Paid to Other States (TPOS) data when applicable. Will your company support the TPOS schema for this filing season?
- 5. Do you require your users/customers to download and apply product updates to continue to electronically file and/or print tax returns with your software? Please explain the timeline and process for this once an update is available for your product.

# Acknowledgments and signature

- I acknowledge all e-file ATS tests submitted during the approval process are created in, and originate from, the actual software.
- □ I acknowledge all electronic returns received by the West Virginia State Tax Department generated from this software will be electronically filed from the initially approved product version, or a subsequent product update.
- □ I acknowledge all paper returns received by the West Virginia State Tax Department generated from this software will be printed from the approved product version, or a subsequent product update.
- I acknowledge the West Virginia State Tax Department will be notified of any incorrect and/or missing calculation or e-file data element for any paper or electronically returns submitted to the West Virginia State Tax Department.
- □ I acknowledge users/customers of desktop products who attempt to e-file 10 or more business days after a production release will be required to download and apply the product update.

I agree to provide true, accurate, current and complete information. By signing this agreement, my company agrees to all of the requirements listed in this document. The West Virginia State Tax Department reserves the right to deny, suspend or terminate my company's ability to submit returns.

AUTHORIZED REPRESENTATIVE PRINTED NAME	AUTHORIZED REPRESENTATIVE EMAIL ADDRESS	
AUTHORIZED REPRESENTATIVE SIGNATURE	AUTHORIZED REPRESENTATIVE PHONE NUMBER	DATE

# Complete this signature line if this is an amended Letter of Intent

AUTHORIZED REPRESENTATIVE PHONE NUMBER	AMENDED DATE

# Authorized access to the State Exchange System

Access to the State Exchange System should be limited to those with a business need. You are allowed up to eight users.

Provide information for each employee you are authorizing for access to the State Exchange System. The tax type box should include all the tax types individuals are authorized to access.

**NOTE:** Include all authorized individuals, even if listed previously on this form.

Company name	First and last name	Email address
Phone number	Authorized access	Tax types
Company name	First and last name	Email address
Phone number	Authorized access□Forms□E-file	Tax types □PIT □FDY □CIT □PTE
Company name	First and last name	Email address
Phone number	Authorized access □Forms □E-file	Tax types □PIT □FDY □CIT □PTE
Company name	First and last name	Email address
Phone number	Authorized access □Forms □E-file	Tax types □PIT □FDY □CIT □PTE
Company name	First and last name	Email address
Phone number	Authorized access □Forms □E-file	Tax types □PIT □FDY □CIT □PTE
Company name	First and last name	Email address
Phone number	Authorized access □Forms □E-file	Tax types □PIT □FDY □CIT □PTE
Company name	First and last name	Email address
Phone number	Authorized access □Forms □E-file	Tax types □PIT □FDY □CIT □PTE
Company name	First and last name	Email address
Phone number	Authorized access □Forms □E-file	Tax types □PIT □FDY □CIT □PTE