

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-202.3 of the Code of Virginia and to repeal Chapter 535 of the Acts of*
3 *Assembly of 2010, relating to Department of Taxation; free tax filing program.*

4 [S 1306]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 58.1-202.3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 58.1-202.3. Fillable tax forms.**

9 The Tax Commissioner shall ensure that all required state tax forms are fillable forms in a portable
10 document format ~~for taxable periods beginning on and after January 1, 2012,~~ and are available on the
11 Department of Taxation's website. ~~The Tax Commissioner shall begin making fillable forms available no~~
12 ~~later than January 1, 2012, and shall make all fillable forms available no later than March 1, 2013.~~

13 The Tax Commissioner shall develop guidelines for using such forms and publish them on the
14 Department's website.

15 ~~Nothing in this section shall replace, supersede, modify, duplicate, or compete with the Virginia Free File~~
16 ~~program in its provision of online interactive tax software and filing products and services for Virginia~~
17 ~~taxpayers.~~

18 **2. That Chapter 535 of the Acts of Assembly of 2010 is repealed.**

19 **3. That, having established the Virginia Free File program based on the Internal Revenue Service**
20 **(IRS) Free File program pursuant to the provisions of Chapter 535 of the Acts of Assembly of 2010, the**
21 **Tax Commissioner shall (i) terminate the agreement entered into with the Consortium for Virginia**
22 **pursuant to that act; (ii) phase out the Virginia Free File program no later than December 31, 2028;**
23 **and (iii) develop and offer a modern electronic tax return filing services program directly to Virginia**
24 **individual taxpayers without monetary charge that is similar to and compatible with the IRS Direct**
25 **File Program, the free direct tax e-file system established following the report issued in accordance**
26 **with § 10301(1)(B) of the Inflation Reduction Act (P.L. 117-169), as other states have done. Such**
27 **program shall be effective for taxable years beginning on and after January 1, 2028. In implementing**
28 **such program, the Tax Commissioner shall (a) enter into a memorandum of understanding with the**
29 **IRS no later than August 1, 2027, to join the IRS Direct File Program beginning in taxable year 2028;**
30 **(b) coordinate with the IRS in development to maximize compatibility, security, and integration of**
31 **such program with the IRS Direct File Program; and (c) develop eligibility criteria for such program**
32 **that are not less restrictive than eligibility criteria established for participation in the IRS Direct File**
33 **program. The Tax Commissioner shall establish and offer such program for taxable years beginning**
34 **on and after January 1, 2028, notwithstanding any federal government action to repeal or otherwise**
35 **terminate the IRS Direct File Program.**

ENROLLED

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