



SC INFORMATION LETTER #92-31

TO: Vicki Ringer
Public Information Director

FROM: Deana West, Tax Analyst
Tax Policy and Appeals Department

DATE: November 16, 1992

SUBJECT: Withholding Tax Deposits

REFERENCE: S. C. Code Ann. Section 12-9-390 (Supp. 1991)

AUTHORITY: S. C. Code Ann. Section 12-4-320 (Supp. 1991)
SC Revenue Ruling #87-3

SCOPE: An Information Letter is a temporary document issued for the purpose of disseminating general tax information and to respond to technical questions from within the Commission which are not related to a specific set of facts.

In September 1992, the Internal Revenue Service issued final regulations relating to the deposit of Federal withholding taxes. The regulations replace the current withholding tax deposit system with a new, simplified system. The new regulations are effective January 1, 1993. Since a special transitional rule for one year is provided, employers will not be required to adopt the new tax deposit system until January 1, 1994.

For South Carolina withholding tax purposes, Code Section 12-9-390 provides that every withholding agent required to make a return or deposit and pay taxes to the Internal Revenue Service under the Internal Revenue Code of 1986, as amended through December 31, 1989, and applicable regulations effective as of December 31, 1989, is required to make a return or deposit and pay taxes to the South Carolina Tax Commission at the same time.

Nonresident withholding agents, however, are allowed to pay withholding taxes on a quarterly basis if the total South Carolina withholding is less than \$500 per quarter. If the amount withheld reaches \$500 at the end of any month, a remittance must be made within 15 days following the end of that month.

On October 1, 1992, the Commission agreed that the South Carolina Tax Commission will follow the new federal tax deposit regulations. Accordingly, during the 1993 transitional year, South Carolina will allow withholding agents to deposit and pay withholding taxes on the due dates required under the old federal and South Carolina tax deposit regulations or on the due dates required under the new federal tax deposit regulations. Therefore, withholding agents will generally deposit and pay South Carolina income taxes withheld on the same dates as they do for federal income tax purposes. However, South Carolina will continue to allow nonresident withholding agents to file on a quarterly basis if their total withholding is less than \$500 per quarter.

The Tax Commission plans to seek legislation to adopt the new federal tax deposit regulations for 1994. For further information contact the Tax Commission's Withholding Section at 803-737-4752.